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### 1NC---T USFG

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

#### Resolved requires policy action

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

**Resolution**

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

#### Appropriation

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

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

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

#### Two impacts:

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

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

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

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

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

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

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

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

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

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

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

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

4.2.1 Goals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2.2 Preconditions

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

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

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

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

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

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

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

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

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

TVA---bans cap in outer space

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

#### No rvis –

#### Illogical, outweighs

## 2

### DA

#### Algorithmic governance as per their Beller evidence is good -- it solves crisis escalation.

Corneliu Bjola 19, Head of the Oxford Digital Diplomacy Research Group, University of Oxford, 11/10/19, “Diplomacy in the Age of Artificial Intelligence,” http://www.realinstitutoelcano.org/wps/portal/rielcano\_en/contenido?WCM\_GLOBAL\_CONTEXT=/elcano/elcano\_in/zonas\_in/ari98-2019-bjola-diplomacy-in-the-age-of-artificial-intelligence

Taking note of the fact that developments in AI are so dynamic and the implications so wide-ranging, another report prepared by a German think tank calls on Ministries of Foreign Affairs (MFAs) to immediately begin planning strategies that can respond effectively to the influence of AI in international affairs. Economic disruption, security & autonomous weapons, and democracy & ethics are the three areas they identify as priorities at the intersection of AI and foreign policy. Although they believe that transformational changes to diplomatic institutions will eventually be needed to meet the challenges ahead, they favour, in the short term, an incremental approach to AI that builds on the successes (and learns from the failures) of “cyber-foreign policy”, which, in many countries, has been already internalised in the culture of the relevant institutions, including of the MFAs.13 In the same vein, the authors of a report prepared for the Centre for a New American Security see great potential for AI in national security-related areas, including diplomacy. For example, AI can help improve communication between governments and foreign publics by lowering language barriers between countries, enhance the security of diplomatic missions via image recognition and information sorting technologies, and support international humanitarian operations by monitoring elections, assisting in peacekeeping operations, and ensuring that financial aid disbursements are not misused through anomaly detection.14

From an AI perspective, consular services could be a low-hanging fruit for AI integration in diplomacy as decisions are amenable to digitisation, the analytical contribution is reasonable relevant and the technology favours collaboration between users and the machine. Consular services rely on highly structured decisions, as they largely involve recurring and routinised operations based on clear and stable procedures, which do not need to be treated as new each time a decision has to be made (except for crisis situations, which are discussed further below). From a knowledge perspective, AI-assisted consular services may embody declarative (know-what) and procedural knowledge (know-how) to automate routinised operations and scaffold human cognition by reducing cognitive effort. This can be done by using data mining and data discovery techniques to organize the data and make it possible to identify patterns and relationships that would be difficult to observe otherwise (e.g., variation of demand for services by location, time, and audience profile).

Case study #1: AI as Digital Consul Assistant

The consulate of country X has been facing uneven demand for emergency passports, visa requests and business certifications in the past five years. The situation has led to a growing backlog, significant loss of public reputation and a tense relationship between the consulate and the MFA. An AI system trained with data from the past five years uses descriptive analytics to identify patterns in the applications and concludes that August, May and December are the most likely months to witness an increase of the demand in the three categories next year. AI predictions are confirmed for August and May but not for December. AI recalibrates its advice using updated data and the new predictions help consular officers manage requests more effectively. As the MFA confidence in the AI system grows, the digital assistant is then introduced to other consulates experiencing similar problems.

Digital platforms could also emerge as indispensable tools for managing diplomatic crises in the digital age and for good reasons. They can help embassies and MFAs make sense of the nature and gravity of the events in real-time, streamline the decision-making process, manage the public’s expectations, and facilitate crisis termination. At the same time, they need to be used with great care as factual inaccuracies, coordination gaps, mismatched disclosure level, and poor symbolic signalling could easily derail digital efforts of crisis management.15 AI systems could provide great assistance to diplomats in times of crisis by helping them make sense of what it is happening (descriptive analytics) and identify possible trends (predictive analytics). The main challenge for AI is the semi-structured nature of the decisions to be taken. While many MFAs have pre-designed plans to activate in case of a crisis, it is safe to assume that reality often defies the best crafted plans. Given the high level of uncertainty in which crisis decision-making operates and the inevitable scrutiny and demand of accountability to occur if something goes wrong, AI integration can work only if humans retain control over the process. As a recent SIPRI study pointed out, AI systems may fail spectacularly when confronted with tasks or environments that differ slightly to those they were trained for. Their algorithms are also opaque, which makes difficult for humans to explain how they work and whether they include bias that could lead to problematic –if not dangerous– behaviours.16

#### Externally, environmental sustainability – extinction.

David Victor 19, professor of international relations at the School of Global Policy and Strategy and director of the Laboratory on International Law and Regulation, Co-Chair of the Brookings Initiative on Energy and Climate, 1/10/19, “How artificial intelligence will affect the future of energy and climate,” https://www.brookings.edu/research/how-artificial-intelligence-will-affect-the-future-of-energy-and-climate/

HOW AI WILL IMPROVE CLIMATE POLICY

Since the chief protagonist in the climate change story, CO2, has a long atmospheric lifetime, there is only a sluggish relationship between changes in emissions and the accumulated concentrations; in turn, those concentrations have a sluggish impact on the climate. Even if AI were part of some massive transformation in the energy system, the built-in inertia of that energy system, along with the inertia in the climate system, virtually guarantees that the world is in for a lot of climate change. All this is grim news and means that widely discussed goals, such as stopping warming at 1.5 or 2 degrees Celsius are unlikely to be realized.

These geophysical and infrastructural realities give rise to a new policy reality: adaptation is urgent.[7] They also mean that emergency responses to extreme climate impacts—for example, solar geoengineering, might be needed as well.

Existing research shows that there is a huge difference in the impact on public welfare from scenarios where climate change affects a society that doesn’t have an adaptation plan compared with a society that takes active adaptive measures. For example, the most recent U.S. climate-impact assessment released in November 2018 demonstrates that active adaptation measures can radically reduce losses from some climate impacts—often with benefits that far exceed the costs.[8] Extreme climate change is going to be ugly and will require hard choices—such as which coastlines to protect or abandon. Without smart adaptation strategies, it will be a lot worse.

One of the central insights from the science of climate impacts is that extreme events will cause most of the damage. A world that is a bit warmer and wetter (and a bit drier in some places) is a world that societies, within reason, can probably adapt to—especially if those gradual changes are easy to anticipate. But a world that has more extreme events—put differently, climate events that have a higher variance—is a world that requires a lot more preparedness. A farming area that faces a new, significant risk of truly extreme drought for example, such as a decade-long dust bowl, will need to prepare as if that extreme event is commonplace. It will need irrigation systems, the option of planting hardier crops and other possible interventions that sit ready when the extreme events come.

