## 1

#### The affirmative offers a solution: implement [insert aff plan] to secure [insert aff impact]. This is the wrong approach—we exist within a “control society,” where power is exercised not through repression, but continuous control-- frame this round as an interrogation of productivity and desire.

Deleuze 92[Gilles Deleuze was a French philosopher who, from the early 1950s until his death in 1995, wrote on philosophy, literature, film, and fine art. His most popular works were the two volumes of Capitalism and Schizophrenia: Anti-Oedipus and A Thousand Plateaus, both co-written with psychoanalyst Félix Guattari, Postscript on the Societies of Control on JSTOR, Winter 1992,The MIT press,https://www.jstor.org/stable/778828?seq=1, 12-11-2021 amrita]

The different internments or spaces of enclosure through which the individual passes are independent variables: each time one is supposed to start from zero, and although a common language for all these places exists, it is analogical. On the other hand, **the different control mechanisms are inseparable variations, forming a system of variable geometry the language of which is numerical** (which doesn’t necessarily mean binary). Enclosures are molds, distinct castings, but controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point. This is obvious in the matter of salaries: the factory was a body that contained its internal forces at a level of equilibrium, the highest possible in terms of production, the lowest possible in terms of wages; but **in a society of control, the corporation has replaced the factory, and** the corporation is a spirit, a gas. Of course the factory was already familiar with the system of bonuses, but **the corporation works more deeply to impose a modulation of each salary, in states of perpetual metastability** that operate through challenges, contests, and highly comic group sessions. If the most idiotic television game shows are so successful, it’s because they express the corporate situation with great precision. The factory constituted individuals as a single body to the double advantage of the boss who surveyed each element within the mass and the unions who mobilized a mass resistance; but **the corporation constantly presents the brashest rivalry as a healthy form of emulation, an excellent motivational force that opposes individuals** against one another and runs through each, dividing each within. The modulating principle of “salary according to merit**” has not failed to tempt national education itself**. Indeed, just as the corporation replaces the factory, **perpetual training tends to replace the school, and continuous control to replace the examination, which is the surest way of delivering the school over to the corporation**. In the disciplinary societies one was always starting again (from school to the barracks, from the barracks to the factory), while in the societies of control one is never finished with anything—the corporation, the educational system, the armed services being metastable states coexisting in one and the same modulation, like a universal system of deformation. In The Trial, Kafka, who had already placed himself at the pivotal point between two types of social formation, described the most fearsome of juridical forms. The apparent acquittal of the disciplinary societies (between two incarcerations); and the limitless postponements of the societies of control (in continuous variation) are two very different modes of juridical life, and if our law is hesitant, itself in crisis, it’s because we are leaving one in order to enter into the other. **The disciplinary societies have two poles: the signature that designates the individual, and the number or administrative numeration that indicates his or her position within a mass**. This is because the disciplines never saw any incompatibility between these two, and because at the same time power individualizes and masses together, that is, constitutes those over whom it exercises power into a body and molds the individuality of each member of that body. (Foucault saw the origin of this double charge in the pastoral power of the priest—the flock and each of its animals—but civil power moves in turn and by other means to make itself lay “priest.”) **In the societies of control, on the other hand, what is important** is no **longer either a signature or a number, but a code:** the code is a password, while on the other hand the disciplinary societies are regulated by watchwords (as much from the point of view of integration as from that of resistance). The numerical language of control is made of codes that mark access to information, or reject it. **We no longer find ourselves dealing with the mass/individual pair.** Individuals have become “dividuals,” and masses, samples, data, markets, or “banks.” Perhaps it is money that expresses the distinction between the two societies best, since discipline always referred back to minted money that locks gold in as numerical standard, while control relates to floating rates of exchange, modulated according to a rate established by a set of standard currencies. The old monetary mole is the animal of the spaces of enclosure, but the serpent is that of the societies of control. We have passed from one animal to the other, from the mole to the serpent, in the system under which we live, but also in our manner of living and in our relations with others. The disciplinary man was a discontinuous producer of energy, but the man of control is undulatory, in orbit, in a continuous network. Everywhere surfing has already replaced the older sports. Types of machines are easily matched with each type of society—not that machines are determining, but because they express those social forms capable of generating them and using them. The old societies of sovereignty made use of simple machines—levers, pulleys, clocks; but the recent disciplinary societies equipped themselves with machines involving energy, with the passive danger of entropy and the active danger of sabotage; the societies of control operate with machines of a third type, computers, whose passive danger is jamming and whose active one is piracy and the introduction of viruses. This technological evolution must be, even more profoundly, a mutation of capitalism, an already well-known or familiar mutation that can be summed up as follows: nineteenth-century capitalism is a capitalism of concentration, for production and for property. **It therefore erects the factory as a space of enclosure, the capitalist being the owner of the means of production but also, progressively, the owner of other spaces conceived through analogy** (the worker’s familial house, the school). As for markets, they are conquered sometimes by specialization, sometimes by colonization, sometimes by lowering the costs of production. But**, in the present situation, capitalism is no longer involved in production, which it often relegates to the Third World, even for the complex forms of textiles, metallurgy, or oil production. It’s a capitalism of higher-order production.** It no longer buys raw materials and no longer sells the finished products: it buys the finished products or assembles parts. What it wants to sell is services and what it wants to buy is stocks. **This is no longer a capitalism for production but for the product, which is to say, for being sold or marketed. Thus it is essentially dispersive, and the factory has given way to the corporation.** The family, the school, the army, the factory are **no longer the distinct analogical spaces that converge towards an owner—state or private power—but coded figures—deformable and transformable—of a single corporation that now has only stockholders**. Even art has left the spaces of enclosure in order to enter into the open circuits of the bank. The conquests of the market are made by grabbing control and no longer by disciplinary training, by fixing the exchange rate much more than by lowering costs, by transformation of the product more than by specialization of production. Corruption thereby gains a new power. Marketing has become the center or the “soul” of the corporation. We are taught that corporations have a soul, which is the most terrifying news in the world. The operation of markets is now the instrument of social control and forms the impudent breed of our masters. Control is short-term and of rapid rates of turnover, but also continuous and without limit, while discipline was of long duration, infinite and discontinuous. Man is no longer man enclosed, but man in debt. It is true that capitalism has retained as a constant the extreme poverty of three-quarters of humanity, too poor for debt, too numerous for confinement: control will not only have to deal with erosions of frontiers but with the explosions within shanty towns or ghettos.

