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### 1NC

T: USFG

#### Affs should defend hypothetical implementation of antitrust law in alignment with the rez.

#### “Resolved” requires law

WP 64, (Words and Phrases, 1964, Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### “USFG” means any of the three branches

US Code 88, 42 U.S. Code § 4914, “Development of low-noise-emission products,” <https://www.law.cornell.edu/uscode/text/42/4914>)

(2) The term “Federal Government” includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

#### “Core antitrust laws” are the Sherman, Clayon, and FTC Acts

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U.S. antitrust law is defined by federal and state statutes, as interpreted by the courts. The core federal statutes are the Sherman Act,1 passed by Congress in 1890, and the Federal Trade Commission2 and Clayton Acts,3 both passed in 1914. The United States Department of Justice (“DOJ”) and the Federal Trade Commission (“FTC” or “Commission”) (together the “agencies”) share enforcement of most areas of federal antitrust law but with some differences in the scope of their authority. The FTC has sole authority to enforce Section 5 of FTC Act, which prohibits (1) unfair methods of competition and (2) unfair or deceptive acts or practices. The FTC almost always pursues claims for anticompetitive conduct as unfair methods of competition and reserves charges of unfair or deceptive acts or practices for consumer protection violations. Though the FTC's authority to challenge unfair methods of competition goes beyond conduct prohibited by the Sherman and Clayton Acts, in practice the FTC brings most unfair methods of competition cases under the same standards that courts apply to Sherman Act claims. The most prominent exception is the invitation to collude offense, which falls outside the scope of the Sherman Act (if the invitation is not accepted, there is no agreement). The FTC challenges invitations to collude as so-called “standalone” violations of Section 5.4 The DOJ has sole authority to pursue criminal violations of the antitrust laws. Most states have their own state antitrust and unfair competition statutes. State law follows federal law to some extent, though as discussed below, may differ from federal law in meaningful ways that vary state to state. State attorneys general and private parties can also typically file suit to enforce both federal and state antitrust law.

#### Vote neg:

#### 1 ⁠— fairness ⁠— a limited and predictable topic defines prep and research, while preventing the aff from skirting clash, moving to the fringes, and picking true arguments, which wrecks neg ground; this outweighs because debate’s a game ⁠— competition encourages research practices and innovation, which is a prerequisite to participation

#### 2 ⁠— clash ⁠— open subjects cause monopolization of the moral high ground, which denies a role for the neg and prevents second level understanding and turns case

Grossberg 15, Morris Davis Distinguished Professor University of North Carolina at Chapel Hill (Lawrence Grossberg, 2015, “We All Want to Change the World THE PARADOX OF THE U.S. LEFT A POLEMIC,” <http://www.lwbooks.co.uk/ebooks/we_all_want_to_change_the_world.pdf>)

I will, in the following description, focus on the situation in the human sciences (rather than the hard sciences), where the explosion of publication creates an ever-expanding circle in which there is always too much to read—too many positions, too many arguments, too much contradictory evidence—so that scholars have to rely on either the author's stature or theoretical and/or political agreement. It has become almost impossible to read everything one must read, everything necessary to legitimate, at least in traditional terms, the claim of academic expertise or scholarship. In fact, given this situation (and its consequences as I will describe below), the most surprising thing is how much good work continues to be produced. This situation has serious consequences: First, one's expertise becomes defined in increasingly narrow terms, resulting in the proliferation of sub-fields.9

[footnote 9 beings]

For example, one might point to security studies, surveillance studies, transition studies, game studies, code studies, hip-hop studies, horror studies, etc.

[footnote 9 ends]

And while each of them is valuable for their interdisciplinary efforts around a new empirical field, they all too often act as if the questions (and the realities they interrogate) are new; unfortunately, they rarely say anything new or surprising, anything that has not been said elsewhere. They frequently simply re-discover in their own empirical "pocket" universe what others have said previously in other fields. For example, all sorts of technologically defined sub-fields rediscover the rather old assumption that media audiences are active. This is partly because, within each subfield, one gets the impression of witnessing endless redistributions of a highly circumscribed set of citations and authors, under a series of ever-changing terms to describe their fields or positions. So, academics create ever shrinking circles in which authors cite a few theoretically and politically compatible works, and then follow the footnotes, all of which ultimately lead back to the original authors, creating an endlessly self-referential closed system of citations, a numbingly predictable, circular tissue of references. Second, one is less likely to read work that appears tangential but may nevertheless be absolutely decisive to produc[e]ing truly interesting and insightful research. Asking significant questions should demand that one makes reference to all sorts of concepts and questions which would lead one to follow other unexpected traditions and lines of research, since any investigation (e.g., around questions of participation, publics, or leadership, to use only a few examples that have irked me recently) is likely to open up to an entire history of problematization, of conversations and debates, but who can afford the time and energy anymore. Third, one tends to read only the most recent work since so much is being published—in various media—so rapidly that there is little time to go back and read. Fourth, one tends to select one's sources according to criteria that have more to do with theoretical and political sympathies than with an understanding of research as a conversation with difference. One reads selectively, finding those ideas that are already in line with what one assumes one already knows, and one establishes a body of near-sacred texts; fifth, one selects topics that are au courant, partly because there is less scaffolding that one has to build upon and partly because one's work is more likely to gain visibility and impact. Sixth, complexity goes out the door as one increasingly "sees the world in a grain of sand." One can no longer be satisfied claiming to have discovered merely a new piece of a complex puzzle or even an interesting redeployment of an older practice or structure, because such claims do not bring fame and glory—either to oneself or the university. Instead, one has to have discovered the leading edge, the new key or essence. One good but relatively small idea is expanded into a metonym for the entire economy, culture or society. Instead of seeking new discursive forms to embody complexity, uncertainty and humility, one goes with elegance, hyperbole and the ever receding new.

