# Lexington R1

## T-FW

#### Interpretation: Affs may only generate offense from an action that makes the appropriation of outer space by private entities illegal.

#### Resolved means a policy

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

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

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

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

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

INSERT FOOTNOTE 2

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

END FOOTNOTE 2

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

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

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

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

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

2. Preparatory Materials

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

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

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

3. Historical Context

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

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

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

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

4. State Practice

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

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

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

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

5. State Interpretations

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

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

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

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

B. Compatibility

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

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

#### Private entity = majority nonstate

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

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

#### Violation: They don’t defend a private entity or the appropriation of something and are not doing a policy action – don’t let them shift in the 1AR because cx proves they aren’t topical

#### Vote neg:

#### 1] Fairness – post facto topic adjustment and debates about scholarship breed reactionary generics and allow the aff to cement their infinite prep advantage. They can specialize in 1 area of literature for 4 years which gives them a huge edge over people switching topics every 2 months – this crushes clash because all neg prep is based on the rez as a stable stasis point and they create a structural disincentive to do research – we lose 90% of negative ground while the aff still gets the perm which makes being neg impossible.

#### 2] SSD is good – it forces debaters to consider a controversial issue from multiple perspectives. Non-T affs allow individuals to establish their own metrics for what they want to debate leading to ideological dogmatism. Even if they prove the topic is bad, our argument is that the process of preparing and defending proposals is an educational benefit of engaging it.

#### 3] Small schools disad: under-resourced are most adversely effected by a massive, unpredictable caselist which worsens structural disparities. Inclusion is an independent voter – you can’t debate if you can’t participate which is a prerequisite to accessing their benefits and ensures everyone gains from the activity.

#### 4] TVA solves – you can read an aff about how the colonization of space represents reproductive futurism since it is backed by motives to keep on keeping people alive

#### Disads to the TVA prove there’s negative ground and that it’s a contestable stasis point, and if their critique is incompatible with the topic reading it on the neg solves and is better because it promotes switch-side debate

#### Winning pessimism doesn’t answer T because only through the process of clash can they refine their defense of it—they need an explanation of why we switch sides and why there’s a winner and loser under their model

#### Reject the team—T is question of models of debate and the damage to our strategy was already done

#### Competing interps—they have to proactively to justify their model and reasonability links to our offense

#### No rvis or impact turns—it’s their burden to prove their topical. Beating back T doesn’t prove their advocacy is good

## CP

#### Counterplan text: we endorse the entirety of the aff minus their use of narratives. To clarify, using personal narratives is bad.

#### We endorse the content of thehir message but we rejec ttheir uses of narratives as a means to express it.

#### Narratives are violent – they force the judge to compare between different people’s experiences and stories, which requires the judge to quantify lived experiences and suffering which causes oppression olympics and violence when osmeone is told that their narratives are not good enough

## K

#### Their idea that by hacking the resolution and debate they can challenge capitalist capture is false. Capitalism thrives on that narrative of “escape”. Disrupting a logic or social system cannot solve, boring analysis of structures is necessary.

Bluhdorn 07 – (May 2007, Ingolfur, PhD, Reader in Politics/Political Sociology, University of Bath, “Self-description, Self-deception, Simulation: A Systems-theoretical Perspective on Contemporary Discourses of Radical Change,” Social Movement Studies, Vol. 6, No. 1, 1–20, May 2007, google scholar)

Yet the **established patterns of self-construction, which** thus **have to be defended and** further **developed** at any price, **have fundamental problems** attached to them: ﬁrstly, **the attempt to constitute, on the basis of** product choices and acts of **consumption, a Self and identity** that are **distinct from and autonomous vis-a`-vis the market is a contradiction in terms**. Secondly, **late-modern society’s established patterns of consumption are known to be socially exclusive and environmentally destructive**. Despite all hopes for ecological modernization and revolutionary improvements in resource efﬁciency (e.g. Weizsa¨cker et al., 1998; Hawkenet al., 1999; Lomborg, 2001), **physical environmental limits imply that the lifestyles and established patterns of consumption** cherished by advanced modern societies **cannot even be extended to all residents of the richest countries**, let alone to the populations of the developing world. For the sake of the (re)construction of an ever elusive Self, **in their struggle against self-referentiality** and in pursuit of the regeneration of difference, **late-modern societies are** thus **locked into the imperative of maintaining** and further developing the principle of **exclusion** (Blu¨hdorn, 2002, 2003). At any price they have to, and indeed do, defend **a lifestyle that requires ever increasing social inequality, environmental degradation, predatory resource wars, and the tight policing of potential internal and external enemies**.14 For this effort, **military and surveillance technology provide ever more sophisticated and efﬁcient means**. Nevertheless, the principle of **exclusion is ultimately still unsustainable, not only because of spiralling ‘security’ expenses but also because it** directly **contradicts the** modernist **notion of the free and autonomous individual** that late-modern society desperately aims to sustain. For this reason, late-modern society is confronted with the task of having to sustain both the late-modern principle of exclusion as well as its opposite, i.e. the modernist principle of inclusion. Very importantly, the conﬂict between the principles of exclusion and inclusion is not simply one between different individuals, political actors or sections of society. Instead, it is a politically irresolvable conﬂict that resides right within the late-modern individual, the late-modern economy and late-modern politics. And if, as Touraine notes, late-modern society no longer believes in nor even desires political transcendence, the particular challenge is that the two principles can also no longer be attributed to different dimensions of time, i.e. the former to the present, and the latter to some future society. Instead, late-modern society needs to represent and reproduce itself and its opposite at the same time. If considered **within this framework** of this analysis, the function of Luhmann’s system of protest communication, or in the terms of this article, **the signiﬁcance of** late-modern societies’ **discourses of radical change becomes immediately evident**. **At a stage when the possibility** and desirability **of transcending** the principle of **exclusion has been pulled into** radical **doubt but when**, at the same time, the principle of **inclusion is vitally important**, **these discourses simulate the validity of the latter as a social ideal**. In other words, **latemodern society reconciles the tension between the** cherished but exclusive **status quo** – for which there is no alternative – **and the non-existent** inclusive **alternative** – on whose existence it depends – **by means of simulation**. The analysis of Luhmann’s work has demonstrated how the societal self-descriptions produced by the system of protest communication, or late-modern society’s discourses of radical change, fulﬁl this function exactly. **They are** an **indispensable** function system not so much because they help to resolve late-modern society’s problems of mal-coordination, but because by performing the possibility of the alternative they help to cope with the fundamental problem of self-referentiality. In this sense, late-modern society’s discourses of sustainability, democratic renewal, social inclusion or global justice, to name but a few, suggest that advanced modern society is working towards an environmentally and socially inclusive alternative – genuinely modern – society, but they do not deny the fact that the big utopia and project of late-modern society is the reproduction and further enhancement of the status quo, i.e. the sustainability of the principle of exclusion. Protest movements as networks of physical actors and actions complement the purely communicative **discourses of radical change** in that they bring their narrative and societal selfdescription to life. Whilst the declarations of institutionalized mainstream politics cannot escape the generalized suspicion that they are purely rhetorical, social movements **provide an arena for** the physical expression and **experience of the authenticity and reality of the alternative**

