# 1NC CPS Round 3

## 1

### Framework---1NC

#### Interpretation: Topical affirmatives may only garner offense from the hypothetical implementation by governments that the appropriation of outer space by private entities is unjust. Any 1AR reclarification or spin is still extra T which equally links to our offense.

#### Resolved requires policy action

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

**Resolution**

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

#### Appropriation

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

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

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

#### Two impacts:

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

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

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

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

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

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

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

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

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

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

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

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

4.2.1 Goals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2.2 Preconditions

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

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

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

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

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

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

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

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

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

TVA---Only the one piece of offense they read, if that’s all they defend we get a link

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

## 2

### Cap K---1NC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 3

### Innovation DA---1NC

#### Strong commercial space catalyzes tech innovation – progress at the margins and spinoff tech change global information networks

Joshua Hampson 2017, Security Studies Fellow at the Niskanen Center, 1-25-2017, “The Future of Space Commercialization”, Niskanen Center, https://republicans-science.house.gov/sites/republicans.science.house.gov/files/documents/TheFutureofSpaceCommercializationFinal.pdf

Innovation is generally hard to predict; some new technologies seem to come out of nowhere and others only take off when paired with a new application. It is difficult to predict the future, but it is reasonable to expect that a growing space economy would open opportunities for technological and organizational innovation. In terms of technology, the difficult environment of outer space helps incentivize progress along the margins. Because each object launched into orbit costs a significant amount of money—at the moment between $27,000 and $43,000 per pound, though that will likely drop in the future —each 19 reduction in payload size saves money or means more can be launched. At the same time, the ability to fit more capability into a smaller satellite opens outer space to actors that previously were priced out of the market. This is one of the reasons why small, affordable satellites are increasingly pursued by companies or organizations that cannot afford to launch larger traditional satellites. These small 20 satellites also provide non-traditional launchers, such as engineering students or prototypers, the opportunity to learn about satellite production and test new technologies before working on a full-sized satellite. That expansion of developers, experimenters, and testers cannot but help increase innovation opportunities. Technological developments from outer space have been applied to terrestrial life since the earliest days of space exploration. The National Aeronautics and Space Administration (NASA) maintains a website that lists technologies that have spun off from such research projects. Lightweight 21 nanotubes, useful in protecting astronauts during space exploration, are now being tested for applications in emergency response gear and electrical insulation. The need for certainty about the resiliency of materials used in space led to the development of an analytics tool useful across a range of industries. Temper foam, the material used in memory-foam pillows, was developed for NASA for seat covers. As more companies pursue their own space goals, more innovations will likely come from the commercial sector. Outer space is not just a catalyst for technological development. Satellite constellations and their unique line-of-sight vantage point can provide new perspectives to old industries. Deploying satellites into low-Earth orbit, as Facebook wants to do, can connect large, previously-unreached swathes of 22 humanity to the Internet. Remote sensing technology could change how whole industries operate, such as crop monitoring, herd management, crisis response, and land evaluation, among others. 23 While satellites cannot provide all essential information for some of these industries, they can fill in some useful gaps and work as part of a wider system of tools. Space infrastructure, in helping to change how people connect and perceive Earth, could help spark innovations on the ground as well. These innovations, changes to global networks, and new opportunities could lead to wider economic growth.

#### Short innovation cycles mean every contract counts

John J. Klein 19, Senior Fellow and Strategist at Falcon Research Inc. and adjunct professor at the George Washington University Space Policy Institute, 1-15-2019, "Rethinking Requirements and Risk in the New Space Age," Center for a New American Security, https://www.cnas.org/publications/reports/rethinking-requirements-and-risk-in-the-new-space-age

Unfortunately, these variances in models between the MDAP’s lengthy development cycle and the commercial space sector’s 18-month innovation cycle are a result of stark differences in thinking about requirements and risk. Requirements and risk for MDAPs commonly focus on ensuring critical mission capabilities at a given cost. In contrast, the commercial space sector tends to focus more on providing innovation quickly using economies of scale. The commercial sector understands that time dynamically shapes decisions related to requirements and risk because of the relatively short innovation cycle. In a highly competitive space sector with tight profit margins, those unable to innovate quickly will likely be out of business soon. Alternatively, space systems with mission assurance requirements – where failures are detrimental to national security and military operations – often drive DoD’s timelines. Program managers of critical national security space systems commonly require additional time to test and verify that satellites can perform missions with a very low probability of failure.