#### Policy debates over antitrust are valuable

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IV. Antitrust in Civil Society

Competition issues are also part of the general civic discourse separate from the campaign rhetoric and legislative proposals offered by politicians. This is also a significant sign that antitrust has begun to be an important source of small “p” politics that engages substantial segments of the public at large. One example is the increased number of non-technical books intended for a lay audience that deal with the role of antitrust in a healthy economy and democracy. Recent and forthcoming books dealing with these themes include Tim Wu’s “The Curse of Bigness,”109 Matt Stoller’s “Goliath,”110 Maurice Stucke and Ariel Ezrachi’s “Competition Overdose,”111 Zephyr Teachout’s “Break ‘em Up,”112 and David Dayan’s “Monopolized.”113 On the academic side, there are a plethora of government and NGO studies of competition policy on digital competition114 and new works are flourishing which explore the broader ramifications of antitrust and competition in society.115 Long form and more mass-market journalism have also taken up the mantle of exploring the role of antitrust and competition policy. Such diverse magazines as The Atlantic,116 Time, 117 New Republic,118 American Prospect,119 Rolling Stone,120 New York Times magazine,121 Variety,122 National Review, 123 Foreign Policy,124 and other policy and opinion magazines have all run recent stories or profiles of individuals involved in antitrust issues. Before the COVID-19 pandemic effectively monopolized press coverage in the United States, there were thirty-three antitrust related stories on the front page of the New York Times or the front page of its business section over a three-month period in late 2019. 125 A majority of the stories focused on tech giants such as Apple, Microsoft, Google, Amazon, and Facebook.126 In addition, the New York Times also covered stories about mergers, merger policy, local issues such as the Chicago taxi market, and various smaller industries.127 This is separate from coverage during the same period of campaign issues and candidate statements relating to the field. A similar increase in coverage during this same period can be observed anecdotally in more business-oriented publications like Forbes, Barron’s, Wired, and the Wall Street Journal; general newspapers like USA Today, Washington Post, and Huffington Post; more local newspapers; as well as radio and television.128 Web pages and social media accounts on these issues have similarly proliferated on all ideological perspectives.129 Lobbying and public policy groups are growing in number and influence. Beyond the traditional trade associations and general think tanks there are now a number of active groups with antitrust as a large part of their focus. These include the Open Markets Institute, 130 American Antitrust Institute, 131 Anti-Monopoly Fund,132 Institute for Self-Reliance,133 Public Citizen,134 Public Knowledge,135 Demos, 136 and the International Center for Law and Economics.137 At the more technical legal end of the debate, antitrust is similarly flourishing as a field. One sees increased law school hiring in the field for the first time in decades. Academic institutes and centers abound with a wide variety of perspectives ranging from libertarian to enforcement oriented.138 Most major antitrust cases now feature multiple amicus briefs from legal and economic experts on both sides of an issue both in the Supreme Court or the Courts of Appeals.139 Conclusion Antitrust has always been political in nature. Antitrust law provides broad legal commands dealing with how governments and private individuals can challenge different types of market behavior. In this way, antitrust has not changed. Antitrust will never take the place of sports, the Dow Jones index, or the weather for conversation at the breakfast table, but it has become a meaningful part of the political and policy debate for candidates, the legislature, and important segments of civil society. What has changed, however, is the degree that antitrust has reentered the political arena. Once mostly the domain of technocrats, antitrust issues have been proposed and debated by Presidential candidates, political parties, legislators, pundits, journalists, lobby groups, and voters alike. There are also a flurry of serious proposals and investigations that would make significant changes to the current system if adopted. This is all to the good. Even if none of the current proposals come to fruition, the antitrust debate is part of a broader engagement with political economy issues dealing with fundamental concerns such as economic concentration, globalization, income inequality, social and racial justice, and even recently the proper response to the COVID-19 emergency. The many proposals, initiatives, and pressure groups represent at a minimum the return of antitrust as part of the progressive agenda.

### 1NC

#### Jimin and I affirm attendant services work.

#### The term ‘care work’ strips disabled folks of agency. The PIC solves better.

Herring 14, is a Professor in Law at Exeter College, University of Oxford. (Jonathan, “The Disability Critique of Care,” Elder Law Review, 8, 1-15, 2014.)

D From Care to Assistance Many writing from a disability study perspective have argued that we need to shift away from the notion of care, and towards attendant services. For example, the Centre for Independent Living in Toronto posits a clear definition of attendant services: Attendant Services are physical assistance with routine activities of daily living as directed by the consumer. The consumer is responsible for the decisions and training involved in his/her own assistance. Attendant services include: bathing and washing, transferring, toileting, dressing, skin care, essential communications, meal preparation. Attendant services do NOT include: professional services such as nursing care, physiotherapy, occupational therapy, respite care, physician services, 'care' or 31 taking responsibility for the person with a disability. The aim of this shift is to increase the independence of the disabled person.32 They want to control and utilise help to achieve independence, not be the passive recipients of care. Care, it is argued, should be a tool that the disabled person uses to achieve independence.3 3 The focus should be on empowerment, control and choice for those with disabilities, even if selfsufficiency is not possible. The terms 'helper' or 'personal assistant' (rather than carer) are preferred in an attempt to remove any implication that the person needing care is suffering a particular misfortune that needs attention, or that the person is passive in the enterprise. 34 The helper is assisting the disabled person to achieve what they wish for.

## Case

### 1NC---Presumption

#### \*4---Individual strategies fail to influence the world

Reed 16, Prof. of Political Science at Penn (Adolph Reed Jr., 2016, “Splendors and Miseries of the Antiracist “Left”” Nonsite, http://nonsite.org/editorial/splendors-and-miseries-of-the-antiracist-left-2)

More than a decade and a half ago I criticized similar formulations of a notion of “infrapolitics,” understood as the domain of pre-political acts of everyday “resistance” undertaken by subordinated populations, which was then all the rage in cultural studies programs. Proponents of the political importance of this domain insisted that, because insurgent movements emerge within such cultures of quotidian resistance, a) examining them could help in understanding the processes through which insurgencies develop and/or b) they therefore ought to be considered as expressions of an insurgent politics themselves. Several factors accounted for the popularity of that version of the argument, which mainly had to do to with the political economy of academic life, including the self-propulsion of academic trendiness and the atrophy of the left outside the academy, which encouraged flights into fantasy for the sake of optimism. The infrapolitics idea also resonated with the substantive but generally unadmitted group essentialism underlying claims that esoteric, insider knowledge is necessary to decipher the “hidden transcripts” of the subordinate populations; put more bluntly, elevating infrapolitics to the domain on which the oppressed express their politics most authentically increased its interpreters’ academic capital.8 I discussed those factors in my critique. However, the point in that argument most pertinent for evaluating Birch and Heideman’s confidence that the contradictions they acknowledge in BLM should be seen only as growing pains of a “new movement” is the following: At best, those who romanticize “everyday resistance” or “cultural politics” read the evolution of political movements teleologically; they presume that those conditions necessarily, or even typically, lead to political action. They don’t. Not any more than the presence of carbon and water necessarily leads to the evolution of Homo sapiens. Think about it: infrapolitics is ubiquitous, developed political movements are rare.9