Once those systems are purchased, much of the expense is borne and it makes sense to use them all the time. This has been the experience, for example, with the Thames river barrier or a similar Dutch flood barrier—these systems were designed and installed at vast expense with extreme events in mind, and now they are being used much more frequently. Climate impacts are, fundamentally, stochastic events centered around shifting medians—a warmer world, for example, is one where median temperature rises and where the whole distribution of temperatures from cold to hot shifts hotter. But the tails in that statistical distribution also probably fatten, and for some impacts, those tails get a lot fatter. Machine learning techniques will probably improve the ability to understand the shapes of those tails.

This logic of extreme events as the main drivers of climate impacts and response strategies has some big implications for how societies will plan for adaptation and how AI can help—possibly in transformative ways.

First, AI can help focus and adjust adaptation strategies. Because uncertainty is high and extreme events are paramount, policymakers, firms, and households will not know where to act nor what expense is merited. They will have a large portfolio of responses, each with an option value. Machine learning can help improve the capacity to assess those option values more rapidly. Such techniques might also make it possible to rely more heavily on market forces to weigh which options generate private and public welfare—if so, AI could help reduce one of the greatest dangers as societies develop adaptation strategies, which is that they commit vast resources to adaptation without guiding resources to their greatest value. High levels of uncertainty, along with acute private incentives that can mis-allocate resources—for example, local construction firms and organized labor might favor some kinds of adaptive responses (e.g., building sea walls and other hardened infrastructure) even when other less costly options are available—mean that adaptation needs could generate a massive call on resources and thus a massive opportunity for mischief and mis-allocation.

Second, most adaptation efforts are intrinsically local and regional affairs. As a matter of geophysics, climate change harms public welfare when general perturbations in the oceans and atmosphere get translated into specific climatological events that are manifest in specific places—specific coastlines, mountainous regions, public lands, and natural ecosystems. As a matter of public policy, the actors whose responses have the biggest leverage on local impacts are managers of local infrastructures—coastal and urban planners, developers, city managers, and the like. Politically, this is one of the reasons why, despite all the difficulties in mobilizing action to control emissions, it is likely that as communities realize what’s at stake with adaptation, they will respond. Local responses generate, for the most part, local benefits. A big challenge in all this local response, however, is that local authorities are intrinsically decentralized and usually not steeped in technical expertise. Getting the best information on climate impacts and response strategies—let alone keeping that information aligned with local circumstances and shifting odds for climate impacts—is all but impossible. AI could help lower that cost and, in effect, democratize quality climate impacts response.

#### And global quality of life.

**UVP 18**, University Van Petoria Access Partnership, technical assistance from Prof. Nelishia Pillay, Head of the Computer Science Department of the University of Pretoria, 2018, “Artificial Intelligence for Africa: An Opportunity for Growth, Development, and Democratisation,” https://www.up.ac.za/media/shared/7/ZP\_Files/ai-for-africa.zp165664.pdf

**In Africa**, AI can help with some of the region’s most **pervasive problems**: from **reducing poverty** and **improving education**, to **delivering healthcare** and **eradicating diseases**, addressing sustainability challenges — and from **meeting the growing demand for food** from fast-growing population to advancing inclusion in societies.6 AI democratises access to innovative and productivity-boosting technology to fuel the growth the continentneeds.

In addition, AI is fundamentally reshaping how work is done, allowing for a more efficient allocation of resources leading to increased productivity and, in the case of government, improving the delivery of services to citizens. AI will also generate new, high-value jobs requiring technical skills, such as network engineers in the banking sector or web programmers in the retail industry. Demand for data scientists, robotics experts, and AI engineers will increase significantly. Further, AI unlocks the value of data, enhances cognitive processes, and improves predictive capabilities. This would allow governments in the region to drive better policy and decision making.7

Growth in Key Sectors

AI is set to fuel new economic growth. According to a recent study on the long-term economic impact of AI around the world, AI has the potential to double a country’s GDP growth rate by 2035.8 The ability to harness even a fraction of this benefit would be a powerful tool for development and poverty reduction. This impact will be particularly strong in a few core sectorsthat are key for Africa, including agriculture, healthcare, public services, and financial services.

Agriculture

Agriculture is critical to Sub-Saharan Africa’s growth; the sector employs over 65 percent of the continent’s labour force, and accounts for 32 percent of gross domestic product (GDP). The World Bank estimates that African food markets will be worth USD 1 trillion by 2030 up from the current USD 300 billion. Demand for food is projected to at least double by 2050, driven by population growth, rising incomes, rapid urbanisation, changes in national diets, and more open intra-regional trade policies, all of which are helping create new opportunities for Africa’s farmers. It is estimated that a 1 percent increase in crop productivity reduces the **number of poor people** by 0.72 percent in Africa.9 However, the sector is burdened with important limitations:

• degradation of land;

• reduction in soilfertility;

• increased dependence on inorganicfertilisers;

• dropping watertables;

• emerging pest resistance;and

• increased vulnerability and unpredictability of global climate

Its weak supply chain, low productivity, and vulnerability to climate heighten the risks of food scarcity and agricultural distress. Moreover, technology adoption has been slow and resource usage is inefficient. The sector would welcome and benefit from innovation. **AI**, along with machine learning,satellite imagery, and advanced analytics hasthe potential to improve productivity and efficiency at all of the stages of the agricultural value chain. These technologies can empower small-holder farmers to increase their income through higher crop yield and greater price control. For example, drone technology can be used to plant and fertilise seeds at a speed beyond human abilities. AI-powered analytics of crop data can also help **identify diseases**, enable soil health monitoring without the need of laboratory testing infrastructure,10 and facilitate the creation of virtual cooperatives to aggregate crop yields and broker better prices with suppliers. Artificial intelligence agricultural start-ups in South Africa include, Aerobotics, MySmartFarm, DroneClouds.

AI Solutions for Agriculture

FarmDrive— The Kenyan data analysisstartup is an alternative credit scoring platform for smallholder farmers. It uses mobile phones, alternative data, and machine learning to close the critical data gap that prevents financial institutions from lending to creditworthy smallholder farmers. 11

Sowing App — Microsoft and ICRISAT developed the Sowing App to help farmers achieve optimal harvests by advising on the best time to sow depending on weather conditions, soil and other indicators, leading to higher yields. The Sowing App utilised powerful AI to interface with weather forecasting models and extensive data that was downscaled to build predictability and guide farmers to pick the ideal sowing week.12

See & Spray — Blue River Technology has built “smart farm” machines to manage crops at a plantlevel. Today, the best practice is to treat all plants as if they have the same needs. However, their See & Spray technology changes this paradigm, empowering growers to make every individual plant count at scale. Using computer vision and AI, their smart machines can detect, identify, and make management decisions about every single plant in the field. 13

Healthcare

**Health systems** in Africa face several **structural challenges**. National medicalsystems often suffer from **shortages** of qualified healthcare professionals or supplies, resulting in divergent outcomes for patients depending on the facility and service that they need. In addition to accessibility barriers and rural and urban disparities, **lack of awareness** on health issues can be a barrier to seeking care, to receiving more effective treatments, and to more effective public health policies. Even when facilities and staff are available, **affordability** can put needed services out of reach of patients. **AI can help** plug these gaps and enhance outcomes, and large **corporations** and startups alike are developing AI-focused healthcare solutions for these challenges. There are rich use cases for AI in the healthcare field:

