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#### Counterplan Text – Member states of the World Trade Organization ought to consult the World Health Organization on whether or not to [do the Plan]. The World Health Organization ought to publicly declare that their decision on [the Plan] will represent their future decisions on all intellectual property protections on medicines.

#### The Plan’s unilateral action by the WTO on medical IP undermines WHO legitimacy – forcing a perception of WHO action against Patents is key to re-assert it – they say yes.

Rimmer 4, Matthew. "The race to patent the SARS virus: the TRIPS agreement and access to essential medicines." Melbourne Journal of International Law 5.2 (2004): 335-374.

<https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1681117/Rimmer.pdf> (BA (Hons), LLB (Hons) (Australian National University), PhD (New South Wales); Lecturer at ACIPA, the Faculty of Law, The Australian National University)//SidK + Elmer

The WHO has been instrumental in coordinating the international network of research on the SARS virus. It has emphasised the need for collaboration between the network participants. The WHO presented the containment of the SARS virus as ‘one of the biggest success stories in public health in recent years’.206 However, it **was less active in the debate over patent law** and public health epidemics. The 56th World Health Assembly considered the relationship between intellectual property, innovation and public health. It stressed that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.207 However, there was much disagreement amongst the member states as to what measures would be appropriate. The WHO has made a number of **aspirational statements** about patent law and access to essential medicines. Arguably, though, the organisation could be a much more informed and vocal advocate. Initially, the WHO did not view the patent issues related to SARS as being within its field of activities. The agency **did not even seem aware of the patent proceedings**, leaving individual research institutions without guidance. Spokesman Dick Thompson said: ‘What we care about is [that] the international collaboration continues to function. Patents, they don’t really concern us’.208 The director of WHO’s Global Influenza project, Klaus Stöhr, expressed his opinion that the patent filings would not interfere with the international cooperation on the SARS research: ‘I don’t think this will undermine the collaborative spirit of the network of labs’.209 However, he believed that, after the international network of researchers had identified the coronavirus, it was necessary to rely upon companies to commercialise such research. Klaus Stöhr conceded: ‘At a certain point of time you have to give way for competitive pharmaceutical companies’.210 On a policy front, the WHO **remained deferential** to the WTO over the debate over patent law and access to essential medicines, observing: Owing to the inconclusive nature of the studies conducted to date, and because of the effect that potentially significant price increases could have on access to drugs in poor countries, WHO is currently monitoring and evaluating the effects of TRIPS on the prices of medicines. It is also monitoring the TRIPS impact on other important issues such as transfer of technology, levels of research and development for drugs for neglected diseases, and the evolution of generic drug markets.211 In such a statement, the WHO appears diffident, **unwilling to take on more than a spectator** role. Such a position is arguably too timid, given the gravity of national emergencies, such as the SARS virus. The organisation could take a much stronger stance on the impact of the **TRIPS** Agreement on public health concerns. The WHO has since enunciated a position statement on the patenting of the SARS virus. A number of high ranking officials from the organisation have commented on the need to ensure that international research into the SARS virus is not impeded by competition over patents. Arguably though, the **WHO should not be limited to a mere spectator role in such policy discussions. It needs to play an active advocacy role in the debate over patent law and access to essential medicines**. The WHO released a position statement on ‘Patent Applications for the SARS Virus and Genes’ on 29 May 2003.212 The organisation stressed that it had no per se objection to the patenting of the SARS virus: Some people have objected to the SARS patent applications on the ground that the virus and its genes should not be patentable because they are mere discoveries, not inventions. This distinction no longer prevents the granting of patents; the novel claim rests not with the virus itself but with its isolation, and likewise with the identification of the genetic sequence not its mere occurrence. Many patents have been issued on viruses and genetic sequences, though the appropriate policies to follow in such cases — particularly as genomic sequencing becomes more routine and less ‘inventive’ — remain matters of dispute.213 Furthermore, it recognised that public institutions could legitimately use patents as a defensive means to prevent undue commercial exploitation of the research: The “defensive” use of patents can be a legitimate part of researchers’ efforts to make their discoveries (and further discoveries derived therefrom) widely available to other researchers, in the best collaborative traditions of biomedical science.214 The WHO affirmed the need for further cooperation between research organisations in respect of the SARS virus: ‘For continued progress against SARS, it is essential that we nurture the spirit of the unprecedented, global collaboration that rapidly discovered the novel virus and sequenced its genome’.215 The WHO announced its intention to monitor the effects of patents (and patent applications) on the speed with which SARS diagnostic tests, treatments, and vaccines are developed and made available for use, and on the manner in which prices are set for these technologies. It observed: In the longer term, the manner in which SARS patent rights are pursued could have a profound effect on the willingness of researchers and public health officials to collaborate regarding future outbreaks of new infectious diseases. WHO will therefore examine whether the terms of reference for such collaborations need to be modified to ensure that the credit for any intellectual property developed is appropriately attributed, that revenues derived from licensing such property are devoted to suitable uses, and that legitimate rewards for innovative efforts do not impose undue burdens on efforts to make tests, therapies, and preventive measure available to all.216 It maintained that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.219 The Assembly requested that the Director-General continue to support Member States in the exchange and transfer of technology and research findings, according high priority to access to antiretroviral drugs to combat HIV/AIDS and medicines to control tuberculosis, malaria and other major health problems, in the context of paragraph 7 of the Doha Declaration which promotes and encourages technology transfer.220 The WHO also considered a report on the emergence of the SARS virus and the international response to the infectious disease.221 It was ‘deeply concerned that SARS ... poses a serious threat to global health security, the livelihood of populations, the functioning of health systems, and the stability and growth of economies’.222 The Committee on Infectious Diseases requested that the Director-General ‘mobilize global scientific research to improve understanding of the disease and to develop control tools such as diagnostic tests, drugs and vaccines that are accessible to and affordable by Member States’.223 The Director-General of the WHO, Dr Gro Harlem Brundtland, **told the World Health** Assembly that there was