# 1NC

## 1

#### Interp - The letter “A” is an indefinite article that modifies “just government” – the resolution must be proven true in all instances, not one particular instance

CCC Capital Community College [a nonprofit 501 c-3 organization that supports scholarships, faculty development, and curriculum innovation], “Articles, Determiners, and Quantifiers”, http://grammar.ccc.commnet.edu/grammar/determiners/determiners.htm#articles AG

The three articles — a, an, the — are a kind of adjective. The is called the definite article because it usually precedes a specific or previously mentioned noun; a and an are called indefinite articles because they are used to refer to something in a less specific manner (an unspecified count noun). These words are also listed among the noun markers or determiners because they are almost invariably followed by a noun (or something else acting as a noun). caution CAUTION! Even after you learn all the principles behind the use of these articles, you will find an abundance of situations where choosing the correct article or choosing whether to use one or not will prove chancy. Icy highways are dangerous. The icy highways are dangerous. And both are correct. The is used with specific nouns. The is required when the noun it refers to represents something that is one of a kind: The moon circles the earth. The is required when the noun it refers to represents something in the abstract: The United States has encouraged the use of the private automobile as opposed to the use of public transit. The is required when the noun it refers to represents something named earlier in the text. (See below..) If you would like help with the distinction between count and non-count nouns, please refer to Count and Non-Count Nouns. We use a before singular count-nouns that begin with consonants (a cow, a barn, a sheep); we use an before singular count-nouns that begin with vowels or vowel-like sounds (an apple, an urban blight, an open door). Words that begin with an h sound often require an a (as in a horse, a history book, a hotel), but if an h-word begins with an actual vowel sound, use an an (as in an hour, an honor). We would say a useful device and a union matter because the u of those words actually sounds like yoo (as opposed, say, to the u of an ugly incident). The same is true of a European and a Euro (because of that consonantal "Yoo" sound). We would say a once-in-a-lifetime experience or a one-time hero because the words once and one begin with a w sound (as if they were spelled wuntz and won). Merriam-Webster's Dictionary says that we can use an before an h- word that begins with an unstressed syllable. Thus, we might say an hisTORical moment, but we would say a HIStory book. Many writers would call that an affectation and prefer that we say a historical, but apparently, this choice is a matter of personal taste. For help on using articles with abbreviations and acronyms (a or an FBI agent?), see the section on Abbreviations. First and subsequent reference: When we first refer to something in written text, we often use an indefinite article to modify it. A newspaper has an obligation to seek out and tell the truth. In a subsequent reference to this newspaper, however, we will use the definite article: There are situations, however, when the newspaper must determine whether the public's safety is jeopardized by knowing the truth. Another example: "I'd like a glass of orange juice, please," John said. "I put the glass of juice on the counter already," Sheila replied. Exception: When a modifier appears between the article and the noun, the subsequent article will continue to be indefinite: "I'd like a big glass of orange juice, please," John said. "I put a big glass of juice on the counter already," Sheila replied. Generic reference: We can refer to something in a generic way by using any of the three articles. We can do the same thing by omitting the article altogether. A beagle makes a great hunting dog and family companion. An airedale is sometimes a rather skittish animal. The golden retriever is a marvelous pet for children. Irish setters are not the highly intelligent animals they used to be. The difference between the generic indefinite pronoun and the normal indefinite pronoun is that the latter refers to any of that class ("I want to buy a beagle, and any old beagle will do.") whereas the former (see beagle sentence) refers to all members of that class

#### Violation – They spec the United States

#### Standards:

#### 1] Limits – they can spec 123 different governments - that’s supercharged by the ability to spec combinations of types of strikes. This takes out functional limits – it’s impossible for me to research every possible combination of the 195 countries and worker types

ITUC 20**,** (International Trade Union Confederation, “World’s Worst Countries for Workers”), ITUC, 2020, https://www.ituc-csi.org/IMG/pdf/ituc\_globalrightsindex\_2020\_en.pdf // MNHS NL recut DD AG

In 2020, strikes have been severely restricted or banned in 123 out of 144 countries. In a significant number of these countries, industrial actions were brutally repressed by the authorities and workers exercising their right to strike often faced criminal prosecution and summary dismissals.

#### 2] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

#### Drop the debater bc you can’t drop the arg on their advocacy

#### No rvis – they can dump on theory in the 1ar, chilling us from checking abuse

#### Competing interps – reasonability is arbtiary and causes race to the bottom

## 2

#### The subject emerges through alienation from the attempt to articulate one’s desires through language, which always has a communicability gap that restricts expression. This creates a constant desire for the lost object and leads to a relation of suffocation that justifies infinite violence – deconstructing this constitutive lack explains and comes before anything else in the round. Thus, the ROB is to traverse the fantasy – that means exposing drives.

McGowan 13 Todd McGowan, 2013, “Enjoying What We Don’t Have: The Political Project of Psychoanalysis,” University of Nebraska Press/Lincoln and London, SJBE

