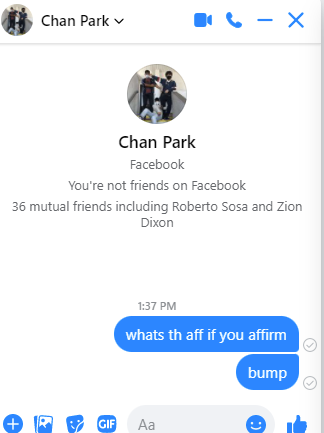
## 1NC Lexington Semis

## OFF

### 1

#### Interp: The affirmative must correctly tell the negative which aff they will be reading within ten minutes of pairings being released.



#### Negate:

#### 1] Prep and clash – they force us to spend pre-round prep prepping nothing since we don’t know what the aff is, we can’t tell if they’re breaking new or reading smth already disclosed which makes debates qualitatively worse as the affirmative knows exactly what their aff is and the negative has 0 time to cohere a strategy. Kills clash, and any educational benefit as debates happen in the dark rather than genuine engagement, ow bc it’s the only exportable skill and terminal impact that we gain.

#### 2] Strat skew - forces us to make a flip decision in the dark since we don't know if the aff is new or one of the 6 on the wiki, and leaves us guessing at whether we'll have prep vs the aff you choose

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) baiting – incentivizes good debaters to be abusive, bait theory, then collapse to the 1AR RVI, d) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

### 2

#### 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.

#### Fairness is an impact and comes before everything else – [1] it’s an intrinsic good – some level of competitive equity is necessary to sustain the activity – if it didn’t exist, then there wouldn’t be value to the game since judges could literally vote whatever way they wanted regardless of the competing arguments made [2] probability – your ballot can’t solve their impacts but it can solve mine – debate can’t alter subjectivity, but can rectify skews [3] internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education [4] comes before substance – deciding any other argument in this debate cannot be disentangled from our inability to prepare for it – any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff, so reject arguments like topicality is ableist or why fairness restricts identity and is bad.

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. There is 0 a reason a defense of the topic is any worse than abiding by other norms like speech times and reading evidence, proves they’re an arbitrary shift.

#### 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---Read an aff about the impact of privatization on disabled bodies, private companies mining into space and how that colonization attempts to create a backup earth to cleanse itself from disabled subjects, futurity bad is not incompatible w the topic and you can read a defense of it that’s still consistent with your scholarship

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.

### 3

#### The 1AC badly misidentifies the production of disability --- the “mandate for perfection” doesn’t stem from a nebulous anti-impairment prejudice --- it’s a result of the economic mantra of efficient, mechanic productivity

Slorach 11 (Roddy Slorach, Senior Disability Advisor @ Imperial College in London and Disability Advisor @ St. George’s University of London. Writer @ International Socialism “Marxism and disability” 1/4/11. <http://isj.org.uk/marxism-and-disability/>) //JHorn

Weaker, older or impaired members of pre-class societies were more likely to survive with the development of settled agricultural production and surplus crops. Feudal societies saw impairment in religious terms, as a mark of either good or evil, which meant those affected often faced persecution. However, the rural production process, and the extended nature of the feudal family, allowed many to make a genuine contribution to daily economic life. Families living and working as large groups were able to provide networks of care for children and the elderly. This way of life, typical for much of the world’s population for thousands of years, was to virtually disappear in the last three centuries. The rise of capitalism forced people off the land. In Britain production for the market began on a scale sufficiently small as to be carried out in the home, and therefore impaired people could still play a role. However: the rural population was being increasingly pressed by the new capitalist market forces, and when families could no longer cope the crippled members would have been most vulnerable and liable to turn to begging and church protection in special poor houses. Market forces soon favoured machinery which was more efficient and able to produce cheaper more plentiful woven material. Those working larger looms would more likely survive and cripples would have had greater difficulty working such equipment.[7](http://isj.org.uk/marxism-and-disability/" \l "129slorach_7) The Industrial Revolution accelerated the pace of change enormously. Larger-scale machinery concentrated in factory towns increasingly destroyed the old cottage industries as well as traditional family structures, with members forced to find work away from the home or patch of land. The new factory worker “could not have any impairment which would prevent [them] him or her from operating the machine. It was, therefore, the economic necessity of producing efficient machines for large-scale production that established ablebodiedness as the norm for productive (ie socially integrated) living…production for profit undermined the position of physically impaired people within the family and the community”.[8](http://isj.org.uk/marxism-and-disability/" \l "129slorach_8) Working lives previously shaped by the hours of daylight and the seasons were now determined by the rhythm of the factory—even more so with the invention of gaslight and round the clock working. People’s bodies were now valued according to their ability to function like machines: Factory discipline, time keeping and production norms broke with the slower, more self-determined and flexible work pattern into which many disabled people had been integrated. As work became more rationalised, requiring precise mechanical movements of the body, repeated in quicker succession, impaired persons—the deaf or blind, and those with mobility difficulties, were seen as—and without job accommodations to meet their impairments, were—less “fit” to do the tasks required of factory workers, and were increasingly excluded from paid employment. [The Industrial Revolution] removed crippled people from social intercourse and transformed them into disabled people.[9](http://isj.org.uk/marxism-and-disability/" \l "129slorach_9) Specialisms were developed to help maintain and reproduce the new working class. Poor Law officials and an expanding medical profession developed pseudo-scientific categories to identify those of the poor who were unfit for work—”the sick, the insane, defectives, and the aged and infirm”. Dependence on others was now identified as a social problem and impairment equated with sickness and illness. Throughout the 18th and 19th centuries those identified as disabled were segregated into workhouses, asylums, prisons and special schools. This had “several advantages over domestic relief: it was efficient, it acted as a major deterrent to the able-boded malingerer, and it could instil good work habits into the inmates”.[10](http://isj.org.uk/marxism-and-disability/" \l "129slorach_10) Isolating disabled people in institutions—barbaric and oppressive as they were—led to the intensive study and treatment of impairments, creating the basis for clearer scientific understanding and classification. Mental impairment, for example, was seen as a single category until Langdon Down’s reports for the London Hospital in 1866. These identified, among other conditions, what later became known as Down’s Syndrome.[11](http://isj.org.uk/marxism-and-disability/" \l "129slorach_11) With labour power now a commodity whose components were separately identified and valued, people with mental health problems were also increasingly categorised and placed in segregated institutions. In 1826, the first year for which statistics are available, fewer than 5,000 people were confined in asylums throughout England. By 1900, this had increased to 74,000.[12](http://isj.org.uk/marxism-and-disability/" \l "129slorach_12) Capitalism represented a huge advance from previous societies in many ways. For the first time in history the productive capacity existed to feed, clothe and house the entire global population, while scientific and medical advances offered the prospect of understanding and curing diseases. But the new working class creating this wealth were excluded from any say over what was produced and how, suffering for their pains physical and mental impairment on an unprecedented scale. Those marginalised or excluded from production, either by injury or already existing impairments, also became marginalised or excluded from wider society. In this way capitalism created disability as a particular form of social oppression.

