## OFF

### 1NC---T USFG

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#### Interpretation: Topical affirmatives may only garner offense from the hypothetical implementation by governments that the appropriation of outer space by private entities is unjust.

#### Resolved requires policy action

Louisiana State Legislature (<https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

**Resolution**

**A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### Appropriation.

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

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

Topicality is key to limits and ground---redefining portions of the resolution permits endless reclarification AND creates incentives for avoidance---only aligning research with agent and mechanism solves.

#### Two impacts:

#### 1---Fairness---an unlimited, unpredictable topic disparately raises the research burden for the negative -- treat this is a sufficient win condition because fairness is the logical structure that undergirds all impacts AND controls any benefit to debate.

**Dascal and Knoll** ’**11** [Marcelo and Amnon; May 18th; former Professor of Philosophy at Tel Aviv University, B.A. in Philosophy from the University of Sao Paulo; former Professor of Philosophy at Tel Aviv University; Argumentation: Cognition and Community, "'Cognitive systemic dichotomization' in public argumentation and controversies," p. 20-25]

He opposes positions whose ‘exclusionist’ outlook rejects the normative approach to the political sphere on the grounds that “normative statements can never be subjected to a reasonable discussion” (ibid.: 2), because—he argues—the discussion of politics “is an area of vital interest to all of us and should clearly not be excluded from argumentative reasonableness” (ibid.: 3)—a view with which we are prone to agree. Nevertheless, he admits that in the present situation critical discussion is far from being systematically and successfully applied to that vital area: “In representative democracies, however, the out-comes of the political process tend to be predominantly the product of negotiations be-tween political leaders rather than the result of a universal and mutual process of deliberative disputation” (ibid.). Political debates, therefore, are ‘quasi-discussions’, i.e., “monologues calculated only to win the audience’s consent to one’s own views”, rather than ‘genuine discussions’, i.e., serious attempts to have an intellectual exchange, which is typical of critical discussions (ibid.). In order to overcome this situation, “democracy should always have promoted such a critical discussion of standpoints as a central aim. Only if this is the case can stimulating participation in political discourse enhance the quality of democracy" (ibid.). This can be achieved, however, only by following “the dialectical rules for argumentative discourse that make up a code of conduct for political discourse [and] are therefore of crucial importance to giving substance to the ideal of participatory democracy” (ibid.: 4); thereby fully acknowledging that “education in processing argumentation in a critical discussion is indispensable for a democratic society (van Eemeren 1995: 145-146).

The reasons provided for the failure of the adoption of the critical discussion model in reality ranges from a general allusion to human nature (“in real-life contexts, it has to be taken into account that human interaction is not always automatically 'naturally' and fully oriented toward the ideal of dialectical reasonableness "; van Eemeren 2010: 4) to specific political sphere argumentation handicaps (unwillingness of people “to subject their thinking to critical scrutiny”; “vested interest in particular outcome”; “inequality in power and resources; “different levels of critical skills”; and “a practical demand for an immediate settlement”; van Eemeren 2010: 4). Although these causes may have some explanatory value in some cases, in our opinion their modus operandi is not accounted for and, what is more important, they do not cover the full spectrum of challenges that the successful use of critical discussion in the public and political spheres must face, as we have seen (cf. sections 2 and 3).

No wonder that van Eemeren himself raises the question “whether maintaining the dialectical ideal of critical discussion in political and other real-life contexts is not utopian” (ibid.), to which he replies by admitting that "[t]he ideal of a critical discussion is by definition not a description of any kind of reality but sets a theoretical standard that can be used for heuristic, analytic and evaluative purpose” (ibid.). This ideal seems to be so inspiring that it remains valid as a pure theoretical ideal, “even if the argumentative discourse falls short of the dialectical ideal” (ibid.).

In the light of the substantial gap between the normative ideal and the actual practices of public and political argumentation that PD’s description and explanation provides, a number of doubts arise: Are there structural, rather than merely contingent obstacles in idealized critical discussion that prevents even its approximate use in the public sphere? Can a theory that claims to be a praxis based normative system fulfill its promise if it sets up a threshold that no one who tries to apply it to the public sphere can reach? Doesn’t the very fact that argumentation is excessively idealized in the model PD proposes cause the gap by distancing people concerned by public issues from argumentation at all? All these doubts suggest that a powerful structural phenomenon like the existence of CSDs in the public sphere is perhaps overlooked by PD and requires, for its overcoming, a radically different approach.

4.2 Discrepancies between the PD approach and reasonable argumentation in the public sphere

The discrepancies in question have to do with basic parameters relevant to every argumentative process, namely:

(A) The discussants’ goals and targets: what do they expect to achieve through the argumentation process and what is it capable of providing.

(B) The preconditions for initiating a critical discussion: what are the discussants presumed to know and accept of these preconditions.

(C) The argumentative process that is supposed to lead to the achievement of the discussants’ goals.

(D) The influence of context and agents on the argumentative process.

4.2.1 Goals

Assuming that argumentation is a voluntary endeavor, the parties are presumed to engage in it if and only if: (i) the process will serve their goals; (ii) these goals cannot be achieved by different, better means.

PD describes as follows the aim of engaging in an argumentative process:

Argumentation is basically aimed at resolving a difference of opinion about the acceptability of a standpoint by making an appeal to the other party's reasonableness. (van Eemeren 2010: 1, with reference to van Eemeren & Grootendorst 2004: 11-18)

The difference of opinion is resolved when the antagonist accepts the protagonist's viewpoint on the basis of the arguments advanced or when the protagonist abandons his viewpoint as a result of the critical responses of the antagonist. (van Eemeren 2010: 33)

Simply put, the basic assumption is that a critical discussion’s aim consists in putting forth a certain position by one of the parties for the critical examination of the other, who calls it into question. The latter undertakes to refute the former’s position, while its proponent is committed to defend it. Four stages (see below) are supposed to ensure a valid performance of the refutation and defense tasks. The essential point is that at the end of the four stages the parties clearly agree whether the proponent’s position has been refuted or not and, accordingly, change their position (either retracting it or withdrawing from his questioning). In ‘mixed’ disagreements, in which the antagonist not only questions but also puts forth an opposed position, the same process takes place sequentially, i.e., at first one side (A) attacks trying to refute the other’s (B) position, and after this stage is concluded, they switch roles and the second side (B) proceeds to attack the first (A) in the same fashion.