#### Distinctions between the private and public sphere do not exist-- the affirmative’s theorization of such is the latest tactic of control society to modulate the enunciation of behavior and subjectivity through fascist mechanisms.

Hardt 98 [Michael Hardt is an American political philosopher and literary theorist. Hardt is best known for his book Empire, which was co-written with Antonio Negri. It has been praised by Slavoj Žižek as the "Communist Manifesto of the 21st Century". He is currently a professor of literature at Duke University, The Global Society of Control on JSTOR, Fall 1998, Discourse Vol. 20, No. 3, Gilles Deleuze: A Reason to Believe in this World, https://www.jstor.org/stable/41389503, 12-14-2021 amrita]

There Is No More Outside The passage from disciplinary society to **the society of control is characterized** first of all **by the collapse of** the walls **that defined** the **institutions. There is progressively less distinction,** in other words, between inside and outside. This is really part of a general change in the way that power marks space in the passage from modernity to postmodernity. Modern sovereignty has always been conceived in terms of a (real or imagined) territory and the relation of that territory to its outside. Early modern social theorists, for example,from Hobbes to Rousseau, understood the civil order as a limited and interior space that is opposed or contrasted to the external order of nature. The bounded space of civil order, its place, is defined by its separation from the external spaces of nature. In an analogous fashion, the theorists of modern psychology understood drives, passions, instincts, and the unconscious metaphorically in spatial terms as an outside within the human mind, a continuation of nature deep within us. Here the sovereignty of the Self rests on a dialectical relation between the natural order of drives and the civil order of reason or consciousness. Finally, modern anthropology's various discourses on primitive societies often function as the outside that defines the bounds of the civil world. **The process of modernization**, then, in all these varied contexts, **is the internalization of the outside,** that is, the civilization of nature. In the postmodern world, **however, this dialectic** between inside and outside, between the civil order and the natural order, **has come to an end**. This is one precise sense in which the contemporary world is postmodern. "Postmodernism," Fredric Jameson tells us, "is what **you have when the modernization process is complete and nature is gone for good**."3 Certainly we continue to have forests and crickets and thunderstorms in our world, and we continue to understand our psyches as driven by natural instincts and passions, but we have no nature in the sense that these forces and phenomena are no longer understood as outside, that is, they are not seen as original and independent of the artifice of the civil order. In a postmodern world all phenomena and forces are artificial, or as some might say, part of history. The modern dialectic of inside and outside **has been replaced by a play of degrees** and intensities, of hybridity **and** artificiality. Secondly, the outside **has also declined in terms of** a rather different modern **dialectic that defined the relation between public and private in liberal political theory**. The **public spaces** of modern society, **which constitute the place of liberal politics, tend to disappear** in the postmodern world. According to the liberal tradition, the modern individual, at home in its private spaces, regards the public as its outside. The outside is the place proper to politics, where the action of the individual is exposed in the presence of others and there seeks recognition. In the process of postmodernization, however, **such public spaces are increasingly becoming privatized**. The urban landscape is shifting from the modern focus on the common square and the public encounter to the closed spaces of malls, freeways, and gated communities. The architecture and urban planning of megalopolises such as Los Angeles and Sao Paulo have tended to limit public access and interaction as well as limited chance encounters of different social subjects, creating rather a series of protected interior and isolated spaces. Alternatively, consider how the banlieu of Paris has become a series of amorphous and indefinite spaces that promote isolation rather than any interaction or communication. **Public space has been privatized to such an extent** that **it no longer makes sense to understand social organization in terms of a dialectic between private and public spaces**, between inside and outside. The **place of modern liberal politics has disappeared** **and thus from this optic our postmodern and imperial