#### The strategy of “Imagination of Disability” wrongly focuses on tinkering ideological systems which obscures that the only pathway to real change in the context of disability is a new economic organization of society

Slorach 11 (Roddy Slorach, Senior Disability Advisor @ Imperial College in London and Disability Advisor @ St. George’s University of London. Writer @ International Socialism “Marxism and disability” 1/4/11. <http://isj.org.uk/marxism-and-disability/>) //JHorn

[The] root of our oppression is the fact that capitalism sees everything in terms of profit and profitability—and this colours how capitalists view disabled workers. Most employers see disabled employees as a “problem”—something difficult, something different, something that will cost them more to employ. That isn’t to say that capitalists are incapable of realising that disabled people can be a source of cheap labour. So the oppression of disabled people is a reflection of the way in which capitalism reduces everything to profit—effectively, capitalism says disabled people are surplus to requirements. This is especially true in periods of economic crisis—provision for disabled people is always one of the first things to be hit.[52](http://isj.org.uk/marxism-and-disability/" \l "129slorach_52) Disability discrimination is a distinct but complex form of oppression, based on the (negligibly to substantially) greater expense to capital of the labour power of impaired people. This oppression was not particular to the Industrial Revolution. Disability continues to be rooted in the way the capitalist mode of production subordinates concrete labour (and the concrete labourer) to abstract, interchangeable and homogeneous labour. The very nature of work in capitalist society constantly undercuts any potential for liberation. The social model’s weakness in relation to impairment needs to be addressed. Limitations or lack of “part of a limb, organ or mechanism of the body” or mental function are the raw material on which disability discrimination works, and as such cannot be divorced from the latter. We have seen how disability is historically and socially determined. But this is also true of impairment. The “particular social and historical context…determines its nature… Where a given impairment may be prevented, eradicated or its effects significantly ameliorated, it can no longer be regarded as a simple natural phenomenon”.[53](http://isj.org.uk/marxism-and-disability/" \l "129slorach_53) The nature and heterogeneity of impairment distinguishes disability from other forms of oppression. Impairments may be physical or mental (or both), single or multiple, temporary or permanent, and acquired before or after birth. They may be mostly invisible, severely disfiguring or incapacitating, painful or even terminal. “The limitations which individual bodies or minds impose…vary from the trivial to the profound… The majority of disabled people do not have stable, congenital impairments…or sudden traumatic lesions (such as spinal cord injury), but instead have rheumatism or cardio-vascular disease or other chronic degenerative conditions associated with ageing”.[54](http://isj.org.uk/marxism-and-disability/" \l "129slorach_54) Most people don’t fit neatly into two categories of able-bodied or disabled. People with slight visual or hearing defects, for example, can render these almost irrelevant by using spectacles or hearing aids (although they may need to pay for them), but those who are completely blind or deaf face far greater obstacles to social integration. The most severely impaired people are highly dependent on able-bodied support, provided in Britian by six million carers. Finkelstein raises an associated problem.Disabled people “constantly fear that they may become associated with those that they see as less employable and more dependent. By trying to distance themselves from groups that they see as more disabled than themselves they can hope to maintain their claim to economic independence and an acceptable status in the community”.[55](http://isj.org.uk/marxism-and-disability/" \l "129slorach_55) A more recent study shows that “[both] disabled and non-disabled people regard those with a learning disability or a mental illness as the least desirable groups”.[56](http://isj.org.uk/marxism-and-disability/" \l "129slorach_56) The issue of who is “really” disabled can be highly divisive. Mike Barratt of the NLBD recalls being told that blind people are not disabled.[57](http://isj.org.uk/marxism-and-disability/" \l "129slorach_57) The disability movement in Britain primarily organised around a fairly narrow stratum of physical impairment and was led mainly by wheelchair users.[58](http://isj.org.uk/marxism-and-disability/" \l "129slorach_58) As one activist with learning difficulties complained, “We are always asked to talk about advocacy and our impairments as though our barriers aren’t disabling in the same way”.[59](http://isj.org.uk/marxism-and-disability/" \l "129slorach_59) Most disabled people do not actually consider themselves disabled. Department of Work and Pensions research in 2006 found this was true of “around half of those covered by the DDA”.[60](http://isj.org.uk/marxism-and-disability/" \l "129slorach_60)Deaf people pose a particular problem in these terms. Many whose first language is sign see themselves as a linguistic minority, and regard integration as a threat to a history and culture at least 250 years old.[61](http://isj.org.uk/marxism-and-disability/" \l "129slorach_61) Other disabled people may see themselves as impaired, for example, some of those identified as having behavioural or mental health problems who arguably are not, but still suffer discrimination. This highly subjective element is partly why disability, to use a cliché, means different things to different people. The extent and nature of these differences are other reasons (besides the more fundamental one of timing) why the disability movement attracted neither the opposition nor the scale of mobilisations and involvement experienced by other movements of the oppressed. Disability has no comparable equivalent to Stonewall or the great marches for black civil rights. Capitalism in general does not scapegoat disabled people in order to divide and rule in the way it does with other forms of oppression. Such discrimination plays a less central ideological role than that of homophobia, women’s oppression or racism. Neither is it generally popular. A recent UK survey, for example, found that 91 percent of people believe disabled people should have the same opportunities as everyone else.[62](http://isj.org.uk/marxism-and-disability/" \l "129slorach_62) Disabled people are often the victims of prejudice and ignorance, but they are rarely targeted solely because of their impairment. Even where this was true, for example, with the mass murder of disabled people in Hitler’s gas chambers, this was not central to the Nazi movement in the way that scapegoating the Jews was. Similarly, bigotry against those with AIDS remains largely linked to anti-gay prejudice. Disability is fundamentally about neglect and marginalisation. Those who defend it ultimately do so using a much more central ideology—capitalism’s need to extract the maximum profit from labour with the minimum possible expense. David Cameron’s government echoes its predecessor in its approach to “equalities” with a “corporate approach to diversity” which projects an inclusive image but in reality changes little.[63](http://isj.org.uk/marxism-and-disability/" \l "129slorach_63)The DRC, before its recent demise, largely portrayed discrimination in terms of unacceptable attitudes (for example, “See the person not the disability” advertisements). Many disabled people also see individual prejudice and social barriers as the central problem. Some believe further progress depends on strategies such as cultivating “disability pride” or urging more people to “come out” as disabled. If disability is rooted in the economic organisation of society, real change must involve a new economic organisation of society. If it is not primarily a political or ideological construct, the key cannot be to change attitudes or language, important as these are. Achieving real change requires a power which disabled people alone do not possess. While the differences may be significant, the experience of other social movements has shown that the common and fundamental problem in attempting to unite an oppressed group is the issue of class. The huge struggles for black liberation turned into demands for black businesses, while the fight against sexism has been appropriated by raunch culture on the one hand and concerns about the “glass ceiling” for a minority of high-achieving women on the other. For gays and lesbians too, genuine equality, despite (as well as because of) the rise of the “pink economy”, remains elusive. Despite legislation outlawing discrimination against these oppressed groups, inequality remains deeply entrenched within the system.