The subject as such emerges through the experience of loss. It is the loss of a part of the subject — an initial act of sacrifice — that creates both subject and object, the object emerging through this act as what the subject has lost of itself. The subject takes an interest in the object world because it forms this world around its lost object. As Jacques Lacan notes, “Never, in our concrete experience of analytic theory, do we do without the notion of Obviously, no one literally creates objects through an initial act of sacrifice of an actual body part. This would be too much to ask. But the psychical act of sacrifice allows for a distinction to develop where none existed before and simultaneously directs the subject’s desire toward the object world. In his breakthrough essay “Negation,” Freud describes this process as follows: “The antithesis between subjective and objective does not exist from the first. It only comes into being from the fact that thinking possesses the capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there. The first and immediate aim, therefore, of reality-testing is, not to find an object in real perception which corresponds to the one presented, but to refind such an object, to convince oneself that it is still there.”6 Though Freud doesn’t use terms from linguistics, it is clear that he is making refer- ence to the subject’s alienation in language and that he sees this alienation as the key to the emergence of both the subject and the object. When the subject submits to the imperatives of language, it enters into an indirect relation with the object world. The speaking being does not relate to books, pencils, and paper but to “books,” “pencils,” and “paper.” The signifier intervenes between the subject and the object that the subject perceives. The subject’s alienation into language deprives it of immediate contact with the object world. And yet, in the above passage from “Negation,” Freud conceives of the subject’s entrance into language — its “capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there” — as the event that produces the very distinction between subject and object. This means that the indirectness or mediation introduced by language deprives the subject of a direct relation to the object world that it never had. Prior to its immersion in the mediation of language, the subject had no object at all — not a privileged relation to objects but a complete absence of relationality as such due to its autoeroticism. In this sense, the subject’s willingness to accede to its alienation in language is the first creative act, a sacrifice that produces the objects that the subject cannot directly access. Language is important not for its own sake but because it is the site of our founding sacrifice. We know that the subject has performed this act of sacrifice when we witness the subject functioning as a being of language, but the sacrifice is not an act that the subject takes up on its own. Others always impose the entry into language on the subject. Their exhortations and incentives to speak prompt the emergence of the speaking subject. But the subject’s openness to alienation in language, its willingness to sacrifice a part of itself in order to become a speaking subject, suggests a lack in being itself prior to the entry into language. That is, the act through which the subject cedes the privileged object and becomes a subject coin- cides with language but is irreducible to it. The subject engages in the act of sacrifice because it does not find its initial autoeroticism perfectly sat- isfying — the unity of the autoerotic being is not perfect — and this lack of complete satisfaction produces the opening through which language and society grab onto the subject through its alienating process. If the initial autoerotic state of the human animal were perfectly satisfying, no one would begin to speak, and subjectivity would never form. Speaking as such testifies to an initial wound in our animal being and in being itself. But subjectivity emerges only out of a self-wounding. Even though others encourage the infant to abandon its autoerotic state through a multitude of inducements, the initial loss that constitutes subjectivity is always and neces- sarily self-inflicted. Subjectivity has a fundamentally masochistic form, and it continually repeats the masochistic act that founds it. The act of sacrifice opens the door to the promise of a satisfaction that autoerotic isolation forecloses, which is why the incipient subject abandons the autoerotic state and accedes to the call of sociality. But the term “sacrifice” is misleading insofar as it suggests that the subject has given up a wholeness (with itself or with its parent) that exists prior to being lost. In the act of sacrifice, the incipient subject gives up something that it doesn’t have. The initial loss that founds subjectivity is not at all substan- tial; it is the ceding of nothing. Through this defining gesture, the subject sacrifices its lost object into being. But if the subject cedes nothing, this initial act of sacrifice seems profoundly unnecessary. Why can’t the subject emerge without it? Why is the experience of loss necessary for the subject to constitute itself qua subject? The answer lies in the difference between need and desire. While the needs of the human animal are not dependent on the experience of loss, the subject’s desires are. It is the initial act of sacrifice that gives birth to desire: the subject sacri- fices nothing in order to create a lost object around which it can organize its desire. As Richard Boothby puts it in his unequaled explanation of the psychoanalytic conception of the emergence of desire, “The destruction and loss of the object . . . opens up a symbolic dimension in which what was lost might be recovered in a new form.”7 He adds: “Sacrifice serves to constitute the very matrix of desire. The essential function of sacrifice is less do ut des, I give so that you might give, than do ut desidero: I give in order that I might desire.”8 The subject’s desire is oriented around this lost object, but the object is nothing as a positive entity and only exists insofar as it is lost. This is why one can never attain the lost object or the object that causes one to desire.9 The coming-into-being of this object originates the subject of desire, but, having no substance, the object can never become an empirical object of desire. We may see an object of desire as embodying the lost object, but whenever we obtain this object, we discover its emptiness. The lost object is constitutively rather than empirically lost. Eating Nothing In this light, we can see the anorexic as the model for all desiring subjectivity. Most cultural critics justifiably see anorexia as the product of oppressive definitions of femininity that abound in contemporary society and force wom[x]n to starve themselves in order to fit the ideals of feminine beauty. According to Naomi Wolf ’s classic popular account in The Beauty Myth, the ideal of thinness became a way of controlling wom[x]n — disciplining their bodies — after the idea of natural female inferiority began to evanesce.10 The anorexic embodies female victimization: she has internalized a patriarchal ideal and does violence to her own body in order to live up to this ideal. But the problem with this analysis is that the anorexic doesn’t just try to embody the ideal of feminine beauty.11 She goes too far in her pursuit of thinness and comes to inhabit a body far from the ideal. Even when everyone tells her that she no longer looks good, that she is too thin, the anorexic continues to lose weight. It is for this reason that many feminists have seen her as a subversive figure. As Elizabeth Grosz puts it, “Neither a ‘disorder’ of the ego nor, as popular opinion has it, a ‘dieting disease’ gone out of control, anorexia can, like the phantom limb, be a kind of mourning for a pre-Oedipal (i.e., pre-castrated) body and a corporeal connection to the mother that wom[x]n in patriarchy are required to abandon. Anorexia is a form of protest at the social meaning of the female body.”12 Grosz accounts for the excessiveness of anorexia by aligning it with feminist resistance to patriarchy rather than obsequious submission to it. But she aligns the anorexic with wholeness and the maternal bond rather than with the lost object. In this sense, she misses the true radicality of the anorexic, a radical- ity that stems from the power of the anorexic’s desire. The anorexic doesn’t simply refuse to eat but eats nothing, the nothing that is the lost object. While all positive forms of food fail to address the subject’s lack, nothing does speak to the subject’s desire and allows that desire to sustain itself. The anorexic starves not because she can’t find, in the mode of Kafka’s hunger artist, any food that would satisfy her but because she has found a satisfying food, a food that nourishes the desiring subject rather than the living being. The logic of anorexia lays bare the hidden work- ings of desire that operate within every subject. Subjects believe that they pursue various objects of desire (a new car, a new house, a new romantic partner, and so on) and that these objects have an intrinsic attraction, but the real engine for their desire resides in the nothing that the subject has given up and that every object tries and fails to represent. Objects of desire are desirable only insofar as they attempt to represent the impossible lost object, which is what the anorexic reveals. Still, the anorexic is exceptional; most nonanorexic subjects imagine that their lost object can be found in something rather than nothing. Despite its resonances with the structure of desire, anorexia cannot be dissociated from the imposition of the ideal of thinness as a mode of control- ling female subjectivity. Though this ideal distorts the anorexic’s relationship to her own body, it also renders the nature of desire itself apparent. The impossible ideal of perfect thinness allows the anorexic subject to avow, albeit unconsciously, the structural impossibility of desire itself. Unlike male subjects (or other female subjects who manage to distance themselves from the ideal), the anorexic cannot avoid confronting the impossibility of her object. The oppressive ideal of perfect thinness allows the anorexic to bear witness with her body to the truth of desire.13 Understanding the impossible nature of the lost object — what the anorexic makes clear — allows us to rethink the nature of the political act. Rather than being the successful achievement of some object, the accomplishment of some social good, the political act involves insisting on one’s desire in the face of its impossibility, which is precisely what occurs in the death drive. The key to a politics of the death drive is grasping, in the fashion of the anorexic, the nothingness of the object and thereby finding satisfaction in the drive itself. But the subject’s relationship to its object inherently creates an illusion that makes this possibility almost impossible. Though the lost object that initiates subjectivity has no substance, its status for the subject belies its nothingness. For the subject, the originary lost object is the object that seems to hold the key to the subject’s very ability to enjoy. Subjects invest the lost object with the idea of their own completion: the loss of the object retroactively causes a prior state of comple- tion to arise — a state of completion that never actually existed — and the object itself bears the promise of inaugurating a return to this imaginary prior state.14 In short, it promises to fill in the subject’s lack and answer its desire. As a result of this investment on the part of the subject, the initial lost object becomes the engine for all the subject’s subsequent desiring. Without the initial act of sacrifice, the would-be subject neither desires nor enjoys but instead suffocates in a world of self-presence, a self-presence in which one has no freedom whatsoever. Through the loss of the privileged object, one frees oneself from the complete domination of (parental or social) authority by creating a lack that no authority can fill. Ceding the object is thus the founding act of subjectivity and the first free act. Every subsequent effort by authority to give the subject what it lacks will come up short — or, more correctly, will go too far, because only nothing can fill the gap within the subject. For this reason, dissatisfaction and disappointment are correlative with freedom: when we experience the authority’s failure to give us what we want, at that moment we also experience our distance from the authority and our radical freedom as subjects.