Regardless of whether the described process is indeed capable to yield a conclusive decision about the refutation of a position, and of whether the linearity of the refutation process makes sense, it is obvious that debates in the public sphere are for the most part ‘mixed’. Furthermore, in so far as these debates involve dichotomous positions (rather than just opposed ones), it is necessary that at the end of the PD process one of the parties accept the position of the other.

It is also worth noticing that, contrary to deliberative democracy approaches, which in some cases approve the attempt to reach agreement in a (public) debate as a form of justification of political systems, PD claims that it is not a consensus theory at all. Instead, it conceives itself as a theory based on Popper’s critical rationality, i.e., as having as its principal goal to provide each party with the means—i.e., refutation attempts—to test critically its position:

[T]he conception of reasonableness upheld in pragma-dialectics insights from critical rationalist epistemology and utilitarian ethics conjoin … The intersubjective acceptability we attribute to the procedure, which is eventually expected to lend conventional validity to the procedure, is primarily based on its instrumentality in doing the job it is intended to do: re-solving a difference of opinion. … This means that, philosophically speaking, the rationale for accepting the pragma-dialectical procedure is pragmatic—more precisely, utilitarian [italics in quoted text]. … However, based on Popper's falsification idea, this is a ‘negative’ and not ‘positive’, utilitarianism. … Rather than maximization of agreement, minimization of disagreement is to be aimed for. (van Eemeren 2010: 34)

The distinction between maximization of agreement and minimization of disagreement purports to stress that PD doesn’t view agreement as the suitable end of the process, but just as “an intermediate step on the way to new, and more advanced, disagreements” (van Eemeren 2010: 26n). Nevertheless, no explanation is given of how these “more advanced disagreements” are engendered as a part of the dynamics of the critical process, nor what is the role or value of such disagreements in the public sphere or elsewhere. This may be due to the fact that PD’s ‘critical discussion’ is not tuned to the generation of new positions or ideas but only to the testing of extant ones, thus echoing once again Popper, now in his focus on the justification rather than on the discovery of theories (see sections 4.2.4 and 5).

In any case, it is quite clear that the only practical result of the critical discussion à la PD of opposed positions on a public issue is to determine whether one discussant succeeded in refuting the other’s position, thus obtaining the adversary’s agreement, who will then share his/her position, at least for some time. In this respect, PD’s critical discussion is close to Habermas’s ‘reasonable argumentation’, whose aim is to reach consensus.15 In spite of the apparent difference between a critical examination of a position aiming at its refutation or at its acceptance, even van Eemeren admits, to some extent, their similarity. He points out that “the pragma-dialectical procedure deals only with ‘first order’ conditions for resolving differences of opinion on the merits by means of critical discussion” (van Eemeren 2010: 34), and stresses that there are ‘higher order’ conditions, ‘internal’ and ‘external’, that are “beyond the agent’s control”, conditions that are similar to Habermas’s “ideal speech conditions” (van Eemeren 2010: 35n). Anyhow, whether according to PD the main goal of the critical discussion process in the public alliance is to create the opportunity for refutation or for agreement (meaning that one of the discussants acknowledges that his position is wrong), the essential assumption of this process is that the participants in it in the public sphere (or elsewhere) must be aware that one of them holds a wrong position and will have to explicitly acknowledge this.

Is such a goal, especially when conceived as the ultimate aim of the proposed argumentative process, feasible and acceptable in the public sphere?

In our opinion, there are at least four reasons for arguing that it is a utopian, hence unacceptable goal, if one takes seriously what should be expected from argumentative practice and theory in the public sphere. First, because PD deserves a critique similar to the one leveled against the Popperian version of critical rationalism it espouses,16 which defends a theory of knowledge “without a knowing subject” (Popper 1972); obviously, such a-contextual position becomes even more problematic if applied to the public and political spheres, where it must operate in a context essentially involved with practical rationality. Second, due to its analogy with theories such as Habermas’s that were discussed in this section as well as in 2.2—an analogy that deserves additional criticism because, unlike Habermasianism, PD overlooks the relationship between the political and public context and argumentative practice. Third, because of PD’s total overlooking of the role of CSDs in public argumentation (cf. 4.2.2). And fourth, due to unilateral value judgments of positions in the public sphere, which lead to simplistic criteria of refutation or acceptance in a domain where complexity is the rule (cf. 2.1.1 and 4.2.3).

(ii) Let us admit, for the sake of argument, that the refutation goal as claimed by PD is central, feasible, acceptable, and useful in public argumentation. Aren’t there better ways to achieve this goal?

The refutation and defense moves stipulated by the PD critical discussion model include, on the one side, the antagonist’s critical remarks or demands and on the other, the proponent’s replies. We believe that it must be assumed that neither the critique nor the replies are previously known to the contenders, which is why they have an interest in engage in the argumentation process: presumably, the expression of both, counter-arguments and defensive-arguments, is good to both sides. In spite of its usefulness in certain situations, this kind of exchange does not amount to the full manifestation of the dialectical critical process, wherein the context and co-text of the dialectical exchange, as well as the cognitive interaction that takes place and evolves throughout the exchange, play a decisive role in the design and ‘inner’ justification of each of the participants’ moves. Argumentation strategies that take into account these resources and make full use of their potential are no doubt setting up another, broader span of goals for the argumentative process, and are more likely to achieve these goals more effectively than they certainly would achieve their PD more limited counterparts (cf. 4.2.4 and 5).

4.2.2 Preconditions

The ideal PD critical discussion can only be realized if some preconditions are satisfied. The most important ones are a) a clear-cut identification of the standpoint that provokes the disagreement, b) the decision of the parties to engage in a discussion, and c) the participants’ commitment to obey the procedural rules. As we shall see, these preconditions share a common assumption, which calls into question the feasibility of using critical discussion in the public sphere.