### 1NC---Turn

#### State engagement is crucial for disability reform

Zaikowski 16, author of the novels In a Dream, I Dance by Myself, and I Collapse (Civil Coping Mechanisms, 2016), her fiction and poetry, as well as her essays on language, human rights, and animal rights, have been published widely, MFA in Creative Writing from Naropa University's Jack Kerouac School of Disembodied Poetics, studied psychological trauma and its impact on language (Carolyn Zaikowski, 11-28-2016, “Disabled People Will Die Under Trump: An Emergency Plea To Allies,” Huffington Post, <http://www.huffingtonpost.com/entry/disabled-people-will-die-under-trump-an-emergency_us_583cbed4e4b04e28cf5b8a9b>)

This is an emergency plea to those upset about a pending Trump presidency. I’d like to especially address intersectional feminists, radicals, anarchists, socialists and others in the USA who are able-bodied and drawn towards systems-level analysis and organizing for radical change. People with disabilities and chronic illnesses will die under a Trump presidency. Full stop. We will die because of him. This is an emergency situation and we need emergency solidarity, immediately, from every single one of you. Right now, many of us feel like you do not understand the horror of this situation. Social justice activists, why is ableism so often relegated to the periphery of your analysis? Many disabled people feel right now that they desperately need you and can’t find you. Maybe it’s the cultural lineage of eugenics and Social Darwinism which has created an ableist norm, a veil of neutrality over what is actually a system of domination. Maybe it has to do with an association between disability awareness campaigns and a vague sense of apolitical softness or even conservatism, as if caring about disability is not the job of radicals, but the job of celebrity doctors, colored ribbon campaigns, and concerned suburban moms. Or maybe it has something to do with a sense of not being personally affected by disability. You shouldn’t have to be personally affected by something to care about it, but if helps, here’s a reminder: Every single one of you could become disabled or chronically ill at the drop of a hat, and you’re going to be living under Trump, too. Donald Trump, in addition to being one of the most racist, sexist, xenophobic, homophobic, transphobic, Islamophobic, anti-Semitic, classist, capitalist, all-around hateful and terrifying U.S. presidents in history, is also on track to be the most ableist president. His oft-stated goal of virtually dismantling Medicaid and Obamacare is perhaps the most brazen way in which he will boot-stomp and kill disabled and sick folks. (And this is not to mention other health care-related questions: What is going to happen to reproductive rights? What is going to happen to transfolk who use hormones?) But Trump’s nasty ableist ideology doesn’t end at health care. Trump has contributed to an ableist cultural psychology by openly mocking disabled people and he has been charged with consistent ADA violations in his business ventures. This includes cases so egregious that the Department of Justice had to get involved . Trump believes capitalists are “oppressed” by the imposition of the Americans with Disabilities Act and has repeatedly spoken of supporting legislation that would seriously limit the seminal act’s powers. Immediately addressing this emergency also requires immediately addressing ableism’s intersection with other oppressive systems. For example, black folks are 2.5 times more likely to be killed by police than whites and a full half of people killed by police are disabled. This means that Trump’s potential Department of Justice policies, which will leave police even more unaccountable and militarized than already are, will have drastic effects on disabled people in general, and disabled people of color in particular. Indeed, the disabled people who are most at risk for harm and death will be those already suffering other injustices. Many will be people of color and women who are already discriminated against in emergency rooms. Many will be immigrants and migrant workers. Many will be single mothers. Many will be LGBTQ folks. Many will be people who do not speak English, the US’s dominant language. Many will be Native Americans. Many will be severely disabled people needing total care and living in group homes, which are at risk of losing funding. Many will be disabled children in underfunded schools who risk losing their already minimal accommodations. Many will be people who are isolated, without friends or family. Almost all will be working class and poor. I care about the difference between radical and liberal U.S. politics, between politics as usual and actual systemic change. I care about the similarities between Republicans and Democrats and how capitalism, imperialism, sexism, racism, police states, and war have been fostered by both parties. I was even stubborn about supporting Bernie, a lesser of three evils candidate whose seriously problematic pro-war voting record left me deeply conflicted. But there is nothing more privileged than being able to comfortably intellectualize and debate about a Utopian future without having to worry about your physical or emotional survival in the present. Without having to wade through the resultant muck after systems of oppression pit your survival against your ethical purity. This is the first time in my life I have not voted third party. Significantly reduced risk to disabled people in the United States is but one way in which a Clinton presidency would have had immediate, physical, survival-level differences from a Trump one. And always, always, always the complications of ableism get exacerbated by elements like gender, race, class, immigration status, being a member of a persecuted religion, age, veteran status, and being LGBTQ. With Clinton and all of her profound flaws, we could have at least maintained a status quo and kept fighting from there. We could have at least minimized deaths of, and harm against, disabled people. Now we’re moving backwards and many disabled people are going to die. Full stop. So here we are. We have elected a textbook authoritarian. We are in uncharted waters, even for the USA. And right now, more than ever, if you are an ally, then you need to say the word “ableism.” Look at the reality of what Trump might do and say “that is ableist and horrifying.” Say “ableism” in the lists of oppressive “isms” you’ve been making lately in your articles, Tweets, posts, lesson plans, protest signs, and conversations. Look at the terrifying history of what other authoritarians have done to disabled people, then say “ableism” loudly, forcefully, whenever necessary, and mean it with all of your heart and mind. If you want to be an ally, if you want to stand in solidarity in any manner that could be considered feminist, intersectional, radical, or otherwise enlightened, it is required that you develop a sense of passionate injustice about ableism. Able-bodied people, I don’t know how to say it more clearly. This is a literal emergency, as in: Actual emergency rooms will be overflowing. As in: Death and levels of physical and psychological suffering you cannot comprehend. As in: Disabled people don’t historically fare well under authoritarian governments. You need to use whatever platforms you can access to raise awareness, organize, and make constant connections between ableism and its intersections with other injustices and political cruelties. If you have money, you need to donate to disability rights organizations, as well as organizations like the ACLU and Planned Parenthood. You need to write these articles so disabled and sick people don’t have to. You need to learn about issues like rampant physical, sexual, emotional, and economic abuse of disabled people. None of us can be free until all of us are free. So say “ableism” and mean it. We really, really need you. You need to learn about things like invisible disabilities, the obstacles that keep disabled folks from voting, the internalized ableism that makes disabled people hate themselves, and disabled people’s remarkable resistance movements. You need to teach yourself and others about the horrifying history, both in the U.S. and abroad, of human societies’ various attempts to kill and stomp disabled people into the ground. You need to do all kinds of things I can’t think of right now because I have Ehlers-Danlos Syndrome and PTSD and the stress of this election is making me physically ill. The bottom line: You need to act and be sneaky and crafty and smart and do the work. None of us can be free until all of us are free. So say “ableism” and mean it. We really, really need you.