#### Err AFF because our brains are wired for techno-pessimism – the solution to bad tech is more tech.

Reinhart 18 (Will Rinehart is Director of Technology and Innovation Policy at the American Action Forum, where he specializes in telecommunication, Internet, and data policy, with a focus on emerging technologies and innovation. Rinehart previously worked at TechFreedom, where he was a Research Fellow. He was also previously the Director of Operations at the International Center for Law & Economics. In Defense of Techno-optimism. 10-10-2018. <https://techliberation.com/2018/10/10/in-defense-of-techno-optimism/> //shree) Recut Justin

Many are understandably pessimistic about platforms and technology. This year has been a tough one, from Cambridge Analytica and Russian trolls to the implementation of GDPR and data breaches galore. Those who think about the world, about the problems that we see every day, and about their own place in it, will quickly realize the immense frailty of humankind. Fear and worry makes sense. We are flawed, each one of us. And technology only seems to exacerbate those problems. But life is getting better. Poverty continues nose-diving; adult literacy is at an all-time high; people around the world are living longer, living in democracies, and are better educated than at any other time in history. Meanwhile, the digital revolution has resulted in a glut of informational abundance, helping to correct the informational asymmetries that have long plagued humankind. The problem we now face is not how to address informational constraints, but how to provide the means for people to sort through and make sense of this abundant trove of data. These macro trends don’t make headlines. Psychologists know that people love to read negative articles. Our brains are wired for pessimism. In the shadow of a year of bad news, it helpful to remember that Facebook and Google and Reddit and Twitter also support humane conversations. Most people aren’t going online to talk about politics and if you are, then you are rare. These sites are places where families and friends can connect. They offer a space of solace – like when chronic pain sufferers find others on Facebook, or when widows vent, rage, laugh and cry without judgement through the Hot Young Widows Club. Let’s also not forget that Reddit, while sometimes a place of rage and spite, is also where a weight lifter with cerebral palsy can become a hero and where those with addiction can find healing. And in the hardest to reach places in Canada, in Iqaluit, people say that “Amazon Prime has done more toward elevating the standard of living of my family than any territorial or federal program. Full stop. Period” Three-fourths of Americans say major technology companies’ products and services have been more good than bad for them personally. But when it comes to the whole of society, they are more skeptical about technology bringing benefits. Here is how I read that disparity: Most of us think that we have benefited from technology, but we worry about where it is taking the human collective. That is an understandable worry, but one that shouldn’t hobble us to inaction. Nor is technology making us stupid. Indeed, quite the opposite is happening. Technology use in those aged 50 and above seems to have caused them to be cognitively younger than their parents to the tune of 4 to 8 years. While the use of Google does seem to reduce our ability to recall information, studies find that it has boosted other kinds of memory, like retrieving information. Why remember a fact when you can remember where it is located? Concerned how audiobooks might be affecting people, Beth Rogowsky, an associate professor of education, compared them to physical reading and was surprised to find “no significant differences in comprehension between reading, listening, or reading and listening simultaneously.” Cyberbullying and excessive use might make parents worry, but NIH supported work found that “Heavy use of the Internet and video gaming may be more a symptom of mental health problems than a cause. Moderate use of the Internet, especially for acquiring information, is most supportive of healthy development.” Don’t worry. The kids are going to be alright. And yes, there is a lot we still need to fix. There is cruelty, racism, sexism, and poverty of all kinds embedded in our technological systems. But the best way to handle these issues is through the application of human ingenuity. Human ingenuity begets technology in all of its varieties. When Scott Alexander over at Star Slate Codex recently looked at 52 startups being groomed by startup incubator Y Combinator, he rightly pointed out that many of them were working for the betterment of all: Thirteen of them had an altruistic or international development focus, including Neema, an app to help poor people without access to banks gain financial services; Kangpe, online health services for people in Africa without access to doctors; Credy, a peer-to-peer lending service in India; Clear Genetics, an automated genetic counseling tool for at-risk parents; and Dost Education, helping to teach literacy skills in India via a $1/month course. Twelve of them seemed like really exciting cutting-edge technology, including CBAS, which describes itself as “human bionics plug-and-play”; Solugen, which has a way to manufacture hydrogen peroxide from plant sugars; AON3D, which makes 3D printers for industrial uses; Indee, a new genetic engineering system; Alem Health, applying AI to radiology, and of course the obligatory drone delivery startup. Eighteen of them seemed like boring meat-and-potatoes companies aimed at businesses that need enterprise data solution software application package analytics targeting management something something something “the cloud”. As for the other companies, they were the kind of niche products that Silicon Valley has come to be criticized for supporting. Perhaps the Valley deserves some criticism, but perhaps it deserves more credit than it’s been receiving as-of-late. Contemporary tech criticism displays a kind of anti-nostalgia. Instead of being reverent for the past, anxiety for the future abounds. In these visions, the future is imagined as a strange, foreign land, beset with problems. And yet, to quote that old adage, tomorrow is the visitor that is always coming but never arrives. The future never arrives because we are assembling it today. We need to work diligently together to piece together a better world. But if we constantly live in fear of what comes next, that future won’t be built. Optimism needn’t be pollyannaish. It only needs to be hopeful of a better world.

Tech is inevitable – we all use it to avoid COVID, so rejection re-entrenches disease and leads to net MORE exclusion, but it’s good for activists to connect and create resistance to governments. Their own participation proves it’s inevitable AND their use of it for competitive merit proves their argument is a moral hazard

## Case

### 1NC – Presumption

#### Reject arguments that parametrize argumentation – they bracket out certain forms of knowledge production which is exactly what their authors critique

#### The ROB and ROJ should be to vote for the better debater – anything else is self serving and arbitrary, and all of our impact turns to the aff also prove a reason why our model of debate is good since it supports these systems

#### Presumption flips neg against K affs – they have the burden of proof since they aren’t defending the rez. That’s key to ensure the neg has a shot at engagement.

#### Vote neg on presumption:

#### 1] Systems- the 1AC says institutions create social realities that replicate violence but in-round discourse does nothing to alter conditions. All you do is encourage teams to write better framework blocks.

#### 2] Spillover- they are missing an internal link as to why they need the ballot or why the reading of the aff forwards change. Empirically denied – judges vote on [x] all the time and nothing happens.

#### 3] Competition- debate is the wrong forum for change and competition moots any ethical value of the aff. Winning rounds just makes it seem like you want to win and a loss is internalized as a technical mistake.

#### 4] No chance any grab for power succeeds -- leftist hackers get bodied by the NSA

Fredrik deBoer 16, Limited-Term Lecturer, Introductory Composition at Purdue Program, 3/15/16, “c’mon, guys,” http://fredrikdeboer.com/2016/03/15/cmon-guys/

I could be wrong about the short-term dangers, and the stakes are incredibly high. But in the end we’re left with the same old question: what tactics will actually work to secure a better world?

