# King RR R5 Neg vs Claudia Taylor AP

# 1NC

### 1

#### Interp and Violation: The affirmative must only defend that the appropriation of outer space by private entities is unjust and may only garner offense from the hypothetical implementation of the resolution – they don’t

#### Private entity is defined by

Cornell Law n.d. “private entity” <https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=6-USC-625312480-168358316&term_occur=999&term_src=title:6:chapter:6:subchapter:I:section:1501> TG

1. In general Except as otherwise provided in this paragraph, the term “private entity” means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.

#### Outer space is above the Earth’s Karman line – but star wars is fictitious, unlike earth, and therefore cannot be in outer space

World Atlas n.d. “What is the Karman Line?” World Atlas, <https://www.worldatlas.com/articles/what-is-the-karman-line.html> TG

Karman line is the boundary between the Earth's atmosphere and outer space.

Its 100km (62 miles) above sea level

Anything past the Karman line is not subject to control by countries like their airspace

The Karman line is an imaginary line that scientists use to define the border between outer space and the Earth’s [atmosphere](https://www.worldatlas.com/articles/the-layers-of-the-atmosphere.html). The Karman line is at an altitude of approximately 62 miles. It is considered to be the starting point of outer space in various space treaties and also for aerospace record keeping.

#### Vote neg:

#### 1] Fairness – post facto topic adjustment structurally favors the aff by manipulating the balance of prep. They can specialize in 1 area of literature for 4 years which gives them a huge edge over people switching topics every 2 months and locks us into a predictable null set of monolithic criticisms that are susceptible to the perm. Fairness is an impact - a] it’s an intrinsic good – debate is fundamentally a game and some level of competitive equity is necessary to sustain the activity which they’ve ceded validity to by participating, b] probability – individual ballots can’t alter subjectivity even if long term clash over a season can, but they can rectify skews which means the only immediate impact to a ballot is fairness and deciding who wins, c] it internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education

#### 2] Clash – argumentative testing along a stable tether and SSD are good – they force debaters to consider a controversial issue from multiple perspectives through nuanced 3rd and 4th level testing that only occurs alongside a stasis point for preparation. Non-T affs allow individuals to establish their own metrics for what they want to debate leading to ideological dogmatism – our argument is that the process of defending and answering proposals against a well-researched opponent is a benefit of engaging the topic regardless of the truth value of those proposals.

#### 3] TVA – the appropriation of celestial bodies is unjust – it’s a project of eugenics that elevates the non-disabled body as a model subject

Regalado 17 [Antonio Regalado is the senior editor for biomedicine for MIT Technology Review. He looks for stories about how technology is changing medicine and biomedical research. Before joining MIT Technology Review in July 2011, He lived in São Paulo, Brazil, where I wrote about science, technology, and politics in Latin America for Science and other publications. From 2000 to 2009, was the science reporter at the Wall Street Journal and later a foreign correspondent., 4-15-2017, "Engineering the perfect astronaut," MIT Technology Review, https://www.technologyreview.com/2017/04/15/152545/engineering-the-perfect-astronaut/, accessed 12-11-2021] //Lex VM

At the International Astronautical Congress last September, in Guadalajara, Mexico, Elon Musk convinced many die-hard space engineers he could get a fleet of private rockets filled with thousands of people to Mars. Musk’s speech was long on orbits, flight plans, and fuel costs. But it was short on how any of those colonists would survive. In fact, the Mars journey would likely be a dead end. Bathed in radiation and with nothing growing on it, the Red Planet is basically a graveyard. Recently, a few scientists have started to explore whether we might be able to do a little better if we created new types of humans more fit for the travails of space travel. That’s right: genetically modified astronauts. Let’s be clear. No one is trying to grow an astronaut in a bubbling vat somewhere. But some far-out ideas once relegated to science fiction and TED Talks (here and here) have recently started to take concrete form. Experiments have begun to alter human cells in the lab. Can they be made radiation-proof? Can they be rejiggered to produce their own vitamins and amino acids? One person looking at the idea is Christopher Mason, a member of the Department of Physiology and Biophysics at Weill Cornell Medicine. In 2011, Mason came up with what he called a “500-year plan” to get humans off Earth. In it, genetic modification plays a big role. “I think we have to consider it for people that we send to other planets,” he says. “We don’t know if it’s a slight nudge to existing gene expression, or a whole new chromosome, or finally a complete rewriting of the genetic code.” Mason says there’s a decade or two of work left just to find out what effect space travel has on your genes, and which ones might be okay to change and which should be on a “do not disturb” list. His lab participates in NASA’s Twins Study, which is tracking physiological changes to an astronaut who was sent to the International Space Station for a year while his twin brother stayed on Earth. So far, that’s about as close as NASA has gotten to the subject of GM astronauts—one that still hasn’t been broached in any official agency document. Yet Mason says his lab is ready to take an initial step. Space is full of rays and fast-moving particles that damage DNA. So he’s working on radiation-proofing human cells. His students are taking cells and adding extra copies of p53, a gene involved in preventing cancer that’s known as the “protector of the genome.” Elephants have many extra copies of p53 and hardly ever get cancer, so maybe astronauts should have them too. Mason says he recently submitted a proposal to NASA to send the modified cells to the space station. “There is not a genetic engineering astronaut’s consortium or anything, but maybe we should start one,” he says. Gattaca All this has become easier to think about because it has become easier to do. In 2015 we published an article, “Engineering the Perfect Baby,” about the fact that gene editing, especially with a technology called CRISPR, had suddenly made it possible to easily change the genes in a human embryo. For the first time, we faced the real possibility of genetically modified people. Since then, scientists in China and Europe have begun editing embryos to see how it