#### Capitalism causes inevitable crises, inequality, and dehumanization—pedagogical spaces are the crucial staging ground for keeping socialism on the horizon

McLaren, Distinguished Fellow – Critical Studies @ Chapman U and UCLA urban schooling prof, and Scatamburlo-D’Annibale, associate professor of Communication – U Windsor, ‘4 (Peter and Valerie, “Class Dismissed? Historical materialism and the politics of ‘difference’,” Educational Philosophy and Theory Vol. 36, Issue 2, p. 183-199)

For well over two decades we have witnessed the jubilant liberal and conservative pronouncements of the demise of socialism. Concomitantly, history's presumed failure to defang existing capitalist relations has been read by many self-identified ‘radicals’ as an advertisement for capitalism's inevitability. As a result, the chorus refrain ‘There Is No Alternative’, sung by liberals and conservatives, has been buttressed by the symphony of post-Marxist voices recommending that we give socialism a decent burial and move on. Within this context, to speak of the promise of Marx and socialism may appear anachronistic, even naïve, especially since the post-al intellectual vanguard has presumably demonstrated the folly of doing so. Yet we stubbornly believe that the chants of T.I.N.A. must be combated for they offer as a fait accompli, something which progressive Leftists should refuse to accept—namely the triumph of capitalism and its political bedfellow neo-liberalism, which have worked together to naturalize suffering, undermine collective struggle, and obliterate hope. We concur with Amin (1998), who claims that such chants must be defied and revealed as absurd and criminal, and who puts the challenge we face in no uncertain terms: humanity may let itself be led by capitalism's logic to a fate of collective suicide or it may pave the way for an alternative humanist project of global socialism. The grosteque conditions that inspired Marx to pen his original critique of capitalism are present and flourishing. The inequalities of wealth and the gross imbalances of power that exist today are leading to abuses that exceed those encountered in Marx's day (Greider, 1998, p. 39). Global capitalism has paved the way for the obscene concentration of wealth in fewer and fewer hands and created a world increasingly divided between those who enjoy opulent affluence and those who languish in dehumanizing conditions and economic misery. In every corner of the globe, we are witnessing social disintegration as revealed by a rise in abject poverty and inequality. At the current historical juncture, the combined assets of the 225 richest people is roughly equal to the annual income of the poorest 47 percent of the world's population, while the combined assets of the three richest people exceed the combined GDP of the 48 poorest nations (CCPA, 2002, p. 3). Approximately 2.8 billion people—almost half of the world's population—struggle in desperation to live on less than two dollars a day (McQuaig, 2001, p. 27). As many as 250 million children are wage slaves and there are over a billion workers who are either un- or under-employed. These are the concrete realities of our time—realities that require a vigorous class analysis, an unrelenting critique of capitalism and an oppositional politics capable of confronting what Ahmad (1998, p. 2) refers to as ‘capitalist universality.’ They are realities that require something more than that which is offered by the prophets of ‘difference’ and post-Marxists who would have us relegate socialism to the scrapheap of history and mummify Marxism along with Lenin's corpse. Never before has a Marxian analysis of capitalism and class rule been so desperately needed. That is not to say that everything Marx said or anticipated has come true, for that is clearly not the case. Many critiques of Marx focus on his strategy for moving toward socialism, and with ample justification; nonetheless Marx did provide us with fundamental insights into class society that have held true to this day. Marx's enduring relevance lies in his indictment of capitalism which continues to wreak havoc in the lives of most. While capitalism's cheerleaders have attempted to hide its sordid underbelly, Marx's description of capitalism as the sorcerer's dark power is even more apt in light of contemporary historical and economic conditions. Rather than jettisoning Marx, decentering the role of capitalism, and discrediting class analysis, radical educators must continue to engage Marx's oeuvre and extrapolate from it that which is useful pedagogically, theoretically, and, most importantly, politically in light of the challenges that confront us. The urgency which animates Amin's call for a collective socialist vision necessitates, as we have argued, moving beyond the particularism and liberal pluralism that informs the ‘politics of difference.’ It also requires challenging the questionable assumptions that have come to constitute the core of contemporary ‘radical’ theory, pedagogy and politics. In terms of effecting change, what is needed is a cogent understanding of the systemic nature of exploitation and oppression based on the precepts of a radical political economy approach (outlined above) and one that incorporates Marx's notion of ‘unity in difference’ in which people share widely common material interests. Such an understanding extends far beyond the realm of theory, for the manner in which we choose to interpret and explore the social world, the concepts and frameworks we use to express our sociopolitical understandings, are more than just abstract categories. They imply intentions, organizational practices, and political agendas. Identifying class analysis as the basis for our understandings and class struggle as the basis for political transformation implies something quite different than constructing a sense of political agency around issues of race, ethnicity, gender, etc. Contrary to ‘Shakespeare's assertion that a rose by any other name would smell as sweet,’ it should be clear that this is not the case in political matters. Rather, in politics ‘the essence of the flower lies in the name by which it is called’ (Bannerji, 2000, p. 41). The task for progressives today is to seize the moment and plant the seeds for a political agenda that is grounded in historical possibilities and informed by a vision committed to overcoming exploitative conditions. These seeds, we would argue, must be derived from the tree of radical political economy. For the vast majority of people today—people of all ‘racial classifications or identities, all genders and sexual orientations’—the common frame of reference arcing across ‘difference’, the ‘concerns and aspirations that are most widely shared are those that are rooted in the common experience of everyday life shaped and constrained by political economy’ (Reed, 2000, p. xxvii). While post-Marxist advocates of the politics of ‘difference’ suggest that such a stance is outdated, we would argue that the categories which they have employed to analyze ‘the social’ are now losing their usefulness, particularly in light of actual contemporary ‘social movements.’ All over the globe, there are large anti-capitalist movements afoot. In February 2002, chants of ‘Another World Is Possible’ became the theme of protests in Porto Allegre. It seems that those people struggling in the streets haven’t read about T.I.N.A., the end of grand narratives of emancipation, or the decentering of capitalism. It seems as though the struggle for basic survival and some semblance of human dignity in the mean streets of the dystopian metropoles doesn’t permit much time or opportunity to read the heady proclamations emanating from seminar rooms. As E. P. Thompson (1978, p. 11) once remarked, sometimes ‘experience walks in without knocking at the door, and announces deaths, crises of subsistence, trench warfare, unemployment, inflation, genocide.’ This, of course, does not mean that socialism will inevitably come about, yet a sense of its nascent promise animates current social movements. Indeed, noted historian Howard Zinn (2000, p. 20) recently pointed out that after years of single-issue organizing (i.e. the politics of difference), the WTO and other anti-corporate capitalist protests signaled a turning point in the ‘history of movements//