(A) This precondition assumes that it is possible to isolate rigorously the subject matter of a critical discussion, so as to conduct a focused discussion that makes use only of relevant arguments. This precondition is quite strict, for whenever both discussants defend contrary standpoints, their disagreement should be treated as two separate fully fledged discussions: “… if another discussion begins, it must go through the same stages again—from confrontation stage to concluding stage” (van Eemeren 2010: 10n).

(B) This precondition subordinates the decision to engage in the discussion to the evaluation that the discussants share enough common ground to pursue it adequately: “After the parties have decided that there is enough common ground to conduct a discussion …” (van Eemeren 2010: 33).

(C) This precondition stresses the ‘contractual’ character of a critical discussion, which requires explicit mutual commitments by the discussants. Its rationale is that without such commitments the aim of the critical discussion, i.e., the resolution of the difference of opinions, will not be achieved, which makes engaging in the discussion pointless: “There is no point in venturing to resolve a difference … if there is no mutual commitment to a common starting point, which may include procedural commitments as well as substantive agreement” (van Eemeren and Grootendorst 2004: 60).

These ‘first order’ preconditions, as they are labeled in PD (cf. van Eemeren 2010: 33), are the conditions that candidates to participate in a critical discussion must fulfill if they intend to do so and can afford it personally (a ‘second order’ condition) and politically (a ‘third order’ condition).17 In addition, the first order conditions demand from the prospective discussants a clear, distinct, and detailed picture of the scope of the discussion that they are about to engage in. This means not mixing up the various differences of opinion that the discussion may involve, and being able to separate them properly as the subject matter for independent discussions; a further requirement is the anticipated identification of the pieces of the ‘substantive agreement’ forming the starting point in order to ensure that they are sufficient for conducting the discussion up to a satisfactory closure.

2---Clash---forfeiting government action sanctions retreat from controversy and forces the negative to concede solvency before winning a link -- clash is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale -- that jumpstarts the process of critical thinking, reflexivity, and argument refinement.

#### 3---Movement Lawyering Skills – contingent, focused debates around locus points of difference are key to develop activists skills for political justice.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem **into manageable components**. The **complexity** of social problems, can **cause law students, and even experienced political lawyers, to become overwhelmed**. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

TVA---States ought to ban appropriation of outer space by private actors---advs about territorialization under a lack of a property regime, shift to nomadic property models, and impacts about why public commons are good.

#### TVA---States ought to ban appropriation of outer space by private actors on the ground of territorialization.

Switch side debate solves all of their offense—there’s no specific reason why their arguments have to be read on the aff—that solves predictability and accesses their education impact turns because plans on the aff and Ks on the neg can challenge perspectives, stances, representations, and epistemologies

## OFF

### 1NC---Bifo K

Bifo K

#### The University is a site of social death, the mass grave of Western culture and the aff’s fantasy of radicalizing debate plays into the hands of the system by denying the violence innate to the university system itself—only triggering a symbolic collapse can reverse this metastasis as the aff paves over the conditions of violent colonialism which structure debating in the first place

Occupied UC Berkeley 10 (“The University, Social Death, and the Inside Joke,” <http://news.infoshop.org/article.php?story=20100220181610620>)

Universities may serve as progressive sites of inquiry in some cases, yet this does not detract from the great deal of military and corporate research, economic planning and, perhaps most importantly, social conditioning occurring within their walls. Furthermore, they serve as intense machines for the concentration of privilege; each university is increasingly staffed by overworked professors and adjuncts, poorly treated maintenance and service staff. This remains only the top of the pyramid, since a hyper educated, stable society along Western lines can only exist by the intense exploitation of labor and resources in the third world. Students are taught to be oblivious to this fact; liberal seminars only serve to obfuscate the fact that they are themselves complicit in the death and destruction waged on a daily basis. They sing the college fight song and wear hooded sweatshirts (in the case of hip liberal arts colleges, flannel serves the same purpose). As the Berkeley rebels observe, “Social death is our banal acceptance of an institution’s meaning for our own lack of meaning.”[43] Our conception of the social is as the death of everything sociality entails; it is the failure of communication, the refusal of empathy, the abandonment of autonomy. Baudrillard writes that “The cemetery no longer exists because modern cities have entirely taken over their function: they are ghost towns, cities of death. If the great operational metropolis is the final form of an entire culture, then, quite simply, ours is a culture of death.”[44] By attempting to excel in a university setting, we are resigning ourselves to enrolling in what Mark Yudoff so proudly calls a cemetery, a necropolis to rival no other.  
Yet herein lies the punch line. We are studying in the cemeteries of a nation which has a cultural fetish for things that refuse to stay dead; an absolute fixation with zombies. So perhaps the goal should not be to go “Beyond Zombie Politics” at all. Writes Baudrillard: “The event itself is counter-offensive and comes from a strange source: in every system at its apex, at its point of perfection, it reintroduces negativity and death.”[45] The University, by totalizing itself and perfecting its critiques, has spontaneously generated its own antithesis. Some element of sociality refuses to stay within the discourse of the social, the dead; it becomes undead, radically potent. According to Steven Shaviro’s The Cinematic Body, “zombies mark the dead end or zero degree of capitalism’s logic of endless consumption and ever expanding accumulation, precisely because they embody this logic so literally and to such excess.”[46] In that sense, they are almost identical to the mass, the silent majorities that Baudrillard describe as the ideal form of resistance to the social: “they know that there is no liberation, and that a system is abolished only by pushing it into hyperlogic, by forcing it into excessive practice which is equivalent to a brutal amortization.”[47]  
Zombies do not constitute a threat at first, they shamble about their environments in an almost comic manner and are easily dispatched by a shotgun blast to the face. Similarly, students emerge from the university in which they have been buried, engaging in random acts of symbolic hyperconsumption and overproduction; perhaps an overly enthusiastic usage of a classroom or cafeteria here and there, or a particularly moving piece of theatrical composition that is easily suppressed. “Disaster is consumed as cheesy spectacle, complete with incompetent reporting, useless information bulletins, and inane attempts at commentary:”[48] Shaviro is talking about Night of the Living Dead, but he might as well be referring to the press coverage of the first California occupations.  
Other students respond with horror to the encroachment of dissidents: “the living characters are concerned less about the prospect of being killed than they are about being swept away by mimesis – of returning to existence, after death, transformed into zombies themselves.”[49] Liberal student activists fear the incursions the most, as they are in many ways the most invested in the fate of the contemporary university; in many ways their role is similar to that of the survivalists in Night of the Living Dead, or the military officers in Day. Beyond Zombie Politics claims that defenders of the UC system are promoting a “Zombie Politics”; yet this is difficult to fathom. For they are insistent on saving the University, on staying ‘alive’, even when their version of life has been stripped of all that makes life worth living, when it is as good as social death. Shaviro notes that in many scenes in zombie films, our conceptions of protagonist and antagonist are reversed; in many scenes, human survivors act so repugnantly that we celebrate their infection or demise.[50]  
In reality, “Zombie Politics are something to be championed, because they are the politics of a multitude, an inclusive mass of political subjects, seeking to consume brains. Yet brains must be seen as a metaphor for what Marx calls “the General Intellect”; in his Fragment on Machines, he describes it as “the power of knowledge, objectified.”[51] Students and faculty have been alienated from their labor, and, angry and zombie-like, they seek to destroy the means of their alienation. Yet, for Shaviro, “the hardest thing to acknowledge is that the living dead are not radically Other so much as they serve to awaken a passion for otherness and for vertiginous disidentification that is already latent within our own selves.”[52] In other words, we have a widespread problem with aspiring to be this other, this powerless mass. We seek a clear protagonist, we cannot avoid associating with those we perceive as ‘still alive’. Yet for Baudrillard, this constitutes a fundamental flaw:  
"at the very core of the 'rationality' of our culture, however, is an exclusion that precedes every other, more radical than the exclusion of madmen, children or inferior races, an exclusion preceding all these and serving as their model: the exclusion of the dead and of death."[53]  
In Forget Foucault, we learn the sad reality about biopower: that power itself is fundamentally based on the separation and alienation of death from the reality of our existence. If we are to continue to use this conception, we risk failing to see that our very lives have been turned into a mechanism for perpetuation of social death: the banal simulation of existence. Whereas socialized death is a starting point for Foucault, in Baudrillard and in recent actions from California, we see a return to a reevaluation of society and of death; a possible return to zombie politics. Baudrillard distinguishes himself as a connoisseur of graffiti; in Forget Foucault, he quotes a piece that said “When Jesus arose from the dead, he became a zombie.”[54] Perhaps the reevaluation of zombie politics will serve as the messianic shift that blasts open the gates of hell, the cemetery-university. According to the Berkeley kids, “when we move without return to their tired meaning, to their tired configurations of the material, we are engaging in war.”[55] Baudrillard’s words about semiotic insurrectionaries might suffice:  
"They blasted their way out however, so as to burst into reality like a scream, an interjection, an anti-discourse, as the waste of all syntatic, poetic and political development, as the smallest radical element that cannot be caught by any organized discourse. Invincible due to their own poverty, they resist every interpretation and every connotation, no longer denoting anyone or anything."[56]