In a sharp, sober piece about the meaning of left-wing political violence in the 1970s, Tim Barker writes “If you can’t acknowledge radical violence, radicals are reduced to mere victims of repression, rather than political actors who made definite tactical choices under given political circumstances.” The problem, as Barker goes on to imply, is those tactical choices: in today’s America they will essentially never break on the side of armed opposition against the state. The government knows everything about you, I’m sorry to say, your movements and your associations and the books you read and the things you buy and what you’re saying to the people you communicate with. That’s simply on the level of information, before we even get to the state’s incredible capacity to inflict violence. Look, the world has changed. The relative military capacity of regular people compared to establishment governments has changed, especially in fully developed, technology-enabled countries like the United States. The Czar had his armies, yes, but the Czar’s armies depended on manpower above and beyond everything else. The fighting was still mostly different groups of people with rifles shooting at each other. If tomorrow you could rally as many people as the Bolsheviks had at their revolutionary peak, you’re still left in a world of F-15s, drones, and cluster bombs. And that’s to say nothing of the fact that establishment governments in the developed world can rely on the numbing agents of capitalist luxuries and the American dream to damper revolutionary enthusiasm even among the many millions who have been marginalized and impoverished. This just isn’t 1950s Cuba, guys. It’s just not. In a very real way, modern technology effectively lowers the odds of armed political revolution in a country like the United States to zero, and so much the worse for us. This isn’t fatalism. It doesn’t mean there’s no hope. It means that there is little alternative to organization, to changing minds through committed political action and using the available nonviolent means to create change: a concert of grassroots organizing, labor tactics, and partisan politics. Those things aren’t exactly likely to work, either, but they’re a hell of a lot more plausible than us dweebs taking the Pentagon. Bernie Sanders isn’t really a socialist, but he’s a social democrat that moves the conversation to the left, and if people are dedicated and committed to organizing, the local, state, and national candidates he inspires will move it further to the left still. You got any better suggestions? Listen, commie nerds. My people. I love you guys. I really do. And I want to build a better world. Not incrementally, either, but with the kind of sweeping and transformative change that is required to fix a world of such deep injustice. But seriously: none of us are ever going to take to the barricades. And it’s a good thing, too, because we’d probably find a way to shoot in the wrong direction. I can’t dribble a basketball without falling down. American socialism is largely made up of bookish dreamers. I love those people but they’re not for fighting. And even if you have a particular talent for combat, you’re looking at fighting the combined forces of Google, Goldman Sachs, and the defense industry. Violence is hard. Soldiering is hard. In an era of the NSA and military robots, it’s really, really hard. “Should we condone revolutionary violence?” is dorm room, pass-the-bong conversation fodder, of precisely the moral and intellectual weight of “should we torture a guy if we know there’s a bomb and we know he knows where it is and we know we can stop it if we do?” It’s built on absurd hypotheticals, propped up by the power of anxious machismo, and undertaken to no practical political end. It’s understandable. I get it, I really do. But it’s got nothing to do with us. The only way forward is the grubby, unsexy work of building coalitions and asking people to climb on board.

#### Extinction outweighs:

#### A] Comes before value-to-life.

Tännsjö 11 (Torbjörn, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” <http://people.su.se/~jolso/HS-texter/shaltthou.pdf>) //BS 1-27-2018

\*\*Bracketed to avoid triggers

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all [die] commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not [die] commit suicide. The explanation is simple. If I [die] kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

#### B] Extinction outweighs

MacAskill 14 [William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014]

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be 2×10^14. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

### 1NC – Thesis

#### Racial Capitalism thesis is incorrect – connection between Race and Cap is circumstantial not necessary

Walzer 20 Michael Walzer 7-29-2020 "A Note on Racial Capitalism" <https://www.dissentmagazine.org/online_articles/a-note-on-racial-capitalism> (a prominent American political theorist and public intellectual. A professor emeritus at the Institute for Advanced Study in Princeton, New Jersey)//Elmer

I have been puzzled for many months by the appearance of the phrase “racial capitalism” in the left press (see, for example, the article by K. Sabeel Rahman in the Summer 2020 issue of Dissent). What does it mean? Perhaps the adjective “racial” is simply an ordinary qualifying adjective. Racial capitalism is one kind of capitalism, and then there must be other kinds, requiring other adjectives. Here in the United States we have a kind of capitalism where the majority of exploited workers or a majority of the most exploited workers are people of color. The underclass and the reserve army are defined both racially and economically. Of course, no leftist writer would be indifferent to the exploitation of white workers, who might still make up the majority of the American workforce—and who are certainly the majority of exploited workers in Europe. The point of the adjective, then, is simply to focus our attention, for good reasons, on non-white workers. But is the exploitation of these workers a necessary feature of American capitalism? The phrase “racial capitalism” leaves us unclear about whether the hierarchical location of non-white workers is determined by race or by capitalism or by the two somehow working together. To begin to answer that question, we need to look at some examples of non-racial capitalism. The form of capitalism sponsored by the **Chinese communists** is obviously non-racial. Though the exploited workers are, in Western terminology, people of color, Western terminology is out of place here. If the Chinese imported white workers to take on the most menial jobs, that might make Chinese capitalism “racial,” **but no such importations have been reported**. The predatory version of capitalism that prevails in Putin’s Russia is also non-racial. It may be that Muslims are among the most exploited workers in Russia, but they are mostly Caucasian (some of them the original Caucasians), so we would have to talk about religious capitalism—where Orthodox Christians, not white people, are the privileged group. But no one is doing that. I have no statistics, but from what I read about China and Russia, I doubt that the rate of exploitation is higher in the United States, in racial capitalism, than it is in those two countries, **where capitalism is non-racial**. **Capitalism “works” with and without a racialized underclass** and reserve army. But is that right? The adjective “racial” sometimes makes a much stronger claim: it isn’t a qualifying but rather a definitional adjective. Capitalism is necessarily, inherently, racist. Forget about China and Russia, which are capitalist latecomers. Western capitalism is the prototypical version, and it has been racist from day one (if we can agree on day one)—always and forever racist. Does this mean that Manchester in 1844, as Engels described it, where all the exploited workers were white, wasn’t capitalist? No, for those workers were producing fabrics from cotton raised and harvested by Black slaves in the American South. That’s true enough, but I am not sure it is sufficient for an argument about necessity. Consider a counterfactual possibility: had no Black slaves been available, the recruitment of Irish workers would have started much earlier than it did. The rise of capitalism would not have been halted had the slave trade never begun. But the Manchester/Southern plantation example suggests what we all now know: capitalism is a global economic system, and it depends on the exploitation of people of color around the world. Here, however, it seems clear that the key **issue is exploitation, not racism**. Given global demography, the majority of workers in any global economy will be people of color. Even in a democratically or social democratically regulated global system, the majority of workers and the majority of managers—the underclass and the overclass—will be non-white. Indeed, it would be the refusal of any transnational corporation to hire people of color that would rightly be called racist. (In the Pennsylvania town where I grew up, the local steel company did not hire, and therefore did not exploit, Jews or Black people. I suppose that this is also an example of racial capitalism.) All this suggests that capitalism and racism **have to be analyzed separately**. They overlap sometimes, as they do today in the United States. But the overlap is **circumstantial, not necessary**. **The two phenomena are distinct. They don’t rise and fall together. Each one, for different reasons, requires severe criticism and sustained opposition.** Many years ago, socialist writers argued that the triumph of the working class would liberate women, Jews, Black people, and everyone else. Separate political struggles against sexism, anti-Semitism, or racism were unnecessary—indeed they were a distraction from the all-important class war. Today some people on the left seem to believe that the end of racism will bring with it the downfall of capitalism. Both these theories are wrong. Overthrowing racism will still leave us with capitalism; overthrowing capitalism will still leave us with racism. Putting the adjective and noun together gives us a false sense of the **relationship** between the two phenomena. It might make sense, then, to ban the phrase from the pages of left newspapers and magazines. But since I am opposed to bans of that sort, I would only suggest that the phrase should always be queried by the editors. Do the writers who use it have some idea about what it means? Or are they just against racial capitalism, whatever it means?