#### The 1ac attempts to fill the lack with the right to strike, but they fail to resolve the fundamental commodity fetishism that motivates workers policies.

Böhm and Batta 10 Steffen Böhm (University of Essex) and Aanka Batta (University of Essex), 2010, “Just doing it: enjoying commodity fetishism with Lacan,” Organization, 17(3), 345–361, doi:10.1177/1350508410363123

It is within this context that the anti-sweatshop campaign has emerged. It has brought to our attention the difficult working conditions, the exploitation and dehumanization that are part and parcel of the global economy and hence has helped to politicize consumption, to put Nike and other multinationals and their production practices on the spot. One of the aims of this campaign has been to improve the working conditions and wages of the workers in low-cost countries. However, what has also been caught up in this campaign is the call by many Western critics for this production to be brought back ‘home’. That is, multinationals like Nike are criticized—particularly by labour unions—for just running virtual operations in Western countries, concentrating on design and branding. In this way, it is argued, the West simply becomes an ‘experience economy’ (Gilmore et al., 1998)—or we could call it an ‘enjoyment economy’, a kind of big Disneyland—rather than developing its own ‘real economy’, its own industrial and manufacturing strength. Both the ‘anti-sweatshop’ and ‘bring-our-production-home’ responses are, in our view, limited, as they seem to fall short of a critique of the workings of commodity fetishism. ‘If only Nike would be more of a “real economy” company, paying its workers decent wages and pensions, then things would be better’, some of the campaigners seem to be arguing. Although this kind of argument seems to be particularly attractive in today’s deep economic crisis, we would maintain that some caution needs to be applied. In fact, as we are arguing in this article the workings of commodity fetishism, are proper to all capitalist production and consumption processes, and tie individual consumers and the mass social body as such to a continuous reproduction of capitalist commodity relations. Even if Nike produced its trainers say in the US, paying its workers a decent living wage, there would still be an alienation and perversion at the heart of its commodity relations making it fundamentally problematic. Equally, even if ‘sweatshop’ workers in the so-called ‘third world’ would be paid better wages, commodity fetishism would not disappear, tying individuals to a continuous consumption cycle, which many critics (e.g. Klein, 2000) have shown to have a range of negative effects on people, societies and the environment. What is important for us is to realize that—in the words of Guy Debord—‘it is not just that the relationship to commodities is now plain to see—commodities are now all that there is to see, the world we see is the world of the commodity’ (1994: 29). That is, humankind is enmeshed in commodity relations. A study of NikeTown in Chicago, for example, argues that a visit to this consumer haven gives one the sense of a ‘festive nature of the processions through the site, with customers cast in the role of explorers and tourists in search of clothing, souvenirs and meanings’ (Peñaloza, 1998: 379). Our perceptual apparatus cannot ‘not see’ the commodity; it is everywhere. The commodity is being produced and reproduced at a variety of different levels of reality and representation, resulting in what Debord calls a ‘spectacle’: ‘The Spectacle is not a collection of images; rather it is a social relationship between people that is mediated by images’ (Debord, 1994: 12). These images—in the form of news, advertising and entertainment—are continuously produced and reproduced by the media and culture industries (Adorno and Horkheimer, 1979), resulting in what Lacanians would call ‘Homo Symbolicus’, which implies a shift from a naturalist to a culturalist conception of need and desire (Stavrakakis, 2006: 89). The important Lacanian contribution to this debate is that the ‘enjoyment economy’ (Baudrillard, 2001; Gilmore et al., 1998) is not only a post-World War II or ‘postmodern’ invention. Instead, enjoyment must be seen at the heart not only of capitalist organization but also of how human subjectivity and hence society as such function. What is important to realize here is that, for Lacan, desire is located in the realm of the symbolic Other, the relational structure of language that makes up society. As the fetishist deals with his or her anxiety (lack) by accepting the Law of the Nameof-the-Father, the Other becomes, what Deleuze and Guattari (1988) call a ‘desiring machine’ that constitutes the subject. With Lacan—as with Deleuze and Guattari—this fetishization process exits the realm of the Freudian clinic to enter the wider scene of social relations. Lacan’s formula to describe what Deleuze and Guattari (1988) later call the ‘desiring machine’ is $ ◊ a, where ‘$’ is the ‘barred’ or ‘divided’ subject (as the subject, according to Lacan, can never have a full identity) and the small ‘a’ is the object of desire that is, nevertheless, always unattainable. The Nike brand, for example, promises all sorts of amazing experiences and enjoyments when one buys a pair of one of their latest trainers. Yet, once bought, we realize that we cannot jump quite as high as ‘Air Jordan’ or play golf as skillfully as Tiger Woods. The symbolic regime of the Other is thus always lacking, which, however, does not prevent us from desiring and believing in it. This is what Lacan (2007: 108) calls fantasy. It is this fantasy that is at the heart of Lacan and Granoff’s (1956) conception of ‘fetishism’, which they describe as a process of the subject transferring his or her anxiety to a symbolic system, or what Lacan calls the Name-of-the-Father. What contemporary consumer capitalism has arguably achieved is that it has provided a symbolic system onto which the subject’s constitutive anxieties (lack) can be transferred, creating a set of fantasies for people to believe in. Nike and its global brand appeal is at the heart of this relationship. However, as we have already discussed, this Other, this symbolic system, can never be fully functioning. According to Lacan, there will always be a lack at the heart of the Other, which he calls jouissance, operating in the realm of the Real, which cannot be symbolized. In other words, Nike’s brand is always vulnerable, as we have seen with the anti-Nike resistance campaign that started in the 1990s. There is thus a radical openness in the Other, which introduces contingency and possibility of change right at the heart of the symbolic order. On the one hand, this change is the very stuff (object a) that keeps Nike’s marketing machinery going, introducing ever more fantasies for the consuming subject ($) to believe in. That is, because of this lack Nike has the opportunity to create ever new products (object a, corporate innovation) for consumers to desire, leading to new accumulation potentials. On the other hand, it is precisely this lack that points to the Lacanian realization that every fantasy has to break down at some point. Jouissance, or failure, is at the very heart of the structure of a marketing fantasy.

#### The politics of recognition require the submission of one’s own desire to a social authority without grounding for its demands that creates an endless struggle for acceptance that restricts true enjoyment.

