# 1NC vs UTD

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### 1NC – T – USFG

#### Interpretation: Topical affirmatives must instrumentally defend an increase by the United States federal government in prohibitions on anticompetitive business practices by expanding the scope of core antitrust laws

#### United States federal government means the three branches of government

USA.gov 13 "USA.gov is the U.S. government's official web portal" http://www.usa.gov/Agencies/federal.shtml

U.S. Federal Government - The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.

#### “Expand the scope” means broadening the range of claims that can be brought by plaintiffs

Barrera 96 – J.D., Wayne State University Law School

Lise A. Barrera, “Is the Courtroom the New Front for the Resolution of Publishing Disputes?,” The Wayne Law Review, Vol. 42, Summer 1996, LexisNexis

It is important to note the distinction between the expansion of the scope of section 43(a) and the standard that courts apply in granting relief to claims under this section. The scope of section 43(a) allows plaintiffs to claim the section provides them with protection and thus should grant them relief. The expansion of the scope allows a much broader range of claims to be brought legitimately under section 43(a). Once the scope of the statute allows the claim to be brought, the courts apply a standard to the claim in order to determine whether a plaintiff should be granted relief.22 The standard applied is also the product of years of judicial interpretation. While the scope of section 43(a) is expanding, however, the standard for relief seems to be becoming higher and harder to meet.

#### The “core antitrust laws” are the Sherman and Clayton Acts

Felsenfeld 93 – Professor of Law, Fordham University School of Law

Carl Felsenfeld, “The Bank Holding Company Act: Has It Lived Its Life?,” Villanova Law Review, Vol. 38, January 1993, LexisNexis

It is well established that, despite the "extensive blanket of state and federal regulation of commercial banking, much of which is aimed at limiting competition,"480 the United States' core antitrust statutes (the Sherman and Clayton Acts) apply to banks.481 There is respectable opinion that "existing antitrust laws are fully adequate to guard against anticompetitive mergers or acquisitions, or other anticompetitive activity, in the banking industry."482 A proposal to remove the BHCA, however, is not a suggestion that only the Sherman and Clayton Acts would impose antitrust limitations on banks. The other bank laws and regulations would continue in effect.483

#### Two impacts ---

#### 1] Preserving the game – games cannot operate unless both sides can be confident in advance they have a chance of winning---leaving the neg guessing until the round starts about what they need to do to win locks in losses, makes research futile, and creates a game without rules that’s meaningless and unenjoyable

#### 2] It turns the Aff---their interp incentivizes the aff to run to the margins and pick topics that give the neg nothing to say---a model of disagreement is better for achieving any of the benefits they hope to gain than a monologue

### 1NC – Radical Ptx K

#### Political refusal finds comfort in the fulfillment of individual demands --- this accepts as a given the powerlessness of the left, depoliticizing any concrete power struggles --- radical movements must become political to combat climate change, fascism, and rampant inequality.

Dorman 16

Peter Dorman, Faculty in the Political Economy Department at Evergreen State College, “The Climate Movement Needs to Get Radical, but What Does that Mean?,” Nonsite. May 26, 2016. http://nonsite.org/editorial/the-climate-movement-needs-to-get-radical-but-what-does-that-mean

2. The cultural turn has gone too far. Of course, the deciphering of discourses has much to recommend it; all social action takes place in a context of meanings—shared, contested or both. It’s remarkable, however, that a high profile book that claims to be about radical social change, and which has won widespread approval across the leftward half of the political spectrum, could sidestep any sustained consideration of wealth and power altogether.

Why have governments failed to act to counter the threat of catastrophic climate change? Is it solely because of faulty thinking, or could it be that there exists a gross imbalance of power in every modern capitalist country, such that business interests are firmly in control? What institutions wield this power and what methods do they use? Crucially, how can those who struggle for democratic collective action contest this power? What types of organizations can be effective? What structural changes should be prioritized to rebalance power and enable rational solutions to overriding problems like climate change? I wouldn’t fault Klein for failing to provide answers—who has? What is astonishing, however, is that the questions are never posed, not even in passing. What does it mean to espouse radical politics and never take up the issue of power?

But a second absence is even more telling. At variou–s points Klein refers to the need for a price to be placed on carbon; it clearly is not her main interest, since she devotes no space at all to the political struggle required to achieve this, but she recognizes it is an important part of the story. What’s missing, however, is any serious consideration of how much money this will be, out of whose pockets it will be extracted and to whose pockets it will be transferred. I cannot emphasize how extraordinary it is for a book to be ostensibly about capitalism but pay so little attention to money.

The reality is that carbon revenues will be immense. If even approximately sufficient global action is undertaken, the sums will be in the trillions of dollars. And despite Klein’s moral calculus, the actual, real-life operation of carbon pricing will guarantee that it is the public at large—everyone who purchases a good or service with a carbon energy component—that will pay it. This is visible in gasoline taxes today, which consumers pay at the pump; a carbon price, whether it is engineered by a tax or a cap on permits, will be the same sort of tax writ very, very large. Such a tax will be regressive, and lower income people will effectively be taxed at a higher rate.

This is potentially catastrophic on multiple levels. It is intolerable from a social justice perspective in an age of rampaging inequality. It would also be impossible to disguise from voters, making it difficult to impossible to get majority support for a stiff carbon price. Klein blithely recommends using this new source of revenue to finance green investments, but she doesn’t inquire whose money is being spent, nor does she consider that, in practice, governments will simply shift a lot of the investments they would have made anyway over to this new revenue spigot, freeing up more money for their other pet projects. The one word that sums up Klein’s attitude toward this trillion-dollar question is uninterested.

Of course, there are ways to turn around the economics of carbon pricing. The money can be returned to the public on an equal per capita basis, which would have the effect of turning an otherwise regressive transfer system into a progressive, inequality-reducing one. Given the amount of money at stake, this will require a massive political mobilization, but it is worth fighting for. To repeat, however, the purpose of bringing up this issue is not to proselytize for a different system of carbon pricing, but simply to point out the glaring incongruity of an ostensibly radical, anti-capitalist book (a rather long one at that) which ignores the single most important principle for how things work in a capitalist society: follow the money!

3. The left has adapted to powerlessness. This Changes Everything practically exudes triumphalism, especially in the final hundred pages or so. Vibrant, righteous movements are springing up everywhere, we are told, and through their proliferation they will change the world.

Except, of course, they won’t. They do not have the means to change the world to something different, only to obstruct the bits of the existing world they can get their bodies in front of. That is important to do, and it can play a crucial role in a larger movement to contest power—if that movement can come into existence. If no larger movement arises, the local fires will be put out one by one. A radical political vision cannot abjure politics, and it is politics which is missing from Klein.

Here it is necessary to step back and consider the historical context. In the English-speaking world, and to a lesser extent in other wealthy, capitalist countries, the past several decades have seen profound defeat and demobilization on the left. In no country is there a mass political party with a program to transform the existing political economic order into something else. Unions, where they have any clout at all, have been fighting a rearguard struggle to retain as many of the gains of former times as they can. Of course, there have also been substantial victories for racial, gender and other social equalities and a general drift toward less authoritarian cultural norms. But the core institutions of wealth and power are more firmly entrenched now than they have been in generations, and the left as a political force is hardly noticeable.

How have those who still identify with the left coped with this epoch of powerlessness? There are many answers, but all of them express some form of disengagement. For instance, redefining politics as the performance of moral virtue rather than the contest for power can provide consolation when political avenues appear to be blocked. Activities of this sort are evaluated according to how expressive they are—how good they make us feel—rather than any objective criterion of effectiveness in achieving concrete goals or altering the balance of political forces. This is how I would interpret Blockadia, for instance, in the absence of a broader movement that includes both direct action and political contestation: Klein can devote page after page to how righteous these activists are without any attention to whether they have had or have any prospect of having an impact on carbon emissions. Their very activism constitutes its own victory, which is convenient if the more conventional sort of victory is believed to be out of reach. (It is bad form to even bring this up: why, some will ask, am I dwelling on the negative with so much positive energy to celebrate?)

Another response is to collapse social change into personal choices over lifestyle and philosophy. If you believe that the threat of climate change can be defeated by a shift to more modest consumption habits and rejection of the false intellectual gods of globalization and economic growth, one individual at a time, then each moment of conversion constitutes its own little victory. The reader of Klein’s book, feeling a sense of unity with that consciousness and its program to downshift consumption, can experience this victory first hand. This is very gratifying, and it reinforces the message that powerlessness in conventional terms is irrelevant, since the change we are part of is at a deeper level than governments and their laws or corporations and their assets. After all, what can be more subversive than thinking new thoughts?

One of Klein’s favorite adaptations is the conflation of wishes and operative political programs. Again and again she holds up statements of intent—protect Mother Earth, treat all people equally, respect all cultures, live simple, natural, local lives—as if they were proposals whose implementation would have these outcomes. It’s all ends and no means. This is a double convenience: first it eliminates the need to be factual and analytical about programs, since announcing the goal is sufficient unto itself, and second, it evades the disconcerting problem of how to deal with the daunting political challenge of getting such programs (if they even exist) enacted and enforced. I believe the treatment of goals as if they were programs is the underlying reason for the sloppiness of this book on matters of economics and law. Klein can say we should finance a large green investment program by taxing fossil fuel profits, or we should simultaneously shrink the economy and increase the number of jobs, because in the end it doesn’t matter whether these or other recommendations could actually prove functional in the real world. The truth lies in the rightness of the demand, not the means of fulfilling it. But this too is an adaptation to powerlessness.

To close, I wish to emphasize that this critique is ultimately not directed at a single individual. On the contrary, even if we consider only this one book, it is clear that its writing was a team effort; the long acknowledgments section identifies both paid assistants and an army of internal reviewers. But what I find diagnostic is the warm reception it received from virtually every media outlet on the English-speaking left. This suggests that Klein is moving with the political tide and not against it, and that the problems that seemed obvious to me were either invisible to her reviewers or regarded as too insignificant to bring up. The view that capitalism is a style of thinking, progress is a myth, and political contestation is irrelevant to “true” social change belongs not just to this one book but to all the commentators who found nothing to criticize. That’s the real problem.

#### Their rejection of political organizing sutures neoliberalism --- individual action is insufficient to combat existential risks --- our alternative is to affirm political organization in the name of socialism and class struggle.

Gude 12 Shawn Gude, Shawn Gude is an associate editor at Jacobin. “Occupy Anti-Politics.” Jacobin. November 13, 2012. https://www.jacobinmag.com/2012/11/occupy-anti-politics

In my new neighborhood, in Baltimore, “Occupy the Vote: Re-Elect Obama” signs still pepper the landscape. They’re planted in front yards, posted in front windows, positioned on sidewalk strips.

This irks me, to an extent — this wanton appropriation of the Occupy name, used to declare allegiance to a president firmly ensconced in the very neoliberal consensus the movement hoped to dislodge. Yet as much as I find the diction disquieting, its social movement-electoral politics linkage is provocative and pregnant, given Occupy’s missteps.

Last year at this time, the Left was emboldened and highly visible. And now? Occupiers are providing important support to existing struggles and launching their own campaigns. Last week, Sarah Jaffe documented Occupy’s heartening role in the post-Sandy recovery [in these pages](http://jacobinmag.com/2012/11/power-to-the-people/). But this is all occurring locally, on a relatively small scale.

As [Thomas Frank points out](http://www.thebaffler.com/past/to_the_precinct_station) in the current issue of the Baffler, the term “the one percent” has been the movement’s only lasting contribution to national politics; a tax code classification morphed into a usefully polarizing pejorative. But that’s it. The way Obama and Romney campaigned, you’d think Occupy never happened.

So what went wrong? Frank is unsparing in his criticism, hitting occupiers for being self-absorbed and self-aggrandizing, more taken by esoteric theorizing than apt to take consequential action. Frank also assembles a rather conventional list of objections to Occupy: its absence of enumerated demands, its consensus model and distaste for structure, its outsized love for building community.

The blows that really land all have a common thread. Each are, at bottom, instances of occupiers’ aversion to politics. This antipathy wasn’t unanimous among the movement’s ranks, but it was pervasive. And it was, along with police repression, one of the key reasons Occupy failed.

Early on, many occupiers, myself included, fretted that established progressive groups and Democratic partisans would try to funnel the élan of Occupy into mainstream politics; the movement would then quickly wither and die. Co-opt: utter the word, and the implicated party was instantly put on the defensive. These worries weren’t entirely born of paranoia, and activists were right to keep a wary eye on the center-left. But the vigilance had the unfortunate tendency of cloistering and marginalizing the movement. Activists customarily viewed anyone connected to electoral politics with suspicion.

And when not a few occupiers averred that the movement was resolutely anti-political, they weren’t being glib — they meant electoral politics, the political process, everything. The world they sought would have no politics, no debased struggles for power. They didn’t just want to democratize power, but eradicate it. In their minds, the encampments were harmonious, experimental sites of prefiguration, a glimpse into the politics-free future. Transforming a stodgy corporate park into a liveable space, they would provide the model.

The desire to foster community and build emotional bonds was well-intentioned and, in small doses, salutary. Developing and maintaining relationships is vitally important to retaining and attracting new people, to building a strong movement. Casual participants are more apt to leave — or limit their involvement — if they lack personal connections to other movement members. Particularly trying junctures are easier to handle if you know your comrades have your back, and vice versa. Facing a phalanx of riot cops becomes disconcerting, not disabling (that is, until they start letting their truncheons fly).

So community is important. Occupiers were wrong, however, when they viewed it as a resounding step towards a more egalitarian, just society.

I remember a beautiful moment this spring. It was a Sunday night in Chicago, the weekend of the Occupy anti-NATO protests. Most everyone was tired after several days of meandering marching. Following a thousands-strong, permitted march earlier in the day, several hundred of us had tried and failed to break through a police line; our chimerical goal was to shut down the conference. Now it was night, and hundreds of us had headed north to the Art Institute, the site of a dinner for NATO leaders’ spouses. Police ringed the building. We could make some noise and mount a sit-in, but little else. Soon, it started pouring. The rain didn’t precipitate despair among the youthful throng, though, but euphoria. There was a street dance party, and then a group hug. A feeling of deep, visceral cohesiveness with my fellow occupiers overcame me. I felt fulfilled. This was, in many ways, Occupy encapsulated.

It was marvelous. And, in retrospect, meaningless.

The one percent is content with the fetishization of feelings, because it poses little threat to their plutocratic power: Build your small, mutual aid communities. We’ll continue our rapacious behavior, unmolested and untouched. We’ll continue to brandish the coercive power of the state, a state that, if so pressured, could pose an existential threat to capitalist power.

Politically, Occupy accomplished little because we were often too wary of acting politically, of making demands on the political system, of acknowledging conflict and structuring our movement accordingly. Many in the movement thought structure carried the patina of the establishment, that demand making would simply serve to legitimize the malevolent state. So we got an amorphous, highly decentralized movement that, after a miraculous flourish in its embryonic stages, tapered off.

This wasn’t the practice of politics. It was an attempt to transcend it.

Joseph Schwartz, a political philosopher at Temple University, argues in his 1995 book The Permanence of the Political that the Left has long had these anti-political inclinations — “either through the stifling solidaristic general will of Rousseau, the spontaneous postscarcity anarchism of Marx’s ‘full communism,’ or the technocratic, scientistic rule of Lenin’s vanguard party.”

Schwartz continues:

 [A]lthough viewed by some as patron saints of “radical democracy,” these theorists did not conceptualize a further democratization of political life but rather the transcendence of politics through the creation of societies characterized by minimal social conflict and universally shared conceptions of the public or human good.

Sound familiar?

Even for those who find the state of American politics repulsive (and I, emphatically, do) the principle, the idea, of politics and the democratic process must be defended. Jaundiced resignation redounds to the benefit of the Right. They relish anti-political cynicism. They oppose concerted collective action, so they harness the sentiment to subvert politics itself. They adopt a sort of aloof, cooler-than-thou detachment from the political arena, a pernicious posture that ineluctably elevates apathy and inaction to the status of beau ideal. Politics-averse leftists risk falling into the same pattern of passivity and discrediting the necessarily political solutions to our social ills.

What we have in the case of climate change, for example, is both the largest market failure and most daunting collective action problem in human history. The hyper-decentralized, quasi-primitivist solutions popular in some corners of the radical left are laughably inadequate or execrably anti-humanist. The antidote to a collective problem is collective action. So too with issues of inequality, poverty, and imperialism.

Acting politically means confronting power, not side-stepping it. It means reshaping existing institutions, not just building alternative ones. It means directly and indirectly engaging the state, not cocooning oneself from it.

Even as we on the democratic left offer impassioned critiques of our political system we mustn’t eschew politics. We’ve already seen what that can do to our most promising social movements.

### 1NC – Counteradvocacy

#### We endorse the entirety of the 1AC except for its expansion in the scope of antitrust laws.

#### That solves – can embrace limited logic of market competition while rejecting meritocratic ideals more broadly

Coniglio, antitrust attorney in the Washington, DC office of Sidley Austin LLP, ‘20

(Joseph V., “Economizing the Totalitarian Temptation: A Risk-Averse Liberal Realism for Political Economy and Competition Policy in a Post-Neoliberal Society,” 59 Santa Clara L. Rev. 703)

The implication of the foregoing is that the most pressing task for competition policymakers may not involve a rethinking of first principles. The principles of neoliberal competition policy may have ultimately been proven justified by an unprecedented period of economic growth, technological progress and reductions in poverty, and should presumably remain operative as long as they remain the best framework for bringing about these ends. Neither, as we have suggested, must the capitalist entrepreneur be lost in the process. The totalitarian temptation to submit to general state control of the economy-whether it be in the form of communism from below or fascism from above should be resisted so as to preserve and build upon the great prosperity Western Civilization has managed to achieve.

This statement will no doubt be highly unsatisfactory to many critics of neoliberalism who seek more fundamental and revolutionary changes. Surely, they suggest, there must be some principled basis for critiquing the neoliberal status quo with which so many are frustrated. Indeed, there very well may be, and none of the arguments in this article should be understood to the contrary. The goal of this article has been limited to a tailored defense of neoliberal principles only as they relate to competition policy, broadly understood. It does not suggest that neoliberal monetary, trade, and fiscal policies are also sound-let alone a neoliberal social order, where all the core institutions within society are organized according to the neoliberal principles of wealthmaximization, empiricism, and the rest.129 This is to say that even if neoliberalism is a sound theory as applied to the area of competition policy, neoliberal monetary policy, for example, may be problematic and a just target for contemporary critics. Similarly, claiming that competition policy should be enforced using a consumer welfare standard does not mean that all the organs of law and civil society should be oriented to maximize wealth or consumer welfare, even if this economic inquiry is nonetheless informative. 30 It is well known that several prominent neoliberals have expanded the neoliberal policy apparatus beyond the regulation of market capitalism with which antitrust is concerned to domains typically understood to be beyond a purely utilitarian purview.' 3 ' However, whatever the merits of these broader neoliberal policy programs, the competition policy baby, so to speak, should not be thrown out with the bathwater.