of recent decades,’ for it was the issue of ‘class’ that more than anything ‘bound everyone together.’ History, to paraphrase Thompson (1978, p. 25) doesn’t seem to be following Theory's script. Our vision is informed by Marx's historical materialism and his revolutionary socialist humanism, which must not be conflated with liberal humanism. For left politics and pedagogy, a socialist humanist vision remains crucial, whose fundamental features include the creative potential of people to challenge collectively the circumstances that they inherit. This variant of humanism seeks to give expression to the pain, sorrow and degradation of the oppressed, those who labor under the ominous and ghastly cloak of ‘globalized’ capital. It calls for the transformation of those conditions that have prevented the bulk of humankind from fulfilling its potential. It vests its hope for change in the development of critical consciousness and social agents who make history, although not always in conditions of their choosing. The political goal of socialist humanism is, however, ‘not a resting in difference’ but rather ‘the emancipation of difference at the level of human mutuality and reciprocity.’ This would be a step forward for the ‘discovery or creation of our real differences which can only in the end be explored in reciprocal ways’ (Eagleton, 1996, p. 120). Above all else, the enduring relevance of a radical socialist pedagogy and politics is the centrality it accords to the interrogation of capitalism. We can no longer afford to remain indifferent to the horror and savagery committed by capitalist's barbaric machinations. We need to recognize that capitalist democracy is unrescuably contradictory in its own self-constitution. Capitalism and democracy cannot be translated into one another without profound efforts at manufacturing empty idealism. Committed Leftists must unrelentingly cultivate a democratic socialist vision that refuses to forget the ‘wretched of the earth,’ the children of the damned and the victims of the culture of silence—a task which requires more than abstruse convolutions and striking ironic poses in the agnostic arena of signifying practices. Leftists must illuminate the little shops of horror that lurk beneath ‘globalization’s’ shiny façade; they must challenge the true ‘evils’ that are manifest in the tentacles of global capitalism's reach. And, more than this, Leftists must search for the cracks in the edifice of globalized capitalism and shine light on those fissures that give birth to alternatives. Socialism today, undoubtedly, runs against the grain of received wisdom, but its vision of a vastly improved and freer arrangement of social relations beckons on the horizon. Its unwritten text is nascent in the present even as it exists among the fragments of history and the shards of distant memories. Its potential remains untapped and its promise needs to be redeemed.

#### Their foregrounding of disability turns class into culture --- oversaturation of difference is the mechanism used to divert attention from capitalist antagonism. The alternative is a decolonizing, anticapitalist pedagogy that unmasks capital’s strategies for control

McLaren et al 9 (Peter McLaren, Prof @ Chapman in Critical Studies . Prof @ UCLA, Urban Studies, Honorary Director of Center for Critical Studies in Education in Northeast Normal University, Changchun, China. Sheila Macrine, Dave Hill. “Revolutionizing Pedagogy: Education for Social Justice Within and Beyond Global Neo-Liberalism” \*Interview with Peter McLaren in book) //JHorn