### 1NC---Turn

#### Affirmation of mutual aid signifies a resignation to the inevitability of capitalism---the 1AC implicitly adopts an anarchist theory of change that cedes the state and the economy to organized capital---that precludes emergence of a revolutionary socialist movement capable of taking power and rendering mutual aid unnecessary

Thomas Hummel 20, activist and a member of Marx 21, 6/29/20, “Mutual Aid Networks: Toward a Constructive Critique,” <https://marx21us.org/2020/06/29/mutual-aid-networks-toward-a-constructive-critique/>

Many of the best activists are currently involved in mutual aid work. The extent to which I understand the importance of these organizations is illustrated by my involvement with the one in my neighborhood where I’ve helped with grocery runs for undocumented immigrants and donated some of my stimulus money to keep the organization going. The organization in my neighborhood has raised over $30,000 and has delivered food and essential aid to an impressive number of our neighbors. While these efforts are incredibly important, we cannot forget that they should be unnecessary. Capitalism and the state that supports it are responsible for a situation in which millions are suffering from privation. In this crisis, the state has been primarily concerned with the maintenance and health of capitalism and has provided only scraps to the vast majority, even as it spends generously to rescue the wealthy. Mutual aid groups have formed to fill this void left by the state’s total disregard for the survival of the most vulnerable. But since these projects often depend upon us sharing our meager resources, they can be very difficult to maintain. The group in my neighborhood, for example, despite its impressive fundraising, is having difficulty continuing its efforts as new donations dry up. If the left were organized and strong, instead of having to scramble to provide these resources for ourselves, we would be able to apply material pressure and demand them from the state and the wealthy elite that the state protects. Origins of mutual aid Looking at the origins of mutual aid philosophy is illuminating. Mutual aid derives from the political philosophy of Anarchism. The term “mutual aid” comes from the anarchist Peter Kropotkin’s 1902 book of the same name, which sought to explore how cooperation, what Kropotkin called “mutual aid,” was “a factor in evolution.” The issue at hand bears some similarity to a debate going back to the mid-19th century between Marx and Pierre-Joseph Proudhon. Proudhon was a utopian socialist and the father of modern anarchism. Proudhon believed that a new, post-capitalist society could be created alongside capitalism and slowly grow to the point where it became dominant. This process, he believed, could happen in a decentralized way. Marx, by contrast, judged that the capitalist state would never allow this to happen, and would attempt to destroy and undermine these forms of collective care. He argued that the state must be challenged with a fighting organization of the working class. This organized resistance can put pressure on the state and the wealthy, forcing them to provide resources that ordinary people need. But, for Marx, a better society could only come when our forms of organization were strong enough to directly confront the state and replace it with something better. What’s at stake today is something similar. While acts of solidarity and mutual aid organizations are extremely important, there are limits to what they can achieve inside capitalist society. Organized solidarity entails not just sharing our limited resources between ourselves, but fighting to take them from the rich, whether directly, or indirectly through political demands on the capitalist state. In order for this to be a political movement, and not just a form of charity, organized acts of solidarity and demands on the state need to be made in ways that build class consciousness and organization. Many socialists have taken on the language and strategy of mutual aid wholesale. In doing so they have unconsciously adopted an anarchist theory of social change and the state. The anarchist theory argues that placing demands on the state only recognizes its authority, strengthens it, and weakens the workers’ movement. Revolutionary socialists, by contrast, share the anarchist opposition to the capitalist state, but think the anarchist approach of ignoring or attempting to circumvent the state is wrong. We believe that the organized working class must engage with and make demands upon the state, while avoiding the social democratic trap of working exclusively through the state, and relying on its reforms. Workers can only achieve a better society by building it for ourselves, brick-by-brick, from the bottom up. For instance, revolutionary socialists, anarchists, and social democrats can work together with tenants in supporting realistic rent strikes during this time of mass unemployment, and mutual defense against evictions—sometimes cited as a form of mutual aid. But it is also a political act to extend these pressures to demands on the state for a blanket end to evictions, and for rent and mortgage cancellation or moratoriums. Mutual aid and class struggle at work “Occupy Sandy” provides a revealing illustration of the merits and limitations of mutual aid work. During the hurricane, a number of New York activists previously involved with “Occupy Wall Street” organized themselves into “Occupy Sandy” around a politics of “mutual aid, not charity.” The group was involved in a lot of important work and provided crucial help to people who were impacted by the storm. However, the political distinction between mutual aid and charity was not always clear to those giving or receiving aid. And despite all its impressive efforts, getting the electricity back on and the subways running ultimately depended upon the state. When the crisis ended, the group left no form of organization behind. The scale of the crisis today is orders of magnitude larger than it was during the hurricane in 2012, and a much larger portion of the working class has been impacted. The government is currently spending trillions of dollars to prop up banks and corporations. Working people, who create all the wealth in society, need to be getting a share of that. We need to develop strategies that not only spread our limited resources around, but reappropriate what the wealthy have taken from us. Labor unions, where working people are organized and have leverage against the bosses and corporations, are crucial in the battle for wealth redistribution. An illustrative example comes from the experience of workers in the airline industry. The recent bailout provided the industry with $75 billion. When workers learned this was happening, they organized to ensure that this money would go to help workers and their families get through the crisis. The Flight Attendants Association, led by Sara Nelson, was able to force the airlines into setting aside $29 billion for their workers. This will help pay salaries through the end of September. In a commendable display of solidarity, the union fought for a portion of this aid to go to airport workers as well. The airline workers displayed a willingness to use their power to secure what they needed from their employers. More union actions like this—especially if they were to include greater direct involvement from rank-and-file airline workers—could not only win important material gains, but would also strengthen working class self-organization for future battles against the state and corporations. Combative social movements will get us the goods In order to be effective, resistance cannot be the province of a revolutionary minority alone. Since capitalism is creative to the same degree that it is destructive, it tends to breed resistance among people of all walks of life — revolutionary and non-revolutionary alike. It is the role of revolutionaries not to take over these movements, but to intervene and fight alongside those affected in order to win them over to revolutionary politics. Mutual aid networks can be a starting point for people who are radicalizing, but they are most effective when connected to wider movements for change, not seen as an end unto themselves. We need to build social movements that strive not only to redistribute the few resources available to us, but which also work to reappropriate from the rich the wealth they have taken from us. These movements can translate material pressure into material resources for the majority. They can secure concessions such as medicare-for-all and the inclusion of the undocumented in government aid programs. Bernie Sanders had proposed $2,000 per month for everyone for the duration of the crisis. This is a proposal that combative mass social movements could have the power to actually secure. Organization, defined as mass involvement, solidarity, and unity-in-action toward a common goal, is the only tool that can give us enough power to take on capital and the state. Without it, we risk just papering over the cracks in capitalism. Only with this tool can we move toward a society based not upon mindless profit for a few, but upon meeting the needs of all. This will allow us to eliminate the conditions that make mutual aid groups necessary, and construct a society based upon solidarity.