**Logistics isn’t a totalizing system and institutional reprogramming can alter it which they cannot solve for proven by Moten ---but counterlogisticality gets co-opted**

**Chua 18** – Charmaine Chua, Professor of Politics at Oberlin College, PhD from the University of Minnesota, et al., “Introduction: Turbulent Circulation: Building a Critical Engagement with Logistics”, Environment and Planning D: Society and Space, Volume 36, Number 4, p. 622-624

Yet logistical space is also **riven with contradictions** and constantly faced with the real and potential catastrophes posed by “gigantic breakdowns and stoppages” (Mumford, 1961: 544). As Rossiter, 2014 reminds us, the ambitions of logistics are ultimately **“operational fantasies”** (2014: 54) that rely on, even as they aim to contain, a recalcitrant polity through calculative forms of domination and repression. As such, we should be **careful not to reify** logistics as a **seamless** system of instantaneous flow and total functional integration.

By paying attention to the frictions and stoppages that are part and parcel of logistical processes, critical scholars have noted that even as logistics is taken up as a tool of imperial dispossession and capitalist power, it also produces **new sites** of vulnerability and potential emancipation. To this end, logistics has become a growing force not only among states, corporations, military forces, and aid organizations but also within social movements and activist organizations that aim to challenge their practice. Beyond the accidental breakdowns and stoppages that threaten just-in-time supply chains are more deliberate efforts to interrupt the circulation of violence and remake environmentally and socially just forms of provisioning and sustaining.

A critical engagement with logistics is a feature not simply of academic practice but of intellectual, political, and practical organizing across various sectors of work and arenas of contestation. These efforts are clearly not brand new—not only in the transportation sector, where workers have long struggled over their conditions of work, but in myriad movements that have worked to sustain themselves over time, including through uprisings, occupations, and revolutions. As logistics has ascended to a place of prominence in the organization of war and trade globally, it has also become subject to new frequencies and forms of contestation. Alberto Toscano (2014) highlights this shift when he asks, “Can we define or declare a relocation of political and class conflict, in the overdeveloped de-industrializing countries of the ‘Global North,’ from the point of production to the chokepoints of circulation?” Such an approach centers sites of physical circulation as **pressure points** where mass movements can **contest** the violence of state and capital, signaling a shift in tactics from the withdrawal of productive labor power to disruptive blockades and sabotage along the arteries of trade (Clover, 2016; Degenerate Communism, 2014; Oakland Commune, 2011).

A scholarly discourse has emerged under the banner of **“counterlogistics”** that engages labor, anticolonial, and antiracist struggles (Bernes, 2013; Chua et al., 2016; Fox-Hodess, 2017). We might also trace a growing reliance on a critical practice that explicitly names the field: logistics groups, tents, and committees are now a mainstay of radical organizing, pointing to the possible **repurposing** of logistical models as sources of **care** and **social reproduction** (Armstrong, 2015; Cowen, 2014; Crashnburn, 2014). As Attewell (2018) argues in this issue, initiatives like the US Agency for International Development’s Commodity Export Program “contain **within them** the **germ** of a **different kind** of logistics: one that preserves its will to care, while **dispensing with its necropolitical baggage**” (735). In this vein, one fertile arena for future research is to examine more expansive possibilities for counterlogistics—asking, following Toscano (2014), “What happens then if we consider the question of circulation less literally? And what would it mean to struggle not simply against material flows but against the social forms that channel them?” By focusing on the social relations that underpin logistical processes, critical engagements with logistics might be productively **nudged towards more emancipatory political ends** by exploring how counterlogistical contestation is being waged not only in the sectors we might immediately associate with goods circulation but so too in the broader social relations of logistical society.

Yet we should be **careful** not to **fetishize** counterlogistical projects without a firm grasp on how the state and capital are invested in controlling the spaces of stocks and flows. Attempts at resisting or disrupting circulation can be **co-opted**, **contained**, or **absorbed**—in the construction of redundant container shipping networks, for example, which give corporations multiple options for rerouting cargo around traffic bottlenecks or restive labor forces. Further, as Timothy Mitchell (2011: chap. 1) and Dara Orenstein (2018) have shown, tactics of sabotage and disruption have themselves become integral to processes of value realization, where capital’s power rests not only in speeding up circulation but also in the capacity to slow it down. More broadly, while the growing prominence of “circulation struggles” (Clover, 2016) presents rich ground for scholarly exploration and political organizing, there is a danger in fetishizing the tactics of material interruption per se. More important than the form of political resistance are its contents, the concrete social relations in which it is embedded and that it seeks to transform. As Chua (2017: 165) argues, “even if material structures are constitutive of the extant political order,” the act of disrupting or sabotaging material flows alone is **not enough** to reconfigure logistics: “circulation struggles can **only** have revolutionary potential if **collective power** is politically mobilized **across** the supply chain.”

Logistical systems increasingly encroach on everyday life under the justification that rapid, efficient circulation is necessary to the welfare of the economy, the state, and its people. Yet, as both a calculative rationality and a practice of spatial ordering, mainstream iterations of logistics work to promote the accumulation of capital and state power in ways that exacerbate existing inequalities and produce new dispositions of life and death (see Attewell, 2018). The articles collected in this issue point to the myriad ways these apparatuses also distribute inequality, immiseration, and “vulnerability to premature death” (Gilmore, 2007: 28). At the same time, the **gap** between the idealized imagination of logistics and its messy implementation reveals that the project of making the world safe for circulation is **always incomplete**. A critical engagement with logistics attends to the struggles, social conflicts, and tensions that can never be excised from global flows. This liveliness of logistics is one aspect that comes to the fore in this theme issue. Interrogating the multiple, varied, and contested lives of logistics brings into focus the violence committed in its name, the vulnerabilities of its networks, and the political possibilities latent in its present-day forms.