society** **is characterized by a deficit of the political**. In effect, the place of politics has been deactualized. In this regard, Guy Debord's analysis of the society of the spectacle, thirty years after its composition, seems ever more apt and urgent.4 In postmodern society the spectacle is a virtual place, or more accurately, a non-place of politics. The **spectacle is at once unified** and diffuse in such a way that **it is impossible to distinguish** any inside from outside - the natural from the social, **the private from the public**. The **liberal notion of the public**, the place outside where we act in the presence of others, **has been** both **universalized** (because we are always now under the gaze of others, monitored by safety cameras) **and sublimated** or de-actualized in the virtual spaces of the spectacle. The end of the outside is the end of liberal politics. Finally, from the perspective of Empire, or rather from that of the contemporary world order, there is no longer an outside **also in a** third sense, a properly **military sense**. When Francis Fukuyama claims that the contemporary historical passage is defined by the end of history, he means that the era of major conflicts has come to an end: in other words, sovereign power will no longer confront its Other, it will no longer face its outside, but rather progressively expand its boundaries to envelop the entire globe as its proper domain.5 The history of imperialist, inter-imperialist, and anti-imperialist wars is over. The end of that history has ushered in the reign of peace. Or really, we have entered the era of minor and internal conflicts. Every imperial war is a civil war, a police action- from Los Angeles and Granada to Mogadishu and Sarajevo. **In fact, the separation of tasks between the external and internal arms of power (between the army and the police, the CIA and the FBI) is increasingly vague and indeterminate.** In our terms the end of history that Fukuyama refers to is the end of the crisis at the center of modernity, the coherent and defining conflict that was the foundation and raison d'etre for modern sovereignty. History has ended precisely and only to the extent that it is conceived in Hegelian terms- as the movement of a dialectic of contradictions, a play of absolute negations and subsumption. The binaries that defined modern conflict have become blurred. The Other that might delimit a sovereign Self has become fractured and indistinct, and there is no longer an outside that can bound the place of sovereignty. At one point in the Cold War, in an exaggerated version of the crisis of modernity, every enemy imaginable (from women's garden clubs and Hollywood films to national liberation movements) could be identified as communist, that is, part of the unified enemy. The outside is what gave the crisis of the modern and imperialist world its coherence. **Today it is increasingly difficult for the ideologues of the United States to name the enemy, or rather there seem to be minor and elusive enemies everywhere.6 The end of the crisis of modernity has given rise to a proliferation of minor and indefinite crises in the imperial society of control, or as we prefer, to an omni-crisis.** It is useful to remember here that the capitalist market is one machine that has always run counter to any division between inside and outside. The capitalist market is thwarted by exclusions and it **thrives by including always increasing numbers within its sphere**. Profit can only be generated through contact, engagement, interchange, and commerce. The realization of the world market would constitute the point of arrival of this tendency. In its ideal form there is no outside to the world market: the entire globe is its domain.7 We might use the form of the world market as a model for understanding the form of imperial sovereignty in its entirety. Perhaps, just as Foucault recognized the panopticon as the diagram of modern power and disciplinary society, the world market might serve adequately (even though it is not an architecture; it is really an anti-architecture) as the diagram of imperial power and the society of control.8 The striated space of modernity constructs places that are continually engaged in and founded on a dialectical play with their outsides**. The space of imperial sovereignty, in contrast, is smooth. It might appear that it is free of the binary divisions of modern boundaries, or striation, but really it is criss-crossed by so many fault lines that it only appears as a continuous, uniform space. In** this sense, the clearly defined crisis of modernity gives way to an omnicrisis in the imperial framework. In this smooth space of empire, there is no place of power- it is both everywhere and nowhere. The empire is an u-topos , or rather a non-place.