#### Their model of queer activism through transgression replicates neoliberalism by refusing the promise of collective transformation

Drucker 15 [Peter Drucker (Peter has emerged in the 21st century as a leading Marxist scholar in queer studies. His special contributions concern the roots of 'homonormativity' in neoliberalism, the impact of neoliberal globalization on same-sex sexualities in dependent countries, and links between queer and anti-capitalist resistance. He is also working on a series of studies on gender and sexual dimensions of Islamophobia, in both Europe and the Middle East. Finally, he continues his long-term work on the history of US and European socialism, connecting it to the left's record on feminist and LGBTIQ issues.); 2015; “Warped: Gay Normality and Queer Anti-Capitalism”; <https://books.google.com/books?id=_ByoBgAAQBAJ&pg=PA301> //BWSWJ]

As long as alliances with broader forces of the anti-capitalist left remain few and limited, radical queer activists face the task themselves of working out positions for queer anti-capitalist politics and translating them into public organ-ising and activism. Self-identified radical queer groups have existed, at least intermittently, for the past quarter-century, as a `punky, anti-assimilationist, transgressive movement on the fringe of lesbian and gay culture',7' and a milieu that is 'disgusted by marriage and military and that longs to return' to a radical vision.72 Politically, a wave of Queer Nation groups, following on the 1987 March on Washington and the rise of ACT UP, originated in the us as part of the largest and most militant wave of LGBT activism since the 197os. The different forms of AIDS activism and queer activism that emerged initially in the us and Britain in the late 198os and early 199os posed a radical challenge to established lesbian/gay rights organisations. Self-defined queer activist groups have also appeared more recently in a number of countries in continental Europe. The Pink Panthers in Paris and Lisbon73 have forged a dynamic, Latin European variant of international queer radicalism. Queer-identified groups are also beginning to spring up here and there in dependent countries. But queer radicals' ability to contend for influence in LGBT movements or to set the agenda of sexual politics more generally has been held in check by a number of factors. Queer radicalism emerged in an overall context of societal reaction, in which LGBT militancy was largely isolated from and unsupported by its logical allies. This led to some disturbing ambiguities. Queer ideology has been hard to pin down. In the imperialist countries that have so far been radical queers' main base, the predominant ideological current among them has been a fairly diffuse anarchism. Queer groups have yet to show much of an orientation towards large-scale mobilisation, to take root among the racially and nationally oppressed, or to prove their lasting adaptability to the dependent world.74 While large anti-capitalist parties have rarely made links with Queer radicalism, queer radicals have rarely found their way to a broad political audience. In this sense, the limits of anti-capitalist parties and of small radical queer groups mirror each other. The early Queer Nation groups reflected a certain break in the movement's memory. Although many of the practical stands and philosophical or theoretical points they made had originally been made by an earlier generation of the lesbian/gay liberation movement, young queers were often unaware of this. The emergence of Queer Nation as a distinctive, insurgent current thus showed the failure of lesbian/gay liberation to transmit its history, to make its values prevail in actually existing LGBT communities, or to sustain a vibrant left wing in the LGBT movement. By comparison with early lesbian/gay liberationists, early Queer Nation groups had an even more voluntarist or even idealist mind-set. They tended to see queer identity as consciously chosen and crafted. Many LGBT identities have in fact had a voluntary dimension. In some cases, this has distinguished LGBT oppression from oppression based on race, gender or disability, which are generally not chosen but visible, material and unavoidable. But this is only one aspect of LGBT oppression. The fact that women living apart from men have lower living standards is not chosen; the fact that even the most closeted LGBT people could for generations lose their jobs or homes was not chosen; the fact that the great majority of LGBT people still grow up in straight families is not chosen. Many trans people, however well they fit into a queer milieu as 'gender queers, also do not feel that they have chosen their identities. As early as 1992, failure to tackle trans issues effectively in Queer Nation San Francisco led to the formation of a separate Transgender Nation, though overall the queer milieu proved more supportive than lesbian/gay and feminist milieus had been in the 1970s. The intersex community, which began organising politically with the founding in 1993 of the Intersex Society of North America,75 seems less easy to include under a queer umbrella, largely because intersex people usually have no choice at all about being intersex. Despite its implicit and increasingly explicit opposition to neoliberalism, queer radicalism has also had an ambivalent relationship to the commercial gay scene. It has resisted the assimilationism that it sees the commercial scene as promoting. But a whole series of Queer Nation actions in the 199os focused on invading shopping malls and modifying logos on t-shirts — a tac-tic that risked replacing critiques of consumerism with alternative forms of consumption.76 This contrasted with more frontal rejections of consumerism that were also present in queer direct action groups, like the chant We're here, we're queer, we're not going shopping!' used by ACT UP San Francisco a few years earlier. The sexual radicalism of queer politics has had a complex and contradic-tory relationship to the realities of gender, race and class. Initially, ACT UP reflected the manifest need to respond to AIDS with 'a new kind of alliance politics ...across the dividing lines of race and gender, class and national-ity, citizenship and sexual orientation'.77 Yet queer activism has sometimes obscured rather than highlighted these realities, with an exclusive focus on sex that can erase its intersections with gender, class and race. This erasure can be facilitated by queer politics' slippage from radical anti-separatism to one more form of identity politics, which can rest on 'an unspoken appeal' to a white middle-class model.78 For women in particular, the emphasis on sexual agency that has always been central to queer, while avoiding seeing women exclusively as victims, risks divorcing 'pleasure and sexuality ... from the social structures that organize them'.79 Although the name Queer Nation and its angry separatist spirit were reminiscent of Lesbian Nation, only 20 percent of the original group was lesbian. Its lesbian, working-class and black members began reproaching it early on for being oblivious to their concerns.80 Barbara Smith complained that for Queer Nation 'racism, sexual oppression and economic exploitation [did] not qualify' as queer issues.81 Queer politics in the late 198os and early 1990s largely failed to appeal to alternative scenes and identities rooted among people of colour and women; a number of Queer Nation groups split amid charges of racism and sexism. Nor did the queer contingents and groups that emerged within or joined in the global justice movement, particularly after the 1999 Seattle protests — a promising component of the queer left — succeed to any great extent in linking up with or contributing to shaping alternative queer identities. Clearly there is no straightforward correlation between queer radicalism and working-class politics as such. On the contrary, LGBT working people and particularly non-whites have sometimes reacted against queer radicalism when it demanded visibility of them that would make their lives more difficult in their communities, families or unions. The problem arises when the alternative to assimilation or homonormativity is defined not as organised resistance in forms compatible with long-term survival, but as 'transgression' or 'freedom from norms. This implies the exclusion of those who are 'positioned as not free in the same way'.82 Even when queer anti-capitalists work inside existing queer radical groups, they need to put forward a distinctive approach that challenges the limitations of these groups' politics. Resisting the retreat from class in LGBT activism, queer anti-capitalists should challenge not only heterosexism among straights and gay normality, but also blanket hostility to straights and non-queer-iden-tified gays where it exists among some self-identified queers. When directed against gay men, this hostility risks selectively reproducing traditional homophobic stereotypes of gays as privileged and powerful: images that are seduc-tive in a time of rising homonormativity, but problematic if they do not reflect the ongoing reality of gay oppression. Avoiding all these pitfalls will require seeking new tactics and forms of organising within queer groups.