a need to build trust and forge solidarity in the face of public health epidemics: ‘**Ensuring that patent regimes stimulate research and do not hinder international scientific cooperation** is a critical challenge — whether the target is SARS or any other threat to human health’.224 Similarly, Dr Marie-Paule Kieny, Director of the WHO Initiative for Vaccine Research, said: If we are to develop a SARS vaccine more quickly than usual, we have to continue to work together on many fronts at once, on scientific research, intellectual property and patents issues, and accessibility. It is a very complicated process, involving an unprecedented level of international cooperation, which is changing the way we work.225 She emphasised that patents and intellectual property issues and their safeguards can help rather than hinder the rapid development of SARS vaccines and ensure that, once developed, they are available in both industrialised and developing countries.226 C Summary The WHO should play a much more active role in the policy debate over patent law and access to essential medicines. James Love, the director of the Consumer Project on Technology, run by Ralph Nader, is critical of the WHO statement on ‘Intellectual Property Rights, Innovation, and Public Health’.227 He maintains that the Assembly could have addressed ‘practical examples, like SARS’ and cites the report in The Washington Post that notes that a number of commercial companies are investing in SARS research.228 The non-government organisation Médecins Sans Frontières has been critical in the past of the passive role played by the WHO in the debate over access to essential medicines: ‘As the world’s leading health agency, and armed with the clear mandate of recent World Health Assembly resolutions, the WHO can and should **do much more’**.229 The WHO should become a vocal advocate for public health concerns at the WTO and its TRIPS Council — especially in relation to patent law and the SARS virus. It must staunchly defend the rights of member states to incorporate measures in their legislation that protect access to medicines — such as compulsory licensing, parallel imports, and measures to accelerate the introduction of generic pharmaceutical drugs. It needs to develop a clearer vision on global equity pricing for essential medicines. The race to patent the SARS virus seems to be an inefficient means of allocating resources. A number of public research organisations — including the BCCA, the CDC and HKU — were compelled to file patents in respect of the genetic coding of the SARS virus. Such measures were promoted as ‘defensive patenting’ — a means to ensure that public research and communication were not jeopardised by commercial parties seeking exclusive private control. However, there are important drawbacks to such a strategy. The filing of patents by public research organisations may be prohibitively expensive. It will also be difficult to resolve the competing claims between the various parties — especially given that they were involved in an international research network together. Seth Shulman argues that there is a need for international cooperation and communication in dealing with public health emergencies such as the SARS virus: The success of a global research network in identifying the pathogen is an example of the huge payoff that can result when researchers put aside visions of patents and glory for their individual laboratories and let their work behave more like, well, a virus. After all, the hallmark of an opportunistic virus like the one that causes SARS is its ability to spread quickly. Those mounting a response need to disseminate their information and innovation just as rapidly.230 There is a danger that such competition for patent rights may undermine trust and cooperation within the research network. Hopefully, however, such concerns could be resolved through patent pooling or joint ownership of patents. Furthermore, a number of commercial companies have filed patent applications in respect of research and development into the SARS virus. There will be a need for cooperation between the public and private sectors in developing genetic tests, vaccines, and pharmaceutical drugs that deal with the SARS virus. There is also a need to reform the patent system to deal with international collaborative research networks — such as that created to combat the SARS virus. Several proposals have been put forward. There has been a renewed debate over whether patents should be granted in respect of genes and gene sequences. Some commentators have maintained that the SARS virus should fall within the scope of patentable subject matter — to promote research and development in the field. However, a number of critics of genetic technology have argued that the SARS virus should not be patentable because it is a discovery of nature, and a commercialisation of life. There has been a discussion over the lack of harmonisation over the criteria of novelty and inventive step between patent regimes. As Peter Yu comments, ‘[w]hile [the] US system awards patents to those who are the first to invent, the European system awards patents to those who are the first to file an application’.231 There have been calls for the requirement of utility to be raised. There have also been concerns about prior art, secret use and public disclosure. Representative Lamar Smith of Texas has put forward the CREATE Act, which recognises the collaborative nature of research across multiple institutions. Such reforms are intended to ensure that the patent system is better adapted to deal with the global nature of scientific inquiry. The race to patent the SARS virus also raises important questions about international treaties dealing with access to essential medicines. The public health epidemic raises similar issues to other infectious diseases — such as AIDS, malaria, tuberculosis, influenza, and so forth. The WHO made a public statement about its position on the patenting of the SARS virus. It has stated that it will continue to monitor developments in this field. Arguably, there is a need for the WHO to play a larger role in the debate **over patent law and** access to essential medicines. **Not only could it mediate legal disputes** over patents in respect of essential medicines, it could be a vocal advocate in policy discussions. The WTO has also played an important role in the debate over patent law and access to essential medicines. A number of public interest measures could be utilised to secure access to patents relating to the SARS virus including compulsory licensing, parallel importation and research exceptions. The appearance of the SARS virus shows that there should be an open-ended interpretation of the scope of diseases covered by the Doha Declaration on the TRIPS Agreement and Public Health. Important lessons should be learned from the emergence of the SARS virus, and the threat posed to global health. As the World Health Report 2003 notes: SARS will not be the last new disease to take advantage of modern global conditions. In the last two decades of the 20th century, new diseases emerged at the rate of one per year, and this trend is certain to continue. Not all of these emerging infections will transmit easily from person to person as does SARS. Some will emerge, cause illness in humans and then disappear, perhaps to recur at some time in the future. Others will emerge, cause human illness and transmit for a few generations, become attenuated, and likewise disappear. And still others will emerge, become endemic, and remain important parts of our human infectious disease ecology.232 Already, in 2004, there have been worries that pharmaceutical drug companies and patent rights are impeding efforts to prevent an outbreak of bird flu — avian influenza.233 There is a need to ensure that the patent system is sufficiently flexible and adaptable to cope with the appearance of new infectious diseases.234