#### This may seem innocuous, but it creates a war on difference, a new totalitarian model that is premised upon reactive orientations to desire, leaving only a simulation of political participation creating fascism-- that turns case.

Karatzogianni and Robinson 13. [Athina Karatzogianni is a Senior Lecturer in Media and Communication at the University of Leicester (UK), Andrew Robinson is an independent researcher and writer, “Schizorevolutions vs. Microfascisms: A Deleuzo-Nietzschean Perspective on State, Security, and Active/Reactive Networks,” Selected Works, July 2013, http://works.bepress.com/athina\_ karatzogianni, 8-17-2019, amrita]

Thesis 2: The threatened state transmutes into the terror state. The return of state violence from the kernel of state exceptionalism is a growing problem. It is grounded on a reaction of the terrified state by conceiving the entire situation as it is formerly conceived specific sites of exception and emergency (c.f. Agamben, 1998, 2005). New forms of social control directed against minor deviance or uncontrolled flows are expanding into a war against difference and a systematic denial of the ‘right to have rights’ (Robinson, 2007). The project is not simply an extension of liberal-democratic models of social control, but breaks with such models in directly criminalizing nonconformity from a prescribed way of life and attempting to extensively regulate everyday life through repression. This new repressive model, expressing a kind of neo-totalitarianism, should be taken to include such measures and structures as the rise of gated communities, CCTV, RFID, ID cards, ASBOs, dispersal zones, paramilitary policing methods, the ‘social cleansing’ of groups such as homeless people and street drinkers from public spaces, increasing restrictions on protests and attacks on ‘extremist’ groups, the use of extreme sentencing against minor deviance, and of course the swathe of “anti-terrorism” laws which provide a pretext for expanded repression. This increasingly vicious state response leads to extremely intrusive state measures. The magazine Datacide analyses the wave of repression as ‘the real subsumption of every singularity in the domain of the State. From now on if your attributes don't quite extend to crime, a judge's word suffices to ensure that crime will reach out and embrace your attributes’ (Hyland n.d.). To decompose networks, the state seeks to shadow them ever more closely. The closure of space is an inherent aspect of this project of control. While open space is a necessary enabling good from the standpoint of active desire, it is perceived as a threat by the terrified state, because it is space in which demonised Others can gather and recompose networks outside state control. Hence, for the threatened state, open space is space for the enemy, space of risk. Given that open space is in contrast necessary for difference to function (since otherwise it is excluded as unrepresentable or excessive), the attempts to render all space closed and governable involve a constant war on difference which expands ever more deeply into everyday life. As Guattari aptly argues, neoliberal capitalism tends to construe difference as unwanted ‘noise’ (1996: 137). Society thus becomes a hothouse of constant crackdowns and surveillance, which at best simulates, and at worst creates, a situation where horizontal connections either cannot emerge or are constantly persecuted. Theories such as those of Agamben and Kropotkin show the predisposition of the state to pursue total control. But why is the state pursuing this project now? To understand this, one must recognise the multiple ways in which capitalism can handle difference. Hence, there are two poles the state can pursue, social-democratic (adding axioms) or totalitarian (subtracting axioms), which have the same function in relation to capitalism, but are quite different in other regards. State terror involves the replacement of addition of axioms (inclusion through representation) with subtraction of axioms (repression of difference). This parallels the distinction between ‘hard’ and ‘soft’ power in international relations. Crucially, ‘hard’ power is deflationary (Mann 2005: 83-4). While ideological integration can be increased by intensified command, ‘soft’ power over anyone who remains outside the dominant frame is dissipated. Everyday deviance becomes resistance because of the project of control which attacks it. It also becomes necessarily more insurrectionary, in direct response to the cumulative attempts to stamp it out through micro-regulation. What the state gains in coercive power, it loses in its ability to influence or engage with its other. But the state, operating under intense uncertainty and fear, is giving up trying to seem legitimate across a field of difference. A recent example of this concerns the treatment of whistleblowers: Bradley [Chelsea] Manning and by extent the publisher Julian Assange in the WikiLeaks case (for a discussion of affect see Karatzogianni, 2012) and Edward Snowden in relation to the recent revelations about NSA surveillance program PRISM (Poitras and Greenwald’s video Interview with Edward Snowden, 9 June 2013). This is not to say that it dispenses with articulation. It simply restricts it tautologically to its own ideological space (Negri 2003: 27). Legitimation is replaced by information, technocracy and a simulation of participation (Negri 2003: 90, 111.). There is a peculiarly close relationship between the state logic of command and the field of what is variously termed ‘ideology’ (in Althusser), ‘mythology’ (in Barthes) and ‘fantasy’ (in Lacan): second- order significations embedded in everyday representations, through which a simulated lifeworld is created, in which people live in passivity, creating their real performative connection to their conditions of existence and bringing them into psychological complicity in their own repression. Such phenomena are crucial to the construction of demonised Others