#### The aff’s rejection of the specific details of political engagement is not radical but continues the prevailing mode of leftist cynicism that eviscerates our ability to construct alternatives to political domination

Burgum ‘15 (Samuel, PhD candidate in Sociology at the University of Warwick and has been conducting research with Occupy London since 2012, “The branding of the left: between spectacle and passivity in an era of cynicism,” *Journal for Cultural Research*, Volume 19, Issue 3)

Rather than the Situationist spectacle, then, I argue that the reason those on the left are rendered post-politically impotent to bring about change is not because we are deceived, but because we enact apathy despite ourselves. In other words, the relationship between the resistive subject and ideology is not one of false consciousness, but one of cynicism: we are not misdirected by shallow spectacles, but instead somehow distracted by our cynical belief that we are being “distracted”. In this section, I begin by outlining the concept of cynicism as it has been theorised by Peter Sloterdijk and Slavoj Žižek. This then leads us to an analysis of the cynical position adopted by Brand’s critics, which I argue actually demonstrates more political problems on the part of the left than those suggested by Brand himself. For Sloterdijk, cynicism is an attitude that emerges right at the centre of the enlightenment project, where, in contrast to a modernist illumination of truth, “a twilight arises, a deep ambivalence” (1987, p. 22). Rather than the promised heightened consciousness of science that would allow us to see the hidden essential truths behind appearances, the very conception of truth as unconcealedness (aletheia)3 instead creates a widespread mistrust and suspicion of every appearance. Subsequently, “a new form of realism bursts forth, a form that is driven by the fear of becoming deceived or overpowered … everything that appears to us could be a deceptive manoeuvre of an overpowering evil enemy” (Sloterdijk, 1987, p. 330). The surface becomes suspect and the subject therefore retreats from all appearances: judging them to be spectacles that are seeking to oppress through falsity. The result is cynicism. Subsequently, this leads Sloterdijk to his well-known paradoxical definition of cynicism as “enlightened false consciousness” which he describes as a “modernized, unhappy consciousness on which enlightenment has laboured both successfully and in vain … it has learned its lessons in enlightenment, but it has not, probably was not able to, put them into practice” (1987, p. 5). In other words, in the search for a higher consciousness behind appearances, the subject is paradoxically “duped” by their very suspicion of being duped. Furthermore, because the subject thinks they “know” that appearances are just a mask, they disbelieve the truth when it does appear. Like the story of the Emperor’s New Clothes, they fancy themselves to know what is right in front of their eyes (that the emperor is nude and vulnerable) yet they choose “not to know” and don’t act upon it (they still act as if the emperor is all-powerful). As such, cynical reason is no longer naïve, but is a paradox of enlightened false consciousness: one knows the falsehood very well, one is well aware of a particular hidden interest hidden behind the ideological universality, but still one does not renounce it. (Žižek, 1989, p. 23) The audience to the parade of power can see that the emperor is not divine – just a fragile human body like the rest of us – yet they cynically choose not to know and objectively retain his aura. They congratulate themselves on “knowing” that Brand is a trivial spectacle, yet they choose to remain apathetic towards his calls for action. As such, the dismissive reaction to Brand reveals a regressive interpassive tendency of the left to subjectively treat ourselves as “enlightened” to authentic politics and yet objectively render ourselves passive. In a kind of defence mechanism, the left believes that it can avoid becoming the dupe of the latest fashion or advertising trend by treating everything as a matter of fashion and advertising, reassuring ourselves as we flip through television channels or browse through the shopping mall that at least we know what’s really going on. (Stanley, 2007, p. 399) The critics disbelieve Brand, distrusting his motives and seeing him as inauthentic, yet they continue to “believe” objectively in their own marginalisation. As such, the cynical left believe they are dismissing shallow spectacle in the direction of a stronger authentic radicalism, yet what their “doing believes” is the maintenance of their apathetic position. More precisely, it maintains the attitudes of left melancholy and anti-populism. The problem of “left melancholy” points towards the forever-delayed search for authenticity on the part of a cynical left that is in mourning. Coined by Walter Benjamin (1998), the concept points towards “the revolutionary who is, finally, attached more to a particular political analysis or ideal – even to the failure of that ideal – than to seizing possibilities for radical change in the present” (Brown, 1999, p. 19). Suffering from a history of defeat and embarrassment, the left persist in a narcissistic identification with failure, fetishising the “good old days” and remaining faithful to lost causes. As Benjamin himself points out, the cynical kernel of this attitude is clear, as “melancholy betrays the world for the sake of knowledge … but in its tenacious self-absorption it embraces dead objects in its consumption in order to redeem them” (1998, p. 157). In other words, the sentiment is a deliberate self-sabotage that takes place even before politics proper has a chance to begin or “the paradox of an intention to mourn that precedes and anticipates the loss of the object” (Žižek, 2001, p. 146). This then leads us to the second problem of leftist cynicism: anti-populism. As a result of melancholia, the left has developed the bad habit of prejudging all instances of popular radical expression (such as Brand’s) as necessarily flawed. However, to return to Dean again, she points out that this aversion to being popular and successful is a defining feature of a contemporary left, who prefer to adopt an “authentic” underdog position in advance than take risks towards political power. As she argues, “we” on the left see “ourselves” as “always morally correct but never politically responsible” (Dean, 2009, p. 6) prepositioned as righteous victims and proud political losers from the outset. What this cynicism towards instances of popular radicalism ultimately means, therefore, is that any concern for authenticity is ultimately a regressive one, a defence mechanism for a left that “as long as it sees itself as defeated victims, can refrain from having to admit is short on ideas” (Dean, 2009, p. 5). Such an attitude means never risking potential failure and residing in the safety of marginal righteousness. It is the contention here, therefore, that both melancholia and anti-populism can be seen in the cynical reaction to Brand’s radicalism. Somewhat ironically, Brand (2013) even recognised these problems himself when he wrote in his *New Statesman* piece that the right seeks converts while the left seeks traitors … this moral superiority that is peculiar to the left is a great impediment towards momentum … for an ideology that is defined by inclusiveness, socialism has become in practice quite exclusive. Automatically, then, the left denounce Brand and self-proclaimed “radical left-wing thinkers and organisers” bitterly complain how he is getting so much attention for the arguments they have been making for years (for example, Park & Nastasia, 2013). The left maintain distance and label Brand trivial, yet such a distance only renders these critiques even more marginal and prevents them from becoming popular, effective or counter-hegemonic. As Žižek has pointed out, the political issue of cynicism is “not that people ‘do not know what they want’ but rather that cynical resignation prevents them from acting upon it, with the result that a weird gap opens up between what people think and how they act”, adding that “today’s post-political silent majority is not stupid, but it is cynical and resigned” (2011, p. 390). In terms of Brand, this blanket cynical melancholy is typical of the left’s distrust of anything popular, rendering them “like the last men” whose “immediate reaction to idealism is mocking cynicism” (Winlow & Hall, 2012, p. 13). Proponents of a radical alternative immediately adopt caution with the effect of forever delaying change, holding out for that real and authentic (unbranded) struggle and therefore denying it indefinitely.