#### Vote neg to endorse a radical passivity – this creates a line of flight away from competition and acceleration, forming the basis of a new solidarity and revolution which will destroy semiocapitalism.

Bifo 17 (Franco “Bifo” Berardi, Professor of Social History of Communication at the Accademia di Belle Arti of Milan, “Futurability: The Age of Impotence and the Horizon of Possibility”, 2017, pg. 68-69)

In their late work What Is Philosophy?, Deleuze and Guattari reconsider desire from the point of view of ageing. After a discussion of ageing and of friendship in the conclusion of the book, subtitled ‘From Chaos to the Brain’, they say that at a certain moment one perceives the suffering of the universe, chaos, and the surrounding acceleration that blurs perception, attention and understanding. The universe is too fast for the aged brain to elaborate it. This is the dark side of desire: the technical world that we have created in an age of youthful energy is now too fast and too complex for the human mind to control. In his last book, Chaosmosis, Guattari speaks of the chaosmic spasm: the perception that we are no longer able to follow the rhythm of chaosmotic desire. Physical, affective and historical events are slowing the pace of the brain as mind, and in the dissonance between the speed of the world and the slowness of the mind there is a suffering, which is the dark side of desire. But desire is not only energy and speed. It’s also the ability to find another rhythm. Here I am not only contemplating a problem of ageing, I’m talking about the art of politics, about the art of changing our conceptual frame. We must abandon the point of view of productivity, the expectation of acquisition and of control. We must assume, instead, the point of view of laziness and self-care. We must transform impotence into a line of flight away from the universe of competition. We may discover that being exhausted is not so bad. How do we deal with the problem of exhaustion? Inscribing the reality of death in the political agenda. Transforming decline into a lifestyle of solidarity. The senile generation of Europe may become the subject of a cultural revolution aimed to prepare Western society for a redistribution of wealth and resources. Such a cultural revolution should start with a critique of the cult of energetic youth that permeates modern culture. The ideology of unbounded growth and aggressive competition has underpinned the two pillars of capitalist development; they have nourished the romantic and nationalist ideologies that have aggressively mobilized Western society in late modern times. We need a senile approach to the problem of the future. The cult of competition must be replaced by the cult of solidarity and of sharing. I concede that this prospect seems very unlikely at present. The European population seems determined to defend its privilege with all the means at its disposal. However, this stance cannot bring anything good with it and is already bringing a lot of evil. Young people escaping hard conditions are surrounding Fortress Europe. They bear with them the unconscious memory of centuries of exploitation and humiliation, as well as the conscious expectation of those things that advertising and global ideology have lately promised them. Over the past decades, Europe seemed the continent of peace and social justice. Now it is sinking under a wave of sadness and cynicism. Young people seem unable to alter the social conditions and are wandering in a social labyrinth devoid of solidarity or peace. The senile population could, then, be the bearer of a new hope, if they are able to face the inevitable with an easy soul. They may discover something that humankind has never known: the love of the aged, the sensuous slowness of those who no longer expect any good to come from life except wisdom. This is the wisdom of those who have seen much, forgotten nothing, but still look at everything with innocent curiosity.