which provides the discursive basis for projects of state control. ‘[Conflict is] deflected... through the automatic micro-functioning of ideology through information systems. This is the normal, ‘everyday’ fascism, whose most noticeable feature is how unnoticeable it is’ (Negri 1998a: 190). In denial of generalisable rights, the in-group defines social space for itself and itself alone. The result is a denial of basic dignity and rights to those who fall outside "society", who, in line with their metaphysical status, are to be cast out, locked away, or put beyond a society defined as being for "us and us only" (the mythical division between social and anti-social). The neo-totalitarian state resurrects the tendency to build a state ideology, but this ideology is now disguised as a shared referent of polyarchic parties and nominally free media. Failing to think in statist terms is no longer any different from criminal intent. Romantically crossing an airport barrier for a goodbye kiss is taken as a major crime, for the state, being terrified, responds disproportionately; the romantic is blamed for producing this response (Baker and Robins, 2010). He should have thought like the state to begin with, and not corrupted its functioning with trivialities such as love. Such is the core of the terror-state: constant exertion of energy to ward off constant anxiety, at the cost of a war on difference. Networks under Threat - Network Terror Thesis 3: Networked movements escape the state-form. Thesis 4: State terror targets and terrifies movements. Thesis 5: Movement terror is an outcome of state terror against movements. At the intersection of the threatened state and the sources of its anxiety lies the collapse of marginal integration and ‘addition of axioms’ in neoliberalism. Capitalism has been clenching its fists on the world for some time, and many spaces and people are falling through its fingers. The formal sector of the economy is shrinking, leaving behind it swathes of social life marginalized from capitalist inclusion. Much of the global periphery is in effect being forcibly ‘delinked’ from the world economy as inclusion through patronage is scaled down due to neoliberalism. For instance, ‘Sub-Saharan Africa has almost dropped out of the formal international economy’ (Mann, 2005: 55-6). Religious, militia and informal economic organisations have replaced the state on the ground across swathes of Africa, and ‘whole regions have now become virtually independent, probably for the foreseeable future, of all central control’ (Bayart, Ellis and Hibou, 1999: 19-20). These spaces are the locus of the state’s fear of ‘black holes’ where state power breaks down and insurgents can flourish (Korteweg, 2008; Innes, 2008). On a human scale, exclusion, or ‘forced escape’, is even more noticeable. Arif Dirlik argues that capitalism controls enough resources that it no longer needs to control the majority of people; it can simply ignore and exclude four-fifths of the world (1994: 54-5). William Robinson refers to a new stratum of ‘supernumeraries’ in countries like Haiti, who are completely marginalised from production, useless to capitalism and prone to revolt (1996: 342, 378). This became even more evident with the extreme recent seismic event in January 2010 a paradigmatic failure to save lives. This stratum is another locus of the state’s fears. Such people are in Žižek’s terms the ‘social symptom’ of the current world order, ‘the part which, although inherent to the existing universal order, has no ‘proper place’ within it’ (Žižek, 1999, p. 224). Hence, as Caffentzis puts it, ‘Once again, as at the dawn of capitalism, the physiognomy of the world proletariat is that of the pauper, the vagabond, the criminal, the panhandler, the refugee sweatshop worker, the mercenary, the rioter’ (1992: 321). Viewed in affirmative terms, these excluded sites and peoples are associated with the network form. The last few decades have seen a proliferation of network-based movements -- some emancipatory, others less so -- drawing their membership from marginalised groups and creating autonomous zones in marginal spaces. In the South, such movements often grow out of the everyday networks of survival which ‘provide an infrastructure for the community and a measure of functional autonomy’ (Hecht and Simone, 1994: 14-15; c.f. Lomnitz, 1977; Chatterjee 1993). The discontented excluded lie at the heart of today’s asymmetrical wars. For instance, Giustozzi has investigated the origins of the Pakistani Taleban, revealing that it flourishes mainly among young people who do not receive ‘peace, income, a sense of purpose, a social network’ from the established structure of tribal power (Giustozzi 2007: 39), while Watts (2007) has referred to what is known locally as the ‘restive youth problem’ as central to the conflict in the Niger Delta. One can also refer here to mass protest revolts such as those in Greece and the French banlieues, and spectacular revolts against state power in which police stations and state symbols are attacked, such as the Boko Haram revolt in Nigeria and the uprising of Primero Comando da Capital (PCC) in Sao Paolo. Ignoring for the moment the distinctions among such movements, their vitality can clearly be traced to their networked and marginal loci. Resisting or eluding the terror-state’s grab for space, horizontal networks flow around the state’s restrictions, moving into residual unregulated spaces, gaps in the state’s capacity to repress, across national borders, or into the virtual. Repression drives dissent from open to clandestine forms, creating a field of diffuse resistance and deviance, which ‘returns’ as intractable social problems and inert effects**.**

#### Endorse community-based radical organizing built around collective solidarity—the plan is doomed to failure if it is tied to discussions of how space is bad. Space has the radical potential to be different and you should affirm a subversion of their politic—no perms.