#### WHO Cred key to Global Right to Health – medicine access is critical.

* Note the Bottom Paragraph is at the bottom of the PDF – I put a paragraph break to indicate it as such – no words are missing.

Bluestone 3, Ken. "Strengthening WHO's position should be a priority for the new Director-General." The Lancet 361.9351 (2003): 2. (Senior Policy Adviser, Voluntary Service Overseas (VSO))//Elmer

To meet these challenges, WHO must strengthen its resolve to maintain its **independence and lead its member states**, **even at the risk of causing controversy**. A meaningful example is the role that WHO can have in **ensuring access to medicines** for the world’s poorest people. WHO is the only global institution that has the **remit to drive this agenda forward**, yet has failed to do so convincingly. The new Director-General must support and reinvigorate the advocacy efforts of the organisation and provide a proper counterbalance to the interests of the pharmaceutical industry and wealthy member states. As the new Director-General takes office, they will face the dual challenge of **seeing that** the broadest possible public health interpretation of the World Trade Organization’s Doha Agreement on Trade Related Aspects on Intellectual Property Rights (TRIPS) **is not lost, and** of seizing an opportunity to bring about an international framework for sustainable and predictable tiered pricing of medicines. Without the active intervention of a public health advocate at the level of WHO, there is a risk that both of these initiatives **could founder.** Some people in positions of power still do not have high expectations of WHO or its new Director-General. But for the world’s poorest people, the overwhelming majority of whom live in developing countries, this person’s legacy could literally make the difference between life and death. Ken Bluestone Senior Policy Adviser, Voluntary Service Overseas (VSO)

New leader should re-establish WHO’s credibility The credibility of WHO’s advocacy of the right to health for all has been eroded in recent years. A large reason is WHO’s **failure to challenge the pharmaceutical** industry on access to medicines for people with HIV/AIDS and other diseases. WHO’s collaboration with the industry in the “Accelerated Access” programme on antiretroviral medicines sounds good. In fact, the programme has served as a cover for the organisation’s frequent acceptance of industry arguments for restricting treatment access. To re-establish WHO’s credibility, the new Director-General must lead the organisation to stand consistently with those most deprived of health services. Kenneth Roth, Executive Director, Human Rights Watch.

#### Right to Health solves Nationalist Populism.

Friedman 17 Eric Friedman March 2017 “New WHO Leader Will Need Human Rights to Counter Nationalistic Populism” <https://www.hhrjournal.org/2017/03/new-who-leader-will-need-human-rights-to-counter-populism/> (JD, Project Leader of the Platform for a Framework Convention on Global Health at the O’Neill Institute for National and Global Health Law at the Georgetown University Law Center in Washington, DC)//Elmer