I have been part of a movement to build a radical humanistic socialism—in part by de-writing socialism as a thing of the past and rewriting critical pedagogy as a struggle for a postcapitalist alternative—and in doing so I have taken the position that socialism and socialist principles are not dead letters, but open pages in the book of social and economic justice yet to be written or rewritten by people struggling to transform our capitalist prehistory, and to build a truly egalitarian social order where, as Marx put it, the real history of humanity can begin. We can do this in a number of ways but I have been concentrating mainly but not exclusively on ideology critique, de-naturalizing what is assumed to be unchangeable, de-reifying human agency, and de-objectifying the commodity culture of contemporary capitalism. I have been trying to discourage progressive educators from a sole reliance on a politics of human rights antiseptically cleaved from the issue of economic rights and have been trying to unburden cultural studies of its textuality of the negative, what Marxist professor Teresa Ebert calls a "site of meaningfulness with- out meaning and thoughtful unthoughtfulness" that presumably arrived on the wings of the Angel of History to save us from the old bearded devil: Karl Marx. With the advent of the linguistic turn in the arts and social sciences—a time regrettably, where class struggle was rewritten in the aerosol terminology of the politics of difference, and difference were treated as difference within itself (how difference is different from itself)—Marxism was a popular target among progressive academics. But replacing class struggle with the politics of "difference" and "diversity" flattens out and empties the whole structure of antagonism or ensemble of relations of opposition within the structured hierarchy of capitalist social relations. Social relations of oppression are, in this case, dissolved into difference within or between two differences—into relations of supplementarity—rather than highlighting labor relations or struggles between workers and the capitalist class. Ebert has written in great detail on this in a white heat but also with an attempt at clarity. And yes, of course, I have at the same time been challenging what Quijano calls "the coloniality of power" (I very much admire the work of Quijano, Mignolo, and Grosfoguel although I have some difficulty with some aspects of their critique of Marxism). Educators, especially, need to get beyond the manufactured fear and the hysterical rhetoric, peddled by what we call the corporate-state-military- media complex (or simply, the "power complex"), and instead seek a deeper means of challenging repressive and violent social structures. In some instances, we might slow down and reverse the current trend among legislative and policy-making bodies and political leaders who contribute mightily to the dreck and the moral refuse that has come to define the current war against the poor within the United States and the struggle against the working class by the transnationalist capitalist class. Since 1987,1 have been visiting rauicai cuucaiors, student groups, workers, philosophers, counterculturalists, contrarians, culture brokers, and pedagogical tastemakers internationally (most recently in Finland, Portugal, Greece, Venezuela, Brazil, and Cuba), attempting to conscript their messages into a larger, transnational drumbeat that will help to entrain an activist movement toward a postcapitalist alternative. What has been different about my work over the last decade is that it delves deeper into the terrain of Marxist theory and with more exigency and urgency, in an attempt to create spaces/places in different scales and registers where students can apprise themselves of the opportunity to resist more fully the geopolitics of imperialism and comprehend how new social relationships can be wrought that can supercede those given birth by the United States' underbelly of violence—a poisonous underbelly festering inside a hypocritical miasma of couth that floats everywhere and penetrates the very structure of our consciousness through electronic orifices that make up the neoliberal sensoria of propaganda—propaganda that is imbibed at last partially by a mystified duped citizenry under the aroma of "democracy." All of this is part and parcel of the geopolitics of imperialism that largely defines U.S. foreign and domestic policy—all of which, of course, impacts how we both view and develop our role as educated citizens (in my case, a citizen of the world as I am against most forms of nationalism) and critical cosmopolites. The gangrene-ridden wound in the soul of the country won't be healed by Obama or McCain (certainly not McCain who is a total nutcase). The issue goes beyond the United States itself. It has to do with the transnational capitalist class. But the United States certainly plays a major role. In light of the Bush administration's "humanitarian" invasion of Iraq, and other U.S. war crimes too numerous to mention, its current war on the poor, its savage repression of twelve million immigrant workers, and its involvement in overthrowing democratically elected regimes worldwide, we must detach from the term democracy the connotations of equality before the law, free speech, right of association, universal suffrage, and self-rule with which it has been saddled over the decades and recognize it as a vile condition that ensures the involuntary servitude of wage labor, the racial and gendered division of labor, and the plundering of natural resources by the imperial powers. The once grand refusal of critical pedagogy to reproduce dominant ideologies and practices inherent in capitalist schooling and the wider context of globalized capitalism and instead to embrace the possibility of decolonizing the conceptual, philosophical, epistemological and cultural dimensions of learning has been expurgated by the flat-lined antipolitics of postmodernism. My work has set itself up in opposition to this fashionable apostasy undertaken by what I once termed the avant-garde "hellions of the seminar room." Gore Vidal once prcscicntly noted that the U.S. government prefers that "public money go not to the people but to big business. The result is a unique society in which we have free enterprise for the poor and socialism for the rich" and the truth of this statement is no more evident than in the recent nationalization of Fannie and Freddie where you can see clearly that the United States is a country where there exists socialism for the rich and privatization for the poor, all basking in what Nouriel Roubini calls "the glory of unfettered Wild West laissez-faire jungle capitalism" that has allowed the biggest debt bubble in history to fester without any control, causing the biggest financial cri- sis since the Great Depression. Indeed, socialism is only condemned when it profits the poor and the powerless and threatens the rich. But capitalists are quick to embrace a socialism for the rich—which really is what neoliberal capitalism is all about. But of course, it's not real socialism but a form of state capitalism. Which is why today we have democracy for the rich while the poor are cast into quasi-feudal steam- punk landscapes of dog-eat-dog despair. Those whose labor is exploited in the production of social wealth—that is, the wage and salaried class—are now bearing most of the burden of the current economic crisis in the United States. S.L.: In the interview "Pedagogy and Praxis in the Age of Empire" (also the title of one of your books) published in the fall of 2007 you argue that revolutionary critical pedagogy operates from an under- standing that the basis of education is political and that we have to create a space where students can be given resources to imagine a dif- ferent world outside the capitalism's law of value. Could you describe what space in particular you have in mind? Can you define the moment of the revolutionary in critical pedagogy? P.M.: The moment of the revolutionary. I like that term. I suppose that there are as many revolutionary moments as there are critical educators. Let me wind up to your answer by providing some theoretical context. As I expressed this dilemma and challenge in an article recently, while it is certainly true, as many post-structuralists unguardedly claim, that we are semiotically situated in hermeneutic horizons, in gendered and racialized positionalities riven by power-sensitive and power-expansive relations of symmetrical privilege, and in social space aligned and vectored geopolitically and cross-hatched sociocuIturally, it is also true that the totalizing power of capital has created an over- arching matrix of exploitation in which all of these antagonisms have been accorded value in relation to the sale of human labor power in the global marketplace where, like force-fed swine who are made blind and crippled in preparation for mass consumption, men and women are led to the slaughterhouse of capital hoisted on hooks of poverty and debt. By this I meant that we certainly should not refrain from exploring and celebrating our ethnic heterogeneity and heterodox temporalities that power our subjectivity. I am not against this, or related issues such as building border identities that escape the lineaments of Eurocentric epistemes. This is all fine and good. But let's not forget that the totalizing power of capital creates constitutive limitations in which subjectivities are formed. This, I have argued, can be seen as a form of controlled consent made possible by the production of social amnesia both produced and enforced by the corporate media, and the deep psychology that turns the engines of mass propaganda disguised as a free marketplace of ideas (where the only free cheese available is in the mousetrap). Democracy has become synonymous with profit-making, requiring a rollback of trade union power and a generalized hollowing out of social democracy, not by military dictatorship but by an endless stream of maledictions and execrations against leftist movements and Marxist analyses that deal with the totality of capitalist social relations and address questions of universality. We are immersed in a popular culture unswervingly saturated by endless spectacles meant to divert attention from substantive political issues and debates, and geared toward proselytizing in order to create silent accomplices in the ravages of corporate expansionism and imperialism. In the name of the most holy acts of consumption, the state media apparatuses, not only fail to resist the complete takeover of the public sphere by the logic of capital, but actively promote capitalist logic. In other words, under the guise of defanging the alienation produced by the social labor of capital, and making us more critically informed citizens, the media actively promote such alienation. In order to address these issues and other related issues, critical pedagogy needs to be renewed—yes, it needs to bring itself face-to-face with the moment of the revolutionary. This time it has to be concerned with the problem of reasserting human action, and of finding forms of organization that facilitate human development. The depredations of progressive (i.e., left liberal) pedagogues have often subordinated praxis to the realm of ideas, theory, and the regime of the episteme. But critical socialist pedagogy recognizes the pivotal role of public political action, what has been called "public pedagogy." It's a pedagogy of revolutionary praxis. And here I would argue for a decolonizing, anticapitalist pedagogy. I have talked already about an anticapitalist pedagogy so let me explain what I mean by a decolonizing pedagogy. As I have written elsewhere, decolonizing pedagogical approach supports progressive initiatives such as smaller class sizes, improved low environ- mental impact school buildings, an end to school tracking, schools created on a human scale within or as local to communities as possible, cooperation between schools and local authorities rather than competition within the marketplace, vastly increased funding for education, increased powers for local governments to redistribute resources and participate in the development of antiracist, antisexist, and anti-homophobic policies and practices, and egalitarian policies designed to assist in more equal educational outcomes, irrespective of social class, gender, race, sexuality, or disability, and a curriculum geared toward socialist cooperation and ecological justice. But it also goes well beyond these initiatives. Decolonizing pedagogy in this instance does not only mean developing classroom strategies designed to contest neoliberal policies and practices, imperialism and militarism; it refers as well to developing a language of critique in which the concentration of corporate and state power is fundamentally challenged transnationally as well as locally. It is designed to understand society as a totality. Decolonizing educators realize that the concept of globalization alone is inadequate for understanding political and economic imperialism, wars of con- quest and the pursuit of empire. The decolonizing pedagogy that is being advocated here recognizes that as we exercise our neocolonial means of exploiting other countries (as the United States and other foreign capital have exploited the labor power of local populations, drawing them into the world- wide labor market), the mass media and culture in general constitute the central means by which the consent of the popular majorities are secured by the transnational capitalist class in pursuit of the consolidation of their profit-making practices. An important condition of possibility for economic exploitation is the subjective subordination of the popular majorities through education//