works. Would it be ethical to then actually make a gene-fixed baby? The U.S. National Academy of Sciences this year said yes, heritable genetic changes could be considered to avoid disease, but only in a few situations and under very strict supervision. The organization opined that under certain rare circumstances in which a couple could not otherwise have a healthy child, it would be acceptable to create a GM human being. Mason thinks that space travel will offer a second, very powerful argument in favor of genetically modifying people. “You can’t send someone to another planet without genetically protecting them if you are able to,” he says. “That would also be unethical.” But putting astronauts in the mix might also open the door to “enhancement.” For now, the experts remain dead set against using gene editing to make a child who is smarter or endowed with perfect eyesight. But let’s face it: NASA already “selects” people according to just such criteria, accepting only 14 of 18,300 applicants to its latest class of astronauts. Maybe you have seen the movie Gattaca? Only supermen with topped-off genomes are allowed to travel to Titan, while the genetic losers, called “in-valids,” stare up in envy as the rockets lift off. Like most good science fiction, the 1997 film is not so far from reality. Genetic wish list To think about surviving in space, a term from the science of genetics—“fitness”—will come in handy. It doesn’t mean that you’ve spent an hour on the treadmill at Equinox. In genetics, the fitness of an organism is how well it can thrive and reproduce in a given environment. The fitness of a human in space or on Mars is extremely low. Just picture an astronaut encased in a space suit with the right amount of oxygen, the right amount of nitrogen, and the right temperature. The purpose of that suit is to bring along the environment for which the astronaut’s genes make him or her fit. Some scientists have already prepared a catalogue of genes that might help. A Boston company called Veritas Genetics is offering to sequence anyone’s genome for $999. And one of the things that Veritas will give you is a report on your “space genes.” Do you have the specific variant of EPAS1, common to Tibetans, that lets you get by with less oxygen? How about the natural mutation that results in huge, extra-lean muscles, which might counter atrophy? Another DNA variant is associated with good problem-solving skills and low anxiety. That’s just the sort of temperament that made Matt Damon’s implausible survival heroics possible in The Martian. You’d be unusual if you had any one of these mutations. And the chances are billions to one that you have all of them. That’s why to get them all into one astronaut—the perfect astronaut—we might want to add them, probably before birth, and maybe using a technology like CRISPR. George Church, the big-bearded Harvard University genetics powerhouse and all-in futurist who founded Veritas, circulates a similar list of “rare protective gene variants relevant to an extraterrestrial environment.” Call it a wish list. What other kind of adaptations could we install into our race of astronauts? If you leave some large elephants on an island and come back 10,000 years later, what you’ll find is a bunch of small elephants. They’ll have adapted to the lack of surface area and shortage of food. The phenomenon is called “island dwarfism.” Under the Mars domes, smaller might be better too. There’s probably not that much space, and every pound of provisions NASA takes into Earth orbit costs $10,000. That means the perfect astronaut probably isn’t just twice as strong as the average person but half as big. (Church, who is 6'5", notes that he was once told by NASA not to bother applying because he was too tall.) Prototrophic humans Let’s take the modifications even further, as some scientists say we might need to. If you ate breakfast cereal this morning, you might have looked at the side of the box, where it says things like “Vitamin C—10% Daily Value.” The “essential” nutrients and vitamins listed on the box are so called because the human body can’t make them. Instead, we have to eat organisms that do, like plants, fungi, or bacteria. These organisms are classified as “prototrophs,” meaning they synthesize everything they need from minimal starting ingredients like simple sugars or what’s in the soil. Of course, eating rocks would be a pretty useful skill if you were living on Mars. And would you think I was kidding if I said scientists are looking into it? I am not kidding. In 2016, Harris Wang of Columbia University gave a talk titled “Synthesizing a Prototrophic Human” at a large off-the-record meeting of synthetic biologists organized by Church at Harvard Medical School. It could be pretty interesting for space travel, Wang told the group, if humans could subsist on sugar water. Despite the title of his talk, when I reached Wang by phone he wanted everyone to know he’s not actually synthesizing humans or astronauts and doesn't have plans to. That’s still many, many years away, if ever. “I don’t want it said that I am making green people, and I am not suggesting we do this any time soon. But I am suggesting that if you want to do intergalactic travel, you need to solve the problem of being totally self-sufficient,” he says. “We are putting humans in very extreme conditions, and from that perspective this seems to be one idea for a long-term plan.” Wang says it's not certain if the concept can even work. In his lab, researchers are trying to get human kidney cells to synthesize the nine amino acids our bodies don’t normally make, starting with the simplest one, methionine, manufactured by adding a single gene. If that works, he’ll move on to tryptophan, phenylalanine, and vitamins D, C, and B. Altogether, creating a prototrophic human cell would require around 250 new genes. Creating astronauts able to make their own essential nutrients would obviously be immensely complicated. Yet as complex as it is, it might be less challenging than the alternatives, such as terraforming a planet or bringing along a space ring complete with an atmosphere, plants, and livestock grazing overhead. Wang told me it would also be interesting if space travelers could perform their own photosynthesis, turning light into food. But any human able to do so would hardly be human, he admits. To produce enough energy, a person would need to be as flat as a leaf and about the size of a playground. The ability to alter the DNA of a human embryo has created a global debate over whether it would be right or wrong to genetically modify people here on Earth, to enhance their fitness for this planet. People have strong views. Some say the human species is not a laboratory rat. No to eugenics!! No to GM people!! Others say it might actually work—let’s check it out. I don’t have the solution to this moral question. But I do know we’ll probably have to answer it before we can get off the planet.