#### The alternative is to theorize through Marxist Materialism – only collective action focused on a unified front can produce a queer anti-capitalism

Drucker 11 [Peter Drucker; “The Fracturing of LGBT Identities under Neoliberal Capitalism”; Historical Materialism 19.4 (2011) 3–32; <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.1000.69&rep=rep1&type=pdf> //BWSWJ]

Recognising the deep roots of the fracturing of same-sex identities necessarily puts in question any universalism that ignores class, gender, sexual, cultural, racial/ethnic and other differences within LGBT communities. These communities and identities are being fractured in large part by fundamental changes in the productive and reproductive order of gendered capitalism. Young queers, working-class and poor LGBTs, transgendered people and other marginalised groups have increasingly found themselves in objectively different situations from people in the consolidating gay mainstream. It is thus no surprise that they have tended to some extent to define distinct identities. The forms taken by alternative, non-homonormative sexual identities do not necessarily win them easy acceptance among feminists or socialists. The lesbian/gay identity that emerged by the 1970s had much to commend it from the broad-Left’s point of view (once the Left had largely overcome its initial homophobia). By contrast, transgendered and other queers can raise the hackles of many on the Left, since their sexuality strikes many as at variance with the mores to be expected and hoped for in an egalitarian, peaceful, rational future. One may doubt, however, whether any sexuality existing under capitalism can serve as a model for sexualities to be forecast or desired under socialism. Nor is it useful to privilege any particular existing form of sexuality in present-day struggles for sexual liberation. Socialists’ aim should not be to replace the traditional ‘hierarchical system of sexual value’85 with a new hierarchy of our own. As Amber Hollibaugh pointed out many years ago, sexual history has first of all to be ‘able to talk realistically about what people are sexually’.86 And in radical struggles over sexuality, as in radical struggles over production, the basic imperative is to welcome and stimulate self-organisation and resistance by people subjected to exploitation, exclusion, marginalisation or oppression, in the forms that oppressed people’s own experience proves to be most effective. This is not to say that Marxists should simply adopt a liberal attitude of unthinking approval of sexual diversity in general, in a spirit of ‘anything goes’. Our central concern must be to advance the sexual liberation of the working class and its allies, who today include straights, LGBs and – particularly among its most oppressed layers – transgendered and other queers. Resisting the retreat from class in LGBT activism and queer studies, Marxists should combat heterosexism and bourgeois hegemony among straights, homonormativity and bourgeois hegemony among LGBs, and blanket hostility to straights and non-queer-identified gays where it exists among self-identified queers. This will require seeking new tactics and forms of organising within LGBT movements. The post-Stonewall lesbian/gay movement waged an effective fight against discrimination and won many victories on the basis of an identity widely shared by those engaged in same-sex erotic or emotional relationships. But this classic lesbian/gay identity has not been the only basis in history for movements for sexual emancipation. In the German homophile-struggle from 1897 to 1933, for example, Magnus Hirschfeld’s Scientific-Humanitarian Committee, the wing of the movement closer to the social-democratic Left, tended to put forward polarised ‘third sex’-theories.87 This is what one might predict on the basis of the evidence that egalitarian gay identities were at first primarily a middle-class phenomenon, while transgender and gender-polarised patterns persisted longer in the working class and among the poor.88 Today in the dependent world as well, transgender identities seem to be more common among the less prosperous and less Westernised.89 Rather than privileging same-sex sexualities more common among the less oppressed, however superficially egalitarian, the Left should be particularly supportive of those same-sex sexualities more common among the most oppressed, however polarised. Another important consideration is the challenge that alternative, nonhomonormative sexualities can sometimes pose to the reification of sexual desire that the categories of lesbian, gay, bisexual and straight embody. Marxists question the fantasy of consumers under neoliberalism that obtaining the ‘right’ commodities will define them as unique individuals and secure their happiness; we should not uncritically accept an ideology that defines individuals and their happiness on the basis of a quest for a partner of the ‘right’ gender.90 How will LGBT communities and movements be structured in a time of increasingly divergent identities? Self-defined queer activist-groups, which emerged initially in the US and Britain in the early 1990s, have also appeared in recent years in a number of countries in continental Europe. They pose a radical challenge to mainstream lesbian/gay organisations, although they have yet to show much of an orientation towards large-scale mobilisation, to take root among the racially and nationally oppressed, or to prove their adaptability to the dependent world.91 In countries where civil rights and same-sex marriage have been won, the process of seeking new horizons and finding appropriate forms of organising seems likely to be a prolonged one – especially since the LGBT social and political landscape seems likely to remain more fragmented and conflict-ridden than it was in the immediate post-Stonewall period. While lesbian/gay identity has lost the central place it occupied in the LGBT world of the 1970s and ’80s, it is still far from marginalised; on the contrary, the new homonormativity shows no signs of succumbing to queer assaults in the foreseeable future. In the dependent world particularly, the diversity of LGBT communities has resulted in an alliance-model of organising as an alternative or a supplement to the model of a single, broad, unified organisation. The broadest possible unity across different identities remains desirable in basic fights against violence, criminalisation and discrimination as well as more ambitious struggles for equality, for example in parenting. On other issues, LGBT rights can be best defended by working and demanding space within broader movements, such as trade-unions, the women’s movement and the global justice movement.92 At the same time, an alliance-model has in some cases facilitated the process of negotiating unity among constituencies – such as transgendered people on the one hand and lesbian/gay people on the other93 – who are unlikely to feel fully included in any one unitary structure. It can constitute a united front between those whose identities fit the basic parameters of the gay-straight divide and those whose identities do not, fostering the development of a truly queer conception of sexuality that, in Gloria Wekker’s words, is ‘multiple, malleable, dynamic, and possessing male and female elements’.94 In a more visionary perspective, developing an inclusive, queer conception of sexuality can be seen as a way to move towards that ‘truly free civilization’ that Herbert Marcuse described a half-century ago in Eros and Civilization, in which ‘all laws are self-given by the individuals’, the values of ‘play and display’ triumph over those of ‘productiveness and performance’, the entire human personality is eroticised, and the ‘instinctual substance’ of ‘the perversions . . . may well express itself in other forms’.95