Battaglia 12 [Debbora Battaglia is a professor at Mount Holyoke College. “Arresting hospitality: the case of the 'handshake in space,” The Journal of the Royal Anthropological Institute, Vol. 18, <https://www.jstor.org/stable/41506671>., 12-14-2021 amrita]

Towards an extra-territorial ethics of hospitality While acknowledging that anthropologists of play and ludic limits could have a field day with some of this paper's ethnographic material,26 I have tried to do something more far-reaching here – seeking in the complex exchanges of various natural, techno- cultural, and social force-fields the features of an extra-territorial ethics of hospitality, for shaping possible nature-culture futures on the ground. Circling by degrees around 'handshake' scenarios that are basically all about social relations crafted in small actions of non-sovereignty, I seek to posit the diplomatic strategy of suspending welcome as an emblematic action of denying power claimed in the name of territory (Boden)27: Apollo and Soyuz may have sourced to state structures and geopolitical security concerns, but the project could go beyond these. Denying rights to hosting, authoring, or authorizing hospitality other than mutually (as we saw in the hard fact of androgynous technology and manoeuvres for mutual rescue), astronauts and cosmonauts replaced sovereign claims to space with their own relational code — one in which 'the welcomed guest is treated as a friend or ally, as opposed to the stranger treated as an enemy (friend/enemy, hospitality/hostility)' (Derrida 2000: 4). But the ethnography exceeds Derrida's anthropocentrism. Because both spacecraft and humans are as much of space as in it, we are moved to appreciate the value of cutting 'guest' and 'host' free to engage nature-culture relations. To take up sidelong the point that Agamben (2005) carries forward from Carl Schmitt for defining sovereignty, space-as-itself is here the only possible sovereign power: that to which exceptions to human laws source. It is in this sense that the cosmonauts and astronauts of Apollo-Soyuz were acting both humbly and boldly as 'little gods' who would deny a politics of territory a place of privilege in space or on Earth, even as the nations to which they owed their allegiance committed to this value officially in rhetorics of colonization and/or conquest. It is thus that space creates space for a God concept in the company of which both religious orthodoxies and orthodox science can only be uncomfortable (cf. Derrida 2002). It follows that forms of civility become visible in this instance as protentive actions for laws not only in suspension but in submission to space-as-itself — the extreme testing-ground of laws beyond arbitrage, by which the values of the nominal are not only appreciated but strongly felt, as fieldworking astronauts' and cosmonauts' first-person narratives show. Long-duration space station missions enabled by the techno-logical advances of ASTP will in future lend their micro-spaces more readily to narratives and images of sovereignty, including the sovereignty of property. But not in the spacetime of the welcome withheld. It is because purposeful ruptures of nominal conduct interfere with nature-culture business-as-usual that hospitality can abide there, as it were in the aporia. Beyond being merely tolerated, gifts of disruption within insider space communities seized the moment for ‘worlding’ differently than by fixed rules of engagement. Bruno Latour writes in War of the worlds: what about peace?, ‘Modernism distinguishes itself from its successor—what should it be called? "Second modernity"? ... — in this one small respect: from now on the battle is about the making of the common world and the outcome is uncertain. That's all. And that's enough to change everything’ (2002: 33, emphasis added). Derrida takes this anthropological turn when he speaks of hospitality arising not from 'the love of man as a sentimental motive' — it is not about philanthropy — but (quoting Kant) from 'the right of a stranger not to be treated with hostility when he arrives on someone else's territory'. Hospitality is to be thought of as a universal ‘obligation, a right, and a duty all regulated by law’ (2000: 4).28 And this is more or less precisely stated by the USSR Command Centre spokesperson in a post-flight statement to the world press: The flight was conducted in accordance with an agreement between the Union of Soviet Socialist Republics and the United States of America. This document foresaw the execution of projects for the creation of joint means of motion and docking of the Soviet and American manned spacecraft and stations, with the purpose of increasing the safety of spaceflights and securing the possibility of realizing in the future joint scientific experiments.29

## 2

#### Interpretation: The affirmative should 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.

#### Standards:

#### 1] Topicality’s key to preserving competitive debate –

#### A) Letting the aff pick the topic ex post facto is bad and incentivizes vague argumentation that’s not grounded in a consistent, stable mechanism. The ability to select anything to say is bad for debate and makes the terms affirmative and negative meaningless. Being forced to switch-sides is debate’s greatest value and it solves all of their exclusion offense

#### B) their model has no resolutional bound and creates the possibility for literally an infinite number of 1ACs – that’s bad because research isn’t infinite, it monopolizes prep, and creates a structural skew in their favor – 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 every 2 months.