### 1NC – Antitrust DA

#### Immediately expanding scope of antitrust liability brings innovation to a halt—undermines dynamism and global competitiveness

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(Adam Thierer, 2-25-2021, "Open-ended antitrust is an innovation killer," TheHill, https://thehill.com/opinion/technology/540391-open-ended-antitrust-is-an-innovation-killer)

Antitrust reform is a hot bipartisan item today, with Democrats and Republicans floating proposals to significantly expand federal control over the marketplace. Much of this activity is driven by growing concern about some of the nation’s largest digital technology companies, including Facebook, Google, Amazon and Apple.

Unfortunately, the calls for more bureaucracy and regulation emanating from all corners of the political world could have an unintended consequence: discouraging the sort of vibrant innovation and consumer choice that made America’s tech companies household names across the globe.

Sen. Amy Klobuchar (D-Minn.) is leading one charge. Klobuchar, who chairs the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, recently introduced the “Competition and Antitrust Law Enforcement Reform Act.” This sweeping measure seeks to expand the powers and budgets of antitrust regulators at the Federal Trade Commission and the Department of Justice. It also includes new filing requirements and potentially hefty civil fines.

The most important feature is the proposed change to the legal standard by which regulators approve business deals. It would allow the government to stop any deal that creates an “appreciable risk of materially lessening competition,” and it also defines exclusionary behavior as, “conduct that materially disadvantages one or more actual or potential competitors.”

These may sound like simple, semantic tweaks, but – much like some of the other policy ideas currently circulating – they would upend decades of settled law and create a sea change in U.S. antitrust enforcement. This change could undermine business dynamism, innovation and investment in ways that inhibit the global competitiveness of U.S. businesses.

Critics of merger and acquisition (M&A) activity by large tech firms include not only Sen. Klobuchar but also Republicans such as Sen. Josh Hawley (R-Mo.). Hawley recent offered an amendment to a budget bill that would preemptively prohibit mergers and acquisitions by dominant online firms. Klobuchar and Hawley believe that M&A skews the market in favor of today’s largest firms, entrenching their market power and discouraging innovation.

History teaches a different lesson. Consider DirecTV and Skype, both once considered innovative market leaders in their respective fields of satellite TV and internet telephony. Both firms stumbled, however, and they might not even be with us today without creative business deals. DirecTV has been partially or fully controlled by Hughes Electronics, News Corp., Liberty Media and now AT&T. Skype has swapped hands multiple times, moving from eBay, to a private investment firm and now to Microsoft.

These were complex deals, and some didn’t work, leading to divestitures. But each was a learning experience that illustrated how dynamic media and technology markets can be with firms constantly searching for value-added arrangements that serve their customers and shareholders. If we make this type of activity presumptively illegal, we’re imagining that government bureaucrats are better suited to make these calls than businesspeople and the consumers who choose whether or not to buy the product.

Worse yet, legal tests like those Klobuchar proposes – “conduct that materially disadvantages potential competitors” – are remarkably open-ended and could be easily abused. The system will be gamed by opponents of deals for business reasons. They will claim that their own failure to attract investors or customers must all be the fault of more creative rivals. That’s a recipe for cronyism and economic stagnation.

Those who worry about today’s largest tech giants becoming supposedly unassailable monopolies should consider how similar fears were expressed not so long ago about other tech titans, many of which we laugh about today. Just 14 years ago, headlines proclaimed that “MySpace Is a Natural Monopoly,” and asked, “Will MySpace Ever Lose Its Monopoly?” We all know how that “monopoly” ceased to exist.

At the same time, pundits insisted “Apple should pull the plug on the iPhone,” since “there is no likelihood that Apple can be successful in a business this competitive.” The smartphone market of that era was viewed as completely under the control of BlackBerry, Palm, Motorola and Nokia. A few years prior to that, critics lambasted the merger of AOL and TimeWarner as a new corporate “Big Brother” that would decimate digital diversity and online competition.

GOP divided over bills targeting tech giants

Today, we know these tales of the apocalypse ended up instead becoming case studies in the continuing power of “creative destruction.” New innovations and players emerged from many unexpected quarters, decimating whatever dreams of continued domination the old giants once had.

Today’s biggest players face similar pressures, and it’s better to let rivalry and innovation emerge organically, not through the wrecking ball of heavy-handed antitrust regulation.

#### Tech innovation prevents nuclear conflict—US leadership key

Kroenig and Gopalaswamy 18 – Associate Professor of Government and Foreign Service at Georgetown University and Deputy Director for Strategy in the Scowcroft Center for Strategy and Security at the Atlantic Council; Director of the South Asia Center at the Atlantic Council

Matthew Kroenig and Bharath Gopalaswamy, "Will disruptive technology cause nuclear war?," Bulletin of the Atomic Scientists, 11-12-2018, <https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war/>

Rather, we should think **more broadly** about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory identifies rapid shifts in the balance of power as a primary cause of conflict.

International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage.

You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power.

For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full displayin its ongoing intervention in Ukraine.

Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.”

If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war.

If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member.

Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation.

This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly.

When it comes to new technology, this means that the United States should seek to maintain an innovation edge. Washington should also work with other states, including its nuclear-armed rivals, to develop a new set of arms control and nonproliferation agreements and export controls to deny these newer and potentially destabilizing technologies to potentially hostile states.

These are no easy tasks, but the consequences of Washington losing the race for technological superiority to its autocratic challengers just might mean nuclear Armageddon.

### 1NC – Marx K

#### The reduction of people to profit makes the exclusion of disabled bodies a logical conclusion of Capitalism. Only replacing the system of profit can we address ableism, but focusing on ability causes fracturing.

**Slorach 11** [Roddy, trade union leader, “Marxism and Disability,” International Socialism, Issue 129, 1-4-11, http://www.isj.org.uk/?id=702]

[The] root of our oppression is the fact that capitalism sees everything in terms of profit and profitability—and this colours how capitalists view disabled workers. Most **employers see disabled employees as a “problem**”—something difficult, something different, something that will cost them more to employ. That isn’t to say that capitalists are incapable of realising that disabled people can be a source of cheap labour. So the oppression of disabled people is a reflection of the way in which capitalism reduces everything to profit—effectively, capitalism says disabled people are surplus to requirements. This is especially true in periods of economic crisis—provision for disabled people is always one of the first things to be hit.52 Disability discrimination is a distinct but complex form of oppression, based on the (negligibly to substantially) greater expense to capital of the labour power of impaired people. This oppression was not particular to the Industrial Revolution. Disability continues to be rooted in the way the capitalist mode of production subordinates concrete labour (and the concrete labourer) to abstract, interchangeable and homogeneous labour. **The very nature of work in capitalist society constantly undercuts any potential for liberation**. The social model’s weakness in relation to impairment needs to be addressed. Limitations or lack of “part of a limb, organ or mechanism of the body” or mental function are the raw material on which disability discrimination works, and as such cannot be divorced from the latter. We have seen how disability is historically and socially determined. But this is also true of impairment. The “particular social and historical context…determines its nature… Where a given impairment may be prevented, eradicated or its effects significantly ameliorated, it can no longer be regarded as a simple natural phenomenon”.53 The nature and heterogeneity of impairment distinguishes disability from other forms of oppression. Impairments may be physical or mental (or both), single or multiple, temporary or permanent, and acquired before or after birth. They may be mostly invisible, severely disfiguring or incapacitating, painful or even terminal. “The limitations which individual bodies or minds impose…vary from the trivial to the profound… The majority of disabled people do not have stable, congenital impairments…or sudden traumatic lesions (such as spinal cord injury), but instead have rheumatism or cardio-vascular disease or other chronic degenerative conditions associated with ageing”.54 Most people don’t fit neatly into two categories of able-bodied or disabled. People with slight visual or hearing defects, for example, can render these almost irrelevant by using spectacles or hearing aids (although they may need to pay for them), but those who are completely blind or deaf face far greater obstacles to social integration. The most severely impaired people are highly dependent on able-bodied support, provided in Britian by six million carers. Finkelstein raises an associated problem. **Disabled people “constantly fear that they may become associated with those that they see as less employable and more dependent.** By trying to distance themselves from groups that they see as more disabled than themselves they can hope to maintain their claim to economic independence and an acceptable status in the community”.55 A more recent study shows that “[both] disabled and non-disabled people regard those with a learning disability or a mental illness as the least desirable groups”.56 The issue of who is “really” disabled can be highly divisive. Mike Barratt of the NLBD recalls being told that blind people are not disabled.57 The disability movement in Britain primarily organised around a fairly narrow stratum of physical impairment and was led mainly by wheelchair users.58 As one activist with learning difficulties complained, “We are always asked to talk about advocacy and our impairments as though our barriers aren’t disabling in the same way”.59

#### Neoliberalism guarantees extinction through poverty, inequality, and ecological destruction

David McCoy 17, Professor of Global Public Health at the Centre for Primary Care and Public Health at Queen Mary University London, “Critical Global Health: Responding to Poverty, Inequality and Climate Change,” Int J Health Policy Manag 2017, 6(9), 539–541

According to the World Bank, the number of people living in extreme poverty has more than halved since 2001 and is now believed to represent about 10% of the world’s population.3 This suggests some progress in poverty reduction, notwithstanding some analysts arguing that the Bank’s methods for standardising ‘purchasing power’ across different countries and currencies under-estimates the true number of people living in extreme poverty.4

However, Benatar argues that any reasonable commitment to eradicating poverty should account for all who live in poverty, and not just those in extreme poverty. Although the question of how one defines and measures poverty has exercised economists, political scientists and philosophers for decades, it is hard to imagine anyone disagreeing with the view that anyone living on an income of less than $10/day is poor. And yet, a staggering 71% of the world’s population live below this income line.5 By this measure, poverty has been growing across the world, not shrinking. The tendency to focus on the prevalence of extreme poverty directs attention away from this fact.

A more important point made by Benatar is that a celebration of reductions in extreme poverty has the effect of directing attention away from the more fundamental issue of increasing inequality and widening disparities in wealth and power. This is important because the prevalence of global poverty is largely a consequence of the inequitable distribution of resources and of various forms of structural violence that simultaneously produce wealth and privilege on one hand and poverty and disempowerment on the other.6Fraser argues that the term ‘the global poor’ should be replaced with the term ‘the globally exploited’ or ‘the globally excluded’ so as to explicitly acknowledge the social causes of poverty.7 Doing so would leave the global community feeling much less self- satisfied with the limited reductions in the number of people living on less than $2/day.

Some may suggest that Benatar is being overly negative and unappreciative of the fact that levels of extreme poverty have fallen. It may also be pointed out that the global poor have enjoyed other gains, including improvements in health and reductions in mortality rates.8 It is also often claimed that the poor have benefited from advancements in democracy and freedom. For example, it is not infrequent for mainstream news journals to celebrate the rising number of parliamentary democracies in Africa,9 or to suggest that the internet and new mobile technologies have empowered the global poor,10 or that economic globalisation has extended economic freedom and opportunities to all people.11 In short, the global poor are not just better off, but also healthier and freer.

Many who work in ‘global health’ tend to share this positive, ‘glass half-full’ picture of human progress. Positive optimism and the celebration of selective indicators of health improvement are distinct features of narratives projected by actors such as the Gates Foundation, the World Bank and the Global Fund. In particular, technological developments in health are lauded as being both cost-effective and capable of transforming the lives of the poor.

But Benatar is not suggesting a pessimistic outlook - rather he is calling for a more critical perspective that challenges those narratives that lead away from any discussion of the socially determined maldistribution of wealth (poverty) and health (disease and illness), or which have the effect of concealing the structural violence and injustice that underpins global poverty, even while health indicators are improving for the global poor. There are good reasons for doing so.

As already mentioned, it is arguable that poverty is actually increasing worldwide. Additionally, while there may be a greater number of representative forms of national democracy, the increasingly unequal distribution of wealth and power has created the basis for democratic structures and processes to be corrupted or captured by wealthy elites in many countries. Neoliberal globalisation, including the rise in power of transnational corporations and global finance, and the consequent weakening of national sovereignty (especially in poor countries), have also impinged the ability of the majority poor to enjoy the theoretical benefits of the expansion of democratic elections across the world.

In terms of the reductions in mortality rates, a more critical perspective is warranted if we recognise the fragility of recent global health gains and the threats posed by climate change and ecosystems collapse, anti-microbial resistance, and the prospect of growing levels of violence and armed conflict across the globe. In other words, the predominantly biomedical approach that prevails in global health and which has undoubtedly improved our ability to keep people alive for longer in conditions of poverty, may eventually fail in the medium to long term if we neglect the social determinants of both human health and environmental degradation.

Finally, notwithstanding the reductions in mortality, the fact that such large proportions of the world’s population live in social, economic and environmental conditions that are inconsistent with a good life also suggests a need for a more critical approach that places equity at the heart of how we measure progress.

Nature and the Planet

Benatar also calls for a more urgent recognition of the dangers posed by climate change and ecological degradation, and for humanity to abandon its human-centred model of development in favour of one that places the planet and nature at the centre of our imaginations. Many of us already know that global warming, climate and weather changes, biodiversity loss and ocean acidification present an existential threat to humanity. High profile Lancet publications of reports from a Commission on Climate Change and Health and a Commission on Planetary Health, together with Margaret Chan asserting that climate change is ‘the defining issue’ of the 21st century, 12 would suggest that the health community is responding adequately to the problems of excessive greenhouse gas emissions and consumption patterns that are degrading the planet’s capacity to sustain organised human life.

The reality, however, is that many of us still live beyond our fair share of the planet’s capacity and do not yet see unsustainable consumption and lifestyles as a form of ‘ecologically-mediated’ structural violence that is destroying the prospects of future generations and harming the lives of hundreds of millions of mostly poor people who are already experiencing the consequences of climate change. Although we are, to some degree, trapped within a system built around fossil fuel and the idea of perpetual ‘economic growth,’ we also choose to exceed our fair share of the world’s carbon budget by, for example, flying more than we need to, or choosing diets that are patently ecologically unsustainable.

There may be several reasons for this apparent paradox between what we know and what we do. It may be that the scale of danger posed by climate change is under-appreciated, enabled in part by vast amounts of manufactured disinformation that has been generated by the fossil fuel industry and climate denialists. Similarly, it may represent a cognitive-behavioural dissonance that results from an effective and ubiquitous advertising industry that drives a demand for unsustainable material consumption. It may also be that we feel a degree of entitlement from our work to improve the health of the global poor that excuses us from changing our lifestyles. Or we may hope that technological solutions will save us from having to change the way we live. Or we may simply lack hope in the ability of humanity to avoid self-destruction.

It is the grave threat posed by climate change and ecological degradation that points to the need to better understand the paradox between what we know and what we do. Unless we do so, the full potential for the global health community to use its unique mandate and authority to catalyse the wider systemic changes that are required may be left unrealised. Once again, the argument for a more critical approach seems justified.

What to Do?

Benatar’s article throws up a range of large and complex challenges to which there are no simple solutions. But if the argument is accepted that the global health community needs to adopt a more critical approach, what might this mean in practice? Here I suggest three broad steps that should be taken.

First, the global health community needs to engage more fully with a range of under-represented disciplines and subject areas such as economics, international relations, trade, finance, law, geography and the earth sciences. While some public health scholars have been highlighting the importance of these subject areas to global health, the scholarship and efforts that have been rooted in an understanding of the structural, social and ecological determinants of health must no longer be a minority interest, siloed away from the larger part of the global health community that is focused on the science and practical challenges of individual diseases, their proximal causes and their treatment.

The appeal of ‘pragmatic’ technological and technocratic interventions to save lives and promote incremental improvements in population health is undeniably strong when compared to the messy, unpredictable and conflictual world of politics, economics and climate change. It is understandable that health actors are drawn towards ‘fights’ against disease and illness. But ultimately, a vision of global health that is rooted in both justice and sustainability requires the global health community to develop a broader knowledge base and skills set.

But this by itself is not enough. A second requirement is that we engage politically and confront the politics of global health itself. The latter includes understanding the political dimensions of neoliberal theories and assumptions that have dominated thinking over the past fifty years or so and examining how this shapes health and development policy. Of relevance, for example, is Ron Labonté’s argument in this journal that the SDGs are fundamentally flawed because they assume “that the same economic system, and its still-present neoliberal governing rules, that have created or accelerated our present era of rampaging inequality and environmental peril can somehow be harnessed to engineer the reverse.”13 This also includes understanding the way unequal power shapes our global health architecture and policy approaches. The many global health partnerships that have emerged over the past two decades, for example, have worked effectively to reconcile the mission of global health actors (from civil society, academia and the United Nations [UN]) with the interests of powerful private actors. Similarly, the emphases within global health on charity and technology as solutions for the afflictions of the global poor, or more recently on ‘health security,’ need to be assessed politically in terms of transformatively redistributing power and wealth, or affirming social justice as a foundation for health and wellbeing.

Finally, a more critical global health community would recognise the need to achieve global outcomes through local action. New economic models and re-democratisation, for example, are vital ingredients to the systemic change that is required – but these ingredients will only be provided in sufficient quantity if communities, municipalities and other local groupings are actively engaged in their generation. Adequate systemic change, enabled by policy and legislation, will only occur if shaped and driven by demands from the ground. At the same time, systemic change can be catalysed by smaller-scale changes and developments involving communities at the local level. The large number of health professionals and workers who operate at the local level should be central to these endeavours, and those of us working in global health should look to enable our local health counterparts to create progressive change from the bottom up.

#### Vote negative to affirm the Party --- this rejects the divisions constitutive of neoliberalism and works to galvanize collective organizing that challenges the violence of the political-economy

Dean and Mertz 16

Jodi Dean and Chuck Mertz. Jodi Dean is an American political philosopher and professor in the Political Science department at Hobart and William Smith College. Chuck Mertz runs This is Hell! Radio, in Chicago. “The JFRP: For a New Communist Party.” January 23, 2016. <https://antidotezine.com/2016/01/23/for-a-new-communist-party/>

Chuck Mertz: Real change, the kind of change that Occupy Wall Street had hoped to start, can be achieved through—I know you’re going to find this hard to believe—a political party. I found it hard to believe, until I read Jodi Dean’s book [Crowds and Party](http://www.versobooks.com/books/1991-crowds-and-party). Jodi is here to explain to us how a political party can bring about real change.