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

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

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

#### Legal reforms for people with disabilities are good---the alt is unlimited deference to discriminatory state statutes that lock in the Ks impact – answers campbell because its try or die for engagement

Michael E. Waterstone, Ziemann Fellow and Professor of Law, Associate Dean of Research and Academic Centers, Loyola Law School Los Angeles, “DISABILITY CONSTITUTIONAL LAW,” ‘14 Emory Law Journal 63 Emory L.J. 527

Despite (and perhaps because of) constitutional setbacks, and as result of fierce advocacy and legislative prowess, modern advocates for the disability cause have a **highly effective** **statutory scheme,** which in many ways outpaces that of other groups. Title I of the ADA prohibits discrimination against people with disabilities in employment and provides that employers need to make reasonable accommodations, at their own expense, to facilitate the inclusion of people with disabilities in the workplace. n114 Section 504 of the Rehabilitation Act prohibited discrimination against people with disabilities in programs that received federal financial assistance, n115 and Title II of the ADA effectively extended these provisions to all state and local government programs, services, and activities. n116 Title III of the ADA is an analogue to Title II of the Civil Rights Act of 1964, n117 requiring that privately owned places of public accommodation not discriminate against people with disabilities, which includes making reasonable modifications to facilities and practices when doing so would not constitute an undue burden. n118 The Individuals with Disabilities Education Act gives parents a broad range of procedural and substantive rights with the goals of including students with disabilities in the educational system and getting them appropriate services to facilitate this [\*547] inclusion. n119 The Fair Housing Act, as amended, requires that certain residential dwellings be constructed and designed in an accessible manner. n120 And the Help America Vote Act, amongst other things, requires that each polling place have one polling machine that enables people with disabilities to vote secretly and independently. n121 These statutes go beyond what **any heightened constitutional protection could provide because they extend deep into the private employment and accommodations spheres.** Advocates have the challenging work of making sure these civil rights protections are **enforced** and implemented, which, as I have examined elsewhere, is a monumental task. n122 And the historic disinclination of public enforcement officials to take the lead in many areas of these laws both complicates this task and makes it more pressing. n123 This being the case, and given the disinclination of the current Supreme Court to expand heightened equal protection status to any new groups, is any discussion of disability constitutional law really worth having? In this Part, I suggest why **disability constitutional law should be part of the strategy to advance the rights of people with disabilities.** This position has both a pragmatic and normative basis. Accepting and working within the constitutional framework established by Cleburne ultimately carries costs in the political and legislative arena. The ADA has **already been challenged** as exceeding its constitutional bases, n124 and such attacks will continue and intensify. **Not gaining constitutional ground is** tantamount to losing it, n125 **and will ultimately** undermine the success of anylegislativestrategy. And there are areas where Cleburne still operates to disadvantage categories of people with disabilities - particularly those with mental disabilities - in their interactions with the state. This happens in areas like **family law, commitment proceedings**, the **provision of state benefits** **and** licensing**, and** voting**, amongst other**s. [\*548] Reviewing recent constitutional litigation in both state and federal courts demonstrates that the more contextualized vision of equal protection, which some hoped Cleburne might stand for, is beginning to appear, just not for people with disabilities. More normatively, progressive theorizing about the Constitution **is already happening**, and the disability cause is **diminished** by not being a part of this conversation. Framing rights in constitutional ways carries a certain permanence and gravitas, and engages courts differently in the process of constitutional culture than bringing claims that a particular statutory right has been infringed. A. Doctrinally, Cleburne Still Matters Cleburne still casts a large shadow. n126 States still have laws that are facially discriminatory against people with disabilities, usually on the basis of mental disability. These exist in areas like family law, voting, commitment proceedings, and the provision of benefits. Within family law, some states require consideration of mental disability in determinations of parental fitness or otherwise link mental disability to a termination of parental rights. n127 For example, California has a statute that authorizes the superior court to set aside a decree of adoption within five years of its entry where the adopted child manifests a developmental disability or mental illness as a result of conditions that existed prior to the adoption and of which the adoptive parents had neither knowledge nor notice. n128 A different California statute requires reunification services for parents and children but denies them to mentally disabled parents. n129 Similar statutes exist in other states. n130 States also restrict the right [\*549] of people with mental disabilities to get married. For example, Tennessee law provides that "no [marriage] license shall be issued when it appears that the applicants or either of them is at the time drunk, insane or an imbecile." n131 Kentucky law provides that "any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a ... misdemeanor." n132 Based on laws like this, parents with disabilities face state proceedings to remove children from their care. n133 The National Council on Disability recently issued a report, Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children, concluding that "clearly, the legal system is not protecting the rights of parents with disabilities and their children." n134 [\*550] Some of these statutes have been challenged under the federal Equal Protection Clause. In most instances, courts cite Cleburne for the proposition that people with disabilities are not a protected class, and exercise **almost unlimited deference** to the state's purported justifications as rational. For example, in Adoption of Kay C., plaintiffs challenged California's statute authorizing a court to set aside an adoption for a child with an undisclosed mental disability. n135 After noting that people with disabilities were not entitled to heightened scrutiny under Cleburne, California offered the justification of promoting the state's interest in adoption. n136 In response to the plaintiff's argument that there was no evidence the statute actually functioned to this end, in upholding the statute the court reasoned