, entertainment, literature, and art. Such strategies of subordination are made more trans- parent within a decolonizing pedagogy that employs critical media literacy in the manner suggested by philosophers such as Douglas Keliner. Decolonizing pedagogical practices are fundamentally activities rather than a contemplation of abstract concepts; they are designed to undermine empire by creating connections between the subjective feelings of alienation experienced by students and an understanding of their objective location within the social division of labor. In other words, the project of decolonization involves a concrete historical struggle and not a struggle for an abstract Utopia. It involves providing students with opportunities for learning some of the basic quantitative and qualitative tools of urban sociologists and activists, for undertaking analyses and projects in their neighborhoods and com- munities, and within the schools themselves. More fundamentally, decolonizing pedagogy is the creation of an historical identity through understanding the origins of the system that produces the alienation and estrangement experienced by students. In helping students analyze how the symptoms of their alienation are connected to the objective conditions of class society, teachers contribute to opening up a relationship between students and the historical present. The overall purpose is to undermine the established social relationship between classes, individuals and groups as well as the state's overdetermined systems of meaning such that it is possible to redefine what it means to be human outside of the repressive restrictions of the state. What is at stake here is more than following a methodology but developing the historical character of our social being. For instance, some radical educators such as Jeff Duncan Andrade and Ernest Morrell are teaching high school students to become radical sociologists that can analyze their own schools as institutions of domination, colonization, and social control. They call their approach, "thug life pedagogy" after the late hip-hop artist Tupac Shakur. Here critical pedagogy constitutes the building blocks for a relation with other people. In doing so, critical teaching helps hope resume its odyssey of struggle against the obstacles of fear, ignorance, and self-doubt. Tupac Shakur died at age twenty-five. His theory of humanization was called THUG LIFE (The Hate U Gave Little Infants Fucks Everyone). Tupac used to call youth fighting against oppression as the "roses that grow from con- crete." According to Duncan-Andrade, "they are the ones who prove society's rule wrong by keeping the dream of a better society alive, growing despite the cold, uncaring, un-nurturing environment of the concrete." Andrade's students create block-umentaries where groups of students organized by neighborhood document how the historical, sociological, psychological, and educational tools of oppression are being used on their blocks to keep them and their families down. I think that's one way to utilize critical pedagogy. Of course, in doing all of this, it is also important to try to imagine what a postcapitalist project might look like on the ground, in the streets—how would it look at the level of the system and structure, the state apparatuses and the lifeworld. These are challenges that as educators we need to face.

## Case

**New 2N responses to all of the tricky stuff, don’t look back at the doc, if you didn’t flow it in the 1AC its not an argument.**

#### 1] Presume neg – it’s the affs job to prove a desirable change from the squo. statements are false till proven true that’s why we don’t believe conspiracy theories

#### 2] Reject framing arguments that parameterize content – debate should be an open forum to attack ideas from different directions – anything else brackets out certain modes of knowledge production which their ev would obviously disagree w/.

#### ROB is to vote for the better debater. Only evaluating the consequences of the plan allows us to determine the practical impacts of politics and preserves the predictability that fosters engagement. Rigorous contestation and third and fourth-line testing are key to generate the self-reflexivity that creates ethical subjects.