## OFF

### 1NC---Deterrence DA

#### Space Commercialization is key to Space Deterrence – Commercial Flexibility is key to deterrence by denial.

Klein 19, John J. Understanding space strategy: the art of war in space. Routledge, 2019. (a Senior Fellow and Strategist at Falcon Research, Inc. and Adjunct Professor at George Washington University’s Space Policy Institute)//Elmer

Recent U.S. space policy initiatives underscore the far-reaching benefits of commercial space activities. The White House revived the National Space Council to foster closer coordination, cooperation, and exchange of technology and information among the civil, national security, and commercial space sectors.1 National Space Policy Directive 2 seeks to promote economic growth by streamlining U.S. regulations on the commercial use of space.2 While the defense community generally appreciates the value of services and capabilities derived from the commercial space sector—including space launch, Earth observation, and satellite communications—it often overlooks one area of strategic importance: deterrence. To address the current shortcoming in understanding, this paper first describes the concept of deterrence, along with how space mission assurance and resilience fit into the framework. After explaining how commercial space capabilities may influence the decision calculus of potential adversaries, this study presents actionable recommendations for the U.S. Department of Defense (DoD) to address current problem areas. Ultimately, DoD—including the soon-to-be reestablished U.S. Space Command and possibly a new U.S. Space Force—should incorporate the benefits and capabilities of the commercial space sector into flexible deterrent options and applicable campaign and contingency plans. Deterrence, Mission Assurance, and Resilience Thomas Schelling, the dean of modern deterrence theory, held that deterrence refers to persuading a potential enemy that it is in its interest to avoid certain courses of activity.3 One component of deterrence theory lies in an understanding that the threat of credible and potentially overwhelming force or other retaliatory action against any would-be adversary is sufficient to deter most potential aggressors from conducting hostile actions. This idea is also referred to as deterrence by punishment.4 The second salient component of deterrence theory is denial. According to Glenn Snyder’s definition, deterrence by denial is “the capability to deny the other party any gains from the move which is to be deterred.”5 The 2018 U.S. National Defense Strategy (NDS) highlights deterrence, and specifically deterrence by denial, as a vital component of national security. The NDS notes that the primary objectives of the United States include deterring adversaries from pursuing aggression and preventing hostile actions against vital U.S. interests.6 The strategy also observes that deterring conflict necessitates preparing for war during peacetime.7 For the space domain, the peacetime preparedness needed for deterrence by denial occurs in the context of space mission assurance and resilience. Mission assurance entails “a process to protect or ensure the continued function and resilience of capabilities and assets—including personnel, equipment, facilities, networks, information and information systems, infrastructure, and supply chains—critical to the performance of DoD mission essential functions in any operating environment or condition.”8 Similar to mission assurance but with a different focus, resilience is an architecture’s ability to support mission success with higher probability; shorter periods of reduced capability; and across a wider range of scenarios, conditions, and threats, despite hostile action or adverse conditions.9 Resilience may leverage cross-domain solutions, along with commercial and international capabilities.10 Space mission assurance and resilience can prevent a potential adversary from achieving its objectives or realizing any benefit from its aggressive action. These facets of U.S. preparedness help convey the futility of conducting a hostile act. Consequently, they enhance deterrence by denial. Commercial Space Enables Deterrence The commercial space sector directly promotes mission assurance and resilience efforts. This is in part due to the distributed and diversified nature of commercial space launch and satellites services. Distribution refers to the use of a number of nodes, working together, to perform the same mission or functions as a single node; diversification describes contributing to the same mission in multiple ways, using different platforms, orbits, or systems and capabilities.11 The 2017 U.S. National Security Strategy, in noting the benefits derived from the commercial space industry, states that DoD partners with the commercial sector’s capabilities to improve the U.S. space architecture’s resilience.12 Although U.S. policy and joint doctrine frequently acknowledge the role of the commercial space sector in space mission assurance and resilience, there is little recognition that day-to-day contributions from the commercial industry assists in deterring would-be adversaries. The commercial space sector contributes to deterrence by denial through multi-domain solutions that are distributed and diversified. These can deter potential adversaries from pursuing offensive actions against space-related systems. Commercial launch providers enhance deterrence by providing options for getting payloads into orbit. These include diverse space launch capabilities such as small and responsive launch vehicles, along with larger, reusable launch vehicles; launch rideshares for secondary payloads; and government payloads on commercial satellites. Various on-orbit systems also promote deterrence. For example, if an aggressor damages a commercial remote sensing satellite during hostilities, similar commercial satellites in a different orbital regime, or those of the same constellation, may provide the needed imagery. If satellite communications are jammed or degraded, commercial service providers can reroute satellite communications through their own networks, or potentially through the networks of another company using a different portion of the frequency spectrum. Regarding deterrence by punishment efforts, the commercial space sector can play a role, albeit an indirect one, through improved space situational awareness (SSA) and space forensics (including digital forensics and multispectral imagery). The commercial industry may support the attribution process following a hostile or illegal act in space through its increasingly proliferating network of SSA ground telescopes and other terrestrial tracking systems. The DoD may also leverage the commercial space sector’s cyber expertise to support digital forensic efforts to help determine the source of an attack. By supporting a credible and transparent attribution process, commercial partners may cause a would-be adversary to act differently if it perceives that its aggressive, illegal, or otherwise nefarious actions will be disclosed. Doing so can help bolster the perceived ability to conduct a legitimate response following a hostile attack, which may improve deterrence by punishment efforts. Commercial space capabilities may also facilitate the application of force to punish a potential aggressor. In addition to traditional military space systems, commercial satellite imagery and communication capabilities may be used in cueing and targeting for punitive strikes against an aggressor. Although the commercial space sector is not expected to be involved directly in the use of retaliatory force following a hostile act, commercial partners may help in providing the information used to identify those responsible and to facilitate any consequent targeting efforts.