#### AT Conquergood (standardization/textuality DA)

#### 1] Some sort of standardization is inevitable – they’ve disclosed, followed speech times, and switched sides all of which are standardized rules of the game. There’s no reason the addition of T is uniquely worse than any of those other and the 1ar didn’t draw any distinction between those norms and T which means any 2ar distinction is new and you should strike it off the flow.

#### 2] They link just as hard – they have forced the neg to negate the aff which limits what we can do and creates a standardized role for us – within that role though, debate is only reciprocal when the aff is constrained

#### 3] Some stasis point is a prereq for discussion

#### Use competing interps – topicality is question of models of debate which they should have to proactively justify and we’ll win reasonability links to our offense.

#### They can’t weigh the case—lack of preround prep means their truth claims are untested which you should presume false—they’re also only winning case because we couldn’t engage with it

#### No impact turns—exclusions are inevitable because we only have 45 minutes so it’s best to draw those exclusions along reciprocal lines to ensure a role for the negative

### 2

#### To cope with the crisis of collapsing modernity, subjects engage in self-actualization that abandons collective faith in norms and institutions in favor of emancipatory performance that necessitates a right-wing politics of exclusion. Their attempt to disrupt a social system or debate creates a safety valve for capitalism’s fundamental contradiction.

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**, or at least of the reality of its possibility and the authenticity of the commitment to its realization. For late-modern individuals who seek to find their elusive identity in ever new acts of consumption, protest movements offer an opportunity to experience themselves as autonomous, as subjects, as actors, as distinct from and opposed to the all-embracing market. Social movements and the more or less institutionalized discourses of radical change thus transmute from germ cells of the alternative society into reserves of alterity, or theme-parks for simulated alterity (Blu¨hdorn, 2005a). This interpretation reflects Luhmann’s suggestion that contemporary discourses of radical change are not so much about the actual implementation of radical social change as about the ‘symbolism of the alternative’. And it nowappears that the societal self-descriptions they generate fulfil a vital function not in so far as they increase the reflexivity of late-modern society but in so far as they are arenas for the experience of simulated subjectivity, duality and modernity. They provide an opportunity to reconcile the cherished but exclusive status quo with the equally cherished but unsustainable belief in the inclusive alternative. Protest movements and discourses of radical change are the implantation of the alternative into the system itself, or the simulated reproduction of alterity fromthe system’s own resources. As the real alternatives to the system are utterly unattractive, disappearing fast, and indeed resisted and annihilated at any price, this internal simulation of alterity is becoming late-modern society’s only remaining way of coping with the threat of self-referentiality.

#### The aff's recourse to trauma in their analysis of ableism as a vehicle for liberation is a form of neoliberal ressentiment which reaffirms the distribution of ablenormativity by obscuring labor alienation.

Shi 18 (Chi Chi – Master of Philosophy in Political Theory from the University of Oxford, “Defining My Own Oppression: Neoliberalism and the Demands of Victimhood,” July 2018, http://www.historicalmaterialism.org/articles/defining-my-own-oppression)

This can be placed in context of Wendy Brown’s critique of the ‘wounded attachments’ of modern subjects. Brown critiques the politics of suffering, using Nietzsche’s concept of ressentiment to argue that people today have lost their desire for freedom and are bound to their oppression. Ressentiment is the ‘triumph of the weak as weak’, a moralising revenge of the powerless that seeks to cast suffering as the measure of social virtue, and strength and privilege as immoral. It is the obverse of the object, reversing the logic of domination but keeping this logic intact. Ressentiment serves a triple function: ‘it produces an affect (rage, righteousness) that overwhelms the hurt; it produces a culprit responsible for the hurt; and it produces a site of revenge to displace the hurt (a place to inflict hurt as the sufferer has been hurt).’[33] The tensions within liberalism are responsible for the desire of politicised identity to foreclose its own freedom. Liberal subjects, situated and produced by power, are denied the understanding of this fact by liberal discourse which pushes the notion of the free, antecedent ‘I’ which precedes socialisation and is free to fashion itself. Thus the liberal subject is doomed to a failure which it seeks to externalise.[34] Brown argues that the prevalence of politicised identities is partly the result of a renaturalisation of capitalism that has come from the demise of a critique of capitalism.[35] Eva Mitchell explains how ‘identity’ can be equated with alienated labour; it is a one-sided expression of our total potential as human beings.[36] In The German Ideology, Marx writes that the distribution of labour shoehorns every person into ‘a particular, exclusive sphere of activity, which is forced upon [them] ~~him~~ and from which [they] ~~he~~ cannot escape’.[37] In consumer capitalism, disciplinary productions fashion and regulate subjects through classifying social behaviours as social positions. To seek liberation on the basis of identity merely reifies and reaffirms this distribution. For Brown, identity politics is partly a manifestation of class resentment, whereby the alienation and injury caused by capitalism becomes depoliticised and displaced onto markers of social difference.[38] Economic and political causes of suffering are expressed in a cultural register. Thus, no matter how sophisticated the understanding of identity, politicising identity is a metaphysical mistake: identity should be the starting-point, rather than the object of forming collectivities. In this conception, we must be liberated from identity. Politicised identity is a reaction to and effect of domination and a self-affirmation which reinscribes powerlessness. Brown argues that the ‘language of recognition becomes the language of unfreedom … articulation in language, in the context of liberal and disciplinary discourse, becomes a vehicle of subordination through individualization, normalization and regulation, even as it strives to produce visibility and acceptance’.[39] Building on this critique, and without discounting the woundedness and suffering that often form the lived embodied effects of oppression, I contend that the contemporary turn to trauma and suffering is both a function of neoliberalism and a reaction to neoliberalism. Neoliberalism has worked to destroy the material basis for collective existence and has relentlessly individualised suffering. By defining identity through psychic suffering, this lack can be marketised through discourses of self-help, resilience and recovery which increasingly commodify the self. It is my contention that politicising identity by associating trauma with identity is an attempt to found a new basis for collectivity. This can be seen in the example of ‘classism’ and the concept of privilege, which indicate a framework in which systemic analysis is reduced to personal affects. These discourses often function through demanding inward reflection upon one’s own positionality within systems of oppression, focusing on individual lived experience. Because the effects of domination are personalised in affective terms, the reification of trauma