Welcome to This is Hell!, Jodi.

Jodi Dean: Hi! Thanks.

CM: Great to have you on the show.

Let’s start with Occupy. What, to you, explains the impact that the Tea Party had on Republicans, relative to the impact that Occupy seems to have had on the Democratic Party? All of the sudden there were “Tea Party Republicans.” There weren’t “Occupy Democrats.”

JD: That’s a good point. The Tea Party took the Republican Party as its target. They decided that their goal was going to be to influence the political system by getting people elected and basically by trying to take over part of government. That’s why they were able to have good effects. They didn’t regard the mainstream political process as something irrelevant to their concerns. They thought of it as something to seize.

The problem with many—but not all—leftists in the US is that they think the political process is so corrupted that we have to completely refuse it, and leave it altogether. The Tea Party decided to act as an organized militant force, and too much of the US left (we saw this in the wake of Occupy) has thought that to be “militant” means to refuse and disperse and become fragmented.

CM: So what explains the left turning its back on the collective action of a political party? It would seem like a political party would fit into what the left would historically want: an apparatus that can organize collective action.

JD: There are multiple things. First, the fear of success: the left has learned from the excesses of the twentieth century. Where Communist and socialist parties “succeeded,” there was violence and purges and repression. One reason the left has turned its back is because of this historical experience of state socialism. And we have taken that to mean that we should not ever have a state. I think that’s the wrong answer. That we—as the left—made a mistake with some regimes does not have to mean that we can never learn.

Another reason that the left has turned its back on the party form has been the important criticism of twentieth century parties that have been too white, too masculine, potentially homophobic; parties that have operated in intensely hierarchical fashion. Those criticisms are real. But rather than saying we can’t have a party form because that’s just what a party does, why not make a party that is not repressive and does not exclude or diminish people on the basis of sex, race, or sexuality?

So we’ve got at least two historical problems that have made people very reluctant to use the party. I also think that, whether or not you mark it as 1968 or 1989, the left’s embrace of cultural individualism and the free flow of personal experimentation has made it critical of discipline and critical of collectivity. But I think that’s just a capitalist sellout. Saying everybody should just “do their own thing” is just going in the direction of the dominant culture. That is actually not a left position at all.

CM: So does identity politics undermine collectivism? And did that end up leading to fragmentation and a weakening of the left? Because there are a lot of people we’ve had on the show—and one person in particular, Thomas Frank—who say that there is no left in the United States.

JD: First I want to say that I disagree with the claim that there is no left. In fact, I think that “the left” is that group that keeps denying its own existence. We’re always saying that we’re the ones who don’t exist. But the right thinks that we exist. That’s what is so fantastic, actually. Did you see the New York Post screaming that Bernie Sanders is really a communist? Great! They’re really still afraid of communists! And it’s people on the left who say, “Oh, no, we’re not here at all!”

The left denies its own existence and it denies its own collectivity. Now, is identity politics to blame? Maybe it’s better to say that identity politics has been a symptom of the pressure of capitalism. Capitalism has operated in the US by exacerbating racial differences. That has to be addressed on the left, and the left has been addressing that. But we haven’t been addressing it in a way that recognizes how racism operates to support capitalism. Instead, we’ve made it too much about identity rather than as an element in building collective solidarity.

I’m trying to find a way around this to express that identity politics has been important but it’s reached its limits. Identity politics can’t go any further insofar as it denies the impact of capitalism. An identity politics that just rests on itself is nothing but liberalism. Like all of the sudden everything will be better if black people and white people are equally exploited? What if black people and white people say, “No, we don’t want to live in a society based on exploitation?”

CM: You were saying that the left denies its own collectivity. Is that only in the US? Is that unique to the US culture of the left?

JD: That’s a really important question, and I’m not sure. Traveling in Europe, I see two different things. On the one hand I see a broad left discussion that is, in part, mediated through social media and is pretty generational—people in their twenties and thirties or younger—and that there’s a general feeling about the problem of collectivity, the problem of building something with cohesion, and a temptation to just emphasize multiplicity. You see this everywhere. Everybody worries about this, as far as what I’ve seen.

On the other hand, there are countries whose political culture has embraced parties much more, and fights politically through parties. Like Greece, for example—and we’ve seen the ups and downs with Syriza over the last two years. And Spain also. Because they have a parliamentary system where small parties can actually get in the mix and have a political effect—in ways that our two-party system excludes—the European context allows for more enthusiasm for the party as a form for politics.

But there’s still a lot of disagreement on the far left about whether or not the party form is useful, and shouldn’t we in fact retreat and have multiple actions and artistic events—you know, the whole alter-globalization framework. That’s still alive in a lot of places.

“I think holding on to the word ‘communism’ is useful, not only because our enemies are worried about communism, but also because it helps make socialists seem really, really mainstream. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what we should have at a bare minimum.”

CM: You mentioned the structure of the US electoral system doesn’t allow for a political party to necessarily be the solution for a group like Occupy. Is that one of the reasons that activists dismiss the party structure as something that could help move their agenda forward?

JD: We can think about the Black Panther Party as a neat example in the US context: A party which was operating not primarily to win elections but to galvanize social power. That’s an interesting way of thinking about what else parties can do in the US.

Or we can think about parties in terms of local elections. Socialist Alternative has been doing really neat work all over the country, organizing around local elections with people running as socialist candidates not within a mainstream party. I think that even as we come up against the limits of a two-party system, we can also begin to think better about local and regional elections.

The left really likes that old saw: “Think Globally, Act Locally.” And then it rejects parties—even though political parties are, historically, forms that do that, that actually scale, that operate on multiple levels as organizations.

That we have a two-party system makes sense as an excuse why people haven’t used left parties very well in the US, but that doesn’t have to be the case.

And one more thing: there is a ton of sectarianism in the far left parties that exist. Many still fight battles that go back to the twenties, thirties, forties, fifties, and haven’t let that go. That has to change. We don’t need that kind of sectarian purity right now.

CM: You ask the question, “How do we move from the inert mass to organized activists?” You mention how you were at Occupy Wall Street; you write about being there on 15 October 2011 as the massive crowd filled New York’s Times Square. And you mention this one young speaker, and he addresses the crowd; they’re deciding if they should move on to Washington Square Park or not, because they need to go somewhere where there are better facilities. You then quote the speaker saying, “We can take this park. We can take this park tonight. We can also take this park another night. Not everyone may be ready tonight. Each person has to make their own autonomous decision. No one can decide for you. You have to decide for yourself. Everyone is an autonomous individual.”

Did that kind of individualism kill Occupy Wall Street from the start?

JD: Yeah, I think so. A lot of times I blame the rhetorics of consensus and horizontalism, but both of those are rooted in an individualism that says politics must begin with each individual, their interests, their experience, their positions, and so on. As collectivity forms—which is not easy when everyone’s beginning from their individual position—what starts to happen is that people start looking for how their exact experiences and interests are not being recognized.

I think that the left has given in too much to this assumption that politics begins with an individual. That’s a liberal assumption. Leftists, historically, begin with the assumption that politics begins in groups. And for the left in the nineteenth and twentieth centuries, the operative group is class. Class is what determines where our political interests come from.

I try to do everything I can in the book to dismantle the assumption that politics, particularly left politics, should begin with the individual. Instead I want people thinking about how the individual is a fiction, and a really oppressive fiction at that. And one that’s actually, conveniently, falling apart.

CM: You write about Occupy Wall Street having been an opening but having had no continuing momentum. You mention that the party could add that needed momentum. That’s one of the things that parties can do. The structure of the party can continue momentum and keep the opening alive.

When you say that a party could be a solution for a movement like Occupy, you don’t mean the Democratic Party, do you?

JD: I’ve got a lot of layers on this question. My first answer is that no, I really mean the Communist Party. My friends call this “Jodi’s Fantasy Revolutionary Party” as a joke, because the kind of Communist Party I take as my model may not be real, or may have only existed for a year and a half in Brooklyn in the thirties. And I don’t mean the real-existing Communist Party in the US now, which still exists and basically endorses Democrats.

My idea is to think in terms of how we can imagine the Communist Party again as a force—what it could be like if all of our left activist groups and small sectarian parties decided to come together in a new radical left party.

So no, I don’t envision the Democratic Party as being that. That’s not at all what I have in mind. I’m thinking of a radical left party to which elections are incidental. Elections might be means for organizing, but the goal isn’t just being elected. The goal is overthrowing capitalism. The goal is being able to build a communist society as capitalism crumbles.

Second, it could be the case—as a matter of tactics on the ground in particular contexts—that working for a Democratic candidate might be useful. It could be the case that trying to take over a local Democratic committee in order to get communist/socialist/radical left candidates elected could also be useful. But I don’t see the goal as taking over the Democratic Party. That’s way too limited a goal, and it’s a goal that presupposes the continuation of the system we have, rather than its overthrow.

CM: But how difficult would it be for a Communist Party to emerge free of its past associations with the Soviet Union? Can we even use the word “communist” or is it impossibly taboo?

“It’s fantastic that Occupy Wall Street’s narrative of the 99% and the 1% asserted collectivity through division. This is class conflict. There is not a unified society. This is the collectivity of us against them. This narrative produced the proper collectivity: an antagonistic one.”

JD: We have to recognize that the right is still scared of communism. That means the term is still powerful. That means it still has the ability to instill fear in its enemies. I think that’s an argument for keeping the word “communism.”

It’s also amazing that close to half of Iowa participants in the caucuses say that they are socialist. Four or five years ago, people were saying socialism is dead in the US. No one could even say the word. So I actually think holding on to the word “communism” is useful not only because our enemies are worried about communism, but also because it helps make the socialists seem really, really mainstream, and that’s good. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what America should have at a bare minimum.

One last thing about the history of communism: every political ideology that has infused a state form has done awful things. For the most part, if people like the ideology, they either let the awful things slide, or they use the ideology to criticize the awful things that the state does. We can do the same thing with communism. It’s helpful to recognize that the countries we understand to have been ruled by Communist Parties were never really communist—they didn’t even claim to have achieved communism themselves. We can say that state socialism made these mistakes, and in so doing was betraying communist ideals.

I don’t think we need to abandon these terms or come up with new ones. I think we need to use the power that they have. And people recognize this, which is what makes it exciting.

CM: You write, “Some contemporary crowd observers claim the crowd for democracy. They see in the amassing of thousands a democratic insistence, a demand to be heard and included. In the context of communicative capitalism, however, the crowd exceeds democracy.

“In the 21st century, dominant nation-states exercise power as democracies. They bomb and invade as democracies, ‘for democracy’s sake.’ International political bodies legitimize themselves as democratic, as do the contradictory and tangled media practices of communicative capitalism. When crowds amass in opposition, they pose themselves against democratic practices, systems, and bodies. To claim the crowd for democracy fails to register this change in the political setting of the crowd.”

So are crowds today, the protesters today, opposed to democracy? Or are they opposed to the current state of, let’s say, representative democracy?

JD: Let’s think about our basic environment. By “our,” now, I mean basically English-speaking people who use the internet and are listening to the radio and live in societies like the United States. In our environment, what we hear is that we live in democracy. We hear this all the time. We hear that the network media makes democratic exchange possible, that a free press is democracy, that we’ve got elections and that’s democracy.

When crowds amass in this setting, if they are just at a football game, it’s not a political statement. Even at a march (fully permitted) that’s registering opposition to the invasion of Iraq, for example, or concern about the climate—all of those things are within the general environment of “democracy,” and they don’t oppose the system. They don’t register as opposition to the system. They’re just saying that we want our view on this or that issue to count.

But the way that crowds have been amassing over the last four or five years—Occupy Wall Street is one example, but the Red Square debt movement in Canada is another; some of the more militant strikes of nurses and teachers are too—has been to say, “Look, the process that we have that’s been called democratic? It is not. We want to change that.”

It’s not that we are anti-democratic. It’s that democracy is too limiting a term to register our opposition. We want something more. We want actual equality. Democracy is too limiting. The reason it’s too limiting is we live in a context that understands itself as “democratic.” So democracy as a political claim, in my language, can’t “register the gap that the crowd is inscribing.” It can’t register real division or opposition. Democracy is just more of what we have.

CM: We are so dependent. We use social media so much, we use Facebook so much, we use so many of these avenues of what you call communicative capitalism so much. How can we oppose or reject this system without hurting ourselves and our ability to communicate our message to each other? Can we just go on strike? Can we become the owners of the means of communicative production?

JD: One of the ways that Marxism historically has understood the political problems faced by workers is our total entrapment and embeddedness in the capitalist system. What makes a strike so courageous is that workers are shooting themselves in the foot. They’re not earning their wage for a time, as a way to put pressure on the capitalist owner of the workplace.

What does that mean under communicative capitalism? Does it mean that we have to shoot ourselves in the foot by completely extracting ourselves from all of the instruments of communication? Or does it mean that we change our attitude towards communication? Or does it mean that we develop our own means of communication?

There’s a whole range here. I’m not a Luddite. I don’t think the way we’re going to bring down capitalism is by quitting Facebook. I think that’s a little bit absurd. I think what makes more sense is to think of how we could use the tools we have to bring down the master’s house. We can consolidate our message together. We can get a better sense of how many we are. We can develop common modes of thinking. We can distribute organizing materials for the revolutionary party.

I don’t think that an extractive approach to our situation in communicative media is the right one. I think it’s got to be more tactical. How do we use the tools we have, and how do we find ways to seize the means of communication? This would mean the collectivization of Google, Facebook, Amazon, and using those apparatuses. But that would probably have to be day two of the revolution.

CM: Jodi, I’ve got one last question for you, and it’s the Question from Hell, the question we might hate to ask, you might hate to answer, or our audience is going to hate the response.

How much did the narrative that Occupy created, of the 99% and the 1%, undermine a of collectivity? Because it doesn’t include everyone…

JD: Division is crucial. Collectivity is never everyone. What this narrative did was produce the divided collectivity that we need. It’s great to undermine the stupid myth of American unity, “The country has to pull together” and all that crap. It’s fantastic that Occupy Wall Street asserted collectivity through division. This is class conflict. This says there is not a unified society. Collectivity is the collectivity of us against them. It produced the proper collectivity: an antagonistic one.

## CASE

### 1NC – presumption

#### Vote neg on presumption:

#### A] no reason the ballot’s key—nothing about this debate spills out of the Zoom room to solve their impex

#### B] solvency is non falsifiable—academics have written about the 1AC’s content—no reason erring the content of the 1AC in debate is key

### 1NC – Legal Engagement Key

#### Disabled activists have responded to Trump through mass mobilization in defense of political goals --- claims of ontological exclusion flatten individual orientations, and are profoundly depoliticizing

Abrams 18

Abigail Abrams, Politics writer for TIME, “'Our Lives Are at Stake.' How Donald Trump Inadvertently Sparked a New Disability Rights Movement,” TIME. February 26, 2018. <http://time.com/5168472/disability-activism-trump/>

One day last March, Kings Floyd’s boss came into work and asked if she’d like to get arrested.

At first Floyd, 23, did a double take. Floyd has muscular dystrophy and worked at an organization that advocates for people with disabilities, but had never been very political. But when she learned about the Republican health care bill that would repeal parts of the Affordable Care Act and make cuts to Medicaid, she decided to join more than 50 disability-rights activists in a protest in the Capitol Rotunda. Brand new to activism at the time, Floyd proudly recalls that she was one of the last people left chanting as police took protesters out of the rotunda one by one.

“That event changed everything,” she says. “I realized I had a responsibility to support my community.” In the year since that first protest, Floyd has revived her area chapter of the national disability-rights organization ADAPT, gotten arrested several more times for demonstrating against various proposed laws and spoken at the Women’s March anniversary event in Washington.

Floyd is part of a new wave of activism by disabled Americans who want to change the way disability is viewed in the U.S. Responding to federal policies they feel are threatening their community on issues from healthcare to education to fundamental civil rights, more people with disabilities are getting politically involved. Others are trying to build a political movement to define disability—roughly one in five Americans has one, according to the Census Bureau—as a form of personal identity, much like race or sexual orientation.

The push to recognize disability rights is not new, but it’s no coincidence that this current of activism surged during the first year of Donald Trump’s presidency. “It’s far more intense,” says Anita Cameron, a veteran disability activist who has been arrested more than 130 times with ADAPT, the grass-roots disability rights network. “We really feel our lives are stake.”

During his campaign, Trump promised not to touch entitlement programs. Since taking office, however, he and the GOP-controlled Congress have pursued an agenda that could have outsized consequences for disabled Americans. Each of the GOP’s proposals to repeal the Affordable Care Act included cuts to Medicaid, the [main health insurer](https://www.nytimes.com/2017/06/21/upshot/gop-health-plan-is-really-a-rollback-of-medicaid.html) for adults and children with disabilities. Medicaid covers services that other insurers typically do not, such as personal care assistants and lifts that allow people with disabilities to live in their own homes and communities. While the ACA repeal attempts failed, the Trump administration has now allowed states to enact work requirements for those who receive Medicaid—a policy change that [experts say](https://rewire.news/article/2018/01/12/despite-republican-claims-medicaid-work-requirements-hurt-people-disabilities/) will likely result in many disabled people losing coverage.

Affordable Care Act repeal attempts drove activism

The backlash from the disabled community was fierce. Activists staged a “die-in” at Republican Senate Leader Mitch McConnell’s office last June, while members of ADAPT organized an average of three protests per day across 30 states over the summer, according to national organizer Gregg Beratan. The demonstrations helped grow the group’s ranks: at least 10 new chapters have emerged since Trump took office, according to ADAPT’s Cameron. Larger chapters, like the one in Denver where ADAPT started, have seen increases in membership and donations. Before the 2016 election, the Denver chapter typically raised about $10,000 each year. In 2017 they doubled that sum. The American Association of People with Disabilities launched a National Disability Voter Registration Week in 2016; last year the number of voter registration events rose nearly 400%. An estimated 45,000 people with disabilities attended the Women’s March on Washington last year, making that day likely the largest gathering of disabled people in American history. For those who could not go in person, an online Disability March drew more than 3,000 participants.

Since disabled people often don’t have access to transportation and may not know others in their area who share their disability, many engage in activism through the Internet. Campaigns like #CripTheVote, started in 2016 by Beratan and activists Alice Wong and Andrew Pulrang, have encouraged disabled people to become politically active and sparked conversations about topics ranging from opioids and chronic pain to disability and identity under Trump.