McGowan 13 Todd McGowan, 2013, “Enjoying What We Don’t Have: The Political Project of Psychoanalysis,” University of Nebraska Press/Lincoln and London, SJBE

When subjects enter into society, the social order confronts them with a demand. This demand for the sacrifice of enjoyment offers them social recognition in return. Recognition grounds the subjects’ identities and allows them to experience themselves as valuable. The socially recognized subject has a worth that derives solely from recognition itself. Popular kids may believe that their sense of worth is tied to an activity — playing football, obtaining good grades, being a cheerleader — but in fact it depends on the recognition that an anonymous social authority accords those who engage in these activities. Though we might imagine the football player fully enjoying himself and his popular status, the recognition that comes with this status renders enjoyment impossible insofar as popularity adheres to the social authority’s demand rather than its unarticulated desire.17 The demand that confronts the subject entering the social order is directly articulated at the level of the signifier. Social authority says to the subject, “Act in this way, and you will receive approval (or recognition).” But the demand conceals an unconscious desire that is not articulated on the level of the signifier. What the authority really wants from the subject is not equivalent to what it explicitly demands in signifiers. This desire of social authority or the Other engenders the subject’s own desire: the subject’s desire is a desire to figure out what the Other wants from it — to solve the enigma of the Other’s desire and locate itself within that desire. The subject becomes a desiring subject by paying attention not to what the social authority says (the demand) but to what remains unsaid between the lines (the desire). The path of desire offers the subject the possibility of breaking from its dependence on social authority through the realization that its secret, the enigma of the Other’s desire, does not exist — that the authority doesn’t know what it wants. Such a realization is not easy to achieve, but adopting the attitude of desire at least makes it possible. For the subject who clings to the social authority’s demand, dependence on this authority becomes irremediable and unrealizable. This is the limitation of pseudo-Hegelian political projects oriented around garnering recognition. They necessarily remain within the confines of the order that they challenge, and even success will never provide the satisfaction that the project promises. Full recognition would bring with it not the sense of finally penetrating into the secret enclave of the social authority but instead the disappointment of seeing that this secret does not exist. The widespread acceptance of gay marriage in the United States, for instance, would not provide a heretofore missing satisfaction, because the social authority that would provide the recognition is not a substantial entity fully consistent with itself. Even though institutional authority can grant a marriage certificate to gay couples and the majority of the popula- tion can recognize the validity of the marriage, there is no agency that can authorize such a marriage that is itself authorized. Social authority, in other words, is always unauthorized or groundless, and this is the ultimate reason why the pursuit of recognition leads to frustration. Those who seek social recognition structure their lives around the social authority’s demand, and recognition is the reward that one receives for doing one’s social duty. For instance, in order to gain popularity, one must adhere to the social rules that lead to popularity. This involves wearing the proper clothes, hanging out with the right people, playing the approved sports, and talking in the correct fashion. Too much deviation from the standard dissolves one’s popularity. Even those who disdain popularity most often align themselves with some other source of recognition and thereby invest themselves in another form of it. The outsider who completely rejects the trappings of the popular crowd but slavishly obeys the demands of fellow outsiders remains within the orbit of social recognition. This devotion to social recognition is more apparent, though not more true, among the young; the adult universe employs strictures with a similar severity.18 Fol- lowing the path of desire — going beyond the explicit demand of the social authority — has a cost in terms of social status. Those who restrict themselves to the authority’s demand do not neces- sarily evince more obedience to actual laws than others do. In fact, the social authority’s demand often conflicts with laws because it demands love, not just obedience. Criminals who flaunt the law for the sake of accumulating vast amounts of money are among those most invested in this demand. There is no inherent radicality in criminal behavior, and most criminals tend to be politically conservative.19 The object of the demand is the subject’s complete sacrifice for the sake of the social authority, not simply adherence to a set of laws. By imposing a demand that requires subjects to violate the law, the author- ity creates a bond of guilt among those who follow this demand. For instance, contemporary capitalist society demands the unrestricted accumulation of capital, even if this requires bypassing ethical or legal considerations at some point. Those who adhere to this demand to such an extent that they break the law or act against their own conscience find themselves all the more subjected to the social authority than if the demand didn’t include the dimension of transgression. The guilt that the demand engenders in them seals their allegiance. This is the logic of the hazing ritual, which always necessitates a violation of the law or common morality. The demand aims to redirect subjects away from their own enjoyment and toward social pro- ductivity. This turn is unimaginable without guilt, which is the fundamental social emotion. Subjects who sacrifice enjoyment for the sake of recognition do so with the expectation that this sacrifice will pay off on the other side, that the rewards of recognition will surpass the enjoyment that they have given up. This wager seems to have all the empirical evidence on its side: every day, images of the most recognized subjects enjoying themselves bombard us. We see them driving in the nicest cars, eating in the finest restaurants, wear- ing the most fashionable clothes, and having sex with the most attractive people, among other things. On the other side, we rarely see the enjoyment of those who remain indifferent to the appeal of recognition. By definition, they enjoy in the shadows. What’s more, the apparent misery of those who do not receive recognition is readily visible among the social outcasts we silently pass every day. To all appearances, the sacrifice of enjoyment for the sake of recognition is a bargain, as long as one ends up among the most recognized. The problem with this judgment stems from its emphasis on visibil- ity; it mistakes the display of enjoyment for the real thing. Someone who was authentically enjoying would not need to parade this enjoyment. The authentically enjoying subject does not perform its enjoyment for the Other but remains indifferent to the Other. As Joan Copjec notes, “Jouissance flourishes only there where it is not validated by the Other.”20 Enjoyment consumes the subject and directs all of the subject’s attention away from the Other’s judgment, which is why one cannot perform it and why being a social outcast doesn’t bother the enjoying subject. One immerses oneself completely in enjoyment, and the enjoyment suffices for the subject. In contrast, recognition, though it offers its own form of satisfaction, ulti- mately leaves the subject eager for something else. No matter what level of recognition subjects receive, they always find it insufficient and seek more. Unlike enjoyment, recognition is an infinite struggle.

#### They destroy the possibility for politics, ethics, and the value of life, and their defense will prove my point— controls the internal link to all other impacts

Ruti ‘14 (mari, English, Toronto, Psychoanalysis, Culture & Society (2014) 19, 297–314) SJBE, recut from Harvard BoSu