#### The alternative is to build class solidarity around a new socialist movement focused on making concrete demands and progress that can transform American society. That vision is necessary to propel movements to challenge Trump, dismantle ableist political formations, and save lives.

Schwartz and Sunkara 17 [August 1, 2017; JOSEPH M. SCHWARTZ (Joseph M. Schwartz is the national vice-chair of the Democratic Socialists of America, and professor of political science at Temple) and BHASKAR SUNKARA (Bhaskar Sunkara is an American political writer, founding editor and publisher of Jacobin magazine and the publisher of Catalyst: A Journal of Theory and Strategy. He is a former vice-chair of the Democratic Socialists of America); “What Should Socialists Do?”; <https://jacobinmag.com/2017/08/socialist-left-democratic-socialists-america-dsa>; //BWSWJ]

The Democratic Socialists of America (DSA) has 25,000 members. Its growth over the past year has been massive — tripling in size — and no doubt a product of the increasing rejection of a bipartisan neoliberal consensus that has visited severe economic insecurity on the vast majority, particularly among young workers. No socialist organization has been this large in decades. The possibilities for transforming American politics are exhilarating. In considering how to make such a transformation happen, we might be tempted to usher those ranks of new socialists into existing vehicles for social change: community organizations, trade unions, or electoral campaigns — organizations more likely to win immediate victories for the workers that are at the center of our vision. Why not put our energy and hone our skills where they seem to be needed the most? Workers’ needs are incredibly urgent; shouldn’t we drop everything and join in these existing struggles right now? While it’s crucial to be deeply involved in such struggles as socialists, we also have something unique to offer the working class, harnessing a logic that supports but is different from the one that organizers for those existing vehicles operate under. Here’s a sketch of a practical approach rooted in that vision that can win support for democratic social change in the short run and a majority for socialist transformation in the long run. Fighting for “Non-Reformist Reforms” For socialists, theory and practice must be joined at the hip. Socialists work for reforms that weaken the power of capital and enhance the power of working people, with the aim of winning further demands — what André Gorz called “non-reformist reforms.” We want to move towards a complete break with the capitalist system. Socialists, unlike single-issue activists, know that democratic victories must be followed by more democratic victories, or they will be rolled back. Single-payer health care is a classic example of a “non-reformist” reform, one that would pry our health system free from capital’s iron grip and empower the working class by nationalizing the private health insurance industry. But socialists conceive of this struggle differently than single-issue advocates of Medicare for All. Socialists understand that single payer alone cannot deal with the cost spiral driven by for-profit hospital and pharmaceutical companies. If we do achieve a national (or state-level) single-payer system, the fight wouldn’t be over; socialists would then fight for nationalization of the pharmaceutical industry. A truly socialized health care system (as in Britain and Sweden) would nationalize hospitals and clinics staffed by well-paid, unionized health care workers. Socialists can and should be at the forefront of fights like this today. To do so, we must gain the skills needed to define who holds power in a given sector and how to organize those who have a stake in taking it away from them. But we can’t simply be the best activists in mass struggles. Single-issue groups too often attack a few particularly bad corporate actors without also arguing that a given crisis cannot be solved without curtailing capitalist power. Socialists not only have to be the most competent organizers in struggle, but they have to offer an analysis that reveals the systemic roots of a particular crisis and offer reforms that challenge the logic of capitalism. Building a Majority As socialists, our analysis of capitalism leads us to not just a moral and ethical critique of the system, but to seeing workers as the central agents of winning change. This isn’t a random fetishizing of workers — it’s based on their structural position in the economy. Workers have the ability to disrupt production and exchange, and they have an interest in banding together and articulating collective demands. This makes them the key agents of change under capitalism. This view can be caricatured as ignoring struggles for racial justice, immigrant rights, reproductive freedom, and more. But nothing could be further from the truth. The working class is majority women and disproportionately brown and black and immigrant; fighting for the working class means fighting on precisely these issues, as well as for the rights of children, the elderly, and all those who cannot participate in the paid labor market. Socialists must also fight on the ideological front. We must combat the dominant ideology of market individualism with a compelling vision of democracy and freedom, and show how only in a society characterized by democratic decision-making and universal political, civil, and social rights can individuals truly flourish. If socialist activists cannot articulate an attractive vision of socialist freedom, we will not be able to overcome popular suspicion that socialism would be a drab, pseudo-egalitarian, authoritarian society. Thus we must model in our own socialist organizations the democratic debate, peaceful conflict, and social solidarity that would characterize a socialist world. A democratic socialist organization that doesn’t have a rich and accessible internal educational life will not develop an activist core who can be public tribunes for socialism. Activists don’t stay committed to building a socialist organization unless they can articulate to themselves and others why even a reformed capitalism remains a flawed, undemocratic society. The Power of a Minority But socialists must also be front and center in struggles to win the short-term victories that empower people and lead them to demand more. Socialists today are a minority building and pushing forward a potential, progressive anti-corporate majority. We have no illusions that the dominant wing of the Democrats are our friends. Of course, most levels of government are now run by Republicans well to the right of them. But taking on neoliberal Democrats must be part of a strategy to defeat the far right. Take the Democrats, who are showing what woeful supposed leaders of “the resistance” they are every day. Contrary to the party leadership’s single-note insistence, the Russians did not steal the election for Trump; rather, a tepid Democratic candidate who ran on expertise and competence lost because her corporate ties precluded her articulation of a program that would aid the working class — a $15 minimum wage, Medicare for All, free public higher education. Clinton failed to gain enough working-class votes of all races to win the key states in the former industrial heartland; she ended up losing to the most disliked, buffoonish presidential candidate in history. If we remain enthralled to Democratic politics-as-usual, we’re going to continue being stuck with cretins like Donald Trump. Of course, progressive and socialist candidates who openly reject the neoliberal mainstream Democratic agenda may choose for pragmatic reasons to use the Democratic Party ballot line in partisan races. But whatever ballot line the movement chooses to use, we must always be working to increase the independent power of labor and the Left. Sanders provides an example: it’s hard to imagine him offering a radical opening to using the “s” word in American politics for his openly independent campaign if he had run on an independent line. Bernie also showed the strength of socialists using coalition politics to build a short-term progressive majority and to win people over to a social-democratic program and, sometimes, to socialism. Sanders gained the support of six major unions; if we had real social movement unionism in this country, he would have carried the banner of the entire organized working-class movement. Bernie’s weaker performance than Clinton among voters of color — though not among millennials of color — derived mostly from his being a less known commodity. But it also demonstrated that socialists need deeper social roots among older women and communities of color. That means developing the organizing strategies that will better implant us in the labor movement and working-class communities, as well as struggles for racial justice and gender and sexual emancipation. Socialists have the incumbent obligation to broaden out the post-Sanders, anti-corporate trend in US politics into a working-class “rainbow coalition.” We must also fight our government’s imperialist foreign policy and push to massively cut wasteful “defense” spending. We should be involved in multiracial coalitions, fighting for reforms like equitable public education and affordable housing. Democratic socialists can be the glue that brings together disparate social movement that share an interest in democratizing corporate power. We can see the class relations that pervade society and how they offer common avenues of struggle. But at 25,000 members, we can’t substitute ourselves for the broader currents needed to break the power of both far-right nativist Republicans and pro-corporate neoliberal Democrats. We have to work together with broader movements that may not be anti-capitalist but remain committed to reforms. These movements have the potential to win material improvements for workers’ lives. If we stay isolated from them, we will slide into sectarian irrelevance. Of course, socialists should endeavor to build their own organizational strength and to operate as an independent political force. We cannot mute our criticism against business unionist trends in the labor movement and the middle-class professional leadership of many advocacy groups. But in the here and now, we must also help win those victories that will empower workers to conceive of more radical democratic gains. Our members are disproportionately highly educated, young, male, and white. To win victories, we must pursue a strategy and orientation that makes us more representative of the working class. Grasping the Moment In the final analysis, socialists must be both tribunes for socialism and the best organizers. That’s how the Communist Party grew rapidly from 1935-1939. They set themselves up as the left wing of the CIO and of the New Deal coalition, and grew from twenty thousand to one hundred thousand members during that period. The Socialist Party, on the other hand, condemned the New Deal as “a restoration of capitalism.” In saying so they were partly right: the New Deal was in part about saving capitalism from itself. But such a stance was also profoundly wrong in that it distanced the Socialist Party from popular struggles from below, including those for workers’ rights and racial equality that forced capital to make important concessions. This rejection was rooted in a concern that those struggles were “reformist”; it led the SP to fall from twenty thousand members in 1935 to three thousand in 1939. Of course, there are also negative lessons to be learned from the Communist growth during the Popular Front period. They hid their socialist identity in an attempt to appeal to the broadest swath of Americans possible. When forced to reveal it, they referred to an authoritarian Soviet Union as their model. And by following Moscow’s line on the Hitler-Stalin Pact and then the no-strike pledge during World War II, the party abandoned the most militant sectors of the working class. Thus, the Communists put themselves in a position that prevented them from ever winning hegemony within the US working-class movement from liberal forces. Still, the Popular Front was the last time socialism had any mass presence in the United States — in part because, in its own way, the Communists rooted their struggles for democracy within US political culture while trying to build a truly multiracial working-class movement. The road to DSA becoming a real working-class organization runs through us becoming the openly socialist wing of a mass movement opposed to a bipartisan neoliberal consensus. If we only become better organizers, with more practical skills in door-knocking and phone-banking and one-on-one conversations, we will likely see the defection of many of our most skilled organizers who will take those skills and get jobs doing “mass work” in reformist organizations. Such a defection bedeviled DSA in the 1980s, leading to a “donut” phenomenon — thousands of members embedded in mass movements, but few building the center of DSA as an organization. We must avoid this. Simultaneously, if we don’t relate politically to social forces bigger than our own, DSA could devolve into merely a large socialist sect or subculture. The choice to adopt a strategy that would move us towards becoming a mass socialist organization with working-class roots is ours. This is the most promising moment for the socialist left in decades. If we take advantage of it, we can make our own history.