The need for WHO leadership on human rights—and for global leadership on health and human rights beyond WHO—has always been present, yet has become ever more pressing. A reactionary, nationalist populism has been gaining momentum, particularly in the United States and parts of Europe, and some of its most disturbing features, such as xenophobia and disregard for international law and institutions, are surfacing elsewhere. Persisting health challenges—such as immense national and **global health inequities**, with universal health coverage and the Sustainable Development Goals offering some hope of lessening them—and growing threats such as outbreaks of infectious disease, worsening antimicrobial resistance, and climate change demand the type of leadership that the right to health entails. In this immensely challenging environment, WHO needs to become a 21st century institution that has the gravitas and credibility to carve a path through these obstacles towards global health justice. The next WHO Director-General, to be elected in May, must lead the organization there. The right to health can light the way ahead, with reforms to, and driven by, WHO. These reforms must develop an internal governance that is far more welcoming of civil society, with WHO member states significantly increasing contributions so work on the social determinants of health can expand, and with enhanced transparency and accountability. Furthermore, reforms are needed so that WHO leads on global health equity and human rights, including through national health equity strategies and, above all, the Framework Convention on Global Health (FCGH). The FCGH could help bring the right to health to the next level by capturing core aspects of the right to health, such as: 1) participation and accountability, setting clear standards for people’s participation in health policy-making at all levels, and establishing multi-layered health accountability frameworks with standards to which all nations would be held; 2) equity, including by catalyzing national health equity strategies—which must be developed through broad participation, itself a potentially empowering process—and advancing data disaggregation and more equitable financing; 3) financial resources, with global norms on national and international health financing responsibilities; and 4) respecting and promoting the right to health in all policies, from setting standards on health impact assessments—including participatory processes in developing them, human rights standards, an equity focus, and follow-up processes—to firmly ensuring the primacy of the right to health in other legal regimes that may undermine. From an earlier WHO treaty, the Framework Convention on Tobacco Control, we know the power of international law to significantly advance health, with the transformative power of legally binding global health norms. As a treaty, the FCGH would increase political accountability and accountability through the courts, while helping protect health other treaty-based international regimes, such as trade. It would also be a bold assertion of global solidarity for global justice, as so urgently needed, “demonstrating that the community of **nations are indeed stronger together**.” One candidate for the WHO Director-General election, David Nabarro, has recognized the value and civil society support that FCGH has already received, and the need to further explore the treaty (mentioned at 1:46:38 mark). A good first step would be establishing a WHO working group on the FCGH, with broad participation, particularly from states, civil society, and representatives of communities most affected by health inequities, along with relevant international agencies. We see signs of **resistance of the dangerous nationalist populism**, from protests that persist and judicial checks on one of the administration’s vilest acts (an immigration and refugee travel ban, with its effects falling heaviest on Muslims) in the United States to the rejection of the far-right candidate in the elections in the Netherland. Such resistance can prevent some of the worst impacts on the right to health, from discrimination against migrants to cuts to programs vital for health. Meanwhile, let’s construct an edifice for the future of health and human rights, even as we stand against its destruction. WHO, right to health, and FCGH leadership ought to be a core part of that endeavor.

#### Populism is an existential threat.

de Waal 16 Alex de Waal 12-5-2016 “Garrison America and the Threat of Global War” <http://bostonreview.net/war-security-politics-global-justice/alex-de-waal-garrison-america-and-threat-global-war> (Executive Director of the World Peace Foundation at the Fletcher School at Tufts University)//Elmer

Polanyi recounts how economic and financial crisis led to global calamity. Something similar could happen today. In fact we are already in a steady unpicking of the liberal peace that glowed at the turn of the millennium. Since approximately 2008, the historic decline in the number and lethality of wars appears to have been reversed. Today’s wars are not like World War I, with formal declarations of war, clear war zones, rules of engagement, and definite endings. But they are wars nonetheless. What does a world in global, generalized war look like? We have an unwinnable “war on terror” that is metastasizing with every escalation, and which has blurred the boundaries between war and everything else. We have deep states—built on a new oligarchy of generals, spies, and private-sector suppliers—that are strangling liberalism. We have emboldened middle powers (such as Saudi Arabia) and revanchist powers (such as Russia) rearming and taking unilateral military action across borders (Ukraine and Syria). We have massive profiteering from conflicts by the arms industry, as well as through the corruption and organized crime that follow in their wake (Afghanistan). We have impoverishment and starvation through economic warfare, the worst case being Yemen. We have “peacekeeping” forces fighting wars (Somalia). We have regional rivals threatening one another, some with nuclear weapons (India and Pakistan) and others with possibilities of acquiring them (Saudi Arabia and Iran). Above all, today’s generalized war is a conflict of destabilization, with big powers intervening in the domestic politics of others, buying influence in their security establishments, bribing their way to big commercial contracts and thereby corroding respect for government, and manipulating public opinion through the media. Washington, D.C., and Moscow each does this in its own way. Put the pieces together and a global political market of rival plutocracies comes into view. Add virulent reactionary populism to the mix and it resembles a war on democracy. What more might we see? Economic liberalism is a creed of optimism and abundance; reactionary protectionism feeds on pessimistic scarcity. If we see punitive trade wars and national leaders taking preemptive action to secure strategic resources within the walls of their garrison states, then old-fashioned territorial disputes along with accelerated state-commercial grabbing of land and minerals are in prospect. We could see mobilization against immigrants and minorities as a way of enflaming and rewarding a constituency that can police borders, enforce the new political rightness, and even become electoral vigilantes. Liberal multilateralism is a system of seeking common wins through peaceful negotiation; case-by-case power dealing is a zero-sum calculus. We may see regional arms races, nuclear proliferation, and opportunistic power coalitions to exploit the weak. In such a global political marketplace, we would see middle-ranking and junior states rewarded for the toughness of their bargaining, and foreign policy and security strategy delegated to the CEOs of oil companies, defense contractors, bankers, and real estate magnates. The United Nations system appeals to leaders to live up to the highest standards. The fact that they so often conceal their transgressions is the tribute that vice pays to virtue. A cabal of plutocratic populists would revel in the opposite: applauding one another’s readiness to tear up cosmopolitan liberalism and pursue a latter-day mercantilist naked self-interest. Garrison America could opportunistically collude with similarly constituted political-military business regimes in Russia, China, Turkey, and elsewhere for a new realpolitik global concert, redolent of the early nineteenth-century era of the Congress of Vienna, bringing a façade of stability for as long as they collude—and war when they fall out. And there is a danger that, in response to a terrorist outrage or an international political crisis, President Trump will do something stupid, just as Europe’s leaders so unthinkingly strolled into World War I. The multilateral security system is in poor health and may not be able to cope. Underpinning this is a simple truth: the plutocratic populist order is a future that does not work. If illustration were needed of the logic of hiding under the blanket rather than facing difficult realities, look no further than Trump’s readiness to deny climate change. We have been here before, more or less, and from history we can gather important lessons about what we must do now. The importance of defending civility with democratic deliberation, respecting human rights and values, and maintaining a commitment to public goods and the global commons—including the future of the planet—remain evergreen. We need to find our way to a new 1945—and the global political settlement for a tamed and humane capitalism—without having to suffer the catastrophic traumas of trying everything else first.