#### Hapticality fails and gets coopted.

Webb, 18—Senior Lecturer in Education at the University of Sheffield (Darren, “Bolt-holes and breathing spaces in the system: On forms of academic resistance (or, can the university be a site of utopian possibility?),” Review of Education, Pedagogy, and Cultural Studies, 40:2, 96-118, dml)

It is easy to be seduced by the language of the undercommons. Embodying and enacting it, however, is difficult indeed. Being within and against the university, refusing the call to order through insolent obstructive unprofessionalism, is almost impossible to sustain. Halberstam (2009, 45) describes the undercommons as “a marooned community of outcast thinkers who refuse, resist, and renege on the demands of rigor, excellence, and productivity.” A romantic and appealing notion for sure but refusing and reneging on “the university of excellence” will cost you your job. When Moten describes subversion as a “series of immanent upheavals” expressed through “vast repertoires of high-frequency complaints, imperceptible frowns, withering turns, silent sidesteps, and ever-vigilant attempts not to see and hear” (2008, 1743), one is reminded instantly of Thomas Docherty, disciplined and suspended for his negative vibes.7

Being with and for the maroon community is difficult too. First of all, “Where and how can we find/see the Undercommons at work?” (Ĉiĉigoj, Apostolou-Hölscher, and Rusham 2015, 265). Where and how can one find those liminal spaces of sabotage and subversion, and how does one occupy them in a spirit of hapticality, study, and militant arrhythmia that brings the utopic underground to the surface of the fierce and urgent now? Beautiful language, but how does one live it? Networks do, of course, exist—the Undercommoning Collective, the Edu-Factory Collective, the International Network for Alternative Academia, to name but a few. These are promising spaces for bringing together and harboring the maroons and the fugitives. But networks are typically short-lived, and—as Harney and Moten warned—there is a danger of institutionalization, of taking institutional practices with you into alternative spaces “because we’ve been inside so much” (Harney and Moten 2013, 148). And so, predictably, meetings of the fugitives come with structure, order, an official agenda, and circulated minutes. The outcasts convene in conventional academic conferences, with parallel sessions, panels of papers, lunch breaks, wine and nibbles (e.g., Edu-Factory 2012). These spaces offer time out, welcome respite, a breathing space, a trip abroad, and then one returns to work.

If hapticality, the touch of the undercommons, is “a visceral register of experience … the feel that what is to come is here” (Bradley 2014, 129–130), then this seems elusive. It is hard to detect a sense of the utopic undercommons rising to the surface of the corporate-imperial university. Moten describes the call to disorder and to study as a way to “excavate new aesthetic, political, and economic dispositions” (Moten 2008, 1745). But this notion of excavating is highly problematic. It is common within the discourse of “everyday utopianism”—finding utopia in the everyday, recovering lost or repressed transcendence in “everydayness” (Gardiner 2006)—to describe the process of utopian recovery in terms of excavating: excavating repressed desires, submerged longings, suppressed histories, untapped possibilities. But the fundamental questions of where to dig and how to identify a utopian “find” are never adequately addressed (see Webb 2017). Gardiner defines utopia as “a series of forces, tendencies and possibilities that are immanent in the here and now, in the pragmatic activities of everyday life” (2006, 2). But how are these forces, tendencies and possibilities to be identified and recovered? For Harney and Moten, it is through study, hapticality and militant arrhythmia. These are slippy concepts, however, evading concrete material referents.

What is it to inhabit the undercommons? Those who have written of their experiences refer to “small acts of marronage” such as poaching resources and redeploying them in ways at odds with the university’s designs and demands (Reddy 2016, 7), or exploiting funding streams “to form cracks in the institution that enable the Others to invade the university” (Smith, Dyke, and Hermes 2013, 150). For Adusei-Poku (2015), the undercommons is a space of refuge which is all about survival (2015, 4–5). We who feel homeless in the university are forced into refuge. We gather together to survive. We may gain satisfaction from small acts of marronage, but this is less about bringing the utopic common underground to the surface as it is a form of “radical escapism” (Adusei-Poku 2015, 4). Benveniste (2015, v) tells us that: “The undercommons has no set location and no return address. There is no map for entering and no guide for staying. The only condition is a living appetite. Listen to its hunger for difference.” We need more than poetry, however. And we need more than a series of minor acts of resistance. As Srnicek and Williams rightly emphasize, resistance is a defensive, reactive gesture, resisting against. Resistance is not a utopian endeavour: “We do not resist a new world into being” (Srnicek and Williams 2016, 47). The undercommons, when one can find it, is a bolt hole, a place of refuge, a breathing space in the system. We need something more.