#### Capitalism is the best explanation for the production of disability on a daily basis. The aff’s method cannot address the material consequences of trans-national capitalism.

Nirmala EREVELLES 14. Professor of Social and Cultural Studies in Education, University of Alabama. “Thinking with Disability Studies.” *Disability Studies Quarterly* 34(2). <http://dsq-sds.org/article/view/4248/3587>.

As I pause in the writing of this essay and pay attention to the larger world that extends both within and beyond the boundaries of the United States of America, I am confronted by the unrelenting production of disability on a daily basis. The historical legacy of the actual act of colonizing an inhabited continent, slavery, indentured labor, Jim Crow laws and the involuntary commitment of indigenous people to boarding schools and reservations has produced physical and mental trauma that has persisted over multiple generations (Spillers, 1982; Smith, 2005; Erevelles, 2011). In contemporary contexts similar practices prevail. In public schools all over the U.S., low income students of color (most notably males), are indiscriminately labeled behaviorally disabled, language disabled, mildly mentally retarded, and emotionally disturbed and are then confined to segregated special education classrooms/alternative schools; often medicated; and punished more harshly than their white counterparts (Artiles et al, 2010) In some inner-city schools, entire classrooms of students (sometimes entire schools) labeled cognitively and behaviorally disabled are quite literally ushered via the school-to-prison pipeline to a lifetime of involuntary institutionalization in the prison industrial complex (Erevelles, in press). Undocumented workers cross the U.S./Mexico border dodging vigilantes, enduring dehydration and other heat-related diseases, and risking rape and sexual molestation to end up as laborers in fruit and vegetable farms, cattle ranches, chicken factories, and formal/informal service work for the lowest wages, unsafe working conditions, and little to no medical care. Toxic industrial and nuclear waste is dumped in rivers and/or buried underground in landfills in low-income rural areas where local residents acquire illnesses and disabilities that persist intergenerationally. Lack of access to affordable healthy food in inner-city neighborhoods, high employment, run-down housing, high crime rates, and inadequate care has access to medical also led to the proliferation of preventable illnesses that result in disabilities. And lest we forget, the everyday indignities of racial profiling, bullying, job discrimination, police brutality, homophobia in the school and in the workplace, domestic violence, and sexual abuse, among so many others also contribute to mental and physical health conditions that can bring one into the disability community. Colonial occupation and its more contemporary manifestation of neocolonialism have also resulted in the proliferation of disability. The material conditions of colonial rule supported a violent police state to subdue its colonial subjects who rebelled against the oppressive conditions within which they lived. Even after colonial rule was overthrown, interventions by the former colonists in the internal affairs of the new postcolonial states continued to produce disability using the excuse of stemming the tide of communism to orchestrate assassinations, coups, and civil unrest (Erevelles, 2011). Additionally, the now well-established transnational capitalist exploitative machine has enabled capital to flow freely across international borders while at the same time ensuring that labor be confined within the nation states themselves, maintained as a cheap and docile force in obeisance to the dictates of the World Bank and the International Monetary Fund. Many of their mandated economic policies have required the dismantling of the already skeletal economic safety nets in these nation states resulting in large shortages of food, inadequate access to health care, and deplorable living conditions that have continued the proliferation of disability. Global investment in the so-called 'Third World' has resulted in the relocation of multi-national factories from the neo-imperialist north where "third world" laborers in the global south work under sweat shop conditions to produce cheap and affordable goods for consumption by world markets. Just recently, a garment factory burned down in Bangladesh and while the newspaper reporters rushed to count the dead, very little was said about the under-paid women laborers who have undergone amputations, suffered burns, and who are working through post-traumatic stress. As if this kind of human exploitation is not enough, on a regular basis, the United States military deploys drones in Afghanistan and Pakistan that kill and injure civilian populations, the continuation of the U.S. dubbed "War on Terror" initiated via Operation Iraqi Freedom in March 2003 that has generated its own class of casualties of war (dead as well as disabled) that even today have resisted accurate calculation. This incomplete litany of the global proliferation of disability tentatively signals high noon in disability theorizing. I now sit uneasily amidst questions that lead to seemingly conflicting impasses. What does it mean to come to terms with the transgressive vagaries of queer/crip identity as assemblage—precarious/partial/body-without-organs/liminal/ affective/ molecular—within political economic contexts imbricated in colonial/neocolonial practices of unrelenting social, economic, and militarized violence? Can "lines of flight" (Deleuze & Guattari, 1987) intent on discombobulating the dreary stolidness of the normative subject serve as an effective means of deterritorializing subjectivity from its political-economic constraints? More importantly, what are the political implications of such discursive maneuvers in articulating the shifting bonds of queer/crip communities in global space? What happens if these bonds timidly marshaling transitory notions of community are animated by unequal relations of production and consumption in aid of transnational capitalist accumulation? How do such "toxic animacies" (Chen, 2011) complicate utopian notions of community where the enablement of some bodies is based on the oppressive dis-enablement of other bodies separated and yet connected by the material social relations of transnational capitalism? And most significantly, how would a disability-affirming queer/crip politic (McRuer, 2006; Stevens, 2011; Kafer, 2013) engage the material violence enacted in "becoming disabled?" In the late afternoon, I watch as a passing shower forces the burning concrete to release a steamy haze and feel the torpid air ready to explode into a strangling humidity. This torpor is at odds with my own apprehension. Is my own work of theorizing disability as a historical materialist construct actually dangerous to a critical disability studies? How does the disability community engage with this rapid (almost incessant) proliferation of disability? Is it impossible to desire disability in these contexts? What are the ethical implications of preventing this proliferation of disability? What does it mean to say "no more disability" for those "becoming" disabled via violence and then compelled to live in deplorable social conditions? And what do these negations mean for disabled people who have struggled valiantly to convince the world at large that living with a disability "is an ingenious way to live" (Marcus, 1993) only to be told, "Enough!"? How does the disability community build alliances with those groups (located at the complex intersections of race, gender, and queer politics) who have historically tried to shake off the "stigma" of ableist notions of disability that have been used to justify their continued marginalization in capitalist economies? As a result, what allegiances do disabled people located at these crossroads of shifting identities have with a largely white middle/upper class disability rights movement in the Global North? When do our passions cohere in our collective struggle against oppressive practices that ultimately discount many of us in terms of our unique as well as collective humanity? And when does the complicated intertwining of our disparate yet collective histories become so frustratingly dense and depressing that we shrug off these material bonds impatiently to theorize in discursive spaces that celebrate (queer/crip) "desire" unmediated by the social?

#### No reverse root cause – ev ab why disability causes extra violence against models like the welfare state – our arg is the reason that violence occurs is bc of mindsets of productivi

## Case

#### The role of the ballot is to determine if the aff’s a good idea—anything else is self-serving, arbitrary and begs the question of the rest of the debate – their justification boils down to “ableism is bad and baked into society therefore it is the only relevant question

#### Neg on presumption:

#### A – Systems – the 1AC argues that material events and institutions create the social realities that replicate violence but ceding the state refuses to alter these conditions

#### B – Spillover – the aff assumes that its advocacy of a certain affect is sufficient to result in the liberation of the flesh BUT they are missing a robust internal link to solving oppression inside OR outside the round

#### C – Academia – the 1AC is a regurgitation of knowledge that already exists within academia which proves they aren’t a departure from the status quo and voting aff is not intrinsic to affirming

#### D – Competition – debate is not the forum for individual change or revolutionary movements – its competitive nature swallows aff movements since teams ally themselves with people who vote for them and read their arguments, but alienate those who are forced to debate them – this proves their model forwards exclusion and their movements fail due to creating allies based on competition rather than those who genuinely support your project

#### Can’t solve the advantage – all midrim and core worlds without hyperspace technology were colonized by 10,000 BBY – if the 2 species they isolated don’t invade certain planets, another will

#### Turns the advantage – the alternative to species specific colonization is the colonization conducted by the pre-Republic and the Jedi-order which sanitizes imperialism through the lens of ethical governance

#### Root cause is silly – violence before the medical model and the fact that even if disability if one way of seeing others as lesser doesn’t mean it’s the only way proves

#### The aff does not make a metaphysical claim that proves social progress is impossible through conventional futurism – the affective value of people and objects might determine how we see others when we encounter them, but they haven’t won that the affective value of the disabled body is static – the fact that the modes through which disability is viewed has changed (religious model to a medical model and gradually to a social model) proves this.

#### Affect arguments rely on flawed neuroscientific models that assume we are irrelevant to our own decisions and thoughts

Barnett, Faculty of Social Sciences – The Open University (UK), ‘8 (Clive, “Political affects in public space: normative blind-spots in non-representational ontologies,” Transactions of the Institute of British Geographers Vol. 33, Issue 2, p. 186–200)