#### Nuke war causes extinction

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PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

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#### Their investment in sociality and endurane represents a disinvesment from the present, papering over austerity, and reinvest in communal forms that harness and displaces psychologically affective energies in destructive ways.

**Fax 16**

(Joanna Fax, PhD in English and Postdoctoral Fellow @ Program in Writing and Communication, Rice University. Sexual Deregulation: Reading U.S. Subjects of Affective Labor from the Early Cold War to the Neoliberal Era”, p. 119-124, 134-136)//TR

Desert of the Heart is also a novel about social reproduction from a lesbian standpoint that extends the feminist argument for viewing nonwage care work as a site of surplus accumulation. My reading, which contextualizes lesbian reproduction within the story’s wider setting of Reno as a town built from the casino business, attends to the novel’s depictions of the unmet needs created the wake of enterprise. As a worker, Ann is vital to Reno’s casino economy. Ann’s caring labor inside and outside of Frank’s Club where she works and her search for kinship within this framework reveal her reproduction as worker and as lesbian to be both a sign of and supplement to Reno’s deregulated economy. My analysis of lesbian social reproduction extends the feminist insight into the private family’s intimate relation to the market. Kathi Weeks elaborates the arguments of Maria Dalla Costa and Selma James on this point: “the ideology of the family performs a kind of mopping-up function, enabling us to accept the legitimacy of the wage system despite its shortcomings by encouraging us to imagine that it can provide for those capable of living up to its norms of family form and responsibility” (Weeks The Problem with Work 121).

Neoliberal deregulation taps into cultural aspirations toward nonconventional, nonheteronormative kinship in ways that re-code and mask its relation to capital’s requirement for supplemental, devalued affective labor. As the casino’s deregulated enterprise pulls every strand of Reno’s social life into its orbit, Ann’s attentive labor outside of the casino functions to corroborate sexual deregulation through the deregulation of her labor, which becomes re-absorbed into the narrative as lesbian kinship. Sexual deregulation in the form of nonheteronormative kinship reaches its crisis point in moments where Ann confronts the hidden limits of the casino as an economic enterprise, which invariably require the fixed yet flexible compliance of its workers in exchange for the casino’s regulation of Reno’s inhabitants.

Desert of the Heart is in many ways a literary counterpart to Betty Friedan’s The Feminine Mystique (1963), which made its critical point in part through a differentiation between domestic and paid forms of labor. Read together, Friedan’s and Rule’s writings document, respectively, second-wave feminist and lesbian critical engagements with the working subject-as-enterprising subject. The enterprising subject is one that rests upon a late-capitalist ideological distinction between “enterprise” and “labor.” Most importantly, as Franco Berardi reminds us, enterprise is a concept predicated upon the invisibility of industrial relations in late-capitalist value production:

In its capitalistic meaning, the word enterprise acquires new nuances, although it never loses its sense of free and constructive action. These new nuances all pertain to the opposition of labor and enterprise. Enterprise means invention and free will. Labor is repetition and executing action. Enterprise is an investment of capital generating new capital, thanks to the valorization that labor makes possible. Labor is a wage-earning service that valorizes capital but devalues workers. (77)

Berardi’s framework explains the late-capitalist notion that enterprise – as a category connoting creativity and growth as capital produces more capital – is detached from its concrete foundation in labor, thereby obscuring the material conditions upon which enterprise is established. As he suggests, not only does this mystification compartmentalize capital’s material basis, but it also eclipses the very nature of capital, rendering invisible its perpetual need to expand to new markets and territories. In this light, enterprise names an ideological development that masks capital’s most insidious precepts.

While Berardi begins his analysis with the digital industry of the 1980s, Betty Friedan’s (1963) “left-conservatism” (Nancy Holmstrom 165) documents a similar mystification of labor at an earlier point. Published a year prior to Edge of Twilight, Friedan’s Feminine Mystique begins with the now-famous inquiry into “the problem that has no name” to take aim at the limited possibilities for women exemplified in “the domestic routine of the housewife” (Friedan 30). Friedan articulates particular forms of women’s work outside the home – sometimes phrased as “creative work of her own”– as the primary means through which the trapped woman may come to “know herself as a person” (344) As she claims, “if a job is to be the way out of the trap as part of a life plan, it must be a job that she can take seriously as part of a life plan, work in which she can grow as part of society” (345).

The enterprise in which Friedan is most interested is an enterprise of self-care and personal development through paid work of a certain caliber. Notably, Friedan calls this process a way for women to realize their full “capacities” as human beings. Framing capacity as the ability for personal growth, The Feminine Mystique emphasizes the affective component of labor as something that is achieved through a feeling of satisfaction and is only operationalized once women enter into waged work outside of the home. In one respect, then, Friedan’s argument recognizes that such capacities, while constituting a form of labor, are nonetheless commonly unwaged (as in unpaid housework). At the same time, once these labors are valued in wage form, Friedan’s logic reframes them as the means for a woman’s self-realization. In so doing, she overwrites her own tacit but crucial understanding that domestic care work and paid labor constitute two sides of the same coin in both the production of surplus value and the devaluation of feminized labor.