“I didn’t know disability activism existed until I went on Twitter,” says Kayla Smith, a 20-year-old with autism in Winston-Salem, N.C. Smith joined Twitter just as the presidential primary season was heating up in 2015. “I remember asking why I’d heard about civil rights for African Americans and other groups but not for disabilities,” she recalls. Now Smith plans to start a disability club at her community college later this year. She frequently tweets about disability news, commenting on everything from disabled representation in pop culture to the latest Medicaid update.

Others are channeling their energy into running for office. No organization currently tracks disabled candidates, but advocates say there are more candidates openly discussing their disabilities than in recent cycles, from local school board and town council races all the way up to Congressional contests. “It’s time for those of us who have disabilities to step out and do what we can to assume leadership positions to bring visibility to our community,” says Reyma McCoy McDeid, a non-profit executive who is autistic and running for a seat in Iowa’s House of Representatives.

One of the most important goals for many disability advocates is getting people outside the community to see disability rights as a movement that extends beyond existing stigmas to encompass a broader political identity. Though the general population often views disabilities as inconveniences to be pitied or tolerated, advocates are proud of their disabilities and view them as essential to their identities in the way that many view race, ethnicity and sexual orientation. Academics point to strong links between disability identity and political involvement. When someone attends a protest or joins an activist group for the first time, they are likely exposed to ideas they hadn’t previously encountered, which can make them [see their own experience in new ways](http://journals.sagepub.com/doi/abs/10.1177/2167696815579830), says Michelle Nario-Redmond, a psychology professor at Hiram College in Ohio who [studies disabilities](http://www.tandfonline.com/doi/abs/10.1080/15298868.2012.681118) and political advocacy.

Floyd and Smith both followed this pattern. Smith’s explorations on social media led her to discover her identity, while Floyd wasn’t thinking about politics until her boss at the National Council on Independent Living (NCIL) invited her to the ADAPT protest. They’re also part of what some call the “ADA generation”: young adults who grew up largely after the Americans with Disabilities Act established civil rights protections for disabled people in 1990. “Up until this point, we have been fortunate in that we haven’t had to fight in the trenches like some of our predecessors,” says Anjali Forber-Pratt, an expert on disability and identity at Vanderbilt University who is also part of this generation. The threat of Trump’s policies, she says, is playing an important role in identity development. Research backs this up: a study published in the journal [Rehabilitation Psychology](https://www.ncbi.nlm.nih.gov/pubmed/28758773) last summer found that stigma or discrimination makes people with disabilities much more likely to proudly identify with the disability community.

That’s what happened for Jordan Sibayan. As a child growing up in Denver, Sibayan says he often felt discouraged by his muscular dystrophy. He wanted to be “normal.” But when Sibayan attended an ADAPT youth leadership training program in 2016, he learned how to effectively plan direct actions and lobby lawmakers. And once the Trump administration began proposing legislation he saw as an explicit threat to his community he threw himself into disability activism. “I felt like this is what I should be doing with my skills and my energy and my passion,” says Sibayan, who has now traveled to Boston, Washington, D.C., and to GOP Senator Cory Gardner’s Colorado home to protest with the group he describes as his family. “I’ve gained a sense of pride and self-worth that has taken a long time to develop,” he says.

Disability rights groups push for systemic change

As more young adults discover their sense of identity, the disability community is becoming more aware of how its concerns intersect with those of other minority groups. In 2018, this means both listening to people of color and LGBT individuals in the disability community, as well pushing for broader advocacy networks, such as the Women’s March, to include disability issues as part of their agendas. “Now we’re all forced to pay attention to what each others’ individual groups have been doing so that we can come together and be this coalition,” says Vilissa Thompson, a social worker and disability consultant in South Carolina who founded an initiative called Ramp Your Voice! to highlight the experiences of black disabled women.

The next step, activists say, is to capitalize on the conversations around identity and turn their community’s passion into political clout. One obstacle is that politicians have not typically tried to win the disability vote in the way they have with black or Latino voters, for example. Voter turnout rates among disabled people have remained stubbornly low in recent years, according to data collected by Lisa Schur and Douglas Kruse at Rutgers University. Even for disabled people who do plan to go to the polls, voting can be a challenge: voter ID laws may mean an extra hurdle for those who don’t drive, and 60% of polling places reviewed by the [Government Accountability Office](https://www.gao.gov/products/GAO-18-4) in 2016 had one or more impediments, such as steep entrance ramps or poorly maintained paths into the building, that could prevent a disabled person from casting a ballot.

But the potential is there for the disability community to become a powerful political constituency. Nearly 57 million Americans have a disability, according to the Census Bureau, making the group the country’s largest minority. And despite the groundswell of protest against Trump and the GOP this year, disabled people do not especially favor one political party. Roughly 50% lean Democratic, according to the [Pew Research Center](http://www.pewresearch.org/fact-tank/2016/09/22/a-political-profile-of-disabled-americans/), and 42% lean Republican. “That’s one of the hopeful things about this,” says Rutgers’ Kruse. “Because people with disabilities are not particularly aligned with one party or the other, both parties have incentives to get them out to vote.”

### 1NC – Institutions Key

#### Normative discussion of disability in relation to institutions and policy are essential to advocacy and to descriptive accuracy – deconstructing disabled identity and rejecting ableist policies/institutions is insufficient

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(“Moral wrongs, disadvantages, and disability: a critique of critical disability studies,” Disability & Society Volume 29, Issue 4, 2014)

The ideas developed within CDS draw heavily on concepts developed in other areas of difference including ethnicity, sexuality and gender. Whilst it is not simply about conflating different approaches together with that of disability studies, the case for similarities are readily made (Shildrick 2012). McCruer (2010), for example, drawing on the ideas of Judith Butler juxtaposes compulsory heterosexuality with compulsory ablebodiedness, arguing that privileging heterosexuality and ablebodiedness acts to the detriment of others**. The argument is that by disrupting the categories disabled/non-disabled, the discrimination experienced by disabled people can be challenged.**

This attempt at what Sayer (2011) has called normative disorientation found in **much of the theorizing around ableism creates problems.** For example, how can we discuss or debate prevention when a feature of ableism is described as a ‘belief that impairment (irrespective of “type**”) is inherently negative** which should, if the opportunity presents itself, be ameliorated, cured or indeed eliminated’ (Campbell 2009b, 23)? Is the promotion of the use of folic acid before and during pregnancy based on an anti-disablist or perhaps ableist viewpoint; and if so, should CDS be campaigning against those who seek to promote these views? This gap is acknowledged by Meekosha (2011), but it has not been examined or unpacked. Whilst we may be accused here of constructing a ‘straw person argument’ it is consistent with Campbell’s claim.

This challenge to normativity, of what is good or bad, or right or wrong, characterizes much of the CDS literature. Whilst CDS often makes normative judgements about policies **or about the current understanding of disability** or how contemporary social organization is morally wrong, it offers no evaluative arguments on impairments or on the implications of living with an impairment. Shildrick (2012, 40), for example, has argued that ‘all bodies are unstable and vulnerable’ and that there is ‘no single acceptable mode of embodiment’. Shildrick attempts a move to an ethical realm by posing what she describes as ‘an **important ethical question**: **how can we engage with morphological difference** that is not reducible to the binary of either sameness or difference?’ And, in line with this rather leading question, she continues: ‘If we are to have an ethically responsible encounter with corporeal difference, then, we need a strategy of queering the norms of embodiment, a commitment to deconstruct the apparent stability of distinct and bounded categories’ (Shildrick 2012, 40). In Shildrick’s view, any strategy, political arrangement, or ethical conceptualization that is based on a group identity built upon a binary distinction or difference, is ethically wrong. This is an interesting suggestion but unfortunately Shildrick does not provide any ethical argument to support it or a practical example of how it may be enacted.

It is, as Shildrick argues, safe to suggest that there is no ‘single acceptable mode of embodiment’, but at the same time **it seems equally safe to suggest that there are a lot of people who would argue that some forms of embodiment are preferential to others**. **Seeing impairments as** acceptable forms of human diversity **is not the same as seeing them as neutral or insignificant**. When people say that some forms of embodiment are preferential to others, they are ultimately referring to ideas about human well-being. In other words, one reason why people generally prefer not to have impairments is ethical; they believe that some impairments may in and of themselves prevent people from acting and moving as they wish, from doing valued activities, or faring well in general. Thomas (1999) coined the term ‘impairment effects’ to define these limitations and to separate them from those that arise from disablement. CDS is normative as well, albeit its normative focus is on social factors instead of individuals’ abilities. CDS, like the social model, contains a strong normative dimension that implies what is right or wrong as regards social arrangements, but neither model takes a clear normative approach to the lived, embodied and visceral experiences of having an impairment (Vehmas 2004).

**Human beings are** dialogical beings **and the significance of disability or impairment and their impact on well-being will tend to be comparative**. As Sayer argues: ‘we measure ourselves not so much against absolute standards but against what others are like, particularly those with whom we associate the most’ (2011, 122). **Evaluative judgements** in relation to the individual experience of both disability and impairment are important. If we are to properly understand social phenomena, such as disability, we have to **recognize their normative dimensions and the values attached to them**. **Value-laden statements**, as Sayer (2011) argues, **can strengthen the descriptive adequacy of accounts**. Sayer demonstrates this by using the example of the Holocaust. This, he says, can be represented in two ways: ‘thousands died in the Nazi concentration camps’ and ‘thousands were systematically exterminated in the Nazi concentration camps’. The latter sentence is not only more value-laden than the first, but more accurate as well (Sayer 2011, 45). We would argue that **talking about ableism,** disablism or oppression does not make sense **without reference to normative judgements** about people’s well-being, as without such a discussion only a partial picture will emerge. The same may also apply to judgements about fair social arrangements.

CDS does not engage with ethical issues to do with the role of impairment and disability in people’s well-being and the **pragmatic and mundane issues** of day-to-day living. Imagine, for example, a pregnant woman who has agreed, possibly with very little thought, to the routine of prenatal diagnostics, and who has been informed that the foetus she is carrying has Tay-Sachs disease. She now has to make the decision over whether to terminate the pregnancy or carry it to term. The value judgements that surround Tay-Sachs include the fact that it will cause pain and suffering to the child and he or she will probably die before the age of four. These are morally relevant considerations to the mother. Whilst CDS would probably guide her to confront ableist assumptions and challenge her beliefs about the condition, **considerations having to do with pain and suffering are nevertheless** morally significant**.** The way people see things, and the language that is used to describe certain conditions, can affect how they react to them, but freeing oneself from ableist assumptions may not in some cases be enough. **There may be** insurmountable realities **attached to some impairments** where parents feel that their personal and social circumstances would not enable them to provide the child or themselves with a satisfactory life (Vehmas 2003).

Impairment sometimes produces practical, difficult ethical choices **and we need more concrete viewpoints than the ideas provided through ableism,** which offers very little practical moral guidance. It is questionable whether the notion of ableism would help the parents in deciding whether to have a child who has a degenerative condition that results in early death. Campbell (2009a, 39, 149 and 159), for example, discusses arguments about impairments as harmful conditions, the ethics of external bodily transplants as well as wrongful birth and life court cases (whether life with an impairment is preferable to non-existence), and how ableism impacts on discourse around these issues. Whilst her analysis of such ableist discourses suggests ethical judgements, she provides no arguments or conclusions as to whether, for example, external bodily transplants are ethically wrong or whether impairment may or may not constitute a moral harm.

Under the anti-dualistic stance adopted by CDS, even the well-being/ill-being dualism becomes an arbitrary and nonsensical construct. Under ableism it can be constructed as merely maintaining the dominance of those seemingly faring well (supposedly, ‘non-disabled’ people), and labels those faring less well as having lesser value.

There may not be a clear answer to what constitutes human well-being or flourishing, **but in general we can and we need to agree about some necessary elements required for well-being.** Also, as moral agents we have an obligation to make judgements about people’s well-being and act in ways that their well-being is enhanced (Eshleman 2009). This is why we have, for example, coronary heart disease prevention programmes **because the possible death or associated health problems are seen as harms.** Possibly these policies are based on ableist perspective, but if that is the case then the normative use of ableism is null; **eradicating supposedly ableist enterprises such as coronary heart disease prevention would be an example of** reductio ad absurdum. **Denying some aspects of well-being are so clear that their denial would be** absurd**, and simply morally wrong.**

CDS raises ethical issues and insinuates normative judgements **but does not provide supporting ethical arguments. This is a way of** shirking **from intellectual and ethical responsibility** to provide sound arguments and conceptual tools for ethical decision-making that would benefit disabled people. If we are to describe disability, disablism, and oppression properly, we have to explicate the moral and political wrong related to these phenomena. Whilst CDS has produced useful analyses, for example, of the cultural reproduction of disability, it needs to engage more closely with the evaluative issues inherently related to disability. As Sayer has argued (against Foucault):

while one could hardly disagree that we should seek to uncover the hidden and unconsidered ideas on which practices are based, **I would argue that critique is indeed exactly about identifying what things ‘are not right as they are’, and why**. (Sayer 2011, 244)

By settling almost exclusively to analyses of ableism without engaging properly with the ethical issues involved, CDS analyses are deficient. The moral wrongs related to disablism or ableism are matters of great concern to disabled people, and CDS should in its own part take the responsibility of remedying current wrongs disabled people suffer from.

#### Simply acknowledging ableism is insufficient and disempowering – there are practical steps that should be taken to increase disabled folks participation in debate and society, but forcing debaters to negate embodied advocacies is the worst solution

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Critical disability studies and justice

The influence of CDS and its challenge to the assumption that disability is a uniform condition have enabled the emergence of new ideas on disability. In particular, this has enabled the development of a theory that can take account of not only impairment effects but also can include class, ethnicity, sexual orientation or cultural identities. It has also argued for the re-emergence of a new political identity, one where a solidarity that was previously built on a common single identity is replaced by one that incorporates multiple voices including representatives from across the range of constituencies. The politics that it seeks to develop will be the ending of the single interest group identity of the disability movement to be replaced by single-issue groups campaigning for different social issues. To paraphrase Lister (1998, 74), if disability and impairment are simply to be ‘deconstructed into a kaleidoscope of shifting identities’ and ableist discourses, **there will be no disabled people left to either fight for the right to be, or to be a citizen.**

If the principles of CDS are evaluated critically in the light of disadvantage, **its analytical and political value becomes questionable**. Its relativism and its suggestions that impairments are ethically and politically merely neutral differences are false. Impairments often have very tangible effects on people’s well-being, **many of which** cannot be explained away by deconstruction (for example, Shakespeare 2006; Thomas 1999). Recognizing impairment effects is necessary in order to secure proper treatment and social arrangements that enhance disabled people’s well-being and social participation. CDS runs the risk of dismissing not only the personal experiences of living with impairment, but also the significance of the differences between socially created disadvantages. These disadvantages that often result from oppressive social arrangements, are very much real and take place in different ways for different disadvantaged groups.

Disabled people typically experience disadvantage in relation to the market and capitalism, and they have to a large extent been excluded from employment and from equal social participation, respect and wealth (Wolff and De-Shalit 2007, 26). On top of these materialist disadvantages, disabled people are stigmatized as deviant and undesirable, and also subordinated to various oppressive hierarchical relations. For disabled people to achieve participatory parity, **they require more than recognition; they need material help, targeted resource enhancement,** and personal enhancement (Wolff and De-Shalit 2007). Disability is rooted in the economic structures of society and demands redistribution of goods and wealth. In contrast to some other oppressed groups, disabled people require more than the removal of barriers if they are to achieve social justice. This extra help might be small – for example, allowing a student with dyslexia extra time in an examination – through to complex interventions such as facilitated communication, a job support worker or 24-hour personal assistance. Whatever the size, it is an extra cost both to employers and to the state. **These are real needs and represent real differences**. Without an acceptance of these differences it is hard to see how we could move forward. Whilst these ‘real differences’ **can be presented as the result of dominant ableist discourses** where disabled people’s needs are regarded as extra cost, this does not solve the problem. **The problems disabled people** face require more than ideological change, **and ideological change is** of little use **if it does not result in material change.**

CDS fails to account for the economic basis of disability and offers only the tools of deconstruction and the abolishment of cultural hierarchies to eradicate economic injustice. This, as Fraser (2000) has argued, would be possible in a society where there were no relatively autonomous markets and the distribution of goods were regulated through cultural values. In such a society, oppression based on identity would translate perfectly into economic injustice and maldistribution. This is far from the current reality where ‘marketization has pervaded all societies to some degree, at least partially decoupling economic mechanisms of distribution from cultural patterns of value and prestige’ (Fraser 2000, 111). Markets are not controlled by nor are they subsidiary to culture; ‘as a result they generate economic inequalities that are not mere expressions of identity hierarchies’ (Fraser 2000, 111–112). The disadvantage related to disability is to a great extent a matter of economic injustice, and before this injustice can be corrected we have to be able to identify those individuals and social groups that have been disadvantaged by social arrangements. Whilst this does create and foster categories and binaries between groups of people, it also requires some sort of categories to start with; namely, the various categories of disadvantage.

Both the social and physical mechanisms that produce human diversity are real, and they produce tangible differences that cannot be challenged, let alone abolished, **merely by pointing out the wanton nature of difference, and deconstructing the meanings attached to disability**. Changing the social conditions that disadvantage and disable some people demands that the diverse, sometimes dualistic, reality of social advantage and disadvantage between different groups of people is recognized. This is exactly why group identities based on, for example, impairment, gender, or sexuality have been invaluable tools in the resistance against discrimination and oppression – in the fight against socially produced disadvantage. Confident, positive disability identity has enabled many disabled people to actively challenge the status quo that disadvantages them and to claim rights and power and participation in dominant institutions. Being different from the so-called normal majority is no longer considered to conflict with a good life, equality and respect. **Quite the opposite, positive realization of one’s difference has been liberating and empowering to many disabled people** (Shakespeare 2006; Morris 1991). For a radical and active disability movement to emerge and for disabled people to take action on their own account, they have to see themselves as an unfairly marginalized or disadvantaged constituency and a minority group (Shakespeare and Watson 2001). The category disabled/non-disabled is a good abstraction that can enable the development of communities of resistance, and without it is hard to see how these could develop.

**CDS is premised on the idea that difference acts as a precursor to the normalizing of behaviour** and a requirement to treat people differently and, importantly, less favourably. There is, however, no evidence to suggest that the categories that are applied to disabled people create an unnecessary divide between disabled and non-disabled people. **You could equally make the point that without these categories we would not know what it is we have to do**, **what actions we have to take or what services we have to put in place to include disabled people**. Indeed, for many disabled people the disadvantages they are subjected to **arise** not as the result of domination **but through neglect and the denial of services and through society failing to take responsibility for those in need**. As Wolff (2009, 114) points out: ‘anti-discrimination policy needs to identify a group to be protected.’ In other words, it is impossible to fight the oppression of a group of people that does not exist. Recognition of impairment is also crucial regarding legislation and policy that aim to protect disabled people against discrimination. The point of anti-discrimination legislation is to protect people from discrimination on the basis of their physical and mental properties, not on their opportunity to achieve equal participation and respect. Thus, ‘the parallel to race and gender is not disability but impairment’ (Wolff 2009, 135).