Connolly's account of micropolitics presents a tightly mediated view of the relationship between formal politics and a diffuse set of cultural practices. This tendency has been heightened in Connolly's most recent work on neuropolitics. Connolly's (2002b) neuropolitics of affect relies on a selective reading of the literature on neuroscience by writers such as Varela (1999) and Damasio (2000).1 Connolly derives an ontological principle from this scientific field, which is understood to reveal ‘how much of perception and judgment is prior to consciousness’ (Connolly 2005b, 73). Connolly interprets this scientific field as providing a causal model of the emergent relationship between micropolitical interventions and macropolitical outcomes. In so doing, he supposes that certain philosophical problems can be cleared up if and when ‘science’ develops the proper understanding of the human brain (cf. Rée 2004; Descombes 2001). One gets little sense from Connolly's account that neuroscience is a contested field, nor much acknowledgement that the implications of this field for political theory and moral philosophy are far from cut-and-dried (e.g. Bennett et al. 2007; Churchland 2006; Habermas 2007; Rorty 2004; Searle 2006). Developing a political diagnosis of the present conjuncture on the basis of an ontologised interpretation of neuroscience is associated with the reduction of ‘the media’ to a mere medium, understood as a means to an end that can supposedly be grasped independently of the specificities of the medium as such. In Connolly's (2002b) recent account of neuropolitics, micropolitics is quite literally big-P Politics writ small. It is the means through which the agendas of ‘Political politics’ become inscribed in the recesses of the sub-cortical zones of the brain: Micropolitics in and around the dinner table, the church, the movie theater, the union hall, the TV sitcom and talk show, the film, the classroom, and the local meeting set the table for macro-policy initiatives in these domains by rendering large segments of the public receptive or unreceptive to them. (Connolly 2002a, 3) On Connolly's account, the paradigmatic mediums for this micropolitical priming of receptive subjects are the techniques of cinematic representation and the dark arts of political campaign advertising on television. Classical media-effects research is often criticised for assuming a hypodermic model of media power, ascribing to ‘the media’ the ability to inject their preferred messages into the minds of their audiences. Connolly goes one better than this: his account of media-affects is meant almost literally as a hypodermic model of influence, with media technologies ascribed remarkable determinative power in infusing affective dispositions under the skin of their audiences. Connolly's account of the politics of affect relies on a very specific ontology of Film. Film serves as his paradigm of cultural practice in general, for understanding how artistry and technique are configured in a world of omnipotent and ubiquitous screens to organise perception and consolidate habits. By translating neuroscience into an ontology of political affects via a specific style of Film analysis, Connolly constructs a conceptual-methodological mechanism of affective interpellation. Echoing another classical problem of media research, this allows the critic to substitute their own analysis of the imputed effects/affects of Film or campaign advertisements for any substantive analysis of the practices in which these sound-images are embedded. Connolly's reading of Film adopts a Deleuzian methodology, focusing primarily on ‘technique’ rather than ‘symbolic interpretation’ to explain the relationship between politics and film (Connolly 2002a). Interpretative approaches to visual media always generate the conceptual and methodological problem of how and whether image–sound assemblages actually affect audiences in the ways intended. Connolly's combination of Deleuzian Film theory and neuroscience generates no such problem, precisely because the extra-disciplinary appeal to science seems to provide a cast-iron account of how ‘the media’ engineer outcomes by circumventing interpretative layers of action completely. The same move is evident in Thrift's media ontology, which presents affect as working through a generalised power of automatism: ‘the body is the medium for the transmission of force but without any conscious volition’ (2007, 241). This understanding of affect working to make various dispositions automatic allows Thrift to imply that empirical evidence showing that the subjects of mediascapes are not completely credulous actually confirms that, in fact, at a deeper level they are. After all, the effectiveness of affective technologies lies in instilling the feeling that subjects are agents of free will and volition by implanting this feeling in ‘a substrate of the will which is not conscious’ (2007, 246). In Connolly's theory of affective media spaces, a claim about the ontological layering of affect beneath consciousness is combined with a claim about priority to present media practices as highly influential mediums for the micropolitical priming of political agency. Connolly uses the example of the persistent charge levelled against John Kerry in the 2004 US Presidential election, that he was prone to ‘flip-flops’ on key issues, to claim that media affects are the key technologies mediating between the micro and macro levels of contemporary politics. The flip-flop charge was, Connolly suggests, ‘planted’ in the minds of the electorate early on in the 2004 campaign, during the Primary season, before Kerry was installed as the Democratic candidate and before people were explicitly ‘tuned in’ to the Presidential campaign: They were distracted, thus primed to receive subliminal messages. It was renewed later, after being installed in the lower psyches of many voters as a fact as if they had discerned it themselves. (Connolly 2005b, 9) Connolly initially invokes a straightforwardly chronological sense of temporal order: a theme ‘planted’ at some earlier date is ‘renewed’ at a subsequent one. This chronological ordering is then collapsed into a stronger claim about the priority of layered embodied-affective dispositions over explicit representational reasoning in generating calculable electoral outcomes. His claim is that the pinning of the ‘flip-flop’ charge to Kerry helps us ‘to discern how media presentations do much of their work below the level of explicit attention’ (Connolly 2005c, 880). Here, in contrast to the chronological ordering identified above, the order of priority being claimed refers to a distinction between explicit and implicit attention. Connolly is careful to say that media do not simply manipulate people's feelings. But the force of this disavowal is somewhat undermined by his clarification that the media do predispose people to accept certain messages (2005c, 880). It remains unclear whether the point of the analysis of neurologically mediated micropolitics is to claim that affective technologies are good at mobilising people to act in ways they are already predisposed toward, or at actually shaping those predispositions in the first place and then mobilising them at election time. Connolly's discussion of the low-down-and-dirty campaigning against Kerry is meant to illustrate the affective effectiveness of election campaign advertising. The implication is that the flip-flop charge put people off voting for Kerry, but this claim is not empirically substantiated in his analysis. There are good reasons to doubt whether the analysis of Film can bear the diagnostic weight ascribed to it in Connolly's political ontology of media affects. The idea that the analysis of Film discloses invariant features of technique shared by other visual media overlooks the quite distinctive ontological features that differentiate film from, for example, television (see Cavell 1982). Connolly shows little concern for the practices in which the image–sound assemblages of film or television spots are enacted. The determinative power ascribed to Film technique in shaping visceral dispositions depends on making a great deal out of the observation that Film plays to ‘captive audiences in darkened rooms’ (Connolly 2002a, 25). Connolly's account of affected individuals being predisposed to favour particular political slates over others presents these individuals as essentially isolated monads, watching TV or films in silence, glued to the screen. Conflating different mediums, Connolly claims that the TV and film viewer is immobilized before a moving image and sound track, while the everyday perceiver is either mobile or one step removed from mobility. The position of immobility amplifies the affective intensities received. (2005c, 880) This emphasis on the immobility of the viewer underplays the degree to which, in contrast to the clear emplacement of film viewers in front of projected film images, the phenomenology of electronic media like television redistributes the subject of television into the distanciated spaces of mediation itself (Weber 1996). The distinctive ontology of television means that, in this medium, it is ‘the powerful’ who are obliged to attune themselves to the affective modalities of presentation inherent in the phenomenology of these spaces, or risk suffering the consequences (Berlant 2005b; Scannell 1995). Like Thrift's spatial politics of affect, Connolly's critical account of the neuropolitics of affect presents ‘the media’ as an instrumental medium for doing groundwork on the political dispositions of massified subjects. These dispositions are subsequently re-energised for macropolitical mobilisation. This argument is attached to a neuro-ontology centred on a rhetorical construction of the pre-cognitive visceral priming of subjects’ feelings and emotions. The combination of appeals to scientific authority and ontological claims of layering and priority reduces the question of ‘the political’ to a consideration of the ways in which various technologies enable monadic preceptors to be assembled into blocks of more or less willing, more or less recalcitrant voters or consumers.

#### Affect isn’t a basis for politics

Sherwin, 15—New York Law School (Richard, “Too Late for Thinking: The Curious Quest for Emancipatory Potential in Meaningless Affect and Some Jurisprudential Implications”, Law, Culture and the Humanities 1–13, October 13, 2015, dml)

In the history of western culture we can point to three historic moments of epistemological de-centering. The Copernican revolution taught humanity that we do not dwell at the center of the universe. The Freudian revolution taught us that the ‘‘I’’ is a lonely island besieged on all sides by a raging sea of irrational, unconscious forces. Then quantum theory taught us that the universe is indeterminate: subject to uncanny chance operations. Affect theory, perhaps as an extension of the Darwinian evolutionary account of selective adaptation, **humbles rationalist pretensions** further by subordinating mind to material, bio-chemical processes. If thinking is always an after-thought, an after-the-fact construction, then we **can never reliably account** for how we’ve **actually been affected** by things and others in the world around us.