#### Neoliberal capitalism has conditioned us to reject the state as a site of social struggle and transformation---our response to the pandemic and accelerating economic collapse should affirm mass mobilization for a social and political system that provides for the needs of all without requiring band-aid strategies like mutual aid

Noam Sandweiss-Back 20, Program Coordinator at the Kairos Center for Religions, Rights, and Social Justice, 2020, “Beyond Mutual Aid: Toward the Poor Organizing the Poor,” https://kairoscenter.org/beyond-mutual-aid/

In the early months of the Great Depression, Herbert Hoover was fond of saying that “prosperity is just around the corner.” At the same time, millions were losing their jobs, facing utility shut offs and evictions, moving into tent encampments and shantytowns, and standing in bread lines that stretched for hours. In 1929 there was no public social safety net or welfare programs, not even as we know them in their fractured form today. Instead, the state’s response was to attend to Wall Street and direct the poor and newly-dispossessed toward a patchwork and intolerant system of private relief agencies and religious aid organizations. Denying the government had any larger responsibility for its people, Hoover would later explain that “the basis of successful relief in national distress is to mobilize…agencies of relief help in the community. This has been the American way.”

Abandoned and left to fend for themselves from the scraps of a system of charity, many among the ranks of the poor took survival into their own hands. They marched in unprecedented numbers against hunger and unemployment, led daring wildcat strikes and other militant actions from industrial plants in the Midwest to tenant farms in the Delta, and created mass organizations like the Unemployed Councils, formed through the Communist Party. These multi-racial Councils developed in cities across the country around relief for unemployed workers, preventing or reversing thousands of evictions and gas and electricity shutoffs, among other activities. They worked locally to address their immediate, overflowing needs, but in the early years of the Great Depression they also became a political home for tens of thousands of poor people: central to the Councils’ vision was political education, leadership development, and larger forms of collective agitation and struggle.

Just a few years later, the Social Security Act and other major government programs were created. This history is often told crediting Franklin D. Roosevelt and a handful of supposedly transcendent politicians, but it was the collective efforts of masses of people that forced the government into action. Roosevelt himself did not have dreams of fundamental change for the poor and, by the end of the 1930s, the New Deal became a constrained political project that saved American capitalism from itself. The significant public concessions that it did make were instead the result of poor people taking action together.

Today, we confront another economic collapse amid a vicious pandemic. In the last six weeks, we’ve witnessed the accelerated redistribution of wealth from the poor to the most rich. The government has funneled trillions of dollars into Wall Street, while the recent stimulus packages still don’t provide tens of millions of people with paid sick leave, sustained financial support, healthcare and housing protections, and more. These millions are now lining up behind the 140 million who were already poor or one emergency away from poverty.

This multitude must protect themselves and their communities in the shadow of a government that has abandoned them in ways that strikingly echo the Hoover administration. Within this context, many have turned to the idea of mutual aid. Community groups and ad-hoc neighborhood associations are springing up to coordinate the sharing of food and supplies; nonprofits are funneling their shrinking budgets toward direct service projects; online organizations are offering virtual trainings; even Alexandria Ocasio-Cortez has shared a “how-to” guide on the subject.

The lengths to which people are laboring to take care of one another during this crisis is inspiring and necessary. All across the country, we are seeing the truth: that poor and dispossessed people, as well as all those now awakened to a new kind of precarity, will not wait to be saved, but will, as always, take lifesaving action born out of necessity. As long as this crisis rages, there will be people who do the necessary work of triage, of meeting immediate needs in the present, and this work is critical. But in the face of a brutal and increasingly volatile system, mutual aid as it is generally being conceived may be a bandaid, rather than a strategy to win what every person needs in order to live.

For many concerned citizens, the response to this moment has been to emulate a non-profit service model for those most at risk. This is a position of stop-gap charity that takes care of a small number of people, but does little to address the deeper source of pain for so many. For others, mutual aid has become a project of rejecting and resisting the state and its decrepit and hateful institutions; this is a posture that claims that no one is coming to save us, that our communities have all that we need, and that we can somehow transform our conditions by coming together through networks of social solidarity. In both cases, good people are doing brave work and some are receiving emergency relief because of it. But mutual aid at this level makes no claim on the state and no counterattack toward capital to solve the problem of this pandemic and the economic crisis beneath it.

Over the past fifty years, the ruling class has mounted devastating attacks on public institutions and services, from privatized healthcare and education to the evisceration of the social safety net. Meanwhile, the economy has undergone a technological revolution, and with it our society has been (re)constructed in the image of global capital. We’ve seen the hollowing out of the state and the forfeiture of many of its functions to non-profits, the private sector, and the free market. We’ve been made increasingly dependent on market-based solutions that lionize billionaires and trumpet apolitical acts of service.

Now, in this moment of crisis, we do what we can to salvage our communities, often using the same models, while corporations are celebrated for their humanitarianism even as they reap the rewards of federal relief. Neoliberal capitalism and decades of austerity measures have conditioned generations of us to ignore or lose faith in the possibility of the state as a site for organized struggle. But it will take the resources of our government and of governments around the world to not only overcome the coronavirus, but to fundamentally change our lives for the better.

### 1NC---Defense

#### Care Work occludes meaningful changes which have made the lives of disabled people *better*

Shakespeare 14 (Tom, Professor of Disability Research, Norwich Medical School, PhD Cambridge University, Senior Lecturer in Medical Sociology at the University of East Anglia, *Disability Rights and Wrongs Revisited*, Second edition, Routledge 2014)

I think that some of the considerable attention given to hate crime is part of this generalised tendency to stress the victimhood of disabled people (Quarmby, 2011; Roulstone and Mason-Bish, 2013). This way of thinking serves to obscure the progress that has been made in recent decades, often due to the political mobilisation of disabled people themselves. It is true that disabled people continue to do less well than the majority of society, and there is much to be done to ensure equality and inclusion. At the time of writing, a savage attack on the living standards of disabled people is underway ([www.wearespartacus.org.uk](http://www.wearespartacus.org.uk)), in the form of tightened eligibility criteria for Personal Independence Payment (formerly Disability Living Allowance) and Employment Support Allowance (formerly Inacapacity Benefit), together with a cultural backlash that associates disabled benefit claimants with scroungers (Strathclyde Centre for Disability Research, 2012). But notwithstanding these very serious problems with welfare reform, conditions for disabled people have improved in other ways over the last twenty years, thanks to the Disability Discrimination Acts and Equality Act and other initiatives.