#### Tech innovation solves every existential threat – cumulative extinction events outweigh the aff

Dylan **Matthews 18**. Co-founder of Vox, citing Nick Beckstead @ Rutgers University. 10-26-2018. "How to help people millions of years from now." Vox. https://www.vox.com/future-perfect/2018/10/26/18023366/far-future-effective-altruism-existential-risk-doing-good

If you care about improving human lives, you should overwhelmingly care about those quadrillions of lives rather than the comparatively small number of people alive today. The 7.6 billion people now living, after all, amount to less than 0.003 percent of the population that will live in the future. It’s reasonable to suggest that those quadrillions of future people have, accordingly, hundreds of thousands of times more moral weight than those of us living here today do. That’s the basic argument behind Nick Beckstead’s 2013 Rutgers philosophy dissertation, “On the overwhelming importance of shaping the far future.” It’s a glorious mindfuck of a thesis, not least because Beckstead shows very convincingly that this is a conclusion any plausible moral view would reach. It’s not just something that weird utilitarians have to deal with. And Beckstead, to his considerable credit, walks the walk on this. He works at the Open Philanthropy Project on grants relating to the far future and runs a charitable fund for donors who want to prioritize the far future. And arguments from him and others have turned “long-termism” into a very vibrant, important strand of the effective altruism community. But what does prioritizing the far future even mean? The most literal thing it could mean is preventing human extinction, to ensure that the species persists as long as possible. For the long-term-focused effective altruists I know, that typically means identifying concrete threats to humanity’s continued existence — like unfriendly artificial intelligence, or a pandemic, or global warming/out of control geoengineering — and engaging in activities to prevent that specific eventuality. But in a set of slides he made in 2013, Beckstead makes a compelling case that while that’s certainly part of what caring about the far future entails, approaches that address specific threats to humanity (which he calls “targeted” approaches to the far future) have to complement “broad” approaches, where instead of trying to predict what’s going to kill us all, you just generally try to keep civilization running as best it can, so that it is, as a whole, well-equipped to deal with potential extinction events in the future, not just in 2030 or 2040 but in 3500 or 95000 or even 37 million. In other words, caring about the far future doesn’t mean just paying attention to low-probability risks of total annihilation; it also means acting on pressing needs now. For example: We’re going to be better prepared to prevent extinction from AI or a supervirus or global warming if society as a whole makes a lot of scientific progress. And a significant bottleneck there is that the vast majority of humanity doesn’t get high-enough-quality education to engage in scientific research, if they want to, which reduces the odds that we have enough trained scientists to come up with the breakthroughs we need as a civilization to survive and thrive. So maybe one of the best things we can do for the far future is to improve school systems — here and now — to harness the group economist Raj Chetty calls “lost Einsteins” (potential innovators who are thwarted by poverty and inequality in rich countries) and, more importantly, the hundreds of millions of kids in developing countries dealing with even worse education systems than those in depressed communities in the rich world. What if living ethically for the far future means living ethically now? Beckstead mentions some other broad, or very broad, ideas (these are all his descriptions): Help make computers faster so that people everywhere can work more efficiently Change intellectual property law so that technological innovation can happen more quickly Advocate for open borders so that people from poorly governed countries can move to better-governed countries and be more productive Meta-research: improve incentives and norms in academic work to better advance human knowledge Improve education Advocate for political party X to make future people have values more like political party X ”If you look at these areas (economic growth and technological progress, access to information, individual capability, social coordination, motives) a lot of everyday good works contribute,” Beckstead writes. “An implication of this is that a lot of everyday good works are good from a broad perspective, even though hardly anyone thinks explicitly in terms of far future standards.” Look at those examples again: It’s just a list of what normal altruistically motivated people, not effective altruism folks, generally do. Charities in the US love talking about the lost opportunities for innovation that poverty creates. Lots of smart people who want to make a difference become scientists, or try to work as teachers or on improving education policy, and lord knows there are plenty of people who become political party operatives out of a conviction that the moral consequences of the party’s platform are good. All of which is to say: Maybe effective altruists aren’t that special, or at least maybe we don’t have access to that many specific and weird conclusions about how best to help the world. If the far future is what matters, and generally trying to make the world work better is among the best ways to help the far future, then effective altruism just becomes plain ol’ do-goodery.\*

## Case

### 1NC---AT: Framework

#### 1. Vote neg on presumption –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 1NC---AT: Theory of Power

#### The 1AC produces new discourses of health that rely on and reproduce the same structure of healthism they critique – any new framework of embodiment or resistance is fed back through affective control to maintain biopolitical governance

Butler-Wall, 16 (Karisa, 2016, Ph.D Candidate in American Studies with a minor in Feminist and Critical Sexuality Studies, “Viral Transmissions: Safer Sex Videos, Disability, and Queer Politics,” DSQ, Vol 36, No 4, 2016)