### 1NC – Ontology Offense

#### Pesssimism reifies the idea that disability is something that should be “cured” or abandoned and relies on a vision of psychoanalysis that abstracts from disabled people’s lived experiences and resistance

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My critique of anti-cure politics arises from my personal experiences described in other parts of this essay. Those experiences include chronic pain, depression, and abuse and participation in feminism, anti-racism, queer theory, disability studies, and other critical-political projects. Drawing on my experiences assists me in engaging analytic concepts, and vice versa. The personal and theoretical are thus inseparable from, if not reducible to, each other. Yet academia, with its love of the View from Nowhere, typically treats personal experience with suspicion. It purportedly cannot meet academic criteria for adequate evidence because it is imagined as too particular, too embodied, and too subjective. Even critical-political fields often view personal experience with skepticism and wariness, a defensive reflex against attempts to discredit them by conflating them with the personal alone. Indeed, appeals to personal experience sometimes shut down critique, especially within a confessional and therapeutic culture that demands performances of authenticity to justify the exercise of power (Mollow and McRuer 8). Although personal experience never speaks for itself and must always be theorized, this discomfort risks cordoning the two off from one another, rather than teasing out their entanglements.

Although this suspicion of personal experience is endemic to most academic fields, I turn here to a particular preference for the abstract and the theoretical at the expense of the material and experiential: the anti-relational strand of queer theory influenced by psychoanalysis and represented by work like Lee Edelman's No Future and Leo Bersani's "Is the Rectum a Grave?" Unlike the work of Halberstam, Warner, Ahmed, and Muñoz, this strand gives up on the tension between positivity and negativity altogether in favor of the strictly negative (as one might gather from the titles of Edelman's and Bersani's pieces). I read Bersani's piece in graduate school and Edelman's book when it was originally published, but I became reacquainted with them through Anna Mollow's essay "Is Sex Disability? Queer Theory and the Disability Drive" in the anthology Sex and Disability. Reading them now, with experiences like those chronicled in this essay under my belt, their complicity with the View from Nowhere comes sharply into view. Just as the disabled normate haunts Brilliant Imperfection, a desire for the "purity of sexuality as a singular trope of difference," not contaminated by "race, gender, and other particularities," haunts anti-relational work (Muñoz 11).

Edelman's book critiques reproductive futurism, a pro-natalist ideology that conflates futurity with procreation, upholds heteronormativity, and abjects queerness in the name of the Child (2). Following Edelman, Mollow critiques rehabilitative futurism, a pro-cure ideology that conflates futurity with the eradication of disability and upholds compulsory able-bodied/mindedness in the name of the Child (288). Mollow draws on Bersani's and Edelman's articulations of the death drive to theorize what she calls the disability drive. She contends, "to foreground associations between disability and the death drive means theorizing disability in terms of identity disintegration, lack, and suffering… I critique politics of disability that emphasize identity formation and pride, exploring instead the benefits of highlighting those aspects of sex and disability that undercut and perhaps even preclude assertions of humanity" (287). In some ways, then, Mollow, Edelman, and Bersani argue for an embrace of negativity not entirely different from what I call for in the above section. However, their work relies on the ahistorical language of psychoanalysis, a closed symbol system that feigns universality and casts material and personal experience as irrelevant to abstract theorizing.

I call queer theory's anti-relational strand "a closed system" because of its explicit rejection of both politics and history. Edelman contends that queer theory represents "the 'side' outside all political sides" (7). Mollow nuances such sentiments, but ultimately agrees with Edelman that reproductive and rehabilitative futurism structure the "only politics we're permitted to know" (134). This sweeping claim ignores feminist, queer, antiracist, and crip critical-political projects, dismissing them as mere identity politics, too wrapped up in dominant notions of the human and therefore not ideologically pure enough to provide a real alternative to futurism. What is that "real" alternative that only queer theory and psychoanalysis can offer? The implosion/explosion of the self into nothingness. This type of self-annihilation also requires a detachment from history. Edelman, for instance, distinguishes the rhetorical figure of the Child from "the lived experiences of any historical children" (11). He makes a comparable move with the death drive, arguing that it does not denote literal death, but rather a metaphoric or symbolic death of the sovereign subject via the self-shattering nature of sex.

Similarly, Bersani's famous piece "Is the Rectum a Grave?" redeems penetrative (anal) sex as the space for the destruction of the sovereign subject, revels in its "anti-communal, anti-egalitarian, anti-nurturing, and anti-loving" qualities, and praises the metaphoric "suicidal ecstasy of being a woman" (22; 18). It's important to note that this recuperation only applies to penetrative sex, leaving other forms of sexual intimacy unaccounted for and bereft of any radical potential. Although I understand Bersani's piece as an intervention in homophobic discourses around gay men and the AIDS epidemic, he comes perilously close to reinforcing the vision of sex at the heart of U.S. rape culture. He argues for the appeal of "powerlessness" and "loss of control" during sex, a white masculinist fantasy given that Western culture always already positions femininity and black/brownness in these very terms (23-24).

My own experiences illustrate how a sexual breach of subjecthood can play out differently for members of marginalized groups than they might for those with more privilege. On one level, I get the appeal of the sort of surrender discussed by Bersani. In fact, I once asked my partner to tie me up on my stomach and blindfold me. In the process, she violated me via unwanted anal penetration, an "anti-loving" breach of trust and interdependence on both physical and emotional levels. On Bersani's view, this breach is the whole point of sex, the moment when the self loses autonomy, integrity, and control (as if I ever enjoyed such subjecthood in the first place). If we take this line of thinking to its logical conclusion, we come dangerously close to the familiar heteropatriarchal apology for rape, buttressed by a theoretical apparatus that claims universality: regardless of my explicitly stated wishes, I subconsciously wanted to be violated. Situating the self-annihilating queer as the site of revolution obscures these kinds of problematic echoes, dismissing them from the start as too personal, particular, and material.

The turn to the self-annihilating queer animates Mollow's essay, as well. She postulates queerness and disability as structuring positions that raise important questions about "self-disintegration" (305). Far more attentive to history and lived experiences, her piece grapples directly with challenges to the anti-relational strand, much like Clare reckons with challenges to anti-cure politics in Brilliant Imperfection. Yet, also like Clare's book, her essay is haunted by the disabled normate and the naturally impaired body-mind; instead of celebrating it, she wants to destroy it, but still remains within its terms. She notes that "disability is fantasized in terms of a loss of self, of mastery, integrity, and control, a loss that … is indissociable from sexuality" (297; emphasis in original). She wants us to lean into this fantasy, which requires that we accept the conflation of the self with mastery, integrity, and control in the first place.

Through the grammatical slippage of the dependent clause, any other visions of the self (e.g., based on interdependence, care, or empathy) vanish. If we accept the sovereign self, then, yes, the death and disability drives might be resources for exploding or imploding it and the systems of oppression it enables. But such explosions and implosions need not lead to self-annihilation, which seems to me just another instantiation of the disembodied View from Nowhere wherein death represents transformation into pure soul and thus ultimate freedom from the located-ness of the body. If we're going to explode or implode sovereign subjectivity, then let's clear space for other notions of the self, rather than glorifying nothingness.

Moreover, what happens if we take literal death (biological and/or social) seriously? What happens if we take material violence, which can and does end lives, seriously? In that case, it should become clear that reproductive futurism is the domain of only some children. This ideology values children only insofar as they themselves can further reproduce whiteness, heterosexuality, the gender binary, able-bodied/mindedness, and so forth. In Muñoz's words, in a world where queer youths of color too often do not get a chance to grow up, "racialized kids, queer kids, are not the sovereign princes of futurity" (95-96). The fact that the anti-relational strand pretends such questions can or should be set aside speaks to the normative positions it upholds.

I therefore read these anti-relational pieces with interest, but also with growing anger. I am in the process of healing from over a decade's worth of chronic pain, depression, and abuse. I am not over these things. I learn to survive with them, maybe even learn from them and integrate them into my self-perception, even as I refuse to romanticize or celebrate them as keys to enlightenment and transcendence. I haven't overcome my disabilities in some Herculean display of willpower and sovereign subjecthood. I haven't overcome them at all, but I do embrace the value of my own survival as part of my critical-political orientation toward the world.

I respect attempts to identify the excessive, the very thing that cannot be resolved, captured, or made to signify in any coherent way, and to think beyond the human. Yet the anti-relational strain reads very differently now that I have emerged from a kind of living death. It angers me given how hard I fight to believe in my right to survive and exist, not as a lone self with mastery and control, but as an interdependent self fumbling towards compassion, justice, and care. I'm not interested in being a figurehead for the revolution if that revolution depends on my erasure, absence, and self-sacrifice. I've come too close to actual suicide to see anything ecstatic about it; I've existed too long in chronic pain to see anything liberatory about that, either.

I know that psychoanalysis often takes bodily pain and pleasure as one of its starting points, typically imagined as the acute, extraordinary experience of orgasm. It is not the daily slog of chronic pain that inhibits not only mastery and control, but also care, compassion, and survival. Queer versions of psychoanalysis claim to pay attention to sexual pain and pleasure, but then do their best to escape and transcend material embodiment. They focus so narrowly on the symbolic destruction of the sovereign self that they end up treating it as if it's detached from the body, as if it's "just" metaphor. But metaphors live in actual suicidal women; they are more than abstracted playthings for academic bad boys, their closed symbolic systems, and their "white gay male crypto-identity politics" that reproduce the mind/body dualism (Muñoz 95).

#### Total negativity is disempowering and devolves into the power relations they criticize – instead, you should embrace a middle ground that accepts ongoing processes of change

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Courtney W. Bailey, “On the Impossible: Disability Studies, Queer Theory, and the Surviving Crip,” *Disability Studies Quarterly*, vol. 39, no. 4, 2019, https://dsq-sds.org/article/view/6580/5463

Although there are similarities between the diversity training and the town hall, dismissing them both as merely confessional spaces for airing personal grievances misses the point entirely. Stories from the town hall circulated in the halls of power and informed major institutional decisions, and the diversity training prompted the college to restructure its first-year orientation entirely. None of these solutions was perfect, of course, but the desire for perfection itself troubles me. In Ahmed's analysis of diversity work within U.K. higher education, she concludes that "when we have to think strategically, we have to accept our complicity; we forgo any illusions of purity; we give up on the safety of exteriority" (94). As my own analysis suggests, such illusions haunt both the anti-cure and anti-relational strands insofar as they wish to escape into the exteriority and purity of the View from Nowhere.

But strategic alternatives do exist. Concepts like the feminist killjoy, dignity in shame, the queer art of failure, and cruising utopia hold onto the paradox between positivity and negativity, refusing to abandon either one and getting their juice from this very tension. These concepts illustrate what Judith Butler calls "working the weakness in the norm" and "repetition with a difference," creative riffs on the dominant, rather than complete breaks with it (Bodies 237; "Imitation" 317). In this spirit, I suggest reworking the reviled/celebrated figure of the super-crip into the figure of the surviving crip. This conclusion takes the first tentative but hopeful steps towards fleshing out this concept more fully.

I invoke the term "crip" to signal both a reclamation of a slur and a critical-political orientation toward compulsory able-bodied/mindedness. I invoke the term "surviving" in place of "super" to foreground the paradox between positivity and negativity discussed above. If super-crip stories emphasize overcoming disability through either Western medicine and/or religion, then surviving crip stories emphasize persistence, tenacity, and obstinance in the face of structural, interpersonal, and intrapersonal violence and trauma. Whereas the former fixates on cure as the path to overcoming disability, the latter highlights the process of pursuit rather than the product of cure. Indeed, the term "surviving" indicates ongoing, elliptical processes that loop back on (but do not simply repeat) themselves, in contrast to the linear, once-and-for-all triumph implied by the term "survivor." 6 The surviving crip does not characterize death as a failure of cure or as proof of the futility of cure, but as part of the process of surviving. This shift entails neither a rejection nor head-long embrace of death, but a reckoning with our mortality, weakness, and fragility and our strength, resilience, and adaptability.

### 1NC – Progress Possible

#### Trend lines prove the world is getting better for folks with disabilities---that’s not to say it’s perfect but progress via institutional reforms are possible and desirable

Lee Lawrence, Christian Science Monitor, “Possibility unbound: 25 years of progress for those with disability,” ’14, http://www.csmonitor.com/USA/Society/2014/1116/Possibility-unbound-25-years-of-progress-for-those-with-disability

There is no question that, to many with impairments, **the modern world can still prove a daunting and sometimes downright inhospitable place**. But nearly 25 years after President George H.W. Bush signed the Americans with Disabilities Act (ADA), **an increasing number in the United States are living** more empowered, less restricted lives.The telecommunications infrastructure and all those man-made spaces collectively referred to as “the built environment” – which includes cities, architecture, transportation, even parks – “are **dramatically more accessible** **today than they were in 1990** when they passed the ADA,” says Andrew Imparato, executive director of the Association of University Centers on Disabilities and former president of the American Association of People with Disabilities. Services, too, have expanded, from transit systems offering riders with disabilities free familiarization and safety programs to specialized guides at museums to a growing number of designers developing clothing with a variety of specific needs in mind. The ADA – “our crowning achievement,” as Mr. Imparato calls it – **set the country on a** new course. Those who have come of age since 1990 have “grown up in more integrated settings and generally have higher expectations for what is possible for people with disabilities to achieve in work and in life than did the generations that came before them,” Imparato says. **Advances in technology have triggered a** sea change. Mainstream innovations such as Siri double as assistive technologies, while robotics, bionics, and 3-D printers have revolutionized the design and manufacture of prostheses. And mobile phones and tablets have opened an entirely new field: apps. An ever-growing list of applications ranges from hearing aids to maps for people with low vision to communications methods for children with autism. Looking forward, experts point to another major factor in advancing quality of life: **the bubble of aging baby boomers**. Among people under 65, an estimated 8.5 to 14 percent have a disability. In the over-65 population, some estimates are as high as **50 percent.** Just as baby boomers have set trends in everything from spending habits to dating and child rearing, boomers with disabilities are not going to scurry off to the margins of society. **They’re going to** demand **services and products.** Many believe this will benefit society at large. At the Indiana Institute on Disability and Community, Phil Stafford talks about progress “on the cultural front .... I think that those without disabilities have a kind of a taken-for-granted perspective on the world that we are shocked out of when we understand what daily barriers people might encounter.” This might be an announcement some can’t hear, a website others can’t access, or doorknobs yet others can’t grasp. The light goes on, Mr. Stafford says, when people see “someone use their elbow to open a door that has a lever handle. People might say ‘I never thought of that.’ It’s not great world-shaking change, but it’s those minor encounters that **make us aware.”**

### 1NC – Humanism Good

#### Claiming proximity to humanity is key to disability activism

Kim 15. Eunjung Kim, professor of women’s and gender studies at the University of Wisoconsin, “Unbecoming Human: An Ethics of Objects,” GLQ: A Journal of Gay and Lesbian Studies, Theorizing Queer Inhumanisms, Summer 2015, pg. 295

This essay questions the perspective that distinguishes **humans from objects** on the grounds of ability (e.g., humans are not objects, because “objects do not see or know”) and considers the departure from recognizable markers of humanity.1 Thinking through the performances by Marina Abramovic ́’s Rhythm series (1973–74) and The Artist Is Present (2010) and through I’m a Cyborg, but That’s OK (Saibogu ̆ chiman Koench’ana), a 2006 South Korean film directed by Park Chan-wook (Pak Ch’an-uk), I explore the moments when one becomes a “quasi-object” (being a laboring machine or being in an unconscious or immobile state), so that one embodies the characteristics of objects, perceives one’s body or body parts as objects, or suspends what are conventionally viewed as uniquely human capacities and values. The tantalizing affect produced around the declaration that humans are objects and objects are humans casts light on the seemingly sacrosanct but fragile distinction between humans and objects. Object beings and human beings overlap within, and beyond, various contexts of personifying and objectifying interactions**. I suggest that unbecoming human**—by embodying objecthood, surrendering agency, and practicing powerlessness—**may open** up an anti-ableism, antiviolence queer ethics **of proximity that reveals the workings of the boundary of the human**. Dipesh Chakrabarty defines proximity as a “mode . . . of relating to difference in which (historical and contingent) difference is neither reified nor erased but negotiated.”2 This ethical positioning of proximity to humanness through unbecoming human disengages from any kind of ability-based determination **of a being’s legitimacy and** aims to cease assessing the value or quality of differences. Disability studies scholars and disability activists (including myself) have **claimed that people with various ranges of functions, capacities, and** shapes deserve respect and dignity, and that our lives need to be equally valued. The humanness of a being is a condition that has been made grounds for exclusion (“A being that has lost dignity is not human”) **rather than a** positive entitlement **that ensures rights** (“All human beings have dignity”). The disability activist Ed Roberts, who started Independent Living Movement in the United States, recollects the doctor telling his mother: “You should hope he dies, because if he lives, he’ll be no more than a vegetable for the rest of his life. How would you like to live in an iron lung 24 hours a day?” Rather than asserting his humanness, he declares, “the vegetables of the world are uniting, and we’re not going away!”3 The notions of value and dignity may rely too much on images of the normative conditions of life for disability studies to successfully challenge the hierarchy of disabled and enabled lives, which intersects with the racialized, gendered, classed, and sexuality-based constructions of the “less-than-human.” To challenge ableism by instating dignity and by claiming the value of disability through capacity is strongly tied to the production of “nonnormativity not only through the sexual and racial pathologization of certain ‘unproductive bodies’ **but more expan- sively through the** ability and inability of all bodies to register through affective capacity.” Jasbir Puar argues, “**Attachments to the difference of disabled bodies may reify an** exceptionalism **that only certain privileged disabled bodies can occupy.**”4 Claiming values or quality of differences often depends on the unearned and earned privileges as the key to acceptability and survival. **The question then is how to** proximate a mode of existence **and survival without producing the power to exclude**. Normative values are often constructed through the legal determination of humanity and its absence. Samera Esmeir points out that the modern law in colonial Egypt operated to determine the absence of the human, which “indicated a state of dehumanization or indeed inhumanity, that is, a state of cruelty, instru- mentalization, and depravity.”5 Esmeir further argues that international human rights regimes rely on “the law’s power of constituting humanity,” noting that humanist critics of violence also “accept the notion that humanity can be taken away.”6 How does object-becoming as an embodied practice refuse the idea that “humanity is a matter of endowment, declaration, or recognition”?7 The claim that “we are humans, not objects” also operates within this frame, failing to question the moral separation between humans and objects, as if the treatment of one had no effect on the other.