On the other hand, Lacan – again like Marcuse – recognizes that the symbolic order is repressive beyond the demands of subject formation, that it includes forms of violence that exceed the ubiquitous violence of the signifier. Indeed, even the violence of the signifier is not equally distributed, so that some of us are much more vulnerable to its injurious effects than others (consider, for instance, hate speech). Lacan does not necessarily talk about the unequal distribution of resources in the manner Marcuse does, but there is no doubt that his analysis of symbolic law as the Law of the Father elucidates a historically specific, deeply heteropatriarchal and hierarchical organization of social life. In point of fact, one reason I have taken a detour through Marcuse is to illustrate the obvious ways in which Lacan’s portraiture of the symbolic mirrors that of Marcuse’s explicitly historical account: what Marcuse calls “the performance principle,” Lacan calls the “service of goods.” Both thinkers identify the underpinnings of a social order dominated by the ideal of productivity – an ideal that is, moreover, placed in direct opposition to the pleasure principle. Both emphasize that the dominant morality of this symbolic – what Lacan calls “the morality of the master” – measures the merit of lives based on largely pragmatic criteria. And both acknowledge that the model citizen of this symbolic is a subject who shows up at work reliably every morning, performs its duties with a degree of diligence, does not let its desires get the better of its productivity, and seeks satisfaction (“enjoys”) in moderate, socially sanctioned ways. “Part of the world has resolutely turned in the directions of the service of goods,” Lacan writes, “thereby rejecting everything that has to do with the relationship of man to desire” (318). This, he adds, “is what is known as the postrevolutionary perspective” (318). In other words, the service of goods reflects the mindset of the levelheaded utilitarian subject who has deemed revolutionary change to be unrealistic. Lacan is here referring to the kind of depoliticization that is arguably the hallmark of Western subjectivity under capitalism. Lacan’s point is by no means, as critics such as Butler have suggested, that a different kind of symbolic is intrinsically impossible but rather that the configuration of subjectivity that Western modernity has produced – a subjectivity that has been subjected to a particular form of surplus-repression (the performance principle, the service of goods) – makes it virtually impossible for us to entertain the idea that the symbolic could be organized differently, that it could be centered around a different version of the reality principle. As Marcuse remarks, one reason the performance principle is so powerful is that it has managed to convince us that all alternatives to it are either utopian or otherwise unpalatable. Yet, for Marcuse, the fact that this principle has been so successful also points to the possibility of transcending it. As he states, “The very progress of civilization under the performance principle has attained a level of productivity at which the social demands upon instinctual energy to be spent in alienated labor could be considerably reduced. Consequently, the continued repressive organization of the instincts seems to be necessitated less by the ‘struggle for existence’ than by the interest in prolonging this struggle – by the interest in domination” (pp. 129–130). This is to say that there is really nothing besides social power that keeps us invested in the notion that our welfare demands relentless toil. The performance principle has outlived its usefulness in the sense that our collective productivity these days surpasses what is necessary for the provision of food, clothing, housing, and other basic amenities. The fact that these amenities have not yet reached all corners of the world, or even all corners of our own society (the homeless, innercity dwellers, etc.), is a function of domination (the unequal distribution of resources) rather than of any deficiencies of productivity. As a result, in Marcuse’s view, all we would need to do to bring about a more “non-repressive civilization” (p. 134) would be to refuse the parameters of the current symbolic; even something as simple as reducing the length of the working day would immediately realign our priorities, perhaps even impacting the very organization of our psychic lives. Our standard of living might drop somewhat, but we might also learn to assess the value of our lives according to other, less performance-oriented, measurements. Psychoanalysis, particularly Lacanian analysis, does not have a normative goal; it does not seek to tell us how we should desire but merely to explore the idiosyncratic contours of our desire. But this does not change the fact that Lacan, at least as a theorist, was exasperated by people’s inability to make their way out of the maze of the master’s morality, including its performance principle; he was frustrated by individuals who were so out of touch with the truth of their desire that they were willing to sacrifice this desire for the sake of social conformity and that they were, furthermore, willing to do so to the point of self-betrayal. As he explains, “What I call ‘giving ground relative to one’s desire’ is always accompanied in the destiny of the subject by some betrayal – you will observe it in every case and should note its importance. Either the subject betrays his own way, betrays himself, and the result is significant for him, or, more simply, he tolerates the fact that someone with whom he has more or less vowed to do something betrays his hope and doesn’t do for him what their pact entailed” (p. 321). Such a betrayal invariably results in the reassertion of the status quo, sending the subject back to the service of goods, what Lacan in this context calls “the common path” (p. 321). And given that desire, for Lacan, is “the metonymy of our being” (p. 321), betraying it in this way leads to the kind of psychic death that extinguishes the subject’s sense of agency. To use Lacan’s wording, “Doing things in the name of the good, and even more in the name of the good of the other, is something that is far from protecting us not only from guilt but also from all kinds of inner catastrophes” (p. 319). It is precisely such inner catastrophes that Lacanian clinical practice was designed to counter, though it may be Julia Kristeva – rather than Lacan himself – who has most clearly developed this interpretation of analytic work. Kristeva depicts psychoanalysis as a means of restoring the subject’s psychic aliveness, as an explicit revolt against the numbing impact of what she calls “the society of the spectacle” (2002, p. 4). This society of the spectacle – of technology, image, and speed – shares many parallels with Adorno’s “culture industry”: a flattened surface of the life world, a constriction of psychic space, a death of critical thought, the worship of efficiency over intellectual curiosity, and the incapacity to revolt. Against this backdrop, psychoanalysis – along with art, writing, and some forms of religious experience – offers, for Kristeva, a gateway to revolt, a way of resurrecting “the life of the mind” (a phrase Kristeva borrows from Hannah Arendt) through ongoing questioning, interrogation, and psychic recreation. “Freud founded psychoanalysis as an invitation to anamnesis in the goal of a rebirth, that is, a psychical restructuring,” Kristeva writes: “Through a narrative of free association and in the regenerative revolt against the old law (familial taboos, superego, ideals, oedipal or narcissistic limits, etc.) comes the singular autonomy of each, as well as a renewed link with the other” (2002, p. 8). In the context of my overall argument in this essay, it is worth stressing that it is “the desire of the subject” that, in Kristeva’s view, reserves a place “for initiative, autonomy” (2002, p. 11). This is in part because the “Freudian journey into the night of desire was followed by attention to the capacity to think: never one without the other” (2010, p. 41). In other words, the exploration of desire, in psychoanalysis, is akin to the critical (or at least curious) movement of thought – the very movement that Arendt also saw as vital to the life of the mind. This is why psychoanalysis has, Kristeva asserts, “the (unique?) privilege today of accompanying the emergence of new capacities of thinking/representing/thinking, beyond the frequent and increasingly noticeable disasters of psychosomatic space – capacities that are so many new bodies and new lives” (2010, pp. 41–42). Kristeva therefore draws the same link between desire and autonomy (in this instance, the capacity for critical thought) as Lacan does. Furthermore, to translate Kristeva’s point into Marcuse’s terminology, one might say that psychoanalysis, at least the kind of analysis that refuses to uphold social adaptation as a therapeutic goal, presents the possibility of sidestepping, or at the very least diminishing, the effects of surplus-repression. This, in turn, creates space for the truth of the subject’s desire in the Lacanian sense. This does not mean that repression as such is defeated. Quite the contrary, as we will see shortly, the truth of the subject’s desire is inextricable from the primary (constitutive) repression that accompanies subject formation. But as I have already suggested, the lifting of surplus-repression renders the imprint of primary repression more clearly discernable, for when surplus-repression is removed, what remains are the always highly singular outlines of primary repression. And if Lacan – like Marcuse – sought to remove surplus-repression, it was because he understood that it was on the level of primary repression (fundamental fantasies) that one could find the most basic building blocks of the subject’s psychic destiny; primary repression was the layer of psychic life that expressed something essential about the distinctive ways in which the pleasure principle, in the subject’s life, had become bound up with the repetition compulsion. This is why Lacan states, “If analysis has a meaning, desire is nothing other than that which supports an unconscious theme, the very articulation of that which roots us in a particular destiny, and that destiny demands insistently that the debt be paid, and desire keeps coming back, keeps returning, and situates us once again in a given track, the track of something that is specifically our business” (p. 319).According to Lacan, analysis aims to enable us to understand something about the eccentric specificity (or truth) of our most fundamental desire as well as about the track of destiny that this desire carves out for us (and that is therefore “specifically our business”). If it is indeed the case, as I have conceded, that most of us tend to be alienated from our desire, Lacanian analysis strives to undo this alienation by familiarizing us with the truth of this desire. This process entails, among other things, recognizing that the destiny we owe to this desire can never be definitively overcome, that the debt of desire can never be fully redeemed (for how are we to compensate the signifier for having brought us into being as subjects of desire?). Our destiny – which might initially coincide quite seamlessly with our repetition compulsion – consists of recurring efforts to pay off this debt, which is why it keeps ushering us to the same track of desire, the same nexus of psychic conundrums, our unconscious hope being that if we wear out the track of our desire by incessant reiteration, one day we might be able to absolve ourselves of our debt. But since we cannot, the only thing to be done is to “own” our destiny even as we might seek to mitigate its more painful dimensions. That is, the only way to arrive at the kind of psychic rebirth Kristeva is talking about is to take full responsibility for our (unconsciously generated) destiny. In the ethical act, our impulse is to embrace this destiny wholesale regardless of consequences (this is one way to understand what it means to plunge into the jouissance of the real). In analysis, the exploration of our destiny is more gradual, more self-reflexive. But in both cases, the point is not to obliterate our foundational destiny (or fundamental fantasies) but merely to elaborate it in more satisfying directions, away from the incapacitating effects of the repetition compulsion and toward the rewards of subjective autonomy. And, if we are to achieve this goal, nothing is more important than staying faithful to the truth of desire that, on the most elementary level, determines our destiny.