Staging a new form of what we might call guerrilla biopolitics, safer sex activism actively resisted the necropolitical elimination of queer life, marking a major cultural shift in which formerly "unhealthy" behaviors were incorporated into a more inclusive definition of health. The success of Chance of a Lifetime as an educational tool helped to inspire the production of a number of other erotic safer sex videos in the 1980s and early 1990s, and in 1989 GMHC undertook a second video project: the Safer Sex Shorts. 5 Influenced by the rise of direct action tactics in connection with the formation of the AIDS Coalition to Unleash Power (ACT UP) in 1987, this series of seven videos represented what producers Jean Carlomusto and Gregg Bordowitz described as "a guerrilla-type production of safer sex 'propaganda'." 6 Intended to be "distributed in as many ways as possible," each video was under five minutes in length, drawing on conventions of music videos, television advertisements, and video pornography for their camera and editing techniques. While Chance was designed to be shown as part of a GMHC workshop, the Shorts were designed to be screened in bars and bathhouses and as trailers on commercial porn videos, in order to disseminate the message of safer sex beyond GMHC's core constituency of middle-class white gay men. 7 By working with directors and focus groups from specific communities, GMHC used video as a means to reach audiences who had been excluded from traditional forms of AIDS prevention. Perhaps unsurprisingly, the invention of safer sex during the early years of the AIDS epidemic has served as an important touchstone within the development of a queer political and social imaginary, providing an example of a sustainable, creative sexual culture, a "counterpublic" that fostered shared modes of intimacy and structures of feeling. 8 As Douglas Crimp famously argued in his 1988 essay, "How to Have Promiscuity in an Epidemic," gays "were able to invent safer sex" because the liberationist ethos of the 1970s served as "psychic preparation" for the adoption of risk reduction practices in the face of AIDS. According to Crimp, it was their familiarity with "the great multiplicity" of pleasurable sexual activities that enabled many gay men to adopt life-saving safer sex practices. 9 Within the queer political imaginary, safer sex was conceived "not as a practice to be imposed on the reluctant, but as a form of political resistance and community building that achieves both sexual liberation and sexual health." 10 Yet this celebratory narrative obscures a more complicated relationship between health, dis/ability, and queer politics within the history of safer sex. Despite a rhetoric of liberatory community building, the development of safer sex by and for gay men themselves indexed a shift toward new forms of individual and collective self-governance, in which marginalized communities used alternative media to create their own norms of "healthy" behavior and embodiment. In this sense, the development of safer sex must be understood not as an exception to but rather as an expansion of biopolitical governance. In contrast to state-based public health campaigns or the market imperatives of the privatized health industry, community-based safer sex activism represented a more subtle mechanism through which desire became linked to new modes of compulsory able-bodiedness. This article brings disability studies into conversation with queer histories of AIDS activism as a means to "crip" our understandings of safer sex discourses and practices. Despite the fact that, as Robert McRuer has noted, "the various opportunistic infections caused by HIV/AIDS have been disabling (reducing energy and mobility, sometimes leading to the loss of vision or other functions)," scholarship on the AIDS epidemic has not commonly engaged directly with disability studies. 11 Bringing a critical disability analytic to bear on the history of safer sex activism, this article examines how safer sex discourses promoted a definition of sexual "health" that relied on and reproduced racialized and classed ideologies of ableism. From a crip theoretical perspective, the project of protecting the "healthy" (negative serostatus) body from infection resonates with the imperatives of compulsory able-bodiedness. Assuming that HIV negativity is a universally desired status eliminates alternative ways of valuing the affective capacity of bodies that may not conform to idealized models of able-bodiedness. I argue that by linking risk reduction techniques to a particular vision of sexual health and identity, GMHC's efforts to incorporate formerly marginalized groups into the biopolitical project of fostering life and health ultimately precluded alternative expressions of queer and crip life. Technologies of Desire Whereas early models of AIDS prevention had focused on providing information about transmission and risk, by the mid-1980s it had become clear that even though most gay men were aware that unprotected sex put them at risk of contracting AIDS, this information was not enough to change their behaviors. A 1984 study commissioned by the San Francisco AIDS Foundation found that "information about risk is not, by itself, sufficient to effect behavioral change," insofar as the "motivational issue" remained to be addressed. 13 Along with workshops and print materials, the newly accessible medium of video technology emerged as a unique tool through which safer sex educators hoped to "motivate" their audiences to adopt a new set of risk reduction techniques. More than simply a practical set of health guidelines, "safer sex" signified a specific affective investment in health that tied sexual pleasure to new practices of risk management. Focusing on the material practices, representations, affects, and institutions that were brought together under the sign of "safer sex," I consider safer sex as techne, a "technique, an habitus, ethos, or lived practice" that builds associations between various activities, objects, and affects. 14 While I attend to a wide array of bodies, objects, and practices that were brought together under the rubric of safer sex, I privilege video technology as a unique interface for the conjunction of health, risk, and pleasure during this period. The advent of video technology was integral to the development of safer sex, providing a platform that linked burgeoning forms of gay and lesbian erotic cultural production to new activist media strategies and tactics. As media scholar and filmmaker Alexandra Juhasz has shown, video served as a primary medium of AIDS activism more broadly during the 1980s, enabling otherwise marginalized individuals and groups to create their own forms of alternative media with the availability of camcorder technology and low-cost editing. 15 New technologies enabled individuals from "'minority,' 'disenfranchised,' and 'marginal' communities" to "make politics in a way rarely, if ever, available to them before: in a 'dominant' cultural form, yet in a personal voice; by, for, and about themselves, but easily available to outsiders."