### 1NC – Consequentialism

#### Evaluate consequences – debating risks in particular contexts moves beyond determinism – k2 bridge research and practice

Lacey et al., Commonwealth Scientific and Industrial Research Organisation, Australia, ‘15

(Justine, S. Mark Howdenb, Christopher Cvitanovicb, Anne-Maree Dowda, “Informed adaptation: Ethical considerations for adaptation researchers and decision-makers,” Global Environmental Change Volume 32, May 2015, Pages 200–210)

These changes range from incremental adaptation (e.g. change in crop varieties) through to systemic change (e.g. change from cropping to a mixed crop-livestock system) and finally, transformational adaptation (e.g. adopting a fundamentally different land use or the relocation of production activities). While Rickards and Howden (2012) note that, in reality, the distinction between each of these scales of activity can become blurred due to their heuristic and subjective nature and by the duration, extent and timing of the activities taking place, it may also be instructive to think about these scales of activity as representing a range of possible adaptation options available to decision-makers depending on their particular circumstances and motivations. In this context, we seek to understand the impact and relevance of researchers’ contributions and how research findings can be used both ethically and effectively to help agricultural producers understand and navigate the full range of relevant options that may be available to them; in effect, we are interested in the role of researchers as ‘honest brokers’ of this adaptation knowledge (sensu Pielke, 2007).

It is also recognised the focus of climate adaptation research is about addressing transitions. This has been reflected in a shift from a sole focus on understanding and projecting the biophysical basis of climate change towards being more inclusive of social, economic, cultural, policy and institutional research about adaptation and mitigation (i.e. the transitions required to move from problem identification through to solution identification and implementation) (e.g. Cornell et al., 2013, Howden et al., 2013 and Lebel, 2013). In order to move from impacts to understanding what it takes to adapt successfully and support people making decisions, the science has also needed to undergo transition. The risk of delivering science that does not meet these needs is a reduction in adaptation gains, and this has been widely documented. For example, Moser and Dilling (2011) refer to this as the need to close the science-action gap through better communication, education and engagement practices. Similarly, Sarewitz and Pielke (2007) highlight the problem as a growing gap between the supply of and demand for the research that is being undertaken versus that which is most needed. This is perhaps reflected in the proportionally fewer studies in the literature that report on adaptation actions and their impact (Berrang-Ford et al., 2011). Howden et al. (2013) also document the mismatch between the science and adaptation frontiers which effectively means there is a gap between the science being undertaken and the needs of those actually adapting. This gap could also reflect a growing tension between the metrics of science outputs and the direct and indirect impacts of research on the lives and decisions of end-users (which in some cases, are confounded by other factors or simply not measured). For researchers working in the applied context, these are very real challenges (Boardman and Ponomariov, 2007).

Thus, while biophysical climate research has been critical in fostering our understanding of the issues facing the agricultural sector, there arguably should now be a move beyond problem identification phase into solution identification and implementation supported by mechanisms for evaluating the effectiveness of these solutions. Understanding how science can make a difference in this way reflects the need to better understand the public good outcomes of adaptation research (Bozeman and Sarewitz, 2011 and Meyer, 2011). This means demonstrating how adaptation research supports decision-makers in the context of the complexities they are operating within and in accord with broadly-held societal values (i.e. environmental, economic, institutional, social etc.). It also highlights the need to refocus our attention on the goals of adaptation research, and as researchers, to reflect quite explicitly on whether our efforts are delivering the public good benefits that are required of our (mostly) publically funded research. This is relevant because the public good values of science are often balanced against professionally-valued science outputs such as publications, awards, recognition within the science community, and the ability to secure ongoing research funding (Panaretos and Malesios, 2009). While these activities are critical to developing scientific careers and furthering scientific research, they are not always aligned with promotion of the public good values that drive the research itself (Guston, 2000 and Shanley and López, 2009). Hence, there are calls for claims about the social benefits of adaptation research to be demonstrated (Sarewitz and Pielke, 2007 and Meyer, 2011). This is particularly the case where those claims have the capacity to affect the livelihoods of agricultural producers and society more broadly.2

3. At the ethical interface of risk and responsibility

The interface of the research and operational aspects of adaptation research brings the ethical nature of our practice as adaptation researchers and our interactions with end-users into focus. We regard the core ethical dimensions of our practice as adaptation researchers (and/or practitioners) as revolving around how we conceptualise and manage risk and responsibility in those interactions.

The study of risk has a long history and it is recognised as “one of the major conceptual categories with which we describe our attempts to deal with an unpredictable future” (Hansson, 2008, p. 423). Broadly however, risk can be understood as being comprised of two components: the probability of an occurrence taking place and the consequences associated with that occurrence (Fischhoff et al., 1984 and Holton, 2004). Both elements are critical at the interface of climate adaptation research and decision-making (Hewitson et al., 2014). Despite this, an approach that has dominated our thinking for close to a century identifies probability as the key defining aspect (Knight, 1921). While this is a highly deterministic approach to risk in that it relies on calculated probabilities to determine the likelihood or scale of risk present in a range of options, according to O’Brien (2011, p. 2), it is not unlike the way adaptation responses “often seem to be constrained by the projections of climate models and integrated assessment models, as if the future has already been decided and the challenge is for humans to adapt”. Thus while the use of probabilities has provided one model for conceptualising risk, which has been taken up in a wide range of decision contexts, one of the main critiques of this approach is that it often fails to adequately take into account the element of exposure (i.e. the material consequences of making a particular decision) (Holton, 2004). These consequences may be positive or negative, anticipated or unanticipated but a critically important part of decision-making is about understanding, as best as possible, the consequences of a given decision. This means that while we can build part of the picture with our research models and predictions, there remain elements of decision-making that must be based on making a judgement about what constitutes an acceptable or unacceptable level of risk from agricultural decision-makers’ own perspectives. This question of what constitutes an acceptable level of risk for decision-makers represents the point at which ethical judgement intersects explicitly with how we respond to scientific uncertainty (Brown, 2013).

We argue this intersection is instructive in terms of considering the distinct roles and responsibilities of adaptation researchers and decision-makers (Vogel et al., 2007). It also emphasises the very different relationship a researcher and a decision-maker have to the adaptation decision itself – particularly in terms of who should determine the level of risk and who should accept responsibility for the level of risk associated with a particular adaptation decision. Brown et al. (2009) argue that determining what constitutes an acceptable level of risk is almost impossible in the absence of any criteria of acceptability and this highlights a critical difference between scientific research and ethical decision-making (see also Hansson, 2003). How a decision-maker responds to the results of scientific research and determines the ‘right’ course of action is very much driven by their subjective values and beliefs. Science “cannot, by itself, generate prescriptive guidance” (Brown et al., 2009, p. 26). Determining the ‘right thing to do’ is simply not the domain of scientific research, it is a decision based on ethics and values. The point here is that such a decision can be informed by science, but the science itself does not and cannot fully resolve the complexities of the decision process which tend to include the range of personal, social, political, economic and institutional factors that affect such processes (Meyer, 2011 and Jacobs, 2014).

Brown (2013) points out that the tension between science and ethics is evident in the way the proof standards of science become problematic when we attempt to apply them to practical situations. In particular, this becomes most pronounced when we consider who should bear the burden of proof when it comes to potential harms resulting from a decision to act (or not). For example, every decision carries consequences but it is difficult to see how scientific research is capable of determining just how much risk should be carried by individual decision-makers, or what responsibility would be carried by researchers assigning that risk to decision-makers. This reflects a combination of scientific and ethical decision-making that can only be achieved if researchers are working together with decision-makers, and can be responsive to and inclusive of a range of particularities of context, motivations and capacities (Jacobs, 2014). This means working beyond the mechanical application of a probabilistic risk-based framework to ensure that researchers do not (either intentionally or unintentionally) impose unnecessary risks on decision-makers, and that decision-makers are informed about the risks to the greatest extent practicable so that they can determine if they are willing and able to accept those risks. It is for these reasons we argue it is necessary that researchers and decision-makers must have a clear understanding of their respective roles as either describing, resolving, imposing or accepting risk, and that the framing of these roles cannot be predicted in terms of probability frameworks or modelling. Rather, the ethical nature of these responsibilities must be determined based on recognising a clear difference between:

•intentional and unintentional risk exposure in adaptation: in this case, researchers have significant responsibility in terms of ensuring their research recommendations provide the full range of appropriate options to decision-makers and do not unintentionally close out relevant options as this may increase the risk exposure, which includes risk created by conflicts of interest such as advocating one's own research, for example; and

•voluntary risk taking: risks imposed on a decision-maker who willingly accepts them (i.e. is well informed), and risks imposed on a decision-maker who does not accept them (i.e. paternalistic or coercive behaviour or as a result of not being well informed) (based on Hansson, 2012).

Thus, if we view one of the core responsibilities of adaptation researchers as supporting effective adaptation decision-making, we might anticipate this would be achieved through provision of decision support resources (i.e. information, knowledge, support tools) and the unbiased and comprehensive communication of the options, and the benefits and risks associated with them. Not to do this may place researchers in the position of imposing higher levels of risk on decision-makers (whether intentionally or unintentionally). This emphasises the need for the information being exchanged between researchers and decision-makers to be useful, relevant and actionable, and for the communication process to be appropriate for the relevant end-user(s) (Cash and Buizer, 2005, Meinke et al., 2006 and Buizer et al., 2010). Importantly however, this can only happen if researchers have a good understanding of what decision-makers need and decision-makers know what researchers have to offer; in other words, establishing an effective knowledge market.

4. Ethical considerations related to stakeholder engagement and knowledge exchange for agricultural adaptation

We consider the ethical issues around increased risk exposure, and voluntary or imposed risk, are most visible at the interface of knowledge exchange between researchers and decision-makers. This requires that, as researchers, we are willing to acknowledge the role of our own expertise, beliefs and values in the exchange of research findings but also how this can implicitly or explicitly inform recommendations made to end-users.

Risk can arise in part from the different ways researchers define and respond to adaptation. While we suggest there are various scales of adaptive change (Fig. 1), not all researchers agree with this, instead choosing to focus exclusively on one aspect of adaptation (e.g. examining technological innovation but ignoring institutional change). The risk here is that researchers may become advocates for their own research without full transparency that their recommendations represent only select information (aligned with their own knowledge or expertise) and not necessarily the broader array of adaptation options that are available, thus transferring un-identified risk to the end-user (Pielke, 2007). Such behaviour on the part of the researcher effectively diminishes the choices available to decision-makers and to some extent, assumes a partial role in the decision-making process, which we argue is not the responsibility or function of the researcher. Rather, recommendations that are appropriate to decision-makers must be aligned with their specific contextual circumstances, needs, beliefs and values, not those of the researcher (O’Brien and Wolf, 2010).

### 1NC – Liberalism Good

#### Liberalism isn’t perfect or historically innocent, but it’s the most practical way of organizing power for radical societal change—the aff throws fifty years of positive change out the window and leaves no check on Trumpism

--debate is a product of liberalism—so any value they see in deliberating proves liberalism can counter its own excesses

Isaac 18—James H. Rudy Professor of Political Science at Indiana University, Bloomington (Jeffrey, “Putting Liberal Democracy First,” Dissent, Volume 65, Number 2, Spring 2018, pp. 151-159)

Those of us who consider ourselves “left liberals” have expressed particular alarm about the symbolic and practical dangers posed by leaders such as Donald Trump and his supporters. To name but a few: mass rallies denouncing “the liberal media”; inciting and sometimes enacting violence against critics or protestors; calling for the imprisonment of political adversaries; racist and xenophobic rhetoric invoked to support Muslim bans, border walls, and mass deportations; conspiracy-mongering attacks on career civil servants as agents of “the deep state,” and on journalists as “enem[ies] of the American people”; and orchestrated campaigns of lying and disinformation under the banner of speaking “truth” directly to the people and opposing “fake news.” In many ways, these tactics and actions are all too reminiscent of the “origins of totalitarianism” discussed by Hannah Arendt in her 1951 classic of that title. To note this is not to deny the profound differences between the global crises of 1914–1945 and today. But it is to register profound fear for the future of liberal democracy.

Colleagues further to my left have been critical, sometimes harshly, of this liberal response. They insist that Trump is not quite so dangerous, and that the dangers he does pose are largely expressions of deeper tendencies of neoliberalism that require more fundamental challenge. It thus makes little sense, they argue, for the left to reflexively defend liberal democracy— liberal democracy itself is the problem, and the solution is its transformation. While tactically these arguments track the 2016 debates between supporters of Hillary Clinton and Bernie Sanders, they also run deeper. Some on the left—whether enthusiastic Bernie supporters, or unenthusiastic supporters who nonetheless saw his candidacy as an opening—reviled Clinton for her neoliberalism, and could not bring themselves to vote for her even once she won the Democratic nomination. They argued that the threat posed by Trump was overstated since both parties are oligarchical and capitalist (they are), and thus essentially similar (they are not). This contingent believed that the real danger is not Trumpism but the corruption, hypocrisy, inequality, and violence plaguing liberal democracy itself.

To be clear, the majority of Sanders supporters did vote for Clinton in the general election. Moreover, I have no interest in “blaming” people with such convictions for Clinton’s defeat, however they voted (and in a liberal democracy each individual has the fundamental right to vote as he or she chooses). Further, many Sanders activists have been involved in important long-term organizing efforts that are in no way reducible to the terms of a single election. At the same time, in the debates about the election and since Trump’s inauguration, there have been serious differences of opinion between those who are greatly alarmed by Trumpism and who regard the defense of liberal democracy as an urgent imperative, and those who regard it as nothing more than a symptom of a deeper and more fundamental crisis. “Socialism or barbarism” is a slogan rarely heard. But something like it seems to represent the logic of an anti-liberal position with real traction on the left.

It is important to acknowledge that what we call “liberal democracy” is a complex, novel, imperfect, and ultimately fragile form of politics, created after the Second World War through an accommodation between liberalism and democracy that was neither inevitable nor innocent. It required the buyin of social democratic and Christian democratic movements and parties; it relied on the unique conditions of postwar growth, class compromise, and Cold War “vital center” anticommunism; and it incorporated from the start some profoundly illiberal policy commitments (the national security state, post-colonial counter-insurgency, an uncritical embrace of “modernization,” and compromises with racial and gender inequality, to name a few). This regime was flawed from the start: it was already in crisis by 1965, and much of the politics of the past sixty years can be seen as an intensification of this crisis. Such an arrangement hardly represents a “riddle of history solved.”

Yet liberal democracy—in spite of its corruptions, failings, and complicity with injustice—represents the most practical and normatively legitimate way of organizing political power at the level of the nation-state. And every effort to install an alternative has resulted in disaster.

Liberal democracy is both limited and precarious. And simple appeals to liberal values are insufficient, either to defend liberal democracy under siege, or to further advance the causes of social justice and deepen democracy. For this reason, I disagree with self-identified liberal democrats who regard populism in any form as a danger to liberal democracy. I would instead agree with those such as Chantal Mouffe and Étienne Balibar, who argue that new forms of left populism and new left movements and parties (exemplified by Syriza in Greece, Podemos in Spain, and Demos in Romania) are important to advance the cause of social justice, to counter the rise of right-wing populism, and thus to defend liberal democracy itself.

At the same time, I believe that calls to unambiguously embrace a new left populism, or to declare one’s goal to be socialism (or for some, even communism) are seriously misguided, at least for those who take liberal values seriously. There are two reasons why.

The first is broadly political: because a new socialist or left populist hegemony faces profound and probably insuperable obstacles, and these are not gainsaid by the obvious failings of capitalism. Marx was simply wrong when he declared that “Mankind thus inevitably sets itself only such tasks as it is able to solve.” And the fact that capitalism is the source of profound harm to social justice and environmental sustainability does not mean that there is any obvious way to “solve,” rather than simply to remedy, these harms.

In their recent Jacobin piece “Social Democracy Is Good. But Not Good Enough.” Joseph Schwartz and Bhaskar Sunkara take issue with recent advocacy of liberal versions of socialism. They argue that “history shows us that achieving a stable welfare state while leaving capital’s power over the economy largely intact is itself far from viable. Even if we wanted to stop at socialism within capitalism, it’s not clear that we could.” But it is much less clear that it is possible to institute a wholesale socialist transformation. And, as Schwartz and Sunkara themselves concede: “To chart a different course, we would need a militant labor movement and a mass socialist presence strengthened by accumulated victories, looking to not merely tame but overcome capitalism.” But such a socialist mass politics is rather unlikely given the current forms of social and economic life, which differ dramatically from the forms of industrialism that gave birth to the modern socialist movement in the mid-nineteenth century.

“Post-Fordist” forms of flexible accumulation, automation, neoliberal forms of consumerism, new digital means of communication, new forms of “liquid modernity”—such developments have promoted new forms of inequality, but they have also eroded the social, cultural, and economic bases of working-class formation that grounded socialist politics in the past. In countries such as the United States, there is no mass proletariat to mobilize or organize. And while there is a working class, not many of the individuals inhabiting this class regard wage-labor as the defining feature of their experience or identity under capitalism.

In fact, a range of struggles for recognition now flourish in real tension with class politics—including civil rights, women’s rights, and gay rights. Right-wing populism represents a powerful backlash against these struggles that has successfully garnered substantial white working-class support. The identities of many members of the white working class are deeply and profoundly constituted by sexism and resentment toward immigrants and people of color in ways that make them poor targets for socialist advocacy.

It does not follow from this that socialist political organizing ought to be disparaged. But it does follow that left liberals have every reason to approach the aspiration to transcend capitalism, and liberal democracy, with skepticism. And so, when socialist colleagues challenge us from the left, insisting that we “reify” liberal democracy and fail to understand the “real” sources of our difficulties, we have every reason to question who exactly is doing the reifying.

The second reason to keep a liberal distance from invocations of socialist transformation relates to questions of ethical and political judgment. Even if one were to believe that the only way to defend liberal democracy and to defeat the forces of the right is to join the struggle for a more radical challenge to capitalism itself, this would not mitigate some very difficult and consequential political choices that present themselves in the here and now.