#### Capitalism is the root cause of heteronormativity and a politics that queers socialism provides the best analytical tools to solve it

Sears 13 [Alan Sears (Sears is the author of, among other works, "Queer in a Lean World" and “Queer Anti-Capitalism: What's Left of Lesbian and Gay Liberation?” and co-author with James Cairns of The Democratic Imagination) interviewed by Andrew Sernatinger & Tessa Echeverria (Andrew Sernatinger and Tessa Echeverria are socialists based in Madison, Wisconsin. This interview was recorded for their podcast, Black Sheep Radio); November 6, 2013; Queering Socialism: An Interview with Alan Sears; New Politics; <http://newpol.org/content/queering-socialism-interview-alan-sears>; //BWSWJ]

TWE: I see that issue all the time where there's a lot of new queer theory coming out, but how do you relate that back to real world experiences and everyday lives in the U.S.? How do your take that language and make it be inclusive not just to people who have those different identities that fall under queer but also for allies and those who want to work together without making it sound like if you don't have our language you can't be my ally. It’s a fine line to walk.

Sears: One of the things that will begin to change that, or solve the puzzle for us, will be when gender and sexual liberation becomes more of a movement again. When there's not a movement, one is less concerned with persuading anybody of anything, so your political terms can become more of a test of whether you have the prerequisites or not than they are terms to move and excite people. It becomes much more of an issue when you're actually trying to build a movement, and building alliances that really do matter.

I firmly believe that we in Canada have more formal rights than in the United States, and these are explicitly lesbian and gay rights: marriage, workplace benefits, and that kind of stuff. A lot of that has to do with the way the union movement in Canada from the early 1980's on really took on lesbian and gay rights. That required a whole lot of alliance building and careful work, so that when the Canadian Union of Postal Workers went on strike in 1981, they fought for both full pay for maternity leave for women and non-discrimination on the basis of sexual orientation in the workplace. That wasn't because it was primarily a queer union. It was because people did the hard alliance work in what was a very radical union, to say, “If we're radical, we need to defend the rights of women, the rights of gays and lesbians, and so on.”

Andrew Sernatinger (AS): That's a good transition because I was going to ask about some of your work where you've written about how gender and sexual identities develop and change in capitalism, and how that has a lot to do with how capitalist work is organized. I was hoping you could run this through because it's a very interesting idea and it's a meeting place of Marxist ideas and queer theory. It strikes me as being really different because there's a mantra that “gay has always existed throughout history,” and now we're arriving at a new place where it can finally just come out. But you're saying something a little more nuanced...

Sears: The idea of the eternal, unchanging “gay” is partly a product of attempting to use human rights legislation—and that part of it makes sense. I think you have to use every tool you can to fight discrimination while building movements to overturn the system. But in doing that the claim became, “it's not a choice at all, we're born this way.” Somehow that should mean we have intrinsic rights, as though if there was any choice at all we'd be outside the realm of intrinsic rights and thus outside of court challenges and so on. But it's a really dubious political distinction: that it's only what you're born with that gives you rights as opposed to choices you make in your life.

It is also a really bad anthropology and a very undynamic view of human sexuality. What we would now call “heterosexuality,” which is only a term that arose in the 1800's, has also changed over time. All kinds of arrangements existed over time, so the idea that at the heart of it was the essential heterosexual or essential homosexual that go unchanged, until finally we've earned the right to express our various sexualities in modern North America, seems to me to be pretty wrong-headed to begin with.

The best works on this, which I first found through John D'Emelio and Barry Adam, basically asked, “What began to change?” since the term “homosexual” was only coined in the 1860's. Why didn't they need a word before? There were certainly same-sex practices. Huge varieties of human societies have had same-sex practices that have taken all kinds of forms. But the “homosexual,” which is kind of the “full-timer,” the dedicated, unvarying same-sex practitioner, only arose as a word in the 1860's, and that's not bashfulness, but it tells us that that full-timers really didn't exist very much up until then.

What made that possible? There were lots of same-sex practices, but the idea that one has a primary orientation towards your own gender or towards another one became possible largely with the rise of capitalism and the separation of work and home life. The relationships in which you keep yourself alive, sustain new life, take care of your emotional needs, wash yourself, rest yourself—those relationships are different in capitalist society for most of us than our working relationship, where we earn the money to make the rest of that possible. Most of us go out to work and then come home. Once that happened, the relationships at home can take a whole bunch of different forms. There is a certain kind of space created for exploration that would not have been possible before.

The basic capitalist structure created new kinds of possibilities. And a range of different people, including Foucault but also Marxists have looked at the rise of sexuality specifically in this context. Foucault looks much less at the capitalist character of it, but they look at that separation of work and home.

Now, from the point of view of governments and state-policy makers, this was a bad thing. In England in the 1840's and 50's, there were all these “Condition of the Working Class” reports, where state officials went into so-called slums and were very worried with what they thought of as amorality among working people. So then you began to get, from the point of view of capitalist states, a whole new direction, which was to ban homosexuality and regulate sexuality and gender behavior through schools and so on. In the 1880's, you get male-homosexuality outlawed in Britain, and in Canada, which was following Britain. Not women's same-sex practices, or lesbianism; it wasn't outlawed basically because Parliament would not admit that women had enough of a sexuality to be sexual with each other. It wasn't a positive measure, but a total denial of women's sexual agency at all. The rise of capitalism created certain possibilities but also, from the point of view of the state, different kinds of constraints.

AS: Thinking about it through the twentieth century and linking it back to today, it seems like one of the major markers that starts to distinguish the gay rights movement, and then the mark between gay and queer, is the Post-War Accord and the change of the family structure. Maybe you could run that through for us?

Sears: What happens with the end of World War II and the development of new social systems is that you began to get the stabilization in new ways of particular family forms within layers of the working class -- though the Post-War Accord didn't include everyone.

That at first was incredibly gender-normative. There was a kind of gender panic after World War II, where large numbers of women had been involved in paid labor. After that there was a period of incredible repression. In Canada, that took the form of a purge of basically anyone who they identified as gay or lesbian from the civil service. The idea was that people who are homosexual are more likely to be black-mailed by the Russians, and thus in a Cold War era are a threat to national security. The Royal Canadian Mounted Police, the police force who did the major security work in Canada like the FBI does in the States, actually tried to invent a “fruit machine” that would identify gay civil servants so they could be fired.