The occupation Can the occupied building operate as a site of utopian possibility within the corporate-imperial university? Reflections on, and theorizations of, two recent waves of occupation—“Occupied California” 2009–2010 and the UK Occupations 2010–2011—have answered this question affirmatively. The “occupation” should not be understood here as solely or necessarily “student occupation.” It goes without saying—though sadly so often does need saying —that “faculty also have a responsibility to fight with and for students” (Smeltzer and Hearn 2015, 356). Though led by a new historical subject, “the graduate without a future” (Schwarz-WeinStein 2015, 11), the importance of faculty support for the occupations was emphasized on both sides of the Atlantic (Research and Destroy 2010, 11; Dawson 2011, 112; Holmes and R&D and Dead Labour 2011, 14; Ismail 2011, 128; Newfield and EduFactory 2011, 26). Long before Occupy took shape in Zuccotti Park, “occupation” was being heralded as the harbinger of a new society and a new way of being. If we return to the notion of creating utopian spaces, the key aim for some of the occupiers was to create communes within the university walls—to communize space (Inoperative Committee 2011, 6).8 Communization here is understood as a form of insurrectionary anarchism that refuses to talk of a transition to communism, insisting instead upon the immediate formation of zones of activity removed from exchange, money, compulsory labor, and the impersonal domination of the commodity form (Anon 2010a, 5). As one pamphlet declared: We will take whatever measures are necessary both to destroy this world as quickly as possible and to create, here and now, the world we want: a world without wages, without bosses, without borders, without states. (Anon 2010d, 34) This is a revolutionary anarchism that takes the university campus as the site for a practice—communization—that not only prefigures but also realizes the vision of a free society. Heavily influenced by The Coming Insurrection (Invisible Committee 2009), but tapping into a long tradition of anarchist theory and practice from Hakim Bey’s Temporary Autonomous Zones (Bey 1985) to David Graeber’s Direct Action (Graeber 2009), occupation becomes “the creation of a momentary opening in capitalist time and space, a rearrangement that sketches the contours of a new society” (Research and Destroy 2010, 11). It is “an attempt to imagine a new kind of everyday life” (Hatherley 2011, 123). Firth (2012) refers to these momentary openings as critical, experimental utopias: Such utopias are … simultaneously immanent and prefigurative. They are immanent insofar as they allow space for the immediate expression of desires, satisfaction of needs and also the articulation of difference or dissent. They are prefigurative to the extent that they allow one to practice and exemplify what one would like to see at a more proliferative range in the future (26) The ultimate aim is for the practice to spread beyond the campus through a dual process of provocative rupture—the idea that insurrectionary moments can unleash the collective imagination and stimulate an outpouring of creativity that blows apart common sense and offers glimpses of a future world (Gibson-Graham 2006, 51; Shukaitis and Graeber 2007, 37)—and “contaminationism,” that is, spreading by means of example (Graeber 2009, 211). It may well have been the case that communism was realized on the campuses of Berkeley and UCL, that a momentary opening in capitalist space/time appeared through which another world could be glimpsed. The occupation, however—whether California, London, or anywhere else—is likely always to remain a localized temporary disruptive practice. A practice with utopian potency, for sure, in terms of suspending normalized forms of discipline and opening new egalitarian discursive spaces (Rheingans and Hollands 2013; Nişancioğlu and Pal 2016). In terms of wider systemic change, however, “small interventions consisting of relatively non-scalable actions are highly unlikely to ever be able to reorganise our socioeconomic system” (Srnicek and Williams 2016, 29). What “the occupation” demonstrates more than anything is the reality of the corporate-imperial university, as the institutional hierarchy, backed by the carceral power of the police and criminal justice system, inevitably disperses the occupiers—often using militarized force—and repossesses the occupied space in a strong assertion of its ownership rights not only to university buildings but also to what constitutes legitimate thought and behavior within them (on this see Docherty 2015, 90). The significance, and utopian potential, one attaches to campus occupations depends in part upon the significance one attaches to the university as a site of struggle. For the Edu-Factory Collective: As was the factory, so now is the university. Where once the factory was a paradigmatic site of struggle between workers and capitalists, so now the university is a key space of conflict, where the ownership of knowledge, the reproduction of the labour force, and the creation of social and cultural stratifications are all at stake. This is to say the university is not just another institution subject to sovereign and governmental controls, but a crucial site in which wider social struggles are won and lost. (Caffentzis and Federici 2011, 26) Clearly, if this is true, then the form the struggle takes, and the example it sets, is of immense significance. Srnicek and Williams describe as “wishful thinking” the idea that the occupation might spread beyond the campus by means of rupture or contamination (2016, 35). However, if the university really is a key site of class struggle (Seybold 2008, 120; Haiven and Khasnabish 2014, 38), a site through which wider struggles are refracted and won or lost, then the transformative potential of the occupation needs to be attended to seriously. The analysis of the university offered by the Edu-Factory Collective is, however, outdated. Sounding like Daniel Bell writing in 1973 about how universities had become the “axial structures” of post-industrial society (Bell 1973, 12), the analysis does not hold water today. Moten overdoes it when he tells us that “the university is a kind of corpse. It is dead. It’s a dead institutional body” (Moten 2015, 78). What is clear, however, is that “focusing on the university as a site of radical transformation is a mistake” (Holmes and R&D and Dead Labour 2011, 13). As has been widely noted, there is very little distinguishing universities from other for-profit corporations (Readings 1996; Lustig 2005; Washburn 2005; Shear 2008, Tuchman 2009). What does separate them is their inefficiency, due in large part to the fact that universities operate also as medieval guilds, with faculties “ruled by masters who lord over journeymen and apprentices in an artisanal system of production” (Jemielniak and Greenwood 2015, 77). If the university is a sinister hybrid monstrosity—part medieval guild, part criminal corporation—which has no role other than reproducing its own privilege, then no special status can be attributed to campus protests. In this case, “A free university in the midst of a capitalist society is like a reading room in a prison” (Research and Destroy 2010, 10). A reading room in a prison. Another apposite metaphor. The occupation is a safe space, offering temporary respite, a place to hide, a refuge, a bolt-hole, a breathing space. As with the utopian classroom and the undercommons, what the occupation suggests is that “defending small bunkers of autonomy against the onslaught of capitalism is the best that can be hoped for” (Srnicek and Williams 2016, 48). Conclusion Zaslove was right to characterize utopian pedagogy within the corporateimperial university as the search for bolt-holes and breathing spaces in the system. He himself suggests that, “All university classes should become dialogic-experiential models that educate by expanding the zones of contact with wider communities” (2007, 102). Like so many others, Zaslove sees dialogic-experiential models of education beginning in the classroom then expanding outward. The literature is full of references to “exceeding the limits of the university classroom” (Coté, Day, and de Peuter 2007a, 325), “extend [ing] beyond the boundaries of the campus” (Ruben 2000, 211), and “breeching the walls of the university compounds and spilling into the streets” (Research and Destroy 2010, 10). This all brings to mind Giroux’s notion of academics as border crossers (Giroux 1992), but it also paints a picture of academics taking as their starting point the university and from there crossing the border into the community and the street.

The University can be the site for fleeting, transitory, small-scale experiences of utopian possibility—in the classroom, the undercommons, the occupation. It cannot be the site for transformative utopian politics. It cannot even be the starting point for this. Given the corporatization and militarization of the university, academics are increasingly becoming “functionaries of elite interests” inhabiting a culture which serves to reproduce these interests (Shear 2008, 56). Within the university, “radical” initiatives or movements will soon be co-opted, recuperated, commodified, and neutralized (Gibson-Graham 2006, xxvi; Seybold 2008, 123; Neary 2012b, 249; Rolfe 2013, 21). Institutional habitus weights so heavily that projects born in the university will be scarred from the outset by a certain colonizing “imaginary of education” (Burdick and Sandlin 2010, 117). And we have long known that the university is but one space of learning, and perhaps not a very important one at that. Identifying the academy as the starting point for a utopian pedagogy privileges this arcane space over sites of public pedagogy such as film, television, literature, sport, advertising, architecture, media in its various forms, political organizations, religious institutions, and the workplace (Todd 1997).

Perhaps the emphasis on creating radical experimental spaces within the academy needs to shift toward operating in existing spaces of resistance outside it. Haiven and Khasnabish argue that many social movements function already as “social laboratories for the generation of alternative relationships, subjectivities, institutions and practices” (2014, 62), providing “a space for experiments in knowledge production, radical imagination, subjectification, and concrete alternative-building” (Khasnabish 2012, 237). Why locate utopian pedagogy in the university when “critical utopian politics” can take place in “infrastructures of resistance” such as intentional communities, housing collectives, squats, art centers, community theatres, bars, book shops, health collectives, social centers, independent media and, increasingly of course, the digital sphere (Firth 2012; Shantz 2012; Amsler 2015; Dallyn, Marinetto, and Cederstrom 2015)? Moving beyond short-term, localized, temporary modes of resistance, utopian pedagogy would work across these sites to develop a long-term strategy and vision.