Thus after Hillary Clinton was nominated, many Sanders supporters who sincerely believed that something more radical than Clintonism was necessary were faced with a stark choice: on the one hand, voting for and supporting Clinton, and, on the other hand, refusing to support Clinton, by abstaining or supporting Jill Stein, and thus making it more likely that Donald Trump would be elected. To support Clinton in this context was not to repudiate Sanders or the importance of the political “revolution” he led. It was simply to acknowledge that the danger to liberal democracy represented by Trump was too great—and that neoliberalism with a human face is always to be preferred to right-wing authoritarianism. A similar dilemma presented itself to many French leftists in the May 2017 presidential elections. During the first round, a number of center and left candidates decided to run, including left socialist Jean-Luc Mélenchon, along with Marine Le Pen of the right-wing National Front. But in the runoff, the choice was stark: support Emmanuel Macron against Le Pen, on the grounds that the danger from the right must be averted, or refuse to do so, on the grounds that Macron is a neoliberal. Yanis Varoufakis, self-described “erratic Marxist” and former Greek Finance Minister, explained the stakes in Project Syndicate: Progressives have good reason to be angry with a liberal establishment that feels comfortable with Macron. . . . Moreover, it is not hard to identify with the French left’s feeling that the liberal establishment is getting its comeuppance with Le Pen’s rise. . . . But the decision of many leftists to maintain an equal distance between Macron and Le Pen is inexcusable. There are two reasons for this. First, the imperative to oppose racism trumps opposition to neoliberal policies. . . . Just like in the 1940s, we have a duty to ensure that the state’s monopoly over the legitimate use of violence is not controlled by those who harbor violent sentiments toward the foreigner, the cultural or sexual minority member, the “other.” . . . But there is a second reason for backing Macron. . . . My disagreements with Macron are legion. . . . [yet] I support Macron . . . [for I] refuse to be part of a generation of leftists responsible for allowing a fascist and racist to win the French presidency. Naturally, if Macron wins and becomes merely another functionary of Europe’s deep establishment, my comrades and I will oppose him no less energetically than we are—or should be—opposing Le Pen now.

Yet there are those on the left who view the neoliberal as no less of a threat than the neo-fascist. The philosopher Slavoj Žižek, for example, refused to support Macron against Le Pen, echoing a stance he had taken in the Clinton-Trump contest. Similar sentiments have been expressed by the scholar Nancy Fraser, a harsh critic of Clinton. Like Žižek, Fraser insists that “far from being the antidote to fascism, (neo)liberalism is its partner in crime. . . . the left should refuse the choice between progressive neoliberalism and reactionary populism.”

But there are times when such a choice is necessary, and making the right choice is not a form of capitulation but political responsibility. The making of such a choice does not preclude other choices as well, and it makes perfect sense to say “I support this candidate or policy now, when the alternative is much worse, at the same time that I will continue to work for a future in which better choices are available.”

And so on May 15, 2017, shortly after Macron’s victory, Varoufakis, as promised, published a follow-up: “Congratulations, President Macron—Now We Oppose You.” There may be a vantage point from which it makes sense to denounce Varoufakis for refusing to refuse the choice between “progressive neoliberalism and reactionary populism.” But it is a vantage point from which the fate of liberal democracy, with its civil liberties, ethnic and religious tolerance, and political pluralism—and the fate of those constituencies who need these very things to survive—would seem to matter all too little. As Varoufakis stated in another op-ed for Le Monde, “Of course we all wish, at least those of us on the left, that the French electoral system were not binary. But it is. And given that it is, I refuse to be part of a generation of European progressives who could have stopped Marine Le Pen from winning France’s Presidency but didn’t.” Varoufakis describes the refusal of this choice as “scandalous.” To choose against right-wing authoritarianism is to put liberal democracy first, and to treat it not as the end, but as an essential means of any ends worth pursuing.

The questions of means and ends raised by such electoral choices are even more pressing when it comes to another set of tactics supported by some on the left—tactics of sometimes violent direct action represented by antifa. Natasha Lennard explained in the Nation last August that “the antifascist project is not one of asking for better statutes or a reconfiguration of rights. . . . antifa is a promise to neo-Nazis and their bedfellows that we will confront them in the streets; we will expose them online and inform their place of employ.” She makes clear that such a politics has little regard for the discourse of human rights or the rule of law. Last summer, Lennard also pursued this anti-liberal theme in Dissent: Time and again in recent months I have seen political writers apoplectic over alleged rips in the social contract, as wrought by Trump, anti-immigrant policy, or austerity, or any number of political plagues. The liberal response has been outrage and disbelief that the state can fall so far from its alleged foundation as a contract forged by the will of equal pledgers. . . . Calling upon some mythic social contract to deliver us from evil is not just futile, it’s downright religious, as Nietzsche would see it. Liberal outrage peddles Christian morality in a world where God is dead, and we have killed him. . . . Power determines which narratives about reality get to count as truth. Recognizing this is a political necessity for those who would challenge the Trumpian Weltanschauung.” Antifa historian and organizer Mark Bray similarly writes that “anti-fascism is an illiberal politics of social revolutionism applied to fighting the Far Right, not only literal fascists [emphasis added].” The roots of antifa lie in the most radical forms of anarchism. As the journalist Chris Hedges (and also Noam Chomsky) have argued, “The focus on street violence diverts activists from the far less glamorous building of relationships and alternative institutions and community organizing that alone will make effective resistance possible.” Moreover, antifa rhetoric, like the “alt right” and neo-Nazi rhetoric it despises, is Manichean. Instead of efforts to forge broad coalitions capable of defeating right-wing authoritarians at the ballot box, antifa tactics promote cycles of recrimination, giving public credibility to right-wing authoritarians, such as Trump, who valorize police brutality and claim to represent “law and order.” There is a long history of Manichean “friend/enemy” thinking on the left, represented by polemics such as Lenin’s 1918 “The Proletarian Revolution and the Renegade Kautsky” and Trotsky’s 1938 Their Morals and Ours. It was, in part, to counter such thinking that Dissent magazine was founded. That generation of democratic socialists, shaken by the experiences of Stalinism, totalitarianism, genocide, and world war, and hemmed in by McCarthyism and what Irving Howe called a deadening “age of conformity,” created a journal committed to a critical and liberal version of socialism centering on the importance of vigorous disagreement. In its sixty-four years, Dissent has experienced generational changes and featured many important debates. But at no time since the journal’s founding has the very existence of liberal democracy seemed more in danger.

The illiberal forces on the rise threaten to reverse every important achievement, however limited, of the past five decades of liberal democracy. These achievements include reproductive freedom and domestic violence legislation; environmental and workplace health and safety regulation; civil rights and voting rights enforcement; moderate forms of consumer protection; and press freedom and protection against censorship. All deserve to be defended, not because of their role in advancing us toward a future beyond capitalism, but because they represent real improvements in our lives. The fear-mongering, repression, and evisceration of public criticism promoted by right-wing populism diminish democratic citizenship for everyone. They are harmful to left organizing and to anyone who believes in defending political freedom. Resisting these assaults on liberal democracy through the political means made available by liberal democracy is an urgent task. This does not prevent one from also seeking to build a movement beyond “resistance.” But resistance is important work in its own right and, for many of us, it is the work that is currently most important.

Sarah Leonard, a Dissent editor-at-large and former editor at the Nation, recently remarked about the uncertainties of liberals: The problem with many prominent representatives of liberalism today . . . is that they don’t seem to know which side they’re on. Say Bernie, vote Hillary; say universal health care, but condemn its advocacy; say electable, lose everywhere; say you’ll don sneakers to walk the picket line, don’t show up. The name of my desire is socialism; do liberals know the name of theirs? This reluctance to pick “a side” that disturbs Leonard—which I prefer to describe as ambivalence—is real, and while it can be bridged, I doubt it can be eliminated. For to be a left liberal is to be troubled by the hesitations and inconsistencies of which Leonard writes but also to believe that a pluralistic politics of freedom in our complex world requires such tribulations. I supported Sanders and voted for him in the Indiana primary. But I doubted he could win the Democratic nomination, much less the general election, and I worried about the harshness with which some of his supporters attacked Clinton, a harshness that has persisted over the past year. I support universal healthcare, and welcome the shift by many important Democratic leaders to support the Sanders plan. Still, I wonder whether the plan itself is viable, and whether it is the most compelling issue on which to mobilize the Democratic Party to electoral victories in 2018 and 2020. Because I so profoundly fear Trumpism, I regard Democratic victories as critical—even if they involve compromises on healthcare and even as they will likely bring disappointments. Am I confused? Am I lacking in conviction? Or am I simply unable to believe there are easy, clear-cut answers to many current political questions?

And so “liberal” works for me as a political identity in a way that “socialist” does not. It places a priority on the civil and political freedoms that make it possible for us to argue about how to challenge injustice and work for greater justice. It furnishes peaceful channels of political participation and contestation that allow for provisional agreements to be reached about how to move forward.

Again, Lennard writes, disparagingly, that: “The liberal response has been outrage and disbelief that the state can fall so far from its alleged foundation as a contract forged by the will of equal pledgers.” But liberals such as myself do not believe that the liberal democratic state was ever founded through an idyllic process of egalitarian consent. We believe only that liberal democracy is a flawed outcome of struggle worth defending, and that the idea of free and equal democratic will formation has furnished, and continues to furnish, a powerful normative ideal. There is no “mythic social contract” that can “deliver us from evil.” There is no such contract, and there is no such deliverance. There is only ongoing debate and contestation.

It is perhaps that fundamental commitment to ongoing political contestation that marks the difference between left liberals and those to our left who embrace a more “radical” and often emphatically socialist politics. To note this is not to disparage those to my left. It is to identify points of honest difference as well as commonalities, on which agreements and alliances are possible.

In December 2001, Robert Kuttner published a short piece in the liberal journal he co-edits, the American Prospect, with the self-explanatory title “Why Liberals Need Radicals.” In June 2013, Bhaskar Sunkara, editor of Jacobin, published a piece in the Nation, entitled “Letter to ‘The Nation’ From a Young Radical.” Sunkara explains why he and his colleagues have embraced a new radicalism with strong Marxist roots. He too makes the case that liberals and radicals need each other. At the same time, from the radical and not the liberal side, Sunkara’s view of this association is rather harsh: “American radicalism has had a complex and at times contradictory association with liberalism. At the peak of the socialist movement, leftists fed off liberal victories. Radicals, in turn, have added coherence and punch to every key liberal struggle and advance of the past century. Such a mutually beneficial alliance could be in the works again. The first step is to smash the existing liberal coalition and rebuild it on a radically different basis.”

I share Sunkara’s belief that now is the time for mutually beneficial connections and alliances between democratic socialists and liberals. But I am rather wary—perhaps for reasons of generational experience—of calls to “smash the existing liberal coalition.” I am skeptical of that “radically different basis.” Most importantly, I believe that the danger posed by the radical right, to the political conditions and elemental life chances of many millions of individuals, makes it important to defend, to build, and to extend the liberal coalition rather than disrupt or destroy it. Because in the struggle between socialism and barbarism, it is barbarism that has the advantage. And because the civil and political freedoms and forms of responsive public policy made possible by liberal democracy are a necessary condition of any social or economic justice worth having.

## Block

### T

#### Here’s a solvency advocate that explicitly says this is topical and connects to the 1AC’s theory of power

Vaheesan 19 – Policy Counsel at the Open Markets Institute. Former regulations counsel at the Consumer Financial Protections Bureau.

Sandeep Vaheesan, “Accommodating Capital and Policing Labor: Antitrust in the Two Gilded Ages,” *Maryland Law Review*, vol. 78, no. 4, 2019, pp. 816-825, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=3832&context=mlr.

IV. How Remaking Antitrust Law Could Help End the New Gilded Age

Congress, the antitrust agencies, and federal courts should restore the original anti-monopoly, pro-worker vision for the antitrust laws. For much of their history, these laws had a pro-capital, anti-worker orientation. Notwithstanding this record, these laws can be reoriented to police capital and accommodate labor in accord with the intent of Congress. In passing these laws, Congress aimed to curtail the power of capital and also preserve space for workers to organize. 392 The antitrust agencies and federal courts should reject the ahistorical and deficient efficiency paradigm and embrace the political economy framework of the sponsors of the antitrust laws. Specifically, they need to reinterpret antitrust to restore competitive market structures and limit the power of large businesses over consumers, producers, rivals, and citizens. Along with imposing checks on the power of large businesses, Congress, the agencies, and the courts must preserve freedom of action for workers acting in concert.

New statutes and executive and judicial reinterpretation of antitrust law, in accord with congressional intent, would help remedy many economic and political injustices in the United States today. Monopoly and oligopoly appear to contribute to a host of societal ills. These include increased inequality, 393 diminished income for workers 394 and other producers, 395 and declining business formation. 396 At the same time, protecting workers' collective action against antitrust challenges would create more space for workers to organize and claim a fairer share of income and wealth. 397 Restoring antitrust law to its original goals would likely produce a more just and equitable society. Although no means a panacea for what ails the United States, antitrust law should be part of a broader social democratic agenda that reduces the yawning inequalities in wealth and power today. 398

Reinterpreting and reviving antitrust law will require new legislation from Congress, 399 a radical remaking of the federal antitrust agencies and the courts, or some combination of both. Congress, the DOJ, the FTC, and the courts would have to undo a thick accretion of pro-business, anti-worker case law and guidelines. 400 The current Supreme Court and the Trump administration are, if anything, likely to entrench the consumer welfare antitrust that failed consumers and workers, to continue to tolerate the abuses of monopolies and monopsonies, and to deploy antitrust against the powerless. 401 Yet, administrations and the composition of the Supreme Court are not destined to remain the same.

Already signs of progress are clear. Along with bills on strengthening antitrust in Congress, a number of members of Congress and candidates for Congress are making antitrust a centerpiece of their agenda. 402 At least on the Democratic side, antitrust and anti-monopoly appear likely to be important themes in the contest to be the party's presidential nominee in 2020. And if and when an administration committed to the revival of antitrust and control of corporate power is elected, it would have an opportunity to pursue a different course on antitrust through both appointments to the federal antitrust agencies and to the judiciary. In relying on the executive branch and the courts, the conservative reinterpretation - and retrenchment - of antitrust offers one model for reviving the field. 403 And even in the near term, litigation can yield important advances. Some lower courts appear receptive to reinvigorating or at least honoring mid-century precedents the Supreme Court has not overruled. 404

A. Confronting the Power of Capital

A reinterpretation of the antitrust laws needs to be founded on the political economy embodied in the legislative histories of the principal antitrust laws. The Congresses that enacted these statutes were not concerned with narrow economics or some abstract notion of competition. Instead, they sought to control the power of the new monopolies and trusts that dominated the American political economy. They had a broad conception of the power of large-scale enterprise and considered - and condemned - the trusts' power over consumers, producers, competitors, and citizens. 405 A review of the legislative histories reveals economic and political ideas that are consonant with popular concerns about corporate power today. 406

Permissive merger and monopoly policy resulted in a highly concentrated industrial structure. 407 Numerous sectors across the economy became more concentrated over the past two decades. 408 A few examples are illustrative. In the airline industry, the number of major carriers declined from nine to four since 2005. 409 Two duopolies dominate railroads - one east of the Mississippi and one west of it. 410 The wireless industry has four major players, 411 with AT&T and Verizon accounting for approximately seventy percent of market share by revenue. 412 In agriculture, concentration increased dramatically in markets throughout the supply chain, starting with inputs such as fertilizer and seeds through processing of farmers' crops, livestock, and poultry and food retailing. 413 Most local labor markets in the United States, and in rural areas in particular, are highly concentrated (as defined by the Horizontal Merger Guidelines) 414 and have become more concentrated since the 1970s. 415

Consumer welfare antitrust failed even on consumer welfare grounds. In metropolitan areas across the country, hospital mergers created highly concentrated markets for hospital services and contributed to higher costs in health care. 416 John Kwoka has shown that the antitrust agencies often failed to challenge mergers that had subsequent anticompetitive effects (higher short-term consumer prices). 417 Furthermore, Kwoka found that merger remedies, especially behavioral remedies, often failed to preserve competition. 418 Other research has also shown that increased market concentration contributes to higher consumer prices. 419

The failures of consumer welfare antitrust become even clearer when a broader set of economic and political interests are examined. Higher consumer prices are one manifestation of business power but only one and arguably not the most important one. Concentration in labor and product markets contributes to lower wages. 420 Just from a consumer angle, dominant online platforms, with their huge troves of user data and lack of effective competition, pose serious threats to personal privacy. 421 Companies that control infrastructure that support a range of activity, whether they are the electric grid or a search engine monopoly, have the power to shape large swaths of the economy over time. 422

#### Solves and is topical.

Greer and Rice 21 – Jeremie Greer and Solana Rice are Co-founders and Co-executives of Liberation in a Generation, a national movement-support organization working to build the power of people of color to transform the economy.

Jeremie Greer and Solana Rice, “Anti-Monopoly Activism: Reclaiming Power Through Racial Justice,” *Liberation in a Generation*, March 2021, pp. 3-13, https://www.liberationinageneration.org/wp-content/uploads/2021/03/Anti-Monopoly-Activism\_032021.pdf.

Grassroots leaders of color are highly experienced and uniquely skilled at challenging corporate power, and these capacities can and should be used to curb monopoly power. For example, the Athena Coalition8 has successfully leveraged grassroots power to challenge the monopoly power of Amazon, and Color of Change9 has effectively used grassroots digital organizing to challenge the monopoly power of social media platforms such as Facebook. Putting monopolies in the crosshairs of organizers is critical because they best understand the real human and structural devastation caused by monopoly power, which is otherwise all too easily neglected.

Though we believe that grassroots leaders of color have the experience and expertise necessary to challenge monopoly power, the question remains: Why should they lead this fight? Grassroots leaders of color are already engaged in high-stakes battles with the forces of corporate power on fundamental issues, including environmental justice, worker justice, housing justice, prison and police abolition, and voter and democratic justice. We believe that these efforts can be bolstered if anti-monopoly policy development and advocacy were incorporated into these existing efforts but then followed the lead of organizers. For example, the primary opponents of prison and police abolition are private prison monopolies, such as GEO Group and CoreCivic, which profit from the arrest and incarceration of Black and brown people. Opponents of the Green New Deal include energy monopolies BP and ExxonMobile, whose profits are derived from polluting Black and brown communities.10 Finally, opponents of the Homes Guarantee, and its call for creating 12 million units of social housing outside of the for-profit housing market, include big banks that profit from the commodification of affordable and low-income housing. Challenging these opponents by diminishing their monopoly power could prove to be a powerful weapon in the fight to dismantle unchecked corporate power and its real-life economic impact on people of color.