#### 2) Competitive equity – it’s important to sustain the activity – some level of equity must exist – if it didn’t, then there wouldn’t be value to the game since judges could literally vote whatever way

#### 3) Engagement – they transform debate into a monologue which means their arguments are presumptively false because they haven’t been subjected to well researched scrutiny. Switch side debate solves – you can have the entire negative

Vote neg on T

## Case

Disability rights groups push for systemic change

As more young adults discover their sense of identity, the disability community is becoming more aware of how its concerns intersect with those of other minority groups. In 2018, this means both listening to people of color and LGBT individuals in the disability community, as well pushing for broader advocacy networks, such as the Women’s March, to include disability issues as part of their agendas. “Now we’re all forced to pay attention to what each others’ individual groups have been doing so that we can come together and be this coalition,” says Vilissa Thompson, a social worker and disability consultant in South Carolina who founded an initiative called Ramp Your Voice! to highlight the experiences of black disabled women.

The next step, activists say, is to capitalize on the conversations around identity and turn their community’s passion into political clout. One obstacle is that politicians have not typically tried to win the disability vote in the way they have with black or Latino voters, for example. Voter turnout rates among disabled people have remained stubbornly low in recent years, according to data collected by Lisa Schur and Douglas Kruse at Rutgers University. Even for disabled people who do plan to go to the polls, voting can be a challenge: voter ID laws may mean an extra hurdle for those who don’t drive, and 60% of polling places reviewed by the [Government Accountability Office](https://www.gao.gov/products/GAO-18-4) in 2016 had one or more impediments, such as steep entrance ramps or poorly maintained paths into the building, that could prevent a disabled person from casting a ballot.

But the potential is there for the disability community to become a powerful political constituency. Nearly 57 million Americans have a disability, according to the Census Bureau, making the group the country’s largest minority. And despite the groundswell of protest against Trump and the GOP this year, disabled people do not especially favor one political party. Roughly 50% lean Democratic, according to the [Pew Research Center](http://www.pewresearch.org/fact-tank/2016/09/22/a-political-profile-of-disabled-americans/), and 42% lean Republican. “That’s one of the hopeful things about this,” says Rutgers’ Kruse. “Because people with disabilities are not particularly aligned with one party or the other, both parties have incentives to get them out to vote.”

#### Legislative advocacy changes disability policy and attitudes – empirics prove

Landmark et al 17 (Leena Landmark, Professor at Ohio University. Dalun Zhang, Professor at Texas A&M University. Song Ju, Professor at the University of Cincinnati. Melissa Yi, MS from Texas A&M University. Timothy C. McVey, BA from Ohio University. “Experiences of Disability Advocates and Self-Advocates in Texas”. Journal of Disability Policy Studies 2017, Vol. 27(4) 203–211)

Legislative advocacy is a prime channel for disability advocates to affect civil rights and disability-related legislation and policy that leads to improved quality of life for individuals with disabilities. To highlight the current status of disability legislative advocacy, this study examined advocacy experiences based on recent data from one state that involved 113 disability advocates and self-advocates. Analyses were conducted to examine the characteristics of advocates, the causes advocated, leadership positions, level of engagement, and frequency of engagement in the legislative advocacy process. Relations among advocates’ characteristics and advocacy experiences were also examined. Results revealed that individuals with disabilities mostly relied on their peers in the advocacy process, and the type of disability was associated with the causes advocated. In addition, holding a leadership position was associated with engagement in the legislative advocacy process. Quality of life is an important goal for all people. For individuals who have disabilities, the degree to which they are satisfied with their lives may have increased importance because they have not always been afforded the opportunity to live according to their desires (Francis, Blue-Banning, & Turnbull, 2014; Verdugo, Navas, Gomez, & Schalock, 2012). Self-determination, one of the comprising domains of the quality-of-life construct, has been linked to positive adult outcomes for individuals with disabilities. Individuals who possess self-determination tend to achieve greater independent living and employment outcomes than individuals who are not as self-determined (Wehmeyer & Palmer, 2003). As a component element of self-determination, self advocacy is essential for improving quality-of-life outcomes. Self-advocacy (including parent advocacy) and leadership skills have played important roles in the history of special education and disability rights. As early as the 1930s, local groups of parents banded together to obtain educational services for their children with disabilities (Yell, Rogers, & Rogers, 1998). By the 1970s, individuals with developmental disabilities announced they were people first, and the self-advocacy movement was spawned in the United States (Longhurst, 1994). An early victory in the effort to gain services required for independent living was the passage of Section 504 of the Rehabilitation Act of 1973, which prohibited establishments receiving federal funding from discrimination against people with disabilities. One of the greatest victories was the passage of the Americans with Disabilities Act of 1990, a civil rights law prohibiting discrimination against people with disabilities. The advocacy movement has allowed people with disabilities the opportunity to explore their group identity, gain a sense of empowerment, and learn how to stand up for equal rights (Browning, Thorin, & Rhoades, 1984). Landmark legislation such as Section 504 of the Rehabilitation Act of 1973, the Education for All Handicapped Children Act of 1975 (renamed the Individuals With Disabilities Education Act in 1990), and the Americans with Disabilities Act of 1990 would not have been enacted without the advocacy efforts of individuals with disabilities and their families. Through legislative advocacy, Americans with disabilities have shaped public policy and made their lives better.