#### Space Deterrence Breakdowns causes War and Extinction.

Parker 17 Clifton Parker 1-24-2017 “Deterrence in space key to U.S. security” <https://cisac.fsi.stanford.edu/news/deterrence-space-key-us-security> (Policy Analyst at the Stanford Center for International Security and Cooperation)//Elmer

Space is more important than ever for the security of the United States, but it’s almost like the Wild West in terms of behavior, a top general said today. Air Force Gen. [John Hyten](http://www.af.mil/AboutUs/Biographies/Display/tabid/225/Article/108115/general-john-e-hyten.aspx), commander of the U.S. Strategic Command, spoke Jan. 24 at Stanford’s [Center](http://cisac.fsi.stanford.edu/) for International Security and Cooperation. His [talk](http://cisac.fsi.stanford.edu/events/us-strategic-command-perspectives-deterrence-and-assurance) was titled, “U.S. Strategic Command Perspectives on Deterrence and Assurance.” Hyten said, “Space is fundamental to every single military operation that occurs on the planet today.” He added that “there is no such thing as a war in space,” because it would affect all realms of human existence, due to the satellite systems. Hyten advocates “strategic deterrence” and “norms of behavior” across space as well as land, water and cyberspace. Otherwise, rivals like China and Russia will only threaten U.S. interests in space and wreak havoc for humanity below, he said. Most of contemporary life depends on systems connected to space. Hyten also addressed other topics, including recent proposals by some to upgrade the country’s missile defense systems. “You just don’t snap your fingers and build a state-of-the-art anything overnight,” Hyten said, adding that he has not yet spoken to Trump administration officials about the issue. “We need a powerful military,” but a severe budget crunch makes “reasonable solutions” more likely than expensive and unrealistic ones. On the upgrade front, Hyten said he favors a long-range strike missile system to replace existing cruise missiles; a better air-to-air missile for the Air Force; and an improved missile defense ground base interceptor. ‘Critically dependent’ From satellites to global-positioning systems GPS, space has transformed human life – and the military – in the 21st century, Hyten said. In terms of defining "space," the U.S. designates people who travel above an altitude of 50 miles as astronauts. As the commander of the U.S. Strategic Command, Hyten oversees the control of U.S. strategic forces, providing options for the president and secretary of defense. In particular, this command is charged with space operations (such as military satellites), information operations (such as information warfare), missile defense, global command and control, intelligence, surveillance, and reconnaissance, global strike and strategic deterrence (the U.S. nuclear arsenal), and combating weapons of mass destruction. Hyten explained that every drone, fighter jet, bomber, ship and soldier is critically dependent on space to conduct their own operations. All cell phones use space, and the GPS command systems overall are managed at Strategic Command, he said. “No soldier has to worry about what’s over the next hill,” he said, describing GPS capabilities, which have fundamentally transformed humanity’s way of life. Space needs to be available for exploration, he said. “I watch what goes on in space, and I worry about us destroying that environment for future generations.” He said that too many drifting objects and debris exist – about 22,000 right now. A recent Chinese satellite interception created a couple thousand more debris objects that now circle about the Earth at various altitudes and pose the risk of striking satellites. “We track every object in space” now, Hyten said, urging “international norms of behavior in space.” He added, “We have to deter bad behavior on space. We have to deter war in space. It’s bad for everybody. We could trash that forever.” But now rivals like China and Russia are building weapons to deploy in the lower levels of space. “How do we prevent this? It’s bigger than a space problem,” he said. Deterring conflict in the cyber, nuclear and space realms is the strategic deterrence goal of the 21st century, Hyten said. “The best way to prevent war is to be prepared for war,” he said. Hyten believes the U.S. needs a fundamentally different debate about deterrence. And it all starts with nuclear weapons. “In my deepest heart, I wish I didn’t have to worry about nuclear weapons,” he said. Hyten described his job as “pretty sobering, it’s not easy.” But he also noted the mass violence of the world prior to 1945 when the first atomic bomb was used. Roughly 80 million people died from 1939 to 1945 during World War II. Consider that in the 10-plus years of the Vietnam War, 58,000 Americans were killed. That’s equivalent to two days of deaths in WWII, he said. In a world without nuclear weapons, a rise in conventional warfare would produce great numbers of mass casualties, Hyten said. About war, he said, “Once you see it up close, no human will ever want to experience it.” Though America has “crazy enemies” right now, in many ways the world is more safe than during WWII, Hyten said. The irony is that nuclear weapons deterrence has kept us from the type of mass killings known in events like WWII. But the U.S. must know how to use its nuclear deterrence effectively. Looking ahead, Hyten said the U.S. needs to think about space as a potential war environment. An attack in space might not mean a response in space, but on the Earth. Hyten describes space as the domain that people look up at it and still dream about. “I love to look at the stars,” but said he wants to make sure he’s not looking up at junk orbiting in the atmosphere.

## OFF

### 1NC---Presumption

#### Vote neg on presumption –

#### A) Nothing spills over – there’s no connection between the ballot and chancing people’s attitudes. You encourage more teams to read framework which turns your offense and prevents the alteration of mindsets.

#### B) No warrant for a ballot – the competitive nature of debate coopts any ethical value of advocating the aff – winning rounds only makes it look like they just want to win which proves framework and means advocating by losing is more effective.

#### C) Debate – none of their evidence is specific to it – sets a high threshold for solvency and ignores how communicative norms operate.

#### D) Voting aff doesn’t access social change, but voting neg resolves our procedural impacts.

Ritter ‘13 (JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1)

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually **incapable of creating any social change**, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with **nonapplicable** rhetorical **theory** that **fails to account for the unique aspects** of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: **“Can debate cause social change?”** Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen **not to prove this fundamental assumption**, which—as this article argues—is **merely a fiction** that is **harmful in** most, if not **all, respects**. The position that competitive interscholastic debate can create social change is more properly characterized as a **fiction** than an argument. A fiction is an invented or fabricated idea purporting to be factual but is **not provable** by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be **incredibly critical** of those fictions and adopt them only if they promote the activity and its purposes.

#### ROB/ROJ is to vote for the better debater---only non-arbitrary form of decision making and anything else is leads to endless clarification that is a slippery slope to always concluding affirmative.

#### Successful movement organizing is analogous to mainstream politics -- it requires skilled organization, strategic flexibility, effective management, and proto-institutionalism -- sacrificing debate in favor of being a revolutionary for a weekend ensures failure.