#### Prefer –

#### 1. Competition- The competitive nature of debate wrecks the interactive nature of debate – the judge must decide between two competing speech acts and the debaters are trying to beat each other – this is the wrong forum for interaction

#### 2. Spillover- How does educational orientations spill over beyond this space? Empirically denied – judges vote on this shit on this time and nothing ever happens.

#### 3. Prescription- certain interactions are prescripted – eg subjectivity– can’t be reformulated so easily

#### Abstract critique keeps us from forefronting political reform to create material change for disability.

Ruckelshaus 17 [Jay, Rhodes Scholar and graduate student in political theory at the University of Oxford, and the founder and president of Ramp Less Traveled, a nonprofit organization that helps students with spinal cord injuries pursue higher education. 01/18/17 "The Non-Politics of Disability.” <https://www.nytimes.com/2017/01/18/opinion/denouncing-trump-wont-help-disability-rights.html>] JCH-PF

Disability rights enjoy a seemingly ironclad moral consensus, an ostensible unanimity that is striking given America’s entrenched polarization and the antagonism surrounding other identity movements. Many are wary of L.G.B.T. rights or the Black Lives Matter movement, but it seems beyond the pale — almost cruel — to oppose disability rights. Nobody wants to be anti-disability. Initially, this harmony would seem helpful. Free from partisan discord, advancements for the approximately 57 million Americans with disabilities should be easier to achieve, borne aloft by the wings of certain progress. Why, then, do rampant unemployment and educational disparities endure, and why does success remain the exception? I think part of the reason is the insulation of our pro-disabled political consensus. Its logic is rooted not in any deep belief in the equal worth of citizens with disabilities, but rather in a general aversion to disability. This is related to the charity impulse that has always surrounded disability — and has constrained liberation efforts by assuming that inequities are unfortunate but natural realities to be mitigated through compassion, rather than politically structured injustices. There is also a profound lack of disabled people in the public sphere, meaning any substantive discussion that does occur is extremely rare. I suspect many people I talk to about disability maintain an implicit hope that, if they nod as vigorously as possible, the issue will simply go away. In this way, support for disability rights is similar to the act of expressing perfunctory thanks to military veterans. It temporarily absolves us of the responsibility to address the heart of the matter. Moreover, the apparent moral consensus may be mostly superficial. In trying to enact accessibility, disability advocates encounter increasing resistance as the effort and costs involved in proposals come closer to being realized. (Consider the neighborhood store that decides it’s just too costly to install a ramp, or the community lecture that excludes deaf attendees by refusing to hire a sign-language interpreter.) Instead of facilitating change, false unity actually restrains change. It stifles the more substantive conversations true progress requires. And our inability to speak honestly — and contentiously — about disability shows how the politics of disability is in this sense non-political. We are the worse for it. In addition to greater participation in the public sphere, true progress for citizens with disabilities will require a willingness to confront the issues head-on, even when — especially when — citizens disagree on competing solutions. We must politicize disability — not in the cable-news, grandstanding kind of way, but in the term’s more formal sense. The work of the Belgian political theorist Chantal Mouffe can help illuminate what’s at stake. Mouffe begins with the premise that human relations are inherently antagonistic: Political change always requires controversial transfers in power or prestige, and it is an illusion to imagine politics without confrontation. Per this “agonistic” conception of democracy, a healthy political order is one that prefers vigorous, good-faith argumentation to complacent consensus. Until we publicly recognize real disagreements surrounding disability and accessibility, Mouffe would insist, we are doomed to a vacuous, empty debate that is neither political nor productive. Recall the Kovaleski incident. I’m not suggesting that the abhorrence of Mr. Trump’s actions is open to legitimate questioning. But in their forcefully reassuring comments and messages, my friends prevented any serious discussion of disability at the level where reasonable disagreement does exist. Where will the money come from to fund disability employment schemes? How do we even define “disability”? Despite — and, I would argue, partly because of — the broad condemnation of Mr. Trump for his insensitivity, there was no substantive public discussion of such issues. You may be thinking, haven’t we had enough politics lately? Maybe it’s a blessing that disability isn’t as political as it might be; it avoids the drama and messiness that now seem to define our common life. Avoiding politics might be possible if disability were an exclusively private affair. But it is fundamentally a public concern, affecting everyone directly or indirectly and revealing our obligations to one another as members of a democratic society. Issues of accessibility can be fully addressed only through public institutions and collective effort. For the disability community, there is no answer but politics. But politics need not be repulsive. That’s the beauty of Mouffe’s agonism: By legitimating clashing arguments and welcoming them into the political fold, unproductive antagonism becomes constructive, and compromises emerge.

#### Disability must be politically directed---disengagement causes catastrophic backsliding in basic rights.

McGreevy 20 [Nora McGreevy is a daily correspondent for Smithsonian. She is also a freelance journalist based in Chicago whose work has appeared in Wired, Washingtonian, the Boston Globe, South Bend Tribune, the New York Times and more. "The ADA Was a Monumental Achievement 30 Years Ago, but the Fight for Equal Rights Continues." https://www.smithsonianmag.com/history/history-30-years-since-signing-americans-disabilities-act-180975409/]

For disability rights leader [Judy Heumann](https://twitter.com/judithheumann), the tumult of 2020—first the COVID-19 pandemic, then a reignited movement against racial injustice—underscores just how much work remains to be done.

“Everything’s kind of being thrown into the pot right now, right?” she says.

Heumann has been at the forefront of the fight for equality for disabled Americans. She relishes the hard-won successes but has no misconceptions about how looking back at 30 years since the Americans with Disabilities Act (ADA) was signed on July 26, 1990, much progress still has to be made.

That day, the United States became the first country to pass comprehensive protections for the basic civil rights of people with disabilities, outlawing discrimination against individuals with disabilities in schools, employment, transportation and other key parts of public life. The ADA would also remake the physical environment of the country by mandating accessibility in public spaces—entry ramps, Braille on signs, automatic doors, curb cuts and lifts on city buses and other measures that make it easier for the more than [61 million Americans](https://www.cdc.gov/media/releases/2018/p0816-disability.html) living with disabilities to participate fully in society.

Heumann, who contracted polio as a baby and has used a wheelchair most of her life, grew up in Brooklyn, where the local public school refused to let her attend because of her disability. Protections for the civil rights of people with disabilities in those days were limited—neither the 1964 Civil Rights Act nor the 1965 Voting Rights Act had included people with disabilities as a protected class.