The first impact of the post-war period was an attempt to force a heterosexual normative family form, and to use the increased income, assistance, and social security that working people had won to try and create a very specific model of the family within sections of the working class: disproportionately among white folks. Then, beginning with the women's liberation movement, people began to refuse that—not that there wasn't resistance along the way, but in the 1960's women quite assertively mobilized around these things and began to demand a change in the way this post-war stabilization was affecting the family form. Feminism, the rise of the women's movement, and the beginning of the Black Power movement, began to create models and new ways of thinking so that gays actually began to identify what they were facing as a political oppression, which a very small number of political gays had done before that. Most communities' people just thought that this is the way it is. Then it became politicized by a movement that fought against the dominant normative form that developed after the war.

There's some opening up in the family form, but at the same time not breaking the bounds of capitalism that began to have huge influences on what ultimately got achieved by that movement. It's much more about coupledom than it is about liberation; about couples' rights rather than sexual liberation in any sort of way. The whole movement became so defined by purchasing and lifestyle and so on that capitalism has had its influences on this end as well.

TWE: It's interesting where you ended that because I did want to talk about the commercialization of gay and lesbian identity. During Pride Month, part of me is excited as a queer person to celebrate that, but then I go to events and I see corporation after corporation and the message of “Buy Gay Things” as a way to prove your gay identity. Could you go into how capitalism changed to commodify gay identity while it's still silent on the rights? How can capitalism change to adapt while still exclude the vast majority of gay or queer people?

Sears: In terms of a new low for Pride in Toronto, this year the Executive Director for Pride Toronto, which is one of the three biggest in North America, opened the Toronto Stock Exchange with all kinds of Pride signs, ringing the bell. It really was a sign of where things have come.

I was at a couple of the early Pride Marches in Toronto, and it was scary. It's hard to imagine now what it was like to feel that there's a good chance that you're going to get attacked, people throw things, you are being exposed to a lot of contempt and there's very few of you. It felt pretty daunting at the time. Anything except for a mass march did at the time. So to see the change from these scary little gatherings to this festival with streets lined across the Toronto community is shocking. In a way there's excitement with that: I do think that even though queer bashing continues, and we have to be clear that the violence hasn't gone away and that people are still afraid, there are changes that are important that need to be celebrated.

But the question needs to be asked at some point, why is it that we made gains at a time when in fact most movements seeking change were pushed backward? Affirmative action, abortion rights, and migrants were hugely under attack and being brutalized; unions are being attacked and workers are giving up all kinds of gains; general labor law is going backwards. Why is it that we've made advances? Some of it is because people fought, that does make a difference that people were defiant, and angry, and mobilized. But what we gained, and it's only in retrospect that you see it, is largely what was most compatible with capitalism.

Of all the things we were fighting for, there was the idea of generally opening up gender and sexuality in real ways, so that people would have realms of play, both in the engineering sense and in the creative unalienated activity sense. Instead what happened was that we won the rights that were most compatible: coupledom, where marriage is becoming officially monogamous, certain workplace benefits (which make a huge difference and should be fought for), but also this idea that we mark ourselves by the consumption of very specific commodities. You see that in terms of clothing and hairstyles, going to certain places. That cuts out people with low-income; they can't be visibly queer. Often people of color are excluded because the character of that commercialization has whiteness built into it, often in fairly clear ways. It seems like we've won a lot, and then you realize that what we've won is the relatively easy stuff that fits with this system. In fact, it risks dividing ourselves much more and potentially limits what we can gain.

TWE: Chelsea Manning (at the time referred to as Bradley) was going to be one of the honorary grand marshals at the Pride Parade in San Francisco this year; then they decided to cut Manning from the line-up. I thought that was interesting to show how nervous people are about the Pride Parade's receptions, and the unwillingness to engage with other controversial issues that connect with gay and queer issues, such as military resisters or antiwar movements—keeping those as separate things from “gay rights.”

Sears: Earlier you referred to alliance building. You can build radical alliances for change with other people who are facing deep exclusion and oppression, or you can try to build alliances with essentially elements of the mainstream ruling order, with Democratic or Republican politicians, to try and become an insider. That's a different kind of alliance-building than the kind we were referring to before, but it's unfortunately what the main body of the movement has gone for, insofar as the term movement can even apply. That means you don't want to do anything that would offend corporate bosses, mayors, Democratic politicians, and so on. You end up pushing out anything that's controversial.

To their credit, Toronto Pride hasn't pushed out Queers Against Israeli Apartheid (QAIA) despite the fact that the City Council has threatened to defund Pride if QAIA, opposed to Israeli pink-washing, marches on Pride day. They've marched each time, and Pride has stuck with their right to march and City Hall has backed off. Occasionally some guts are still shown, but overall it's all about showing yourself off to those who you want to see you as allies, who are sadly the most powerful and that means massive compromise.

TWE: Here in the States, there's been a lot of gearing up around marriage equality and getting laws passed state-by-state. I've been to a lot of meetings, like Occupy last year, where people were having a lot of discussions about marriage equality. The issue that always came up was healthcare, and I would go and talk about the need for healthcare for everyone (single-payer), so I really appreciate you pointing out that instead we're winning rights to coupledom. The issue I saw coming out of the AIDS movement was the fight for healthcare and not just for marriage.

Sears: I agree completely. Personally, I believe we should always oppose legal discrimination; therefore I support marriage rights only because it ends the heterosexual monopoly. The other side of it is the cost of focusing explicitly on marriage rights. If it's only about workplace benefits for a limited portion of the population, there are a lot of queers, or just couples, who don't benefit from that because they're working in situations where they don't have benefits. That's true of a lot of the workforce now.

Remember that we are not fighting for couple rights, but universal rights ultimately, rights that should apply to anybody. We're a little bit closer to that in Canada than in the United States because of single-payer health care. Part of what's remarkable in the differences between the two countries is that it was easier for unions in Canada to win same-sex workplace benefits for unmarried gay couple simply because the cost of healthcare in the U.S. means that employers hate adding to the family.

The basic thing is that it's about healthcare, it's not about couples, but it's also about sexual freedom! That means different things to different people. That may mean couples, that may mean having sex with a lot of people; different people have different preferences and needs. If we are talking about sexual liberation, we're talking about the idea that as long as everyone is consenting, people should have the right to do those things. In general, there's shame that exists in this society about sexuality, where people can't even talk to their partners about what they want to do or what they don't want to do. Images of sexuality are everywhere, every billboard, every car ad, and yet in reality people are incredibly silenced about their sexualities, about what they want and need. There's some locker-room bravado that some men have, but that's not really sexuality, it's bragging about conquest.

We've made some gains, but we haven't really achieved some of the most basic things around sexual openness, non-stigma, and choices.

AS: One of the reasons we wanted to do this interview is that we wanted to push-back against some of the guiding wisdom in the socialist movement, which seems very hesitant about queer politics. Now people are against a lot of concepts that came through queer theory: the word queer, notions of privilege, and a lot of the more challenging concepts that are not as clearly delineated in Marxist theory. It seems like there is a kind of tension about sexuality with Marxists, but it's something I hope will change. Maybe you could comment on that, and what your experience has been in this area.