#### Legal and academic engagement is possible and productive—this is not ‘cruel optimism’, it’s putting theory into practice

Kanter 13

Arlene S. Kanter (Professor of Law, Syracuse University), Beth A. Ferri, Righting Educational Wrongs: Disability Studies in Law and Education, 2013, pp. 35-7

Disability studies has emerged within the academy as a new multidisci- plinarv field. It requires us to (re)consider how societv excludes people with disabilities not because of their limitations, but because of the wav in which societv itself is structured and operates. From this viewpoint, it is not as if there are no differences among people who are Deaf or blind or have other impairments, nor does this view deny the suffering, pain, and lack of needed support that many people with disabilities experience. Instead, disabilitv studies allows us to explore how to mitigate or even eliminate the social outcomes of differences with an awareness of the role that power plays in shaping the development of laws and legal rights. Disabilitv legal studies presents to the law and legal education both challenges and opportunities. It challenges legal scholars to view criticallv the place of disabilitv within the legal svstem and the legal academv as well as within society generallv. Viewing law through the lens of disabil- itv studies challenges us to examine disabilitv—like race, gender, class, and sexuality—as a social and political construct derived from a historv Of stigmatization and exclusion. It also challenges us to consider the complex wavs in which our system of laws, government, social structures, institu- tions, culture, and customs contributes to the disablement of persons in our own societv and in societies throughout the world. Disabilitv legal studies also presents opportunities. As part of the larger field of disabilitv studies, disabilitv legal studies provides legal scholars the tools to develop a critique of the law with respect to disabilitv and to explore the role and manifestations of ableism in social practices and insti- tutions that "portray people with disabilities as useless, marginal, abnor- mal, a burden on societv, and perhaps most offensivelv, as living a life that is not worth living" (MOT 69). It also provides the context in which to deconstruct and reconstruct the meaning Of disabilitv through investigat- ing the social construction of disability as well as the power structure that supports and enhances ableism. Disability legal studies does not seek to maintain the status quo. It is "a radical move as it seeks to transform mainstream legal education" (IMor 2006, 64n4). It provides theoretical tools as well as advocacv strategies to challenge our cultural norms that have resulted in the creation of legal, physical, and attitudinal barriers to inclusion Of people with disabilities in society. As such, it has the potential to expose legal scholars, our students, and the legal academv to new areas of academic inquiry bevond what disabilitv studies itself offers. It adds to the questions posed by disability studies, including: What does it mean to be "normal" for the purpose of legal decision making? How does and should the law respond to differ- ences among us? How can we challenge the privilege afforded to the able- bodied norm within the legal svstem? A first step in responding to these questions is to increase the visibil- itv of people with disabilities within law schools and within the academy itself. In recent vears, more students with disabilities are demanding their place in law schools, but few facultv with disabilities are visible in most law faculties. Further, when students and facultv with disabilities are noticed or discussed on campuses, thev are often portraved as threats or vulnerable victims, but not as valued members Of the academic communitv. Svracuse Universitv has taken steps to change this situation recruit- ing and retaining more students, faculty, and staff with disabilities; by nurturing the development of disabilitv studies programs; and by ing access and acconunodations with the goal of creating a conununitv of inclusion for all. Although we still have a long way to go, such efforts are well worth it. With such changes, our universities, legal institutions, and society as a whole will benefit from the participation of people with dis- abilities in our classrooms, our neighborhoods, and our lives.