#### Futurism key to Queer politics - they ensure continual subjugation and homophobia

Bateman 06

R. Benjamin Bateman is a doctoral candidate in English at the University of Virginia, The Minnesota Review, Spring 2006, "The Future of Queer Theory", http://www.theminnesotareview.org/journal/ns6566/bateman\_r\_benjamin\_ns6566\_stf1.shtml

Since its inception, queer theory has provoked readers with its radical negativity—its hostility to identity politics, to all essentialist accounts of gender and sexuality and to anything smacking of heteronormativity. Michel Foucault problematized the homosexual subject of gay and lesbian politics by showing its indebtedness to disciplinary discourses inherited from nineteenth century sexology and eugenics. Judith Butler, whose Gender Trouble galvanized queer theory, alleged that sex and not simply gender is socially constructed and that political appeals to the category "woman" entrench an exclusionary essentialism. And Leo Bersani argued that queer culture models anti-communalism through its sadomasochistic and frequently anonymous sexual practices. Gaining credibility as a queer theorist, it appears, necessitates the assumption of increasingly radical, and at times counterintuitive, political positions.

Such extremity finds full expression in Lee Edelman's polemic, No Future. Subtitled Queer Theory and the Death Drive, the book argues that politics as we know it relies upon a future-oriented logic that is indissociably intertwined with heterosexuality and with what Edelman terms "reproductive futurism." On Edelman's reading, the face of the child, epitomized by Dickens's Tiny Tim, coerces us—through conjuring our compassion—into subordinating our present wants and enjoyments to the always-deferred, future needs of "innocent" children. Tim's vulnerability turns vindictive, Edelman proceeds, when conservatives use 'protecting children' as a pretext for discriminating against gays and lesbians. Nowhere is this disguised homophobia more apparent than in recent 'arguments' against gay marriage. But when gays and lesbians respond by insisting that they value marriage, children, and their society's future—and not simply the ephemeral delights of sex and drugs, as conservatives would have it—they abandon the subversive force of queer sexuality. Instead of pleading for seats at heteronormativity's table, Edelman argues, queers should consent to their figuration as parasites upon the social order and embody the death drive for which they have come to stand.

Reading No Future, one is reminded of Michael Warner's polemic, The Trouble with Normal, which argued that queers should contest all sexual norms and defend everything heterosexuals find detestable in queer culture—promiscuous sex, bathhouses, pornography, drugs, and so on. But where that book occupied queer culture as a site from which to imagine a more ethical future, Edelman's project, due to its anti-futurism, imagines very little. Edelman is at his best and most hilarious when exposing the hypocrisy, false piety and pseudo-morality of religious conservatives and of "reformed" homosexuals like Larry Kramer. He is also at his best when demonstrating how, in an impressive range of literary classics, movies, and contemporary political examples, heterosexual culture deploys the child, disingenuously, as a weapon against queer sexuality.

But his book falters as it comes increasingly to rely upon arcane appeals to Lacanian psychoanalysis (conspicuously absent from this book is a single reference to Foucault). Edelman's argument runs something like this: a stubborn kernel of non-meaning resides at the core of language, forcing each signifier to find its meaning in the next ad infinitum, thus preventing signification from ever completing itself or establishing meaning once and for all. This internal limit subtends and makes possible all meaning-making while simultaneously disrupting it. An unbridgeable gap, it marks the place of a recalcitrant, functionless, and socially corrosive jouissance—an excessive enjoyment over which language, society, and the future stumble. Heterosexual culture, anxious to name and contain this minatory abyss, casts homosexuals as it and into it. They are "…the violent undoing of meaning, the loss of identity and coherence, the unnatural access to jouissance…"(132).