Office of Disability Issues statistics (2013) state that between 2002–12, the employment gap between disabled and non-disabled people reduced by 10 percentage points. Between 2005/6 and 2010/11, the numbers attaining five or more GCSE A–C pass rates have increased from approximately 20 per cent to approximately 60 per cent for special educational needs students without a statement of special educational needs, and from approximately 9 per cent to approximately 25 per cent for students who do have a statement of special educational need. Between 2004/5 and 2011/12, the number of accessible buses increased from 52 per cent to 88 per cent of buses. For people with learning difficulties, the government’s Valuing People White Paper (Department of Health, 2001), drafted with the participation of people with learning difficulties themselves, has put the principles of rights, independence, choice and inclusion at the centre of policy. Although many other statistics and policies are still woeful, there are some signs of progress.

Denying progress is as misguided as overlooking the continuing problems. The consequence of taking up a victim position and of exaggerating the differences and the polarity between the minority group and the mainstream is that politics can become more extreme, separatist, vanguardist and aggressive. The politics of coalition (Lee, 2002: 158) becomes less likely.

The victim position can be reassuring for individuals. It explains that any problems they might encounter, or failure they experience, has resulted from oppression, not from any fault of their own. It gives an excuse for not trying, because all efforts are doomed, and all change is illusory. The victim position also makes the success of other people who seemingly share your status become very threatening. If some disabled people have achieved their goals, or have managed to be successful in a disabling society, then this undermines the victimhood analysis. For this reason, it becomes important to disown or condemn the ‘tall poppies’ who have succeeded.

Underlying identity politics, the social model can play an important psychological role for disabled people. It is a powerful way of denying both the relevance and the negativity of impairment. Activists can maintain that their problems are not their deficits of body or mind, but are due to the society in which they live. By combining with others who share this belief, their own self-image is reinforced, and they can achieve solidarity and self-respect. The social model became ideologically dominant precisely because it moved away from the individual and the personal and the psychological. This may explain how difficult it has been for social model perspectives to engage with the question of impairment: how could an identity-sustaining theory include what had been disavowed?

At the heart of the social model approach to disability is a kind of denial. Social model theory enables disabled people to deny the relevance of their impaired bodies or brains, and seek equality with non-disabled people on the basis of similarity. What divides disabled from non-disabled people, in this formulation, is the imposition of social oppression and social exclusion. Moreover, the identity politics that is fuelled by this ideology paradoxically depends on strengthening the coherence and separateness of the disability group. Disabled people are contrasted with non-disabled people. Non-disabled people and the non-disabled world are increasingly seen as oppressive and hostile. Those who claim to help disabled people – professionals, charities, governments – are rejected. A strong political identity, which should be a means to an end, has become an end in itself. Rather than looking outward, the disability movement has often turned inwards. Rather than building bridges with other groups or seeking the integration of its members within society, the vanguard of the disability movement has often been separatist, promoting a notion of ‘us’, the disabled people, against ‘them’, the non-disabled oppressors (Holdsworth, 1993; Branfield, 1998, 1999). For disability activists, this has been powerful and motivating, but as the basis for disability politics, it has been counter-productive.

#### The affirmative’s strategy of horizontalism fails – engagement with institutions is necessary for effective struggle against neoliberalism.

Fisher 13 Mark, Visiting Fellow in the Centre for Cultural Studies at Goldsmiths, University of London, [“Indirect Action: Some Misgivings about Horizontalism,” *Institutional Attitudes: Instituting Art in a Flat World*, ed. Pascal Gielen, 2013, p. 102-105]

Who is speaking here? The first quotation comes from right wing ideologue Phillip Blond, one of the thinkers behind British Prime Minister David Cameron's concept of the 'Big Society'. The second is a summary, by critic J.J. Charlesworth, of a 'vision document' circulated by the then artistic director of the Institute of Contemporary Arts, Ekow Eshun, in 2009. The third is from the [END PAGE 102] discussion of new social movements in Why It's Kicking Off Everywhere, by the BBC's Economics editor, Paul Mason. But the better question would be what is speaking here? The congruence in tone and content here suggests that we are in the presence of a pervasive ideology, one that is disseminated in art institutions as well as in government, and one that is shared by the elements of the left as well as by the right. Practically all mainstream political discourse is suspicious of, and sceptical towards, the State, planning and the possibilities of organized political change. 'Is' slides into 'ought', as historical claims about the emergence of a new kind of network society quickly become breathless celebrations of this networked world. To say that this is an ideology is not to say that the material shifts described by these theorists are not real; it is only to acknowledge that the technological changes which these writers identify do not spontaneously give rise to political discourses or perspectives. The appearance of spontaneity is itself an ideological effect. The widespread acceptance of this network ideology - with its conviction that hierarchies have been superseded by net- works, and its privileging of flexibility and fluidity over fixity - signals that some arguments originally presented by post-68 theorists such as Lyotard and Deleuze and Guattari have now been absorbed into the mainstream. The ubiquity of concepts such as diversity, plurality and inclusivity, together with the widespread hostility towards the idea that there could be absolute values, means that Lyotard's once-reviled 'postmodernism' now practically constitutes common sense. The success of the network ideology is part of a general crisis of political and cultural authority. Certain left-wing versions of the ideology (especially those circulated within the neo-anarchist currents which have become synonymous with the Occupy Movement) maintain that authority is an intrinsically right-wing concept. Authority is in itself bad.

I want to argue here that this rejection of the very concept of authority has been disastrous for the left. It has led to a kind of self-defeating and self-loathing marginalization and to an [END PAGE 103] unwarranted faith in spontaneity and face-to-face interaction (an emphasis strangely at odds with the technological aspects of network culture, which have downgraded the importance of face-to-face communication). It has contributed to the left's continuing failure to make any hegemonic headway, despite the spectacular discrediting of neoliberalism caused by the financial crisis. Never has the word 'curate' been so widely used in cultural circles, but never has there been less confidence in the validity of the concepts inherent in curatorship: the linking of management with care and authority. In summary, the left's disdaining of authority- and the concomitant embrace of 'horizontalism' - has done little to displace what I have called capitalist realism: the belief that capitalism is the only political-economic system that 'works', and that it is impossible even to imagine any alternative to it.4 In fact, rather than challenging capitalist realism, horizontalism has - at least in some respects - further embedded it.