There is a role for the academic in utopian politics, but not in the university-as-such. The utopian pedagogue has a responsibility to exploit their own privilege and to work with students, communities and movements outside and divorced from the university. As Shear rightly notes, academics (and especially those working in the humanities and social sciences) “inhabit a privileged space in which critical inquiry concerning social hegemony and political-economic domination” is possible (Shear 2008, 56). Within the university, however, spaces for embodying and enacting this kind of inquiry have become constrained, compromised, monitored, surveilled, co-opted, and recuperated. As I have argued throughout this article, utopian pedagogy has become a search for bolt-holes and breathing spaces in the system. Beyond the academy, however, there is a role to play. As Chomsky (2010) tells us, with privilege comes responsibility. And as Giroux frames it, this is an ethical and political responsibility to provide “theoretical resources and modes of analysis” to help forge “a utopian imaginary” (Giroux 2014a; 153; 2014b, 200). This means putting one’s knowledge and resources to use in the service of a collaborative process of memory- and story-making, pulling together disparate inchoate dreams and yearnings in order to generate a utopian vision that can help inform, guide, and mobilize long-term collective action for systemic change.

### 1NC – Cap Good

#### We’ve got graphs too!

Hausfather 21 – a climate scientist and energy systems analyst whose research focuses on observational temperature records, climate models, and mitigation technologies. He spent 10 years working as a data scientist and entrepreneur in the cleantech sector, where he was the lead data scientist at Essess, the chief scientist at C3.ai, and the cofounder and chief scientist of Efficiency 2.0. He also worked as a research scientist with Berkeley Earth, was the senior climate analyst at Project Drawdown, and the US analyst for Carbon Brief. He has masters degrees in environmental science from Yale University and Vrije Universiteit Amsterdam and a PhD in climate science from the University of California, Berkeley. (Zeke, "Absolute Decoupling of Economic Growth and Emissions in 32 Countries," Breakthrough Institute, 4-6-2021, https://thebreakthrough.org/issues/energy/absolute-decoupling-of-economic-growth-and-emissions-in-32-countries, Accessed 4-11-2021, LASA-SC)

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Emissions reductions in the US have been a result of a wide variety of factors; this includes the switch from coal generation to lower-carbon natural gas, the rapid expansion of wind and solar generation, reduced industrial energy consumption, reduced electricity use in buildings, and reductions in transportation emissions — particularly as a result of increased vehicle fuel economy and reduced miles driven per-capita. Since 2005, US territorial emissions have fallen around 15%, with consumption emissions falling around 18% (much larger reductions were seen in 2020, and some of this is expected to persist). At the same time, GDP has increased by around 29%.

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In the UK, territorial emissions have fallen by nearly 40% and consumption emissions have fallen by around 30%, while GDP has increased by 22%. Similar to the US, there are a wide variety of drivers of UK emissions reductions, though renewable energy generation, reductions in electricity use, and reductions in industrial and residential energy use are the largest contributors.

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In Germany, territorial emissions have fallen around 15%, and consumption emissions have fallen by around 20%, while GDP has increased by 24%

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In France, territorial emissions have fallen by around 25%, and consumption emissions have fallen by a similar amount, while GDP has increased by 16%. It is a bit notable that France has seen larger emission reductions — as a percentage of total emissions — than Germany over this period, likely due in part to Germany’s choice to prioritize shutting down nuclear power plants over coal ones.

#### Growth is sustainable because of the shift to a knowledge economy---AND making it faster is key to outrun entropy---extinction

Gennady **Shkliarevsky 18**, professor of history at Bard College where he has taught since 1985, 1-5-2018, "Tax Cuts and the Problem of Economic Growth," International Policy Digest, https://intpolicydigest.org/2018/01/05/tax-cuts-and-the-problem-of-economic-growth/

Does this problem have a solution? Is it possible for humanity to break out of the current vicious circle and achieve a constant, stable, sustained, or even exponentially increasing economic progress? Production and consumption are the two most important categories in our economy and economic thinking. They constrain each other and this mutual constraint acts as a limitation on the rate of our economic growth. The typical effect of the expansion of production is the increase in supply. Supply growth results in declining prices. The decline in prices signals that the market is saturated and production must slow down. When production slows down, supply diminishes and prices begin to grow, which triggers a new expansion of production. When production expands, our wealth grows and economy appreciates. Consumption generally depreciates products and thus our wealth declines and our economy depreciates. Thus, production and consumption constrain each other and this constraint limits the rate of our economic growth. In order to solve this problem and achieve constant growth, we need to constantly rejuvenate our economy, we need to ensure a sustained supply of new products to the market and, moreover, we need to make sure that these products are needed. The main economic problem we face today is precisely in bringing novelties to the marketplace. Many business people, economists, pundits and politicians have stressed that we will have to innovate our way out of the current economic predicament. Therefore, creativity and creation are the key to solving the problem of growth. However, creativity, or what we call entrepreneurship when we talk about economy, is not a science. We cannot use it in any predictable way. It is a very uncertain and contingent factor that is fraught with many unknowns and surprises. Therefore, the problem of economic growth is reformulated into the problem of how to make innovation constant, predictable, and steady, rather than sporadic and contingent. In other words, how can we control our creativity? As has already been pointed out, consumption acts as a constraint on production. Production appreciates and consumption depreciates. The tendency of consumption to depreciate our economy is the reason for the existence of limits to rates of economic growth. As one can see, production and consumption are two most essential economic functions. They are mutually dependent, complementary and cannot exist without each other. The problem for achieving constant and sustained growth is that their vectors point in different directions: one toward appreciation and the other toward depreciation. However, do they have to be opposed to each other? There are two kinds of consumption that we know. One kind of consumption is consumption of final products. Indeed, this kind of consumption always depreciates products. You drive your new car out of the parking lot and it immediately loses value. But this form of consumption is not the only one we know. There is also a form of consumption that appreciates products, for example, consumption of raw materials or semi-finished products. Another interesting case of consumption that appreciates is the consumption of technological devices and machines. Indeed, physical use of such devices and machines depreciates them. However, they also represent certain technological knowledge. Knowledge consumption involves our mind. Mental consumption inevitably involves mediation and, therefore, construction that takes place in our mind. In other words, in order to consume something our mind has to create forms of mediation that allow us to consume this something, or, in other words, we have to produce it in our mind. Our sense organs transmit to our brain electrical signals that the brain interprets. We produce reality and production necessarily involves appreciation. Thus mental consumption involves necessarily the creation of new knowledge and hence appreciation. The above argument bears one important conclusion that consumption does not necessarily involve depreciation. Consumption can also, like production, be associated with appreciation, particularly consumption that involves mental activity that is associated with production of knowledge, or creation. We live in the era of knowledge society when knowledge is the main means of production and the principal product. The share of knowledge production by comparison with the production of consumer goods is constantly growing and already begins to outstrip the latter. Since consumption of knowledge, just like its production, is associated with appreciation, the transition to knowledge society suggests that in the modern economy both consumption and production will lead to appreciation and increase in wealth.