How Corporate Monopolies Show Up in Today’s World

The distinguishing features of monopolies, when compared to your run of the mill corporation (large or small), are the reach and intensity of the corporate power that they wield. Monopoly power turbocharges the ills of corporate power and creates a wider impact of the overlapping consequences for people. In many ways, monopolies are created when corporate power becomes governing power.11 Their sheer size and market dominance allow them to govern markets, and their expansive wealth gives them the power to manipulate prices, crush workers, and steamroll governments. Ultimately, monopolies’ extreme economic power—which they use to gain outsized political power and then more economic power—undermines the collective power of workers, consumers, small businesses, local communities, and governments.

#### Their arg that we should only debate things here and now is an excuse for dismissing the suffering of people outside the parochial circle of our immediate experience – the impact is ongoing violence and dictatorship

Nick Cohen 14, Noam Chomsky in the Crimea, March 3, <http://blogs.spectator.co.uk/nick-cohen/2014/03/chomsky-in-the-crimea/>

In short, the activist left will not tell its followers that we are witnessing imperialism: not ‘cultural imperialism’ or ‘neo-colonialism’ or any of those other catchall, thought-forbidding phrases, but the real thing.

Ukraine has not committed crimes against humanity, so there is no duty on foreign states to intervene to protect its citizens. It does not menace its neighbours or threaten the international order by seeking to obtain weapons of mass destruction. Moreover anyone with a sense of history knows that Putin is invading a region where the Russian empire in its Stalinist stage persecuted and deported native and Muslim Tartars.

Yet the same people who are the first to shout ‘Islamophobia’ and pledge their allegiance to endangered minorities stay silent. Just as they stay silent about the Syrian atrocities, although they would have been the first to march if the West had intervened after the Assad regime used chemical weapons.

Justifications for these hypocrisies are hard to find. Modern people admit to sexual behaviour their ancestors would have died rather than admit. But do not like to say that they are hypocrites, let alone explain their deceits. A few readers, however, have justified themselves by pointing to an argument by Noam Chomsky, in which he explained the double standards of his own career to his own satisfaction and the satisfaction of his easily pleased followers.

The Chomsky apologia is worth considering because it defends the rejection of universal values by millions of people in the rich world, many of whom will never have heard of Noam Chomsky, but feel as he does.

Chomsky divided his defence of concentrating his criticism on the West and ignoring crimes against humanity by others in two.

First, he said that the United States was the main cause of terror in the world – ‘the larger component of international violence’. I guess he lost many readers as soon as the words were out of his mouth. Before you dismiss them and say that Chomsky and his kind are hysterics, however, you must be careful not to make the same mistake as they do.

Human rights are not a competition. Western crimes are not diminished just because it is easy to prove that the United States or the West does not provide ‘the larger component of international violence’. To say in the Cold War that the West’s support of dictatorships in Latin America or Africa was not as bad as the crimes of Stalin, Mao or the Ethiopian colonels was back-covering relativism then. It put Western crimes into context but was meant to excuse them. America today still supports dictatorships. Today, the fact that Western-backed Saudi Arabia is a better place to live than, say, communist, North Korea is an irrelevance both to Saudis and North Koreans. In one area of coercive policy, meanwhile, America is as oppressive as any dictatorship. Per hundred thousand of population, its prison population is greater than Russia’s and far greater than China’s. That there is so little commentary on (let alone condemnation of) mass incarceration on a staggering scale shows how easily westerners accept an intolerable status quo, just because it has been like that for as long as anyone can remember.

The way to avoid double standard is so clear I feel embarrassed pointing it out. You stick by your values and praise or criticise without fear or favour. Chomsky**,** however, goes on to endorse double-standards. He presents a casuistic defence of hypocrisy, which many find comfort in. Even if, he says, America were responsible for only two per cent of the violence in the world rather than “the majority of it”, he would still concentrate all his criticism on American crimes because as a US citizen he can do something about American policy, but nothing about the crimes of others:

‘The ethical value of one’s actions depends on their anticipated and predictable consequences. It is very easy to denounce the atrocities of someone else. That has about as much ethical value as denouncing atrocities that took place in the 18th century.’

I will pass over the self-serving notion that Chomsky, brave man that he is, has taken the hard road while his opponents have chosen the easy life. It is not courageous to protest in a Western country against the actions of a Western government when Western societies protect your rights to protest, and to speak and to write freely. Instead you should consider the isolationist view conveyed by that glib little phrase “the atrocities of someone else”, which slips from his lips like a sneer.

Although there is something to be said for the notion that protest, like charity, should begin at home, Chomsky’s argument turns into the left-wing equivalent of the right-wing belief that we should not give aid to the poor world. When you rule out concern for the victims of ‘the atrocities someone else’ you prohibit lobbying for Western states to take in the refugees of ‘the atrocities of someone else’. You rule out organising diplomatic pressure, and investigating ‘the atrocities of someone else,’ and prosecutions in the international criminal court, and sanctions. In short, Chomsky rules out the idea of solidarity.

When solidarity goes, all kinds of contortions become possible. The worst elements of the Western left opposed Saddam Hussein, and wept hot tears for his victims. But when Saddam stopped being America’s de facto ally his crimes became “the atrocities of someone else,’ which they dismissed with a shrug. If Western governments were supporting Assad as a bulwark against radical Islam, the left would be marching against Baathist crimes. Equally, if NATO had intervened after Assad had used chemical weapons the left would also be marching – but this time against a ‘western war’.

As events have turned out, the West has done nothing worth mentioning in the Levant, so the mass murder in Syria can be dumped in the file marked ‘the atrocities of someone else,’ and forgotten.

The lack of principle on display shows the breakdown of any coherent far left project. We have seen alliances between western leftists and radical Islamists, even though radical Islam is a vicious movement of the religious right. Now we are seeing left-wing defences of Putin, even though Putin wants to make Russia a bulwark of reactionary politics.

I use the word ‘alliances’ because the indifference to ‘the atrocities of someone else’ Chomsky recommends always slips from neutrality to endorsement. Chomsky himself covered up for the intellectuals who justified the Serb atrocities against Bosnia’s Muslims. This morning we see the British anti-war movement declaring in favour of war when Russian troops march. The Economist has just denounced Britain’s part-time pacifists from the moral high ground – and when the Economist can look down on you from that exalted height anyone from the left should know that they are in trouble . How, it asks, is it

[The] job of an ‘anti-war’ movement is to attack its own passive government while parroting the arguments of a thuggish, illiberal power threatening its neighbour with invasion.

The only answer is the answer Chomsky provides: the relativist Western left is interested only in the West, and cannot even think about ‘the atrocities of someone else’.

The people of the Ukraine may not have much to be grateful for, but they should be glad that they do not have the support of the relativist left. Its principles are pliable. Its morality is parochial. For believers trapped in its ever-shifting ideology, it is not enough that a stranger is a victim of oppression; they must be the victim of the right sort of oppression. If they are the victims of the West, they have played their part well and are the Western left’s object of compassion. If their country should have the misfortune to be invaded by Russia rather than the United States, their sufferings become as remote and distant as – what else? – the 18th century.

### DA

#### Extinction outweighs – it’s a categorically distinct phenomenon that undermines the very conditions of being

Burke et al., Associate Professor of International and Political Studies @ UNSW, Australia, ‘16

(Anthony, Stefanie Fishel is Assistant Professor, Department of Gender and Race Studies at the University of Alabama, Audra Mitchell is CIGI Chair in Global Governance and Ethics at the Balsillie School of International Affairs, Simon Dalby is CIGI Chair in the Political Economy of Climate Change at the Balsillie School of International Affairs, and, Daniel J. Levine is Assistant Professor of Political Science at the University of Alabama, “Planet Politics: Manifesto from the End of IR,” Millennium: Journal of International Studies 1–25)

8. Global ethics must respond to mass extinction. In late 2014, the Worldwide Fund for Nature reported a startling statistic: according to their global study, 52% of species had gone extinct between 1970 and 2010.60 This is not news: for three decades, conservation biologists have been warning of a ‘sixth mass extinction’, which, by definition, could eliminate more than three quarters of currently existing life forms in just a few centuries.61 In other words, it could threaten the practical possibility of the survival of earthly life. Mass extinction is not simply extinction (or death) writ large: it is a qualitatively different phenomena that demands its own ethical categories. It cannot be grasped by aggregating species extinctions, let alone the deaths of individual organisms. Not only does it erase diverse, irreplaceable life forms, their unique histories and open-ended possibilities, but it threatens the ontological conditions of Earthly life.

IR is one of few disciplines that is explicitly devoted to the pursuit of survival, yet it has almost nothing to say in the face of a possible mass extinction event.62 It utterly lacks the conceptual and ethical frameworks necessary to foster diverse, meaningful responses to this phenomenon. As mentioned above, Cold-War era concepts such as ‘nuclear winter’ and ‘omnicide’ gesture towards harms massive in their scale and moral horror. However, they are asymptotic: they imagine nightmares of a severely denuded planet, yet they do not contemplate the comprehensive negation that a mass extinction event entails. In contemporary IR discourses, where it appears at all, extinction is treated as a problem of scientific management and biopolitical control aimed at securing existing human lifestyles.63 Once again, this approach fails to recognise the reality of extinction, which is a matter of being and nonbeing, not one of life and death processes.

Confronting the enormity of a possible mass extinction event requires a total overhaul of human perceptions of what is at stake in the disruption of the conditions of Earthly life. The question of what is ‘lost’ in extinction has, since the inception of the concept of ‘conservation’, been addressed in terms of financial cost and economic liabilities.64 Beyond reducing life to forms to capital, currencies and financial instruments, the dominant neoliberal political economy of conservation imposes a homogenising, Western secular worldview on a planetary phenomenon. Yet the enormity, complexity, and scale of mass extinction is so huge that humans need to draw on every possible resource in order to find ways of responding. This means that they need to mobilise multiple worldviews and lifeways – including those emerging from indigenous and marginalised cosmologies. Above all, it is crucial and urgent to realise that extinction is a matter of global ethics. It is not simply an issue of management or security, or even of particular visions of the good life. Instead, it is about staking a claim as to the goodness of life itself. If it does not fit within the existing parameters of global ethics, then it is these boundaries that need to change.

9. An Earth-worldly politics. Humans are worldly – that is, we are fundamentally worldforming and embedded in multiple worlds that traverse the Earth. However, the Earth is not ‘our’ world, as the grand theories of IR, and some accounts of the Anthropocene have it – an object and possession to be appropriated, circumnavigated, instrumentalised and englobed.65 Rather, it is a complex of worlds that we share, co-constitute, create, destroy and inhabit with countless other life forms and beings.

The formation of the Anthropocene reflects a particular type of worlding, one in which the Earth is treated as raw material for the creation of a world tailored to human needs. Heidegger famously framed ‘earth’ and ‘world’ as two countervailing, conflicting forces that constrain and shape one another. We contend that existing political, economic and social conditions have pushed human worlding so far to one extreme that it has become almost entirely detached from the conditions of the Earth. Planet Politics calls, instead, for a mode of worlding that is responsive to, and grounded in, the Earth. One of these ways of being Earth-worldly is to embrace the condition of being entangled. We can interpret this term in the way that Heidegger66 did, as the condition of being mired in everyday human concerns, worries, and anxiety, to prolong existence. But, in contrast, we can and should reframe it as authors like Karen Barad67 and Donna Haraway68 have done. To them and many others, ‘entanglement’ is a radical, indeed fundamental condition of being-with, or, as Jean-Luc Nancy puts it, ‘being singular plural’.69 This means that no being is truly autonomous or separate, whether at the scale of international politics or of quantum physics. World itself is singular plural: what humans tend to refer to as ‘the’ world is actually a multiplicity of worlds at various scales that intersect, overlap, conflict, emerge as they surge across the Earth. World emerges from the poetics of existence, the collision of energy and matter, the tumult of agencies, the fusion and diffusion of bonds.

Worlds erupt from, and consist in, the intersection of diverse forms of being – material and intangible, organic and inorganic, ‘living’ and ‘nonliving’. Because of the tumultuousness of the Earth with which they are entangled, ‘worlds’ are not static, rigid or permanent. They are permeable and fluid. They can be created, modified – and, of course, destroyed. Concepts of violence, harm and (in)security that focus only on humans ignore at their peril the destruction and severance of worlds,70 which undermines the conditions of plurality that enables life on Earth to thrive.

#### Limited and contingent use of market logic is good—antitrust policy can and should be distinguished from broad political economy—conflating the two risks undoing every achievement of the past 100 years

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(Joseph V., “Economizing the Totalitarian Temptation: A Risk-Averse Liberal

Realism for Political Economy and Competition Policy in a Post-Neoliberal Society,” 59

Santa Clara L. Rev. 703)

The justification for a consumer welfare standard, as well as for neoliberal political economy more generally, should be distinguished from a defense of this sense of neoliberalism as a comprehensive social order which, like its Marxist rival, shares in this totalitarianizing of the economic. 150 Put simply, notwithstanding its fruits, neoliberalism should not become the very sort of utopian and totalitarian ideology that it was designed to replace. The existence of a justification for neoliberal competition policy does not mean that the wealth maximizing logic of the market should be the organizing principle for society writ large' 5 ' -or even law, as a general matter. 52 To paraphrase Schum- peter, it is the higher order question of "Meaning," upon which the indictment of neoliberalism is likely most sound and most neededhowever difficult that may be to articulate.

VI. CONCLUSION

The United States has been the preeminent embodiment of capitalism and democracy around the world. As it transitioned through what we have understood as the classical liberal, progressive, and neoliberal phases of its political economy, it played a leading role in overcoming the greatest authoritarian and totalitarian forces in modem history: the last of the monarchies of the Old Order in World War I, national socialism in World War II, and communism in the Cold War. But rather than herald a liberal and democratic end of history,'53 the current crisis of the neoliberal order is an occasion for policymakers to reflect upon precisely where things may have went wrong.

The stakes are high. But for the United States' unique achievements in republican government, victory in two world wars, and technological and economic progress, Schumpeter may very well have been proven right that the great revolution of capitalist democracy, which preceded over a hundred and fifty years of inter-Western wars, civil strife, and the resultant loss of hundreds of millions of lives, could have been merely a precursor'5 4 to a far more barbaric and inhumane system of government than what came before it,'55 and which would put to death by the tens of millions the very masses it claimed it would liberate. 156 The United States, with its unrivaled system of free enterprise, commitment to the rule of law, and inheritance of the Western tradition remains the best hope to prevent, in solidarity with its allies, the final triumph of such a totalitarian tragedy.

The competition policy community, which during the neoliberal period accustomed itself to a comfortable and technocratic discourse about which conduct rules will maximize consumer welfare, 157 must adapt its thinking by considering changes to antitrust law within the context of a broader debate that questions not only the consumer welfare consensus, but also the neoliberal principles upon which contemporary antitrust is premised. In this debate, competition policymakers should remain steadfast in their conviction that history has justified a consumer welfare standard as the lodestar of antitrust law158 --even if incremental changes are appropriate in some areas. Simply put, the inability for antitrust law to operate as an economic, social, or political panacea does not mean it isn't working.

Rather, what is good policy for antitrust law may not be good policy for all organs of society, and the fundamental problem with neoliberalism may not so much as involve what has been gained, but what has been lost-that is, so to speak, Burke's "chivalry" or Schumpeter's "holy grail"-within neoliberalism's broader program to generalize the market form across society. 159 Seeking to use antitrust or other market tools as a means to understand, let alone solve, larger social problems fundamentally fails to grasp the deeper forms of which societies have historically been constituted. 60 Even if man is a homo economicus- as he always has been' 6 '-that is certainly not all he is, and his economic nature need not and should not come at the expense of the higher rational faculties that ground moral and political order. These questions, as uncomfortable as they may be, far outstrip the search of the New Brandeisians and others for a golden mean in the Herfindal- Hirschman index that balances the interests of capitalism and democracy in a given market. They are also more important.

The hope lies not, moreover, in a return to either Jeffersonian democracy or New Deal progressivism. 162 Just as the analysis of the problem may be better found on the classical "anthropological' 163 analysis, to avoid the Scylla and Charybdis of tyranny and ochlocracy, a path forward for America and the West lies in its unique and millennia- old tradition of republican government. In particular, if liberal capitalist democracy continues to falter,164 the United States can take the lead in looking back to the cosmopolitan and meritocratic model of republican Rome1 65 that inspired Presidents166 and abolitionists167 -even if America ultimately chartered a different course. 68 The West's ability to once again renew its civilization around a rightful heir-lest imposters claim the title-to its great tradition of right order, individual liberty, and progress in the condition of man may hang in the balance.

#### Total negativity is disempowering and devolves into the power relations they criticize – instead, you should embrace a middle ground that accepts ongoing processes of change

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Although there are similarities between the diversity training and the town hall, dismissing them both as merely confessional spaces for airing personal grievances misses the point entirely. Stories from the town hall circulated in the halls of power and informed major institutional decisions, and the diversity training prompted the college to restructure its first-year orientation entirely. None of these solutions was perfect, of course, but the desire for perfection itself troubles me. In Ahmed's analysis of diversity work within U.K. higher education, she concludes that "when we have to think strategically, we have to accept our complicity; we forgo any illusions of purity; we give up on the safety of exteriority" (94). As my own analysis suggests, such illusions haunt both the anti-cure and anti-relational strands insofar as they wish to escape into the exteriority and purity of the View from Nowhere.

But strategic alternatives do exist. Concepts like the feminist killjoy, dignity in shame, the queer art of failure, and cruising utopia hold onto the paradox between positivity and negativity, refusing to abandon either one and getting their juice from this very tension. These concepts illustrate what Judith Butler calls "working the weakness in the norm" and "repetition with a difference," creative riffs on the dominant, rather than complete breaks with it (Bodies 237; "Imitation" 317). In this spirit, I suggest reworking the reviled/celebrated figure of the super-crip into the figure of the surviving crip. This conclusion takes the first tentative but hopeful steps towards fleshing out this concept more fully.

I invoke the term "crip" to signal both a reclamation of a slur and a critical-political orientation toward compulsory able-bodied/mindedness. I invoke the term "surviving" in place of "super" to foreground the paradox between positivity and negativity discussed above. If super-crip stories emphasize overcoming disability through either Western medicine and/or religion, then surviving crip stories emphasize persistence, tenacity, and obstinance in the face of structural, interpersonal, and intrapersonal violence and trauma. Whereas the former fixates on cure as the path to overcoming disability, the latter highlights the process of pursuit rather than the product of cure. Indeed, the term "surviving" indicates ongoing, elliptical processes that loop back on (but do not simply repeat) themselves, in contrast to the linear, once-and-for-all triumph implied by the term "survivor." 6 The surviving crip does not characterize death as a failure of cure or as proof of the futility of cure, but as part of the process of surviving. This shift entails neither a rejection nor head-long embrace of death, but a reckoning with our mortality, weakness, and fragility and our strength, resilience, and adaptability.