At this point, it's worth reminding ourselves of something that should be obvious: namely, that the left has not always rejected authority. Doubtless the origin of the left's current difficulties with authority lie, in fact, in the excessive enthusiasm for authority formerly exhibited by certain elements of the left. Now, though, the left is faced with a (non-)choice between cleaving to authoritarian political structures (that, in any case, are no longer viable) or adopting anti-authoritarian forms and strategies which do not work. 'The traditional left (communist and socialist in orientation) typically espoused and defended some version of democratic centralism (in political parties, trade unions, and the like)’, David Harvey has recently observed.

Now, however, principles are frequently advanced - such as 'horizontality' and 'non-hierarchy' - or visions of radical democracy and the governance of the commons, that can work for small groups but are impossible to operationalize at the scale of a metropolitan region, let alone for the seven billion people who now inhabit planet earth. Programmatic priorities are dogmatically articulated, such as the abolition of the state, as if no alternative form of territorial governance would ever be necessary or valuable.5 [END PAGE 104]

However, it would be a mistake to lapse into nostalgia for democratic centralist political organizations, and for the conditions that made them possible. The task now is to resist the false choice between obsolete authoritarianism and impotent anti-authoritarianism. There is no returning to the authoritarian organizations of the twentieth century, and we should not mourn their disappearance. The leftist critique of authoritarianism that coalesced during the 1960s was crucial. But we must recognise that the renewal of the left promised by these anti-authoritarian movements never fully happened, and part of the reason that it stalled was the turning away from the question of authority. Authoritarianism is the abuse of authority; it is therefore to be opposed, not by a wholesale rejection of authority, but by the conceptualization and constitution of proper authority. Before we turn to this question, however, it is worth reviewing network ideology, and some of the problems with it.

# 2NC

#### Health care antitrust is a premier vehicle for social change and solves the disproportionate racial impact of rising health costs.

Kritter 21, University of California, Berkeley, School of Law, (Dani, March 2021, “Antitrust as Antiracist”, <https://www.californialawreview.org/antitrust-as-antiracist/>)

The [federal antitrust laws](https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws)—three statutes enacted over a century ago—are in the spotlight. The year 2020 brought a [new reckoning with corporate power](https://www.theguardian.com/technology/2020/dec/18/google-facebook-antitrust-lawsuits-big-tech) and a [resurgent interest in using antitrust law](https://newrepublic.com/article/160646/biden-antitrust-blueprint-monopoly-busting) as a force for populist change. The “hipster antitrust” movement argues that the focus of antitrust policy should not be limited to market power and consumer welfare. Rather, antitrust can and should be a remedy for a suite of societal ills, from workers’ rights to campaign finance and income inequality. The year 2020 also marked an awakening to [racial injustice](https://news.berkeley.edu/2020/09/22/racial-justice-in-america-a-deeper-look/) in America. The deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery sparked nationwide outrage and demands to reform institutions built on systemic racism. Yet the recent plans for [antitrust reform](https://www.jdsupra.com/legalnews/117th-congress-takes-early-steps-6904745/)—which primarily focus on monopolies in tech—ignore the fact that the antitrust status quo perpetuates [racial injustice](https://theappeal.org/how-antitrust-perpetuates-structural-racism/). But it doesn’t have to be this way. This blog identifies consolidation in healthcare and vertical restraints in franchising as two examples of how lax antitrust enforcement has disproportionately harmed people of color. It also argues that by dusting off existing antitrust tools, antitrust enforcement can be [antiracist](https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist).

Background: The Antitrust Toolbox

Congress enacted the federal antitrust laws to check the power of massive corporations run amuck. These laws—the Sherman Act, the Federal Trade Commission (FTC) Act, and the Clayton Act—were originally designed to control corporate power, protect individual economic freedom, and ensure a fair and equal society. But beginning in the 1970s when Robert Bork published the still-influential “[Antitrust Paradox](https://www.washingtonpost.com/news/wonk/wp/2012/12/20/antitrust-was-defined-by-robert-bork-i-cannot-overstate-his-influence/),” courts slowly narrowed the focus of antitrust law to protecting consumer welfare. Today, antitrust enforcement prioritizes preventing the anticompetitive acquisition, exercise, or maintenance of market power that threatens consumer welfare and competition—a much narrower goal than its populist origins.

Dusting Off the Tools

Recent years have seen [bipartisan](https://www.axios.com/exclusive-poll-shows-bipartisan-support-for-tech-antitrust-action-c3794ff5-120d-44d8-bac1-58b033efbd8a.html) interest in reining in powerful corporations with more aggressive antitrust enforcement. One of the few agency voices calling for an antiracist approach to antitrust is Rebecca Slaughter, the acting chair of the FTC. Slaughter [has recently spoken out](https://www.ftc.gov/system/files/documents/public_statements/1583714/slaughter_remarks_at_gcr_interactive_women_in_antitrust.pdf) about using antitrust enforcement to “right the wrongs of systemic racism.” She challenges what she views to be a faulty premise of antitrust law: “that antitrust can and should be value-neutral, and therefore social justice problems like racism do not have a role in antitrust enforcement.” Slaughter argues that antitrust has never been and never will be value-neutral. Antitrust addresses market structures, and racism is entrenched in the historic and current market structures in the United States. When agencies make decisions about how to deploy antitrust tools, they can choose whether to reinforce these structural inequities or to dismantle them. Healthcare and franchising are two examples of how a shift in antitrust enforcement from “value-neutral” to antiracist can break down market structures that perpetuate racial injustice.