One might fault Edelman, as John Brenkman has, for transposing a rule of language onto the order of being. But even if one takes his equation seriously, one must ask what is gained by actively occupying a structurally necessary role. In other words, if the Real must exist for the Symbolic to function, then the abyss will remain whether homosexuals agree to inhabit it or not. Edelman acknowledges this reality but argues that if homosexuals exit the abyss a new subaltern will be compelled to enter it. Better, then, to remain inside and mirror back to heterosexuality what troubles it most—meaninglessness, death and antisocial desire. Unfortunately, Edelman provides few details as to how we might accomplish this task, and his insistence elsewhere that the powers-that-be will clamp down with unmitigated force to repress and disavow the encroaching Real renders such a strategy less than appealing. At one point he encourages queers to pursue a more traditional politics alongside his radical recommendation (29), but he fails to acknowledge that if the former succeeds—and the dominant culture brings queers and/or their practices into its fold—then the latter's intended audience will no longer be listening.

The most telling moment in Edelman's book, and the most important for grasping the current state of queer theory, comes in its discussion of Judith Butler's recent work, Antigone's Claim. Antigone's plea, according to Butler, is that the life she lives and the love she harbors (for her brother) become intelligible in and through the Symbolic order. In other words, Antigone functions for Butler as something of a queer avant la lettre, insisting, even from beyond the grave, that society acknowledge and accommodate her stigmatized desire and refusal of heterosexual reproduction, that queers like her be spared a "social death" (Edelman 102). Butler's politics, Edelman complains, is one of liberal-humanist inclusiveness. Against Butler, Edelman argues that the Symbolic will always be exclusionary and that Antigone represents a radical rejection of intelligibility, a refusal to become recognizable on society's terms. Butler and Edelman thus give two strikingly different faces to queer theory. The former advocates working in the social to achieve recognition for marginalized groups and to making norms inhabitable and livable for queer sexualities; the latter insists that queer must remain radically "other" to the dominant order, perpetually disruptive and parasitic upon its smooth functioning.

Certain readers might chafe at Edelman's suggestion that Butler's politics is insufficiently radical. After all, Butler has been criticized, like Edelman, for trafficking in recondite theories and postmodern argot and for failing to offer a viable model of political agency. To be sure, Butler's post-structuralist and Foucaultian commitments constrain her ability to posit a stable political agent and to conceive a politics that would radically oppose, rather than merely reinforce or marginally reinflect, a dominant cultural order. But in her recent work, perhaps most strikingly in 2004's Undoing Gender, Butler has turned to the "question of social transformation" (the title of UG's tenth chapter), arguing, quite programmatically, that social transformation "…is a question of developing, within law, within psychiatry, within social and literary theory, a new legitimating lexicon for the gender complexity that we have always been living" (219). Lest she be accused of nominalism, Butler stresses the importance of real bodies in forging such a vocabulary: "…the body is that which can occupy the norm in myriad ways, exceed the norm, rework the norm, and expose realities to which we thought we were confined as open to transformation" (217). While Edelman rejects the future as a site of social reproduction, Butler prizes it as a space of uncertainty, an ambiguous terrain upon which competing and perhaps unforeseeable claims will be made and new social orders elaborated.

Butler's model offers queer theory a brighter future than Edelman's, not simply because it confers agency upon social actors and highlights the social's capacity for transformation, but because it supersedes the liberal inclusiveness for which Edelman faults it. Butler's queer world is not one in which the dominant order remains stable as it incorporates, or ingests, peripheral sexualities into its fold. Rather, it is one in which the periphery remakes the center, rearticulating what it means to be "normal" or "American" or "queer." Thus, queers do not simply enter society on heterosexuality's terms; they recast such terms, seizing upon instabilities in signification to elaborate previously unarticulated and perhaps unanticipatable ways of life. Edelman's point that 'queer' names "the resistance of the social to itself" (2002) combats the very anti-futurism he endorses; in this formulation, queerness functions as the force that prevents a particular social order from coinciding with itself, from congealing into a futureless nightmare. Queer, then, might denote the instability of all norms and social orders, their intrinsic capacity for change.

Queer theorists more politically programmatic than Edelman frequently neglect this point. Michael Warner, for example, accuses gays and lesbians who aspire to marriage of caving, in assimilationist fashion, to heterosexual norms perceived as demands. But queers never exist completely outside such norms—and thus cannot, logically, succumb to them—and marriage and childrearing might not look the same with gays on board. After all, gays who have been traumatized by their parents' homophobia and lessons of compulsory heterosexuality are probably less likely than their heterosexual counterparts to repeat such mistakes. Insofar as married gays retain connections to less traditional elements of queer culture, we cannot assume that they will abandon their fights for sexual freedom, conform entirely to all matrimonial traditions, or turn their backs upon their promiscuous peers. Some might, but many will not.