#### Vote negative to embrace the lack – this requires being open to the anxiety that occurs from an encounter with the real of the other and breaks down fantasy and drives.

McGowan 2 Todd McGowan, 2013, “Enjoying What We Don’t Have: The Political Project of Psychoanalysis,” University of Nebraska Press/Lincoln and London, SJBE

The alternative — the ethical path that psychoanalysis identifies — demands an embrace of the anxiety that stems from the encounter with the enjoying other. If there is a certain ethical dimension to anxiety, it lies in the rela- tionship that exists between anxiety and enjoyment. Contra Heidegger, the ethics of anxiety does not stem from anxiety’s relation to absence but from its relation to presence — to the overwhelming presence of the other’s enjoyment. In some sense, the encounter with absence or nothing is easier than the encounter with presence. Even though it traumatizes us, absence allows us to constitute ourselves as desiring subjects. Rather than producing anxiety, absence leads the subject out of anxiety into desire. Confronted with the lost object as a structuring absence, the subject is able to embark on the pursuit of the enjoyment embodied by this object, and this pursuit provides the subject with a clear sense of direction and even meaning. This is precisely what the subject lacks when it does not encounter a lack in the symbolic structure. When the subject encounters enjoyment at the point where it should encounter the absence of enjoyment, anxiety overwhelms the subject. In this situation, the subject cannot constitute itself along the path of desire. It lacks the lack — the absence — that would provide the space through which desire could develop. Consequently, this subject confronts the enjoying other and experiences anxiety. Unlike the subject of desire — or the subject of Heideggerean anxiety — the subject who suffers this sort of anxiety actually experiences the other in its real dimension.¶ The real other is the other caught up in its obscene enjoyment, caught up in this enjoyment in a way that intrudes on the subject. There is no safe distance from this enjoyment, and one cannot simply avoid it. There is nowhere in the contemporary world to hide from it. As a result, the contem- porary subject is necessarily a subject haunted by anxiety triggered by the omnipresent enjoyment of the other. And yet, this enjoyment offers us an ethical possibility. As Slavoj Žižek puts it, “It is this excessive and intrusive jouissance that we should learn to tolerate.”27 When we tolerate the other’s “excessive and intrusive jouissance” and when we endure the anxiety that it produces, we acknowledge and sustain the other in its real dimension.¶ Tolerance is the ethical watchword of our epoch. However, the problem with contemporary tolerance is its insistence on tolerating the other only insofar as the other cedes its enjoyment and accepts the prevailing symbolic structure. That is to say, we readily tolerate the other in its symbolic dimen- sion, the other that plays by the rules of our game. This type of tolerance allows the subject to feel good about itself and to sustain its symbolic identity. The problem is that, at the same time, it destroys what is in the other more than the other — the particular way that the other enjoys.¶ It is only the encounter with the other in its real dimension — the encounter that produces anxiety in the subject — that sustains that which defines the other as such. Authentic tolerance tolerates the real other, not simply the other as mediated through a symbolic structure. In this sense, it involves the experience of anxiety on the part of the subject. This is a difficult posi- tion to sustain, as it involves enduring the “whole opaque weight of alien enjoyment on your chest.”The obscene enjoyment of the other bombards the authentically tolerant subject, but this subject does not retreat from the anxiety that this enjoyment produces. If the embrace of the anxiety that accompanies the other’s proximate enjoyment represents the ethical position today, this does not necessarily provide us with an incentive for occupying it. Who wants to be ethical when it involves enduring anxiety rather than finding a way — a drug, a new authority, or something — to alleviate it? What good does it do to sustain oneself in anxiety? In fact, anxiety does the subject no good at all, which is why it offers the subject the possibility of enjoyment. When the subject encounters the other’s enjoyment, this is the form that its own enjoyment takes as well. To endure the anxiety caused by the other’s enjoyment is to experience one’s own simultaneously. As Lacan points out, when it comes to the enjoyment of the other and my own enjoyment, “nothing indicates they are distinct.” Thus, not only is anxiety an ethical position, it is also the key to embracing the experience of enjoyment. To reject the experience of anxiety is to flee one’s own enjoyment.¶ The notion that the other’s enjoyment is also our own enjoyment seems at first glance difficult to accept. Few people enjoy themselves when they hear someone else screaming profanities in the workplace or when they see a couple passionately kissing in public, to take just two examples. In these instances, we tend to recoil at the inappropriateness of the activity rather than enjoy it, and this reaction seems completely justified. The public display of enjoyment violates the social pact with its intrusiveness; it doesn’t let us alone but assaults our senses. It violates the implicit agreement of the public sphere constituted as an enjoyment-free zone. And yet, recoiling from the other’s enjoyment deprives us of our own.¶ How we comport ourselves in relation to the other’s enjoyment indi- cates our relationship to our own. What bothers us about the other — the disturbance that the other’s enjoyment creates in our existence — is our own mode of enjoying. If we did not derive enjoyment from the other’s enjoyment, witnessing it would not bother us psychically. We would sim- ply be indifferent to it and focused on our own concerns. Of course, we might ask an offending car radio listener to turn the radio down so that we wouldn’t have to hear the unwanted music, but we would not experience the mere exhibition of alien enjoyment through the playing of that music as an affront. The very fact that the other’s enjoyment captures our attention demonstrates our intimate — or extimate — relation to it. This relation becomes even clearer when we consider the epistemo- logical status of the enjoying other. Because the real or enjoying other is irreducible to any observable identity, we have no way of knowing whether or not the other really is enjoying. A stream of profanity may be the result of someone hurting a toe. The person playing the car radio too loud while sitting at the traffic light may have simply forgotten to turn down the radio after driving on the highway. Or the person may have difficulty hearing. The couple’s amorous behavior in public may reflect an absence of enjoyment in their relationship that they are trying to hide from both themselves and the public.¶ Considering the enjoyment of the other, we never know whether it is there or not. If we experience it, we do so through the lens of our own fantasy. We fantasize that the person blasting the radio is caught up in the enjoyment of the music to the exclusion of everything else; we fantasize that the public kisses of the couple suggest an enjoyment that has no concern for the outside world. Without the fantasy frame, the enjoying other would never appear within our experience.¶ The role of the fantasy frame for accessing the enjoying other becomes apparent within Fascist ideology. Fascism posits an internal enemy — the figure of the Jew or some analogue — that enjoys illicitly at the expense of the social body as a whole. By attempting to eliminate the enjoying other, Fascism hopes to create a pure social body bereft of any stain of enjoy- ment. This purity would allow for the ultimate enjoyment, but it would be completely licit. This hope for a future society free of any stain is not where Fascism’s true enjoyment lies, however. Fascists experience their own enjoyment through the enjoying other that they persecute. The enjoy- ment that the figure of the Jew embodies is the Fascists’ own enjoyment, though they cannot avow it as their own. More than any other social form, Fascism is founded on the disavowal of enjoyment — the attempt to enjoy while keeping enjoyment at arm’s length. But this effort is not confined to Fascism; it predominates everywhere, because no subjects anywhere can simply feel comfortable with their own mode of enjoying.¶ The very structure of enjoyment is such that we cannot experience it directly: when we experience enjoyment, we don’t have it; it has us. We experience our own enjoyment as an assault coming from the outside that dominates our conscious intentions. This is why we must fantasize our own enjoyment through the enjoying other. Compelled by our enjoyment, we can’t do otherwise; we act against our self-interest and against our own good. Enjoyment overwhelms the subject, even though the subject’s mode of enjoying marks what is most singular about the subject.¶ Even though the encounter with the enjoying other apprehends the real other through the apparatus of fantasy, this encounter is nonetheless genuine and has an ethical status. Unlike the experience of the nonexistent symbolic identity, which closes down the space in which the real other might appear, the fantasized encounter with the enjoying other leaves this space open. By allowing itself to be disturbed by the other on the level of fantasy, the subject acknowledges the singularity of the real other — its mode of enjoying — without confining this singularity to a prescribed identity.¶ The implications of privileging the encounter with the disturbing enjoy- ment of the real other over the assimilable symbolic identity are themselves disturbing. The tolerant attitude that never allows itself to be jarred by the enjoying other becomes, according to this way of seeing things, further from really encountering the real other than the attitude of hate and mis- trust. The liberal subject who welcomes illegal immigrants as fellow citizens completely shuts down the space for the other in the real. The immigrant as fellow citizen is not the real other. The xenophobic conservative, on the other hand, constructs a fantasy that envisions the illegal immigrant awash in a linguistic and cultural enjoyment that excludes natives. This fantasy, paradoxically, permits an encounter with the real other that liberal tolerance forecloses. Of course, xenophobes retreat from this encounter and from their own enjoyment, but they do have an experience of it that liberals do not. The tolerant liberal is open to the other but eliminates the otherness, while the xenophobic conservative is closed to the other but allows for the otherness. The ethical position thus involves sustaining the liberal’s toler- ance within the conservative’s encounter with the real other.