Honing in on Healthcare Monopolies

Consolidation in the healthcare industry is a driving force behind the sky-high cost of medical care and pharmaceutical drugs. Due to a wave of healthcare mergers, most hospital markets in the United States are dominated by a single corporate entity. The lack of competition means the dominant hospital is free to exercise market power by raising prices and restricting output. [Recent studies](https://www.nytimes.com/2020/09/18/health/covid-hospitals-medicare-rates.html) of prices for hospital and outpatient treatment report that healthcare mergers have resulted in large networks charging private insurers 2.5 to 3 times more than Medicare rates for the same patient care. These rising costs lead to higher insurance premiums paid by employers and individuals. Artificially inflated healthcare costs disproportionately burden people of color

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and create a barrier to accessing quality care. Black families spend a greater share of their household income on health care premiums and out-of-pocket costs than the average American family. And of the thirty million [uninsured](https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2020/02/19/there-are-clear-race-based-inequalities-in-health-insurance-and-health-outcomes/) individuals in the United States, half are people of color. The [COVID-19 pandemic](https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html) has put this health inequity in sharp focus: racial and ethnic minority groups are more likely to contract the virus, get severely ill, and die from coronavirus infections. What can antitrust do? First, antitrust merger review can be antiracist. Mergers between competitors are scrutinized under Section 7 of the Clayton Act, which prohibits mergers that may substantially lessen competition or create a monopoly. When determining whether a merger lessens competition, the FTC, Department of Justice (DOJ), and courts consider the likelihood of anticompetitive effects. An antiracist application of the Clayton Act would consider racially disparate outcomes like health care costs, insurance premiums, and the quality of care provided as anticompetitive effects. Business practices that perpetuate systemic racism are anticompetitive because they exclude people of color from full participation in the market. And this exclusion is expensive: a study by Citigroup estimates that discrimination cost the U.S. economy [$16 trillion](https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/09/23/916022472/cost-of-racism-u-s-economy-lost-16-trillion-because-of-discrimination-bank-says) since 2000. Moreover, there is precedent for applying a broad conception of anticompetitive effects in merger review. In [Brown Shoe Co. Inc. v. United States](https://www.nytimes.com/2019/06/20/technology/tech-giants-antitrust-law.html), the Supreme Court held that a meager 7.2 percent combined market share of two merging shoe manufacturers was unhealthy market concentration under the Clayton Act. Chief Justice Earl Warren acknowledged that concentration in the shoe industry might offer some efficiencies and lower prices for consumers, but “the protection of viable, small, locally owned businesses” was a priority. Therefore, agencies can and should argue that mergers that reinforce racial inequity substantially lessen competition. Second, antitrust enforcement actions can hone in on industries like healthcare where the anticompetitive effects are acutely felt by people of color. As California attorney general from 2011 to 2017, [Vice President Kamala Harris](https://www.nytimes.com/2020/10/06/health/kamala-harris-health-care.html) prioritized taking on healthcare prices through antitrust. Her investigation laid the groundwork for California’s suit against [Sutter Health](https://www.nytimes.com/2019/10/03/health/sutter-hospitals-medical-bills.html) for using its market power to raise prices and extort better deals from insurers, which resulted in a $575 million settlement. The DOJ and FTC should follow in California and Vice President Harris’s footsteps and crack down on healthcare, utilizing an antiracist approach.

# 1NR

#### Even if political liberalism currently excludes the disabled, discussing questions of implementation can revise it and bailing on it is worse

Badano 13, PhD candidate at the Centre for Philosophy, Justice and Health at University College London (Gabriele Badano, April 2013, “Political liberalism and the justice claims of the disabled: a reconciliation,” Critical Review of International Social and Political Philosophy, http://www.tandfonline.com/eprint/tHKkbrxhGYIWAxTcJrAW/full#.UxyV-PldX-4)

I argue that any proposal abandoning the language of political justice would not seem to do enough for those individuals with disabilities who fall outside the basic idea of persons as depicted by Rawls. In fact, the intuitions supporting the idea that concepts like rights and opportunities are indispensable are very strong.11 Let us go back to the examples of individuals falling outside Rawls’s idea of persons because their disabilities prevent them from being a net beneﬁt to social cooperation. They are individuals who need multiple carers to work, or whose disabilities prevent them from providing a beneﬁt to social cooperation that is large enough. To put the point more sharply, it is worth noticing that the disabilities in question are compatible with being in full possession of one’s logical and moral powers. Now, should we accept that those individuals ought to be given no rights or opportunities? An afﬁrmative answer would strike us as implausible, and for a good reason. In a liberal society, having one’s rights, opportunities and basic distributive entitlements acknowledged is one and the same as being recognized as an equal. And what is missing from Rawls’s political liberalism is precisely the idea that falling below a threshold of full cooperation should not be enough to prevent the disabled from being regarded as persons on an equal footing with anyone else. In sum, Rawls’s political liberalism is not amenable to any extension that, keeping the basic ideas of society and persons intact, is able to include a concern with the status of individuals with disabilities. In addition, the proposal that the interests of the disabled are not for public reason to protect is not satisfactory. Consequently, a substantial revision is the only way to reconcile political liberalism with our intuitions concerning what is due to the disabled.

5. Revising political liberalism I: beyond Hartley’s contractualism The aim of this section and the next is to propose a substantial revision of Rawls’s theory that accommodates the justice claims of the disabled while upholding the project of political liberalism. A question that needs to be answered at this point is: why should we uphold the project of political liberalism, rather than endorsing a different model that more neatly ﬁts with our intuitions concerning what is due to the disabled? First, the general project of political liberalism is compelling. Rawls’s political liberalism aims to identify a common ground of political ideas that can work as the basis on which the most important political decisions should be made. This project is of the greatest importance because, if successful, it creates legitimacy by building institutions on the basis of concepts that are acceptable to each reasonable individual. Moreover, it promotes stability in societies that are characterized by deep pluralism. Second, despite Rawls’s failure to take the interests of the disabled into consideration, political liberalism is well suited to support the justice claims of individuals with disabilities. This is because the idea that the disabled are citizens who deserve our respect is part of the common culture of our societies. In other words, there is an overlapping consensus on the idea that rights, opportunities and distributive shares must be granted to individuals who are not fully cooperating members of society, including those who fall below full moral powers. It is widely believed that those with physical disabilities should have the same rights as their fellow citizens, live in a social environment that does not excessively limit their opportunities and receive beneﬁts that help meet their special needs. Besides, although the state or third parties are given exceptional rights to interfere with the autonomy of individuals with severe cognitive disabilities, it is widely recognized that the mentally disabled are citizens whose basic interests must be protected by the law.12 In the public space, any proposal that individuals who are not fully cooperating members of society should have their basic interests neglected would be widely received with outrage. Such proposal would be said to ﬁt a fascist society, not a decent one. Among other legal documents, the United Nations Convention on the Rights of Persons with Disabilities (UN General Assembly, A/61/611) can be taken as the epitome of this widespread attitude. Adopted in 2006, the Convention requires that all individuals with disabilities should share in the enjoyment of equal fundamental rights.