Sears: I recently was reading a book by Sheila Rowbotham about “utopian socialists.” They were people in the 1800's who considered themselves socialists and had great aspirations for what a better world would be like. It's clear that many of them, especially women but also some men, were thinking about sexual politics as part of what we would now call the liberation struggle. Some of them were thinking explicitly around same-sex practices, but a lot of them were thinking about what real sexual freedom would mean.

That strain of utopian socialism gradually got pushed out through the twentieth century by Marxism within the socialist movement. Even though there were some places where Marxism and sexual liberation found new meeting places, overall there was a lot of interpretation of Marxism in terms of economic categories: class, the workplace. You'll find a lot of Marxists to this day who talk obsessively about the power that workers have at the point of production, meaning in the workplace -- it's true that is an important source of power and I'm not trying to deny the power of a general strike. But if our politics only focus on the workplace, it's a place where sexuality is largely excluded.

At the very best, the better end of Marxism has tended to adopt and work out the best ideas liberals have about sexual freedom. Through the twentieth century, certainly in my period as a socialist and queer activist, my view looking back on the record of a socialist-queer movement was that it was largely picking up the best knowledge of the liberal-left of the existing movement and putting out a liberal political practice. I think one of the things that we've learned from the queer movement is that that's not good enough. There are all kinds of people who are left out of that. We need to be on the leading edge of those who are asking the tough questions about who's left out and why, and what do we do about that? How does “gay” work with patterns of racialization—it's not an accident that white folks tend to come out more, it actually has to do with the whole definition of who counts as gay or lesbian and how that works culturally, racially.

Marxism, or socialism in its broad sense, provides tools for thinking about all this. If the separation of work and home is part of the way “gay” begins to exist as a category, what does it tell us about this category? There are all kinds of questions we can look into, like, “Why is the workplace so gender-normative?” “Why do particular kinds of workplaces run around a very explicit kind of masculinity?” It's not simply that “those guys are like that” -- so what are the dynamics of the workplace that operate to create gendered behavior in certain ways and then police it?

If we're talking about liberation, how do we begin to address that part of sexual freedom that is having a place to have sex? That means we should be deeply concerned about homelessness. We should also be concerned about young people who often have no space as they're becoming sexually active and end up having their sexuality in the cracks. As long as we, as socialists, don't think that our tools are exclusive, as long as we're engaging with queer theories, with anti-racist theories, with feminist theories, there's a lot we can do.

This gets to what real freedom looks like. Marx's ideas about alienation and un-alienation, the idea that humans thrive by making our mark on the world, are tools that can be helpful in offering a vision of gender and sexual liberation that begins to ask questions about why the gender system persists, why sexuality occurs only in the cracks; what is it about work that is a rejection of hedonism, work as duty, the squeezing out of the joyful aspects of life. That means challenging the kind of socialism that's often there in organizations: “All work and no play makes socialism a dull boy.” A lot of the focus on the workplace and the economy, as if capitalism exists simply as a set of economic relations and not also as a set of cultural and interpersonal relations, that kind of socialism is heading towards a dead-end. Part of the revitalization, building the next-New Left, will be restoring the excitement: what would revolution really bring about?

TWE: How do you see socialism and queer activism partnering up, and where can those be providing strengths for each other so that we can start to move forward?

Sears: The more that I've thought about this, the more I've come to believe that the best socialist thinking in all areas is hybrid thinking. It's not purely “socialist,” but involves deep engagement with the theories, thoughts, and actions of those involved in struggles and how the world appears to them. “Queering” socialism offers opportunities, not only in the realm of gender and sexual liberation, but also in terms of approaches to work and all areas of life.

In queer theory right now, there's a lot of talk about queers as transgressors: we act up against the dominant set of sexual relations, which is non-queer. But permanent transgression is kind of unsatisfying, and socialism can help us move from transgression to transformation. The goal is to change the whole set of relations to a new realm of freedom, and then we wouldn't even know what queer would look like anymore.

Together, queers, socialists and anti-racists can begin to ask questions about how it is that the idea of “gay” is now being used globally as part of a western imperialist power strategy. How did that happen? What is it about “gay” that is exclusionary? How is it that all kinds of other same-sex practices in the world don't count, or are seen as a lesser-form, a not-yet-out form of sexuality, and a particular kind of self-proclaimed gay and lesbianness that has tended to occur among certain layers of disproportionately white folks in Europe and North America. Socialism provides some of the tools, but not all of them.

What about this joyous, challenging, gutsy liberation movement, that when I first came into politics was just fun: dirty, nasty, celebratory, fun. How do we bring the ethos of that kind of movement into socialism? If we can do that, we'll have a way more potent set of tools, because it won't just be about the dull duty, and not about disapproving of everyone else and their crimes and political deviations, but talking about where we're heading and the incredible celebration of human potential: what we could be, the way we could be living, the stuff you see in every human being that gets crushed out of them. When you get together the queer, the socialist, the anti-racist, then you start to point to what it all could begin to look like

# Case

### Presumption

#### 1. 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.

#### Ballot paradox – either they don’t care about winning and you should vote negative, or they want to win which proves that debate is competitive, and fairness is an impact

#### 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.

#### 2. Framing Issue – there is no reason why any of their offense about spreading awareness intrinsic to debate – BUT there is a risk that by introducing that within debate creates a perverse incentive for violence to continue – so the moment of radicality can happen.

#### 3. The ROB is To Vote for the better debater: anything else is arbitrary and self serving which is a voter for fairness because its impossible to predict

#### Reducing existential risks is the top priority in any coherent moral theory

Plummer 15 (Theron, Philosophy @St. Andrews http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/)

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### Weigh magnitude, futurity is great and probability focus is rooted in social bias

Clarke 08 [Lee, member of a National Academy of Science committee that considered decision-making models, Anschutz Distinguished Scholar at Princeton University, Fellow of AAAS, Professor Sociology (Rutgers), Ph.D. (SUNY), “Possibilistic Thinking: A New Conceptual Tool for Thinking about Extreme Events,” Fall, Social Research 75.3, JSTOR]