Her first foray into activism came in 1970, when Heumann sued the Board of Education of the City of New York to become the city’s first teacher who uses a wheelchair. She later moved to Berkeley, California, where she worked alongside activist [Ed Roberts](https://www.smithsonianmag.com/smithsonian-institution/ed-roberts-wheelchair-records-story-obstacles-overcome-180954531/) at the Center for Independent Living, a pioneering home for people with disabilities founded on the principles of community and self-empowerment.

In 1977, she, fellow activists Kitty Cone, Brad Lomax and others led a grueling sit-in at a federal building in San Francisco to demand that the government enforce Section 504 of the Rehabilitation Act, which stated that federally funded organizations could not discriminate against people with disabilities. (The new Netflix documentary Crip Camp, produced by Barack and Michelle Obama, includes inspiring documentary footage of the protest.)

The 504 sit-in united Americans with different kinds of disabilities—people who were hearing or visually impared, or who used wheelchairs or had mental disabilities—in an unprecedented way, Heumann says. “It empowered us,” she recalls. “Simply put, we were slowly moving from being a rag-tag, unorganized group of disabled people … to a cross-disability movement. We were really recognizing that it was possible for us to envision a day when barriers of discrimination could be torn down… Without the voices of disabled individuals, we would not have gotten 504, the way it ultimately came out, nor would we have been able to get the ADA.”

When President George H.W. Bush finally signed the ADA in 1990, he was flanked by some of the key people who helped its passage, including Justin Dart Jr., the vice chair of the National Council on Disability, who had embarked on an epic nationwide tour to advocate for the legislation just years earlier.

“When it was passed and signed, there was a huge ceremony because it was seen as this amazing national moment, even though the law was imperfect,” says Katherine Ott, the curator in the division of science and medicine at the Smithsonian’s National Museum of American History. “At the moment, it was one of the happiest days in the 20th century for people with disabilities.”

In the three decades that followed, a new generation of Americans with disabilities, known as the “ADA generation,” grew up in a world where their basic rights were protected by the law. But the ADA has its limits.

Thirty years later, experts say that many of the ADA’s promises of universal accessibility have not come to pass—in part because laws like Section 504 and the ADA are predicated on someone litigating, explains Beth Ziebarth, who directs Access Smithsonian, the branch of the Smithsonian Institution that works to make its museums, zoo and research centers accessible to all.

“The mechanism for actually implementing the ADA, in many respects, is the process of somebody with a disability filing a complaint about the lack of accessibility,” Ziebarth says. “That leads to spotty compliance across the country.”

For instance, Heumann notes that air travel—an industry not covered by the ADA—has become “worse and worse” for people with disabilities over the years, particularly when it comes to getting motorized wheelchairs in and out of cargo pits. Technology companies, too, often lag behind in providing accessibility measures for users with disabilities—contributing to what’s known as the “digital divide,” she says.

“The ADA is a very important piece of legislation. But even if it were being implemented as effectively as possible, it still doesn’t address other issues that disabled people are facing,” Heumann says.

Issues of representation for all people with disabilities—and particularly people of color—are now more a part of the conversation than ever. When protests against racial injustice erupted across the country in May after the killing of George Floyd, many disability activists were quick to point out how issues of disability rights and civil rights for African Americans are interconnected, and sometimes overlooked. Studies estimate that one-third to one-half of black Americans killed by the police are experiencing episodes of mental illness or have a disability, although no national database exists to track those statistics, as reporter Abigail Abrams reported for Time last month.

In June, South Carolina-based disability rights activist Vilissa Thompson watched snapshots of the Black Disabled Lives Matter marches in Washington D.C. flood her timeline. “It was really incredible to see,” Thompson says.

At 34 years old, Thompson, who is black and uses a wheelchair, feels lucky to have grown up with the ADA. But the disability movement must also reckon with racism, inclusivity and an intersectional understanding of race and disability, she says.

“If you’re going to talk about black liberation or freedom, disability rights have to be involved in the story, and vice versa,” Thompson says.

On her website, Ramp Your Voice, Thompson has written extensively about black leaders in the Disability Rights Movement whose stories are often left out of the historical narrative, activists like Brad Lomax, who played a pivotal role in the 504 Sit-In by connecting activists with the Black Panther Party, which provided hot meals to the people stuck in the federal building.

In 2016, Thompson started the hashtag #DisabilityTooWhite to draw attention to media stories that center white disabled people, which continues to be used to this day: “We have to understand that black disabled folks have always been a part of both movements, the disability rights movement and the civil rights movement, whether they get acknowledgement or not,” she says.

Apart from the noteworthy anniversary, the ADA made news over a conflation of who and what the ADA specifically protects. A fake badge appropriating the ADA as an excuse to avoid wearing face masks—a claim that the Department of Justice disavowed—has blossomed on Facebook and Twitter during the COVID-19 pandemic.

“Inappropriate use of the ADA is not uncommon,” Thompson says. “It’s upsetting that people are using the ADA in this way to avoid responsibility and what they can do during this time. It’s a grotesque misuse of the mandate.”

Individuals with disabilities who also have underlying chronic illness are likely at higher risk of severe illness from COVID-19, and those living in nursing homes or institutions face higher risks of transmission, Heumann points out. Workers with disabilities have also been disproportionately affected by the financial fallout of the national shutdown, according to initial studies.

The pandemic also brought deep-rooted disparities in medical care against people with disabilities to the fore: in March, for instance, disability rights groups in Washington and Alabama filed complaints against state ventilator rationing plans, as Minyvonne Burke reported for NBC News at the time. These plans suggested that medical professionals could chose to not use ventilators on patients with disabilities in the case of a shortage.

“It was shades of the eugenics issue all over again,” Ziebarth says, referring to the long history of forced sterilization and euthanasia that Americans with disabilities endured, particularly in the late 19th century and early 20th centuries. “That’s kind of a scary reality: we’re not far away from everything going back to where it was in the early 1900s.”

For Ziebarth, it reveals how fragile hard-won progress can be. “We realize that it’s really important for the younger generations to understand that your rights can be taken away from you,” Ziebarth says. “We need to be vigilant. Otherwise we can lose everything that people fought so hard for.”