How oppressive never to escape the grip of contingent social constructs. How depressing, if endless deconstruction yields only more fragmentation. Surely something must abide, some Higgs Boson-like elementary particle that can withstand deconstruction’s powerful blows. Is there anything real enough to withstand critique? Is there any basis left to hope for emancipation from the destabilizing mutability of human fabrication? In Brian Massumi’s view, there is. As he puts it: “The world always already offers degrees of freedom ready for amplification.”22 This takes us to the heart of the vitalist/ liberation impulse, namely: “escape from crystallized power structures.”23

In Massumi’s writings, affect operates as **a cipher** – a black box into which he can pack his emancipatory ideal.24 (“‘Affect’ is the word I use for ‘hope.’”25) What Massumi does not and perhaps cannot, or simply does not care to do is fst ormulate **a coherent basis for political judgment**. While he at some points expresses a preference for “caring” and “belonging,”26 he offers **no basis** in affect theory for why those forms of behavior are preferable to other **perhaps more intense alternatives**, such as “anger” and “shock,” which he also embraces.27 But **choices must be made**. As Martha Nussbaum has noted, a society that cultivates conditions of anger and disgust, for example, is different from one that promotes empathy, dignity, and love.28

Massumi is enamored of the anti-structural,29 the spontaneous emergent process that Deleuze called “pure immanence.” But with affective intensity as his ultimate value30 Massumi remains **trapped in a double bind**. No critical judgment is forthcoming **so long as intensity may be amplified**.31 Because of this Massumi **cannot coherently critique manifestly oppressive political structures** (such as futurism, Nazism, and other intensity-fueled political regimes). How could he if the masses have opted to embrace such regimes **for the intensity they provide**?

Massumi’s resistance to making judgments is consistent with his theory, which minimizes to the vanishing point the human capacity for choice. For Massumi, the very notions of ‘‘individual will’’ and ‘‘subjective reflection’’ are a fiction. (“There is no individual outside its own trans-individual becoming.”32) Body is always conditioning mind – presumably without our conscious awareness. In the end, “events decide.”33 **What could human freedom mean under such conditions**?

The upshot is plain: in Massumi’s politics of affect, human freedom **loses its capacity to signify**. Choices are a fiction, and in any event no apparent normative basis exists for **affirming**, much less **institutionalizing** a preferred set of power structures. Affective intensity **lacks structure by definition**. Indeed, that is its appeal. (“Intensity is a value in itself.”34) But as Anthony Kronman has eloquently argued, without **coherent structures**, the **legal**, **political**, and **cultural conditions** necessary for the **meaningful exercise of freedom** (including **political judgment**) are **unlikely to emerge** – and if they do, they are **unlikely to be sustainable**.35 The latter point is borne out by the very political events that Massumi identifies as exemplary of his theory. If the “Arab Spring” and the “Occupy Movement”36 illustrate anything it is the **effervescence** of political action based on **spontaneous intensity**. In the absence of **adequate political structures**, this kind of political action is destined to pass with the next day’s tide.

The emancipatory cri du coeur that can be heard echoing in the work of cultural theorists like Massumi may have landed on “trans-individual” affect as the intensive Higgs Boson wave-particle of political science. Its indeconstructability promises freedom from subjective and cultural contingency – the prison house of “crystallized power structures.” But there is a price to be paid. The radical devaluation of reflective consciousness produces a species of freedom that signifies nothing. Perhaps this is what it is like to embrace a Zeitgeist of “de-humanism.”37

In Massumi’s politics of affect we can discern the impetus for ‘‘vitalist/liberation’’ ideology. As Ben Anderson writes: “There is always already an excess [affect] that power must work to recuperate but is destined and doomed to miss. It is that excess that is central to the creativity of bio-political production and thus the power of naked life.”38 Affect in this sense is “a movement of creative production” that always eludes capture. And this is what conveys a sense of its emancipatory power.39 The intensity of affect liberates us from bondage to contingent cultural entanglement.

Corporeal ontology precedes cultural epistemology. This move away from the centrality of cognition marks the demise not only of identity politics, but of identity itself, perhaps even of psychology.40 Simply stated, affect theorists like Massumi romanticize the unknowable “fluid materiality of excitable networks” as a way of disrupting familiar social and cultural hierarchies.41 In so doing, they elevate raw process over social and cultural regimentation and subjugation. It is the neurobiological equivalent of Rousseau’s primitive origin of society, an updated version of the Romantics’ myth of enchantment. **If only** questions about freedom and responsibility for shared values, justice included, could be resolved by **so simple an expedient** as the vitalist/liberation category shift from human agency to ‘‘trans-individual affective process.’’ Much can be learned about **the various forms of political violence** that affective intensity has assumed over the course of human history. But one needn’t take the historical path to discern trouble for Massumi’s emancipatory project. One can start with neuroscience itself.42

Theorists like Massumi play down (as they must) a variety of **obstacles** that stand in the way of affective emancipation: from the constraints of evolution to the biological programming of the amygdala itself.43 Indeed, what constitutes ‘‘fearfulness,’’ for example, depends upon programming the amygdala based on a habituated pattern of **external stimuli**.44

There are other problems as well. For instance, a great deal of **uncertainty** surrounds the question of how communication occurs among different levels of the mind/body complex. As Steve Pile writes, for theorists like Massumi “affect is defined in opposition to cognition, reflexivity, consciousness and humanness.”45 Feelings, on the other hand, occupy a space between non-cognitive affect and highly socialized emotions. Feelings in this sense are pre-cognitive (“a response to transpersonal affects”).46 Our response to affects personalizes them. Through feelings we associate affects with the subject who experiences them. For their part, emotions reflect a shift from pre-cognitive subjectivity to the cognitive domain of socially constructed experience.47 Emotions, in this sense, are how I interpret what I’m feeling through language and other representational or cultural symbolic practices.

Affect theorists like Massumi insist that my choices and perhaps even my feelings may turn out to have **nothing to do** with the affect my body has already processed without my knowing it. This view preserves the **purity of affective intensity** by keeping it **free of subjective or social significance**. If you are in the ‘‘vitalist/liberation’’ camp of affect theory along with Massumi, affect can never be symbolized, which means it can never be cognized. Affect, in this view, is always beyond consciousness. It’s like the dark matter that makes up the universe: we know it’s there, **we just can’t say anything about it**.

The problem for ‘‘vitalist/liberation’’ theorists like Massumi is that they **want to eat their cake and have it too**. Affects for them are ciphers – free-ranging radicals incapable of signifying. Yet, at the same time, many of these same theorists engage in searing critiques of those “in power” who use mass media along with other instrumentalities of affective manipulation for purposes of enhancing social or political control.48 The difficulty is this: If affect is being actively engineered to manipulate people’s behavior – whether in the form of habits of consumption, political judgments, or jury verdicts – it is **incumbent** upon the theorists to account for **how exactly this manipulation is being carried out**. As Pile cogently notes, how are the agents of affective manipulation able to “know the unknowable” **sufficiently well to control their course and impact in society?**49

Thrift’s recourse to metaphors such as “pipes and cables” is hardly sufficient to bear the burden of scientific explanation. Indeed, the nomenclature that has emerged to account for the engineering of affect – ranging from “affect flow between bodies,” “transmissions,” and “contagion”50 – all seem to suffer from **the same fundamental lack of explanatory power**. If we cannot know what affects are, it stands to reason that **we cannot know how to control their flow** and **impact in society**.