In scholarly work, the subfield of disasters is often seen as narrow. One reason for this is that a lot of scholarship on disasters is practically oriented, for obvious reasons, and the social sciences have a deep-seated suspicion of practical work. This is especially true in sociology. Tierney (2007b) has treated this topic at length, so there is no reason to repeat the point here. There is another, somewhat unappreciated reason that work on disaster is seen as narrow, a reason that holds some irony for the main thrust of my argument here: disasters are unusual and the social sciences are generally biased toward phenomena that are frequent. Methods textbooks caution against using case stud- ies as representative of anything, and articles in mainstreams journals that are not based on probability samples must issue similar obligatory caveats. The premise, itself narrow, is that the only way to be certain that we know something about the social world, and the only way to control for subjective influences in data acquisition, is to follow the tenets of probabilistic sampling. This view is a correlate of the central way of defining rational action and rational policy in academic work of all varieties and also in much practical work, which is to say in terms of probabilities. The irony is that probabilistic thinking has its own biases, which, if unacknowledged and uncorrected for, lead to a conceptual neglect of extreme events. This leaves us, as scholars, paying attention to disasters only when they happen and doing that makes the accumulation of good ideas about disaster vulnerable to issue-attention cycles (Birkland, 2007). These conceptual blinders lead to a neglect of disasters as "strategic research sites" (Merton, 1987), which results in learning less about disaster than we could and in missing opportunities to use disaster to learn about society (cf. Sorokin, 1942). We need new conceptual tools because of an upward trend in frequency and severity of disaster since 1970 (Perrow, 2007), and because of a growing intellectual attention to the idea of worst cases (Clarke, 2006b; Clarke, in press). For instance, the chief scientist in charge of studying earthquakes for the US Geological Service, Lucile Jones, has worked on the combination of events that could happen in California that would constitute a "give up scenario": a very long-shaking earthquake in southern California just when the Santa Anna winds are making everything dry and likely to burn. In such conditions, meaningful response to the fires would be impossible and recovery would take an extraordinarily long time. There are other similar pockets of scholarly interest in extreme events, some spurred by September 11 and many catalyzed by Katrina. The consequences of disasters are also becoming more severe, both in terms of lives lost and property damaged. People and their places are becoming more vulnerable. The most important reason that vulnerabilities are increasing is population concentration (Clarke, 2006b). This is a general phenomenon and includes, for example, flying in jumbo jets, working in tall buildings, and attending events in large capacity sports arenas. Considering disasters whose origin is a natural hazard, the specific cause of increased vulnerability is that people are moving to where hazards originate, and most especially to where the water is. In some places, this makes them vulnerable to hurricanes that can create devastating storm surges; in others it makes them vulnerable to earthquakes that can create tsunamis. In any case, the general problem is that people concentrate themselves in dangerous places, so when the hazard comes disasters are intensified. More than one-half of Florida's population lives within 20 miles of the sea. Additionally, Florida's population grows every year, along with increasing development along the coasts. The risk of exposure to a devastating hurricane is obviously high in Florida. No one should be surprised if during the next hurricane season Florida becomes the scene of great tragedy. The demographic pressures and attendant development are wide- spread. People are concentrating along the coasts of the United States, and, like Florida, this puts people at risk of water-related hazards. Or consider the Pacific Rim, the coastline down the west coasts of North and South America, south to Oceania, and then up the eastern coast- line of Asia. There the hazards are particularly threatening. Maps of population concentration around the Pacific Rim should be seen as target maps, because along those shorelines are some of the most active tectonic plates in the world. The 2004 Indonesian earthquake and tsunami, which killed at least 250,000 people, demonstrated the kind of damage that issues from the movement of tectonic plates. (Few in the United States recognize that there is a subduction zone just off the coast of Oregon and Washington that is quite similar to the one in Indonesia.) Additionally, volcanoes reside atop the meeting of tectonic plates; the typhoons that originate in the Pacific Ocean generate furiously fatal winds. Perrow (2007) has generalized the point about concentration, arguing not only that we increase vulnerabilities by increasing the breadth and depth of exposure to hazards but also by concentrating industrial facilities with catastrophic potential. Some of Perrow's most important examples concern chemical production facilities. These are facilities that bring together in a single place multiple stages of production used in the production of toxic substances. Key to Perrow's argument is that there is no technically necessary reason for such concentration, although there may be good economic reasons for it. The general point is that we can expect more disasters, whether their origins are "natural" or "technological." We can also expect more death and destruction from them. I predict we will continue to be poorly prepared to deal with disaster. People around the world were appalled with the incompetence of America's leaders and orga- nizations in the wake of Hurricanes Katrina and Rita. Day after day we watched people suffering unnecessarily. Leaders were slow to grasp the importance of the event. With a few notable exceptions, organi- zations lumbered to a late rescue. Setting aside our moral reaction to the official neglect, perhaps we ought to ask why we should have expected a competent response at all? Are US leaders and organiza- tions particularly attuned to the suffering of people in disasters? Is the political economy of the United States organized so that people, espe- cially poor people, are attended to quickly and effectively in noncri- sis situations? The answers to these questions are obvious. If social systems are not arranged to ensure people's well-being in normal times, there is no good reason to expect them to be so inclined in disastrous times. Still, if we are ever going to be reasonably well prepared to avoid or respond to the next Katrina-like event, we need to identify the barriers to effective thinking about, and effective response to, disas- ters. One of those barriers is that we do not have a set of concepts that would help us think rigorously about out-sized events. The chief toolkit of concepts that we have for thinking about important social events comes from probability theory. There are good reasons for this, as probability theory has obviously served social research well. Still, the toolkit is incomplete when it comes to extreme events, especially when it is used as a base whence to make normative judgments about what people, organizations, and governments should and should not do. As a complement to probabilistic thinking I propose that we need possibilistic thinking. In this paper I explicate the notion of possibilistic thinking. I first discuss the equation of probabilism with rationality in scholarly thought, followed by a section that shows the ubiquity of possibilis- tic thinking in everyday life. Demonstrating the latter will provide an opportunity to explore the limits of the probabilistic approach: that possibilistic thinking is widespread suggests it could be used more rigorously in social research. I will then address the most vexing prob- lem with advancing and employing possibilistic thinking: the prob- lem of infinite imagination. I argue that possibilism can be used with discipline, and that we can be smarter about responding to disasters by doing so.

# Case

Judges vote for false arugments like warming good all the time which prove sno ballot spilloever and people go for condo bad all the time but everyone reads condo

no ballot spillover disporve shtis and we can still have discussions about queer issues proven by the TVA – our model is better because both sides will be prepared enough

use strenght of link – accessibility in a vaccuum is good but reading positions like t-fw doesn’t mean that you can’t debate or access any of the benefits – it just meanst hat you have to have your discussion while being topicla

a) this has no warrant b) winning my model proves that there are altenrative resistance strategies and your model is harmful for debate

If they weigh between narratives it proves that their model is incoherent – you can’t compare between narratives because you can’t verify intent

reading t-fw disproves your interpretation of the resolution and the cap k disporves your method you use to affirm

debate is a place for discussion and generation of clash but this collapses to topicality because we can only have real engagement if we have adequate prep

winning the cpa k or t-fw proves that your model is harmful for the round or for your cause

winning presumption proves no ballot spillover – affs like this one have been read countles times before but violence still exists

we can share narratives, but there is no reason why it needs to b e done within the context of the round

a) their brightline for engaging and responding doesn’t exist b) we’re not saying you can’t discuss queer issues, just that you have to defendt he resolution topically