With its near-militant heterosexual worldview, The Feminine Mystique appears on the surface to have little in common with Desert of the Heart, published the following year. Much as Friedan describes, however, the service labor Ann performs in the casino reflects the reorientation of her feminized capacities via the free market, even as value outside of those environs remains obscured. As I will discuss below, Frank’s Club produces Ann’s caring capacities as entities to be developed through the market rather than those always at risk of being used up by it. Framed in self-affirming terms evocative of Friedan, Ann’s service labor-as-enterprise illustrates Riccardo Bellofiore’s insight regarding the nature of “the command of capital over labor [to] assume a semblance of a control of workers over themselves. The valorization of capital can masquerade as the self-valorization of labor” (109). While it is likely that the particular kinds of labor represented in Desert of the Heart would have been left out of Feminine Mystique, it is nonetheless instructive to consider Friedan’s ideas as posing uneven but sometimes surprising points of entry for a writer such as Rule.

To that end, the casino’s role as a place of reproduction establishes the novel’s overall line of argument as it pertains to non-heterosexual motherhood both within and beyond the workplace. Scholarship on Desert of the Heart from the early 1980s on has taken up various aspects of the novel’s “subtle subversion” of heterosexuality through unsettling psychoanalytic categories, surrender of poetic voice to deviant desire, or promotion of alternate, lesbian non-reproductive models of maternity.23 \*BEGIN FOOTNOTE\* See, for instance, Elaine T. Hansen’s examination of “nonprocreative motherhood” where Hansen claims, as Ann and Evelyn come together in the plot, their respective childlessness is revalued. In tandem they represent the possibility of maternal feelings and experiences, detached from procreation, no longer exclusively or essentially defining their womanhood but nevertheless critical to the complex drives and choices that sustain their relationship (40). Hansen argues that the novel’s rendering of the successful lesbian nonprocreative form challenges heterosexual convention through the failure of biological reproduction, since “those women [in the story] who try to care for children to whom they have given birth seem doomed to fail and suffer” (Hansen 46). \*END FOOTNOTE\* Critical acknowledgment of failed biological kinship in Desert of the Heart is important, but reading these moments apart from Ann’s attentive labor at the casino only tells half of the story. An examination of Desert of the Heart’s rendition of biological kinship in conjunction with Ann’s work reveals one of the novel’s overlooked, yet key, problematics: that is, non-procreative kinship’s contradictory significance as something that is not only allowed but increasingly mandated as an effect of the casino industry’s broadening regulation of Reno’s economic and social existence. In this light, Ann’s ability to perform the duties of the non-biological caregiver reveals the exacerbation of social need under deregulated enterprise, which requires Ann’s inattention to the causes that demand her supplemental care for those who have been disinherited from Reno’s main enterprise. In these moments, the novel’s depiction of Ann’s maternal role at work constituting an alternative to blood-line kinship is both initiated by and articulated through the regulatory framework of the casino.

These developments follow the logic of deregulation writ large: Ann’s formerly regulated care work at the casino increasingly becomes flexible beyond its domain. In one example, Ann is assigned to be the relief worker at Frank’s for the night, a job, which requires her to rotate from station to station and take over as each of her co-workers takes their break. Even though it was a “foul job,” Ann is willing to take it because, as her boss tells her, Ann is “the easiest [employee] to move” (93). Part of the foulness of the job entails the requirement that Ann “sacrifice her own time off” if her co-workers’ breaks run long. As Frank’s flexible surrogate for the evening, Ann carries her change apron “like a fetus in its seventh month, careful to lift and turn the weight as if it were her own flesh” (94). The image calls on readers to register its irony obliquely through Ann’s lesbianism, which the text takes for granted as excluding her from biological motherhood: instead, Ann’s closest proximity to motherhood is through her capacity as a caregiver at, and attentive supplement to, the casino’s operation.

Even more poignantly, however, the passage positions Ann as the subject of maternity without a signified object of care: like the change that flows into and out of her apron, her attention is exhaustively disseminated throughout the whole of Frank’s Club. Her labors model a form of deregulated care, par excellence, because her caring is defined by her a requirement to remain flexible and accommodating toward whatever needs arise in the moment. What is invoked here, then, is not a portrayal of Ann’s propensity for nonconventional motherhood, but the casino’s ability to absorb the affective and figurative trappings of conventional motherhood within its own regulatory schema. The fact that Ann’s exploitation might register as the former and not the latter pivots on her identity as a lesbian and the supposedly sympathetic notion that Frank’s allows her to exhibit her motherly tendencies, regardless.