Heller 17 [Nathan Heller began contributing to The New Yorker in 2011, and joined the magazine as a staff writer in 2013. He has written on a range of subjects, including online education and the TED Conference. He is also a film and television critic, and a contributing editor, at Vogue. Previously, he was a columnist for Slate, where he was a finalist for a National Magazine Award for essays and criticism. Is There Any Point to Protesting? August 21, 2017. https://www.newyorker.com/magazine/2017/08/21/is-there-any-point-to-protesting]

Tufekci’s conclusions about the civil-rights movement are unsettling because of what they imply. People such as Kauffman portray direct democracy as a scrappy, passionate enterprise: the underrepresented, the oppressed, and the dissatisfied get together and, strengthened by numbers, force change. Tufekci suggests that the movements that succeed are actually proto-institutional: highly organized; strategically flexible, due to sinewy management structures; and chummy with the sorts of people we now call élites. The Montgomery N.A.A.C.P. worked with Clifford Durr, a patrician lawyer whom Franklin Roosevelt had appointed to the F.C.C., and whose brother-in-law Hugo Black was a Supreme Court Justice when Browder v. Gayle was heard. The organizers of the March on Washington turned to Bobby Kennedy—the U.S. Attorney General and the brother of the sitting President—when Rustin’s prized sound system was sabotaged the day before the protest. Kennedy enlisted the Army Signal Corps to fix it. You can’t get much cozier with the Man than that. Far from speaking truth to power, successful protests seem to speak truth through power. (The principle holds for such successful post-sixties movements as ACT UP, with its structure of caucuses and expert working groups. And it forces one to reassess the rise of well-funded “Astroturf” movements such as the Tea Party: successful grassroots lawns, it turns out, have a bit of plastic in them, too.) Democratizing technology may now give the voiceless a means to cry in the streets, but real results come to those with the same old privileges—time, money, infrastructure, an ability to call in favors—that shape mainline politics. Unsurprisingly, this realization irks the Jacobins. Hardt and Negri, as well as Srnicek and Williams, rail at length against “neoliberalism”: a fashionable bugaboo on the left, and thus, unfortunately, a term more often flaunted than defined. (Neoliberalism can broadly refer to any program that involves market-liberal policies—privatization, deregulation, etc.—and so includes everything from Thatcher’s social-expenditure reductions to Obama’s global-trade policies. A moratorium on its use would help solidify a lot of gaseous debate.) According to them, neoliberalism lurks everywhere that power resides, beckoning friendly passersby into its drippy gingerbread house. Hardt and Negri dismiss “participating in government, respecting capitalist discipline, and creating structures for labor and business to collaborate,” because, they say, “reformism in this form has proven to be impossible and the social benefits it promises are an illusion.” They favor antagonistic pressure, leading to a revolution with no central authority (a plan perhaps more promising in theory than in practice). Srnicek and Williams don’t reject working with politicians, though they think that real transformation comes from shifts in social expectation, in school curricula, and in the sorts of things that reasonable people discuss on TV (the so-called Overton window). It’s an ambitious approach but not an outlandish one: Bernie Sanders ran a popular campaign, and suddenly socialist projects were on the prime-time docket. Change does arrive through mainstream power, but this just means that your movement should be threaded through the culture’s institutional eye. The question, then, is what protest is for. Srnicek and Williams, even after all their criticism, aren’t ready to let it go—they describe it as “necessary but insufficient.” Yet they strain to say just how it fits with the idea of class struggle in a postindustrial, smartphone-linked world. “If there is no workplace to disrupt, what can be done?” they wonder. Possibly their telescope is pointing the wrong way round. Much of their book attempts to match the challenges of current life—a shrinking manufacturing sphere, a global labor surplus, a mire of race-inflected socioeconomic traps—with Marx’s quite specific precepts about the nineteenth-century European economy. They define the proletariat as “that group of people who must sell their labor powers to live.” It must be noted that this group—now comprising Olive Garden waiters, coders based in Bangalore, janitors, YouTube stars, twenty-two-year-olds at Goldman Sachs—is really very broad. A truly modern left, one cannot help but think, would be at liberty to shed a manufacturing-era, deterministic framework like Marxism, allegorized and hyperextended far beyond its time. Still, to date no better paradigm for labor economics and uprising has emerged. What comes undone here is the dream of protest as an expression of personal politics. Those of us whose days are filled with chores and meetings may be deluding ourselves to think that we can rise as “revolutionaries-for-a-weekend”—Norman Mailer’s phrase for his own bizarre foray, in 1967, as described in “The Armies of the Night.” Yet that’s not to say the twenty-four-year-old who quits his job and sleeps in a tent to affirm his commitment does more. The recent studies make it clear that protest results don’t follow the laws of life: eighty per cent isn’t just showing up. Instead, logistics reign and then constrain. Outcomes rely on how you coördinate your efforts, and on the skill with which you use existing influence as help. If that seems a deflating idea, it only goes to show how entrenched self-expressive protest has become in political identity. In one survey, half of Occupy Wall Street allies turned out to be fully employed: even that putatively radical economic movement was largely middle class. (Also, as many noted, it was largely white.) That may be because even the privileged echelons of working America are mad as hell and won’t take it anymore. But it may also be because the social threshold for protest-joining is low. A running joke in “The Armies of the Night” is that many of the people who went off to demonstrate were affluent egghead types—unsure, self-obsessed, squeamish, and, in many ways, pretty conservative. “There was an air of Ivy League intimacy to the quiet conversations on this walk—it could not really be called a March,” Mailer says. Writing of himself: “He found a friendly face. It was Gordon Rogoff, an old friend from Actors Studio, now teaching at the Yale Drama School; they talked idly about theatrical matters for a while.” This has been the cultural expectation since the late sixties, even as tactical protest has left mainstream power behind. As citizens, we get two chips—one for the ballot box, the other for the soapbox. Many of us feel compelled to make use of them both. Would casual activists be better off deploying their best skills toward change (teachers teaching, coders coding, celebrities celebritizing) and leaving direct action in the hands of organizational pros? That seems sad, and a good recipe for lax, unchecked, uncoördinated effort. Should they work indirectly—writing letters, calling senators, and politely nagging congresspeople on Twitter? That involves no cool attire or clever signs, and no friends who’ll cheer at every turn. But there’s reason to believe that it works, because even bad legislators pander to their electorates. In a new book, “The Once and Future Liberal” (Harper), Mark Lilla urges a turn back toward governmental process. “The role of social movements in American history, while important, has been seriously inflated by left-leaning activists and historians,” he writes. “The age of movement politics is over, at least for now. We need no more marchers. We need more mayors.” Folk politics, tracing a fifty-year anti-establishmentarian trend, flatters a certain idea of heroism: the system, we think, must be fought by authentic people. Yet that outlook is so widely held now that it occupies the highest offices of government. Maybe, in the end, the system is the powerless person’s best bet. Or maybe direct action is something to value independent of its results. No specific demands were made at the Women’s March, in January. The protest produced no concrete outcomes, and it held no legislators to account. And yet the march, which encompassed millions of people on every continent, including Antarctica, cannot be called a failure. At a time when identity is presumed to be clannish and insular, it offered solidarity on a vast scale. What was the Women’s March about? Empowerment, human rights, discontent—you know. Why did it matter? Because we were there. Self-government remains a messy, fussy, slow, frustrating business. We do well to remind those working its gears and levers that the public—not just the appalled me but the conjoined us whom the elected serve—is watching and aware. More than two centuries after our country took its shaky first steps, the union is miles from perfection. But it is still on its feet, sometimes striding, frequently stumbling. The march goes on, and someday, not just in our dreams, we’ll make it home.