## 3

#### The United States ought to request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional right to strike].The United States ought to abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### US compliance ensures faith in global democratic institutions – solves nuclear war.

Hawksley ’16 [Humphrey; formerly the BBC’s Beijing Bureau Chief and author of The Third World War: A Novel of Global Conflict and Asian Waters: American, China, and the Global Paradox; 11-19-2016; "Trump makes International Law Crucial for Peace"; Humphrey Hawksley; https://www.humphreyhawksley.com/trump-makes-international-law-crucial-for-peace/; Accessed 4-1-2020; AH]

Major powers tend to reject international law when rulings run counter to their interests insisting that the distant courts carry no jurisdiction. China rejected a Permanent Court of Arbitration’s ruling in July and clings to expansive claims in the South China Sea, including Scarborough Shoal near the Philippines. China’s response mirrored US rejection of a 1986 International Court of Justice ruling against US support for rebels in Nicaragua. “With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties,” writes journalist Humphrey Hawksley for YaleGlobal Online. Disregard for the rule of law weakens the legal system for all. Hawksley offers two recommendations for renewing respect for international law: intuitional overhaul so that the all parties recognize the courts, rejecting decisions only as last resort, and governments accepting the concept, taking a long-term view on balance of power even when rulings go against short-term strategic interests. Reforms may be too late as China organizes its own parallel systems for legal reviews and global governance, Hawksley notes, but international law, if respected, remains a mechanism for ensuring peace. – YaleGlobal LONDON: Flutter over the surprise visit to China by Philippines President Rodrigo Duterte may soon fade. But his abrupt and public dismissal of the United States in favor of China has weakened the argument that international rule of law could underpin a changing world order. The issue in question was the long-running dispute between China and the Philippines over sovereignty of Scarborough Shoal, situated 800 kilometers southeast of China and 160 kilometers west of the Philippines mainland, well inside the United Nations–defined Philippines Exclusive Economic Zone. Despite a court ruling and Duterte’s cap in hand during his October mission to Beijing, Philippine fishing vessels still only enter the waters around Scarborough Shoal at China’s mercy. The dispute erupted in April 2012, when China sent ships to expel Filipino fishing crews and took control of the area. The standoff became a symbol of Beijing’s policy to lay claim to 90 percent of the South China Sea where where it continues to build military outposts on remote reefs and artificially created islands in waters claimed by other nations. Lacking military, diplomatic or economic muscle, the Philippines turned to the rule of law and the Permanent Court of Arbitration in the Hague. A panel of maritime judges ruled China’s claim to Scarborough Shoal invalid in July this year. China refused to recognize the tribunal from the start and declared the decision “null and void,” highlighting the complex balance in the current world order between national power and the rule of law. Beijing’s response mirrored a 1986 US response to Nicaragua’s challenge in the International Court of Justice. The court ruled against the United States for mining Nicaragua’s harbors and supporting right-wing Contra rebels. The United States claimed the court had no jurisdiction. China’s response on the South China Sea ruling mirrors a 1986 US response.With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties. The Western liberal democratic system is being challenged, and confrontations in Asia and Europe, as in Crimea and Ukraine, replicate the lead-up to the global conflicts of last century’s Cold War. As Nicaragua and Central America were a flashpoint in the 1980s, so Scarborough Shoal and South China Sea are one now. Other flashpoints are likely to emerge as China and Russia push to expand influence. Western democracies being challenged by rising powers have a troubled history. The 1930s rise of Germany and Japan; the Cold War’s proxy theaters in Vietnam, Nicaragua and elsewhere; and the current US-Russian deadlock over Syria are evidence that far more thought must be given in the deployment of international law as a mechanism for keeping the peace The view is supported, on the surface at least, by Russia and China who issued a joint statement in June arguing that the concept of “strategic stability” being assured through nuclear weapons was outdated and that all countries should abide by principles stipulated in the “UN Charter and international law.” Emerging power India, with its mixed loyalties, shares that view. “The structures for international peace and security are being tested as never before,” says former Indian ambassador to the UN, Hardeep Singh Puri, author of Perilous Interventions: The Security Council and the Politics of Chaos. “It is everyone’s interest to re-establish the authority of the Security Council and reassert the primacy of law.”