**[SHE CONTINUES]**

As Edge of Twilight and Desert of the Heart demonstrate, early neoliberal lesbian subjectivity depended upon forms of affective regulation and social reproduction already in play in this period. In their professional labor and desire, Val’s and Ann’s affective capacities are de- and re-regulated, flourishing most when these women come into close proximity with deregulation’s disenfranchised others. In The Feeling of Kinship, David L. Eng describes “queer liberalism” as “a product of late capitalist rationalization [that] functions as a supplement to capital, but in a desexualized, repackaged, and contained form.” Eng continues, “we might say that neoliberalism enunciates (homo)sexual difference in the register of culture – a culture that is freely exchanged (purchased) and celebrated (consumed)” (30). For Eng, homosexual difference and neoliberalism are complicit to the extent that – as recent consumable TV and fashion phenomena demonstrate – “queerness” has become an “aestheticized lifestyle predicated on choice” and consumerism (29–30). As this chapter has argued, however, sexual difference under neoliberalism extends beyond these claims, which largely view its supplemental properties as “contained” and primarily operational on the side of consumerism. Christian’s and Rule’s representations of late-capitalist lesbian identity go beyond the commodification of homosexual difference. In their documentations of deregulated sexuality, we see lesbianism as a supplement to late-capitalist expansion through the lens of value production and those affective forms of labor at work in a system of exploitation with a vested interest in the versatile, non-contained capacity freed up at the intersection of sexual and economic deregulation.

My readings of Edge of Twilight and Desert of the Heart locate a point where lesbian identity’s supplemental operations entail more than cultural capital in neoliberalism. Indeed, these novels suggest that sexual deregulation’s contemporary ideological force is an extension of a historical development within and adjacent to the formalized extraction of attentive labor required by the deregulated service industry. Christian and Rule reveal is a historical juncture where the contradictory promises and pitfalls of professional self-management and enterprise are enacted and made legible through their overlap with the freeing up and re-regulating of lesbian identifications and desires. To read Edge of Twilight and Desert of the Heart historically, then, is to remain skeptical and ever vigilant of modernity’s promise, which increasingly requires the implementation and erasure of flexible laboring and desiring subjects to make good on its guarantee of freedom. In what follows, I track contemporary culture’s absorption of this complex history.

#### Rejection of institutional projects in favor of radical, individual queer politics ignores the saturation of sovereign power in everyday life and leads to stagnation

Peter Campbell 13, faculty member in the Program in Composition, Literacy, Pedagogy, and Rhetoric at the University of Pittsburgh, JUDICIAL RHETORIC AND RADICAL POLITICS: SEXUALITY, RACE, AND THE FOURTEENTH AMENDMENT, https://www.ideals.illinois.edu/bitstream/handle/2142/45352/Peter\_Campbell.pdf?sequence=1