Edelman's book works well as an intensely academic polemic but as a political resource it proves insufficient. If queer theory is to have a social impact, it must interpellate the gay and lesbian audience to whom, after all, it is primarily addressed. Few of these people, we can safely assume, want to live in a void or die Antigone's death. Queer culture should keep insisting that we not sacrifice present, pressing needs to heterosexual fantasies, but to secure its future it must imagine a political order in which the needs of children are not inimical to the interests of queers, and it must celebrate—as Eve Sedgwick does so passionately in "How to Grow Your Kids Up Gay" – that which is most queer, and queer-able, in children.

#### The one card they have about space isn’t even close to consistent with their framing, it doesn’t equate to the attempts to create a perfect techno-human, the card is litearlly just some ideas from pharma companies get placed into space but the developments they’re talking about are NOT appropriation, they’re just r and d investment, neg on presumption or we get a violation for framework

#### Endorsing failure affirms its success---only severing the connection between the ballot and their performance truly inverts the relationship

Tara Mulqueen, doctoral student in the School of Law at Birkbeck College, “Succeeding at Failing and Other Oxymorons: Halberstam’s The Queer Art of Failure,” Theory & Event Volume 16, Issue 4, ‘13

The Queer Art of Failure is a tour de force of a peculiar kind. It promiscuously and unapologetically pursues questions of failure, stupidity and forgetting from “low theory” to “high theory,” from Pixar films to queer art, to the Olympics and fascism. Using an array of tools, most notably the long-forgotten plot summary, Halberstam charts a course through the difficult terrain of popular culture. With what, in a generous reference, might be termed Foucauldian “hammer blows,” Halberstam takes apart established readings of queer history and identity. And while truly epiphanic at moments, at others Halberstam’s analyses **readily collapse** **into** defensive tautologies **and non-sequiturs: the claim to failure is at once the work’s virtue and vice.** Halberstam opens by staking out a space from which the confines of disciplinary knowledge might be challenged and argues for the merits of “low theory,” drawing on Stuart Hall and Antonio Gramsci to discuss the possible rewards of failure. Halberstam invites us to “consider the utility **of getting lost over finding our way**,” in a prelude to the embrace of failure over paradigms of success. In getting lost, we enable ourselves to find that “dominant history teems with the remnants of alternative possibilities, and the job of the subversive intellectual is to trace the lines of the worlds they conjured and left behind” (19). This statement serves to orient Halberstam’s project as one which seeks alternative narratives embedded in popular culture and other unlikely sources, while also engaging less mainstream sources as a measure of criticality. It is not just any form of failure that Halberstam has chosen to explore, but specifically queer failure, which comes with the critique that “success in a heteronormative, capitalist society equates too easily to specific forms of reproductive maturity combined with wealth accumulation” (2). This distinction becomes important later as Halberstam differentiates between, for example, the model of failure and negativity exemplified in novels such as Trainspotting, and the negativity and disavowal of the mother in the work of Jamaica Kincaid. The problem, for Halberstam, with certain canons of failure and negativity, even avowedly queer ones, is their limited range, “the excessively small archive that represents queer negativity”; the gay male archive is restricted to certain camp texts and authors (110). However, the concept of failure becomes immediately vexed in the first two chapters, in which Halberstam turns to the commercially successful features of Pixar films and Dude, Where’s My Car as unlikely repositories of queer failure. In this gesture, Halberstam takes heart from Walter Benjamin, who “reserved a special place for the new animation art of Walt Disney that, for him, unleashed a kind of magical consciousness upon its mass audiences and conjured utopic spaces and worlds,” although he subsequently abandoned this view as the films “all too quickly resolved into a bourgeois medium” (21-22). Halberstam asks “[c]an animation sustain a utopic project now, whereas, as Benjamin mourned, it could not in the past?” (23). That is to ask, in spite of their origins in mass consumerism, is it possible that these films can have a radically queer message (or that they can be read queerly)? To answer this question, Halberstam would need to identify what differentiates the specific group of films she has chosen from other films, or alternatively, articulate a notion of queer reading that would allow for the contradictions presented by the medium of popular culture. In the subsequent analysis, Halberstam effectively does both, which leads to some paradoxical conclusions. Halberstam begins the analysis of Pixar films by questioning the “animal” in animation and provides a comparative account of different modes of anthropomorphism, arguing that most often we project human worlds onto the animal. As such, we reinforce models of human exceptionalism, rather than drawing on the diversity of animal worlds to critically contend with the human. To exemplify this, Halberstam provides a powerful critique of the popular documentary The March of the Penguins, in which narratives of