#### That’s only possible with the strategic decision-making that our model teaches – individual protests are historically ineffective, but collective action through civic identity building can cause policy change.

Frey ‘16 (Ethan Frey, Program Associate, Just Cities and Regions. How to encourage better and more meaningful political participation in the US. June 24, 2016. https://www.fordfoundation.org/ideas/equals-change-blog/posts/how-to-encourage-better-and-more-meaningful-political-participation-in-the-us/)

So how can policies transform political engagement to make it not only possible but also probable that people will participate? Social Security is a good example of how policy can transform people’s patterns of participation and engagement. Social Security was designed as an economic security program to reduce poverty among the elderly. But as MIT political scientist Andrea Campbell demonstrates, it also created structural incentives for the elderly to participate in politics by “(a) giving them the resources of money and free time; (b) enhancing their levels of political interest and efficacy by tying their well-being visibly to a government program; and (c) creating incentives for interest groups to mobilize them by creating a political identity based on program recipiency.” This last point is key: Social Security created the conditions for organizations like the AARP to mobilize and solidify this constituency as one of the most consistent group of voters and dominant political blocs of the later half of the 20th century. What kinds of 21st-century policy solutions would set the stage for making the participation of communities of color and the poor more probable and powerful in our democracy? Political participation in the US has been problematic for much of our nation’s history. In fact, the only time we had anything near full participation was when only white men could vote. Voter turnout declined from 79 percent of the eligible voting age population in 1896 to just 49 percent in 1920, when women gained the right to vote. In the South, voter turnout began a precipitous decline after the withdrawal of federal troops in 1877, hitting its nadir in 1920 at 22 percent, and increasing only after the passage of the 1965 Voting Rights Act. (The VRA, as many know, was effectively gutted by the Supreme Court in 2013, but there is evidence to suggest that over time its ability to translate the right to vote into political power for communities of color was somewhat diminished.) It’s simply unreasonable to think we can undo centuries of structural racism and misogyny in our electoral processes simply by removing barriers to voter registration and participation. But also, we cannot simply import lessons from the past. Organizations—both political and apolitical—have historically functioned as “schools of democracy” that shape people’s civic and political identities. Although the Elks and Shriners, for example, were not expressly political organizations, they served as effective channels for white people’s participation in the 19th and early 20th centuries. One could say the same about black churches for black participation, particularly during the civil rights movement. We can draw important lessons from how these historic organizations powerfully shaped people’s political identities and instilled civic norms—Ziad Munson has synthesized learnings from some more contemporary and more political movements—but we also have to think about how to adapt them to the modern era. Collective action is powerful Making participation more possible, probable, and powerful means thinking about how individual acts of participation Y can have the most impact in the world. Most institutions, especially government, don’t respond to individual demands (unless you have a lot of money) as well as they do to collective action. So a single act of protest is relatively unlikely to result in transformational changes in the status quo. But collective action should serve to make the whole greater than the sum of its parts. Organizations are critical parts of that equation, and we can learn even from those whose ideologies we disagree with. In his studies of the so-called pro-life movement, sociologist Ziad Munson found that “47 percent of activists at the frontlines of the movement were either pro-choice or indifferent to issues of abortion when they joined the movement.” In other words, their views on abortion did not precede their participation in the movement, but were formed as a result of it. Even more interesting: Public polling consistently shows that a majority of people favor legal access to abortion, but public policy is generally headed in the opposite direction. So how has this minority perspective been able to effectively control the policy-making agenda, and have such a transformative impact on individual civic behavior and attitudes? Applying Han’s framework, one could argue that organizations that oppose abortion have created the conditions for powerful participation. They have created meaningful opportunities for people to participate in their community and in the political process, where these organizations (albeit representing a minority perspective) can strategically aggregate and leverage collective participation to change policy. This is in some ways similar to the role that organizations like the AARP play vis-à-vis Social Security. According to Han and other scholars, the organizations that are best able to create these conditions possess what Harvard professor Marshall Ganz calls “strategic capacity”—that is, the capacity to turn what you have (your resources) into what you want (your goals). In the 1960s, two organizations competed to organize California’s 100,000 farmworkers: the better-resourced AFL-CIO Agricultural Workers Organizing Committee and the United Farm Workers (UFW), led by Cesar Chavez. Why did the UFW, which had fewer resources, succeed where the AFL-CIO AWOC failed? Some scholars think it was because the UFW had strategic capacity. Strategic capacity is not just making plans; according to Ganz it is "a function of who leaders are—their identities, networks and tactical experiences—and how they structure their interactions with each other and their environment with respect to resource flows, accountability and deliberation." So the UFW was able to devise a more effective strategy “because the motivation of its leaders was greater than that of their rivals; they had better access to salient knowledge; and their deliberations became venues for learning.”