## Case

#### Wighability

#### 1). Can’t weigh how many headaches equal a migraine

### Advantage

#### Aff gets circumvented.

Lanard 17 [Noah Lanard, editorial fellow. Donald Trump just took another swipe at the labor unions that helped elect him, Mother Jones, 7-19-2017, Accessible Online at http://www.motherjones.com/politics/2017/07/trumps-labor-board-appointments-are-another-blow-for-unions/]

Trump’s NLRB nominees are expected to create further challenges for workers seeking to unionize. Emanuel is a shareholder and longtime lawyer at Littler, the world’s largest management-side employment law firm. Sen. Elizabeth Warren (D-Mass.) has called it is one of the nation’s “most ruthless” union-busters. Emanuel’s clients include Uber and other companies accused of violating workers’ rights, according to his ethics disclosure form.

Outside of his legal practice, Emanuel has decried California’s “terrible climate for job creation,” citing the state’s generous overtime and break requirements for employees.

Kaplan was previously an attorney for the House education and labor committee. In that role, he drafted a bill to reverse an NLRB rule, dubbed the “ambush election rule” by conservative critics, that allowed workers to vote on unionization as soon as 11 days after a petition was submitted. The bill, which did not pass, would have also reversed the board’s recognition of micro-unions.

At Emanuel and Kaplan’s nomination hearing last week, Sens. Al Franken (D-Minn.) and Warren were particularly concerned by Emanuel’s record of defending the mandatory arbitration agreements that Carlson and many others have signed. Pressed by Franken, Emanuel declined to criticize arbitration agreements that prevent women who are sexually harassed from suing their employers in court. In theory, the legality of the arbitration agreements is now in the Supreme Court’s hands. But Ronald Meisburg, a former NLRB board member, has said it’s possible the NLRB could revisit the decision before the court decides. Emanuel told Warren he does not expect to recuse himself if the issue comes up.

The committee’s approval of both nominees along party lines on Wednesday follows other moves under Trump that are less than friendly to labor. Trump’s nominee for deputy labor secretary, Patrick Pizzella, was criticized last week for working with disgraced lobbyist Jack Abramoff to advocate for what was compared to sweatshop labor in the Northern Mariana Islands, a US commonwealth, in the early 2000s. The goods, which were often made by Chinese and Filipino workers, had the advantage of being stamped “Made in the USA.”

Neil Gorsuch, whom Trump appointed to the Supreme Court, has a long record of siding with employers in labor disputes. In the court’s upcoming term, Gorsuch will hear arguments in a case that will decide whether mandatory arbitration agreements violate the National Labor Relations Act.

#### Every metric flows neg---the world is getting better.

--poverty is declining rapidly post-Industrial revolution

--other metrics are positive: health, education, moral expansion

--tech innovation is increasing

--we’re cognitively biased toward belief in collapse

Dr. Toby Ord 20, Senior Research Fellow in Philosophy at Oxford University, DPhil in Philosophy from the University of Oxford, The Precipice: Existential Risk and the Future of Humanity, p. 17-19

Yet despite these real problems, on average human life today is substantially better than at any previous time. The most striking change may be in breaking free from poverty. Until 200 years ago—the last thousandth of our history25—increases in humanity’s power and prosperity came hand in hand with increases in the human population. Income per person stayed almost unchanged: a little above subsistence in times of plenty; a little below in times of need.26 The Industrial Revolution broke this rule, allowing income to grow faster than population and ushering in an unprecedented rise in prosperity that continues to this day.

We often think of economic growth from the perspective of a society that is already affluent, where it is not immediately clear if further growth even improves our lives. But the most remarkable effects of economic growth have been for the poorest people. In today’s world, one out of ten people are so poor that they live on less than two dollars per day—a widely used threshold for “extreme poverty.” That so many have so little is among the greatest problems of our time, and has been a major focus of my life. It is shocking then to look further back and see that prior to the Industrial Revolution 19 out of 20 people lived on less than two dollars a day (even adjusting for inflation and purchasing power). Until the Industrial Revolution, any prosperity was confined to a tiny elite with extreme poverty the norm. But over the last two centuries more and more people have broken free from extreme poverty, and are now doing so more quickly than at any earlier time.27 Two dollars a day is far from prosperity, and these statistics can be of little comfort to those who are still in the grip of poverty, but the trends toward improvement are clear.

And it is not only in terms of material conditions that life has improved. Consider education and health. Universal schooling has produced dramatic improvements in education. Before the Industrial Revolution, just one in ten of the world’s people could read and write; now more than eight in ten can do so.28 For the 10,000 years since the Agricultural Revolution, life expectancy had hovered between 20 and 30 years. It has now more than doubled, to 72 years.29 And like literacy, these gains have been felt across the world. In 1800 the highest life expectancy of any country was a mere 43 years, in Iceland. Now every single country has a life expectancy above 50.30 The industrial period has seen all of humanity become more prosperous, educated and long-lived than ever before. But we should not succumb to complacency in the face of this astonishing progress. That we have achieved so much, and so quickly, should inspire us to address the suffering and injustices that remain.

We have also seen substantial improvements in our moral thinking.31 One of the clearest trends is toward the gradual expansion of the moral community, with the recognition of the rights of women, children, the poor, foreigners and ethnic or religious minorities. We have also seen a marked shift away from violence as a morally acceptable part of society.32 And in the last sixty years we have added the environment and the welfare of animals to our standard picture of morality. These social changes did not come naturally with prosperity. They were secured by reformers and activists, motivated by the belief that we can—and must—improve. We still have far to go before we are living up to these new ideals, and our progress can be painfully slow, but looking back even just one or two centuries shows how far we have come.

Of course, there have been many setbacks and exceptions. The path has been tumultuous, things have often become better in some ways while worse in others, and there is certainly a danger of choosing selectively from history to create a simple narrative of improvement from a barbarous past to a glorious present. Yet at the largest scales of human history, where we see not the rise and fall of each empire, but the changing face of human civilization across the entire globe, the trends toward progress are clear.33

It can be hard to believe such trends, when it so often feels like everything is collapsing around us. In part this skepticism comes from our everyday experience of our own lives or communities over a timespan of years—a scale where downs are almost as likely as ups. It might also come from our tendency to focus more on bad news than good and on threats rather than opportunities: heuristics that are useful for directing our actions, but which misfire when attempting to objectively assess the balance of bad and good.34 When we try to overcome these distortions, looking for global indicators of the quality of our lives that are as objective as possible, it is very difficult to avoid seeing significant improvement from century to century.

And these trends should not surprise us. Every day we are the beneficiaries of uncountable innovations made by people over hundreds of thousands of years. Innovations in technology, mathematics, language, institutions, culture, art; the ideas of the hundred billion people who came before us, and shaped almost every facet of the modern world.35 This is a stunning inheritance. No wonder, then, that our lives are better for it.