romantic love are projected onto the migrating penguins, which in actuality only partner for one year and abandon their offspring as soon as they are physically able to do so. The March of the Penguins reinforces social norms about heterosexuality, monogamy and the family, and appropriates the penguin migration to do so. This does not, however, lead Halberstam to argue that instead of heterosexuality, we might read homosexuality into animal behavior. Any form of anthropomorphism in this sense is, at least at this point, rejected. In contrast, Halberstam argues that what are deemed “Pixarvolt” films “often link the animals to new forms of being and offer us different ways of thinking about being, relation, reproduction and ideology” (42). The human is reimagined “not as animal but as animation” (42). However, the significance of this distinction between animal and animation remains unclear throughout Halberstam’s treatment of “Pixarvolt” films. In the analysis of Finding Nemo in Chapter 2, Halberstam’s claim that Dory is a queer figure by virtue of her short-term memory loss and introduction into Nemo’s family as a non-maternal figure is convincing, but a subsequent throwaway claim that the film contains transsexual fish undermines the broader argument about anthropomorphism. While it is true that clown fish are a kind of transsexual species – clownfish are sequential hermaphrodites, they are born male and may become female – this is not in any way reflected in the film. If the virtue of “Pixarvolt” films is that they resist certain forms of anthropomorphism, as Halberstam suggests, it is difficult to see what Pixar does that makes this difference and avoids simply mapping human behavior, even if non-normative, onto representations of animals. There appear, then, to be two potentially conflicting arguments justifying Halberstam’s turn to popular culture as a repository of failure. In the opening, the suggestion is that these “silly archives” are open to multiple readings and that by looking at them in particular ways, we can see the hidden, but potentially very powerful, alternative narratives they contain. Simultaneously, Halberstam argues for the radical potential of Pixar and CGI animation in particular – not derived from a particular mode of queer reading, but from the films themselves, which is a much different and more problematic kind of claim. Halberstam ends the chapter by advocating for “creative anthropomorphism” – which would, for example, “imagine[s] oppositional groups in in terms of real or fantasized beasts that rise up to subvert the singularity of the human with the multiplicity of the unruly mob” (51). While such a capacity for animation surely exists, Halberstam’s argument that Pixar films unequivocally do this does not sit comfortably with the broader critique of anthropomorphism, let alone the unrivaled consumer appeal of the films. Moreover, the stronger point is one about the possibility of reading subversively and identifying alternative narratives within the dominant normativities of popular culture. However, heralding any of them as being essentially radical requires significant omissions and unsupported assertions. I would still like to “see the work,” as it were, for Halberstam’s claim that in Finding Nemo “Marlin is a parent but not a father” (49). In Chapter 2, Halberstam turns the analysis to focus on a concept which is deeply inscribed within failure: stupidity. Stupidity, in Halberstam’s reading, is portrayed as endearing when embodied by the white male, whereas stupidity in women works to reinforce social hierarchy. Halberstam aims to reappropriate stupidity and expose “the logic of stupidity as a map of male power” (58). In the reading of Dude, Where’s My Car? Halberstam is not trying to rescue the notion of stupidity so much as read its idiosyncratic and exaggerated depiction as a map of power in relief. Thus, in contrast to the argument about “Pixarvolt,” Halberstam does not present the film as being queer “at the level of identity” but finds “queerness as a set of spatialized relations that are permitted through the white male’s stupidity, his disorientation in time and space” (65). It is by virtue of “the Dudes” forgetfulness and stupidity, the continual loop in the film, that a queerness can be read, even while the Dudes occupy a privileged position as white men (65). This corresponds to a broader observation about what it might mean to queer: De-linking the process of generation from the force of historical process is a queer kind of project: queer lives seek to uncouple change from the supposedly organic and immutable forms of family and inheritance; queer lives exploit some potential for a difference in form that lies dormant in queer collectivity not as an essential attribute of sexual otherness but as a possibility embedded in the break from heterosexual life narratives (70, Halberstam’s emphasis). This expansive idea of queer as embedded in a break extends to the next chapter, “The Queer Art of Failure.” Halberstam moves to real world examples and their artistic depiction, from life in Thatcher’s Britain and the Olympics, to the uncritical models of success represented in the L Word, and even certain forms queer photography. With these she refutes Lee Edelman’s view of “material political concerns as crude and pedestrian, as already a part of the ongoing of futurity that his project must foreclose” (107). Failure in this chapter is taken to be a “weapon of the weak,” drawing on James C. Scott, and a tool of subversion. What stand out for Halberstam as being particularly queer models of failure are those that cannot be easily recuperated to a heteronormative framework. Hence, as mentioned earlier, accounts of failure such as those provided in Trainspotting are decidedly not queer, as there “failure is the rage of the excluded white male, a rage that promises and delivers punishments for women and people of color” (92). Instead, Halberstam wants to look at what it means to come in fourth place at the Olympics – a failure which has a certain dignity to it, but is also not so dramatic a failure that it constitutes its own kind of success (93-94). Following the earlier analysis of Dory in Finding Nemo, in which “Dory’s short term memory loss and her odd sense of time introduce absurdity into an otherwise rather straight narrative and scramble all temporal interactions” (81). In Chapter 4, Halberstam takes up disavowal and forgetting in relation to feminism. In this, it is the disavowal of certain forms inheritance that is crucial for Halberstam. In Chapter 4, the mother is rejected, as in Jamaica Kincaid’s Autobiography of My Mother, and Halberstam wonders what then happens “if we refuse to become women” (126). Models of unbecoming, such as a controversial performance by Yoko Ono in which she allows the audience to strip off articles of clothing, and Elfriede Jelinek’s novel The Piano Teacher, in which the protagonist disavows her identity through cutting, serve as examples of an anti-liberal ‘shadow’ feminism and passive forms of resistance. The refusal to be, to have coherent selfhood in these examples, belie liberal forms of feminism which rely on “certain formulations of self (as active, voluntaristic, choosing, propulsive)” and “signal another kind of refusal: simply to be” (140). The final substantive chapter, “The Killer in Me Is the Killer in You,” which explores the controversial question of links between fascism and homosexuality, is arguably the strongest, and in a sense resets the tone of the book as a whole. It is set up in part as a critique of queer historiographical narratives of triumphalism and moral superiority which takes a hard look at the real connections between masculinist homosexuality and fascism, through a notion of queer negativity. Queer negativity is envisioned as “a project within which one remains committed to not only scrambling dominant logics of desire but also to contesting homogeneous models of gay identity with which a queer victim stands up to his or her oppressors and emerges a hero” (149). With this, Halberstam contests narratives in which sexual transgression is held to be an inherently revolutionary act, demonstrating through the work of scholars such as Andrew Hewitt that while effeminacy in all forms was rejected by the Nazi party, masculinity was embraced and encouraged. This created a space for a particular kind of masculine homosexuality, which is largely disregarded in gay historiography. This gesture of erasure, for Halberstam, signals “an unwillingness to grapple with difficult historical antecedents” (159). This thesis is reinforced through Halberstam’s examination of art, which grapples with the tensions of the figure of the soldier, and the sexuality of the soldier’s body, further demonstrating that the relationship between sexuality and politics is by no means straightforward. This final chapter suggests that the overarching message of The Queer Art of Failure is the queer can be found in unexpected and uncomfortable places, whether that be contemporary animated features or the Nazi party. In this sense, Halberstam turns the queer canon on its head, muddying the pristine queer waters with political dubiousness. Failure, in this reading, also indicates the rejection of queer exceptionalism, alongside human exceptionalism: this narrative too must fail. However, while this chapter is redemptive in many ways, it doesn’t encapsulate the gesture of the work as a whole. Halberstam concludes by returning to the earlier analyses of popular culture, this time in a rebuttal of Slavoj Žižek. Halberstam recapitulates the argument that popular culture is far from being ideologically hegemonic and presents a diverse array of queer narratives. While in itself, this is a powerful point, Halberstam goes on to provide two further analyses, one of the film Coraline and another of The Fantastic Mr. Fox, in which the distinction between identity and interpretation again becomes confused. Coraline is rejected as unqueer, as the protagonist ultimately returns to the world she had sought to escape, while The Fantastic Mr. Fox, despite problematic racial overtones, is asserted as having an intrinsic queer narrative. Both analyses **require rhetorical leaps** **which cannot be substantiated** as more than pure preference. In the end, Halberstam never does meaningfully engage with the criticism that drawing on the canon of mainstream, mass produced culture could be problematic. Overall The Queer Art of Failure begs the question of whether or not Halberstam has succeeded in failing, or if rather the project succumbs to an impasse in which**, in the very disavowal of normative structures,** it constitutes its own kind of success. As Halberstam points out in a critical account of Lee Edelman’s No Future, “… he does not fuck the law, big or little L; he succumbs to the law of grammar, the law of logic, the law of abstraction, the law of apolitical formalism, the law of genres” (107). In a similar fashion, **Halberstam succumbs to a certain** paradoxical law of success, **in which** by avowing failure, the book cannot itself ever be seen to fail. **We are left with the successful failure** and the revolutionary mainstream, among other troubling, but compelling oxymorons.

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