But—following Matsuda—I think that Butler seems to miss an important point. Given the material force of the fantasy of legal sovereignty in the margins, “‘at the point[s]’” where power is “‘completely invested in its real and effective practices,’” 31 I argue that resistance to the idea of legal sovereignty must not preclude what Cathy Cohen might call a “practical”32 understanding of the presently inevitable reality of the sovereign rhetorical operations of the law. The political project of resistance to the performative sovereignty of judicial rhetoric in the United States must not deny (as Matsuda and Richard Delgado said in 1987 to the “crits” of Critical Legal Studies) the need to construct strategically informed and tactically sound responses to those “formal” structures of law that already act as and with the material power of sovereign authority––authority over the constraints that legal forms of subjectivity already impose on personhood.33 As Butler herself acknowledges in 2004,34 the absolute critique of legal sovereign performatives does not adequately consider how the effects of the fantasy of legal sovereignty are most often (and most often most terribly) felt by “those who have” actually “seen and felt the falsity of the liberal promise”35 of the U.S. judiciary as a shield against domination.¶ My experience of the law has occurred through my own participation in and observation of judicial sovereignty––both from a majoritarian perspective. I teach argumentation in a prison, a setting that emphasizes the paradoxical and simultaneous vitality and uselessness of rhetorical and argumentative interaction with those persons charged with enforcing the reasoned justification of judicial decision through coercive violence. In our present democratic state of laws, the production of legitimacy for judicial sovereignty through argument, and the production of legitimacy through force, work together in explicit and mutually supportive fashion. More happily, I was recently invited by two friends to officiate their wedding, at a ceremony in Rehoboth, Massachusetts. I agreed, and asked whether I should purchase an ordination online, so that I could legally perform the ceremony. There was no need— Massachusetts is unusual among U.S. states in maintaining a category of officiant called a “solemnizer.” Any person, with little qualification, can apply to be a solemnizer. The dichotomy between the “republican style”36 of the application process, and the quotidian ease with which I was granted the certificate made me think about the “sovereign performative”37 that I would stage in Rehoboth. The “I do” statement in a marriage ceremony is one of Austin’s core examples38 of an “illocutionary” performative, an utterance which “has a certain force” in the “saying” of it,39 but this example itself performs an interesting elision of the role of a state representative in a civil marriage ceremony. In Rehoboth, my friends would not be married until I pronounced them so publicly. That pronouncement would of course require other performative statements (“I do”) from my friends as a pre-requisite to its validity.40 But on the date and in the location specified by the solemnization certificate, I had, as a feature of the designation “solemnizer” bestowed on me by the Commonwealth of Massachusetts, absolute power over whether they would be married or not—on that date and in that location. In the narrow context of the two possible realities of my friends becoming married or not on that day and in that location, my role was to exercise the sovereign performative power of the Commonwealth as its judge-like representative. ¶ But in that exercise, I would also be performing two arguments: one for the sovereign legitimacy (and successful performativity)41 of my utterances and the illegitimacy of any others; and one for the value and significance of “married” as a position of legal subjectivity in Massachusetts and the United States. I bring up this example to emphasize the specifically illocutionary power of the judicial rhetorical constitution of subjects before law. Austin describes illocution as “‘in saying x I was doing y’ or ‘I did y,’”42 but judicial illocution might more accurately be described as “in saying x I did x.” When I said that these people were married, I made them married. The statement and the doing were one and the same. If a judge sentences a person to death, she does not depress the needle; the pronouncement of sentence is an illocutionary act in the first sense (x and y). But in pronouncing the sentence, the judge does redefine the convicted (of a death-eligible crime) person’s subjectivity before law from “convicted” and/or “criminal” and/or “felon” and/or “murderer” and/or “traitor” to, more primarily, “condemned.” This is an illocutionary act in the second sense (x and x).¶ If a judge rules that it is unconstitutional to require a trans\* person’s passport to list their gender contrary to that person’s “self-understanding,”43 this is a “perlocutionary” act (where the utterance effectively causes something to happen)44 in that the ruling enables the person who is trans\* to change the official designation of their gender. But it is also an x and x illocutionary act in the context of the petitioner’s subjectivity before law—the utterance of the ruling has changed their self-understanding of their own identity from “not real” to “real” in the eyes of the law. This would be even more evident if the ruling did not merely realize the truth of a trans\* person’s self-understanding as male or female, but went so far as to create, in the moment of the utterance itself, a legally recognized trans\* identity category. ¶ All of these examples are performatives enabled by the fantasy of the sovereign location of power in law. When asked, I considered (given my own views on marriage as an institution) declining to perform the ceremony—even in Massachusetts, whose marriage laws mean that the sexual orientation identity of the two people I married cannot be discerned from this story. I understood that my performative and the discourse of the ceremony surrounding it would contribute in a small way to the sovereign power of the state over human relational and sexual legitimacy. But this refusal would not have made the present sovereignty of the state over the determination of legally legitimate and illegitimate forms of relation any less inevitable.¶ Petitions to the law are inevitable; they will be made, often by people with no other recourse to save their life, or to preserve their life's basic quality. As Butler demonstrates, any such petition will have performative effect. I do not offer this brief critique of Butler’s theory of “sovereign performatives” to dispute the facticity of her arguments. I begin this project with the stipulation that politics of resistance to the “sovereign performative” must include actions of resistance to statist law itself—that is, the specific articulation of opposition, within progressive social movements, to strategies that privilege appeals for help from judges. But these politics must also acknowledge that those who undertake such strategies do not always do so without knowledge of the sovereign performative function of their actions—“recourse to the law” does not always or even usually “imagine” the law “as neutral.”45 These radical politics must also be undertaken with knowledge of the effects of the petitions to law-as-sovereign that will inevitably be made—and particularly with knowledge of the effects that flow from the (also performative and also inevitable) judicial rhetorical responses to these inevitable petitions. ¶ Austin teaches us that it is in the nature of performatives to not always work, and to produce effects in excess of their explicit ones. The judicial rhetorical constitution of subject and abject forms of being-in-relation to law operates through legal performatives that contain the possibilities for their own future “infelicity.”46 My project is an attempt to explore some future possibilities for the counter-sovereign articulation of subjectivity before U.S. law—possibilities that are both foreclosed and engendered in the argumentative justifications for judicial decisions. Specifically, I examine some key Supreme Court cases relating to sexual practice, race in education policy, and marriage. I perform a legal rhetorical criticism of critic-constructed “meta”-texts47 that form argumentative frameworks through which judges apply various legal doctrines to questions of sexual, racial, educational, and relational freedom.¶ Following Perelman, I understand judicial argument to be the explanatory justifications offered for judges’ authoritative interpretive application of legal doctrine to problems of public concern––problems that have been framed as legal, either by jurists themselves, petitioners to the courts, or both. In the United States, judicial arguments about constitutional interpretation have the privileged function of delimiting the grounds on which the authority of all other statist legal argument is based. Given the overwhelming salience of constitutional legal discourse in U.S. everyday life,48 this means that the judicial rhetoric of constitutional law plays a significant role in delimiting the grounds on which a person can base their claim—literally49––to existence and legitimacy in the U.S. polity.50 Jurists’ arguments from and about the Due Process and Equal Protection Clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution in particular perform a final arbitration function in the ongoing and generally contentious process of the statist determination of what forms of racialized queer identity and relation will be eligible for recognized and legitimated status in U.S. public life. ¶ In this dissertation, I focus on the Fourteenth Amendment—due process and equal protection—rhetoric of U.S. Supreme Court Justice Anthony M. Kennedy. I read this rhetoric in terms of “genealogies of precedent,” or the argumentative possibilities for queer subjectivity before law that are brought into being by the doctrinal frameworks Kennedy and other judicial rhetors use in a given opinion. Each chapter offers a case study of opinions in several Federal and Supreme Court cases that are foundational to Kennedy’s development of a new constitutional jurisprudence of substantive due process and equality. I demonstrate that this jurisprudence is both productive of and violent to possibilities for practical and strategic sexually “progressive”51 interactions with U.S. constitutional law. These interactions, despite their practical or strategic formulation, can be undertaken and/or framed in terms of anti-statist and institutional radical queer political goals. Possibilities for the success of such radical framing of practical interaction are partially delimited in the argumentative choice of U.S. judicial opinions.

#### **Capitalism’s drive to accumulate compels environmental catastrophe and nuclear warfare --- we should mobilize our intellectual energies accordingly**

**Eagleton 11** [Terry, Distinguished Professor of English Literature at Lancaster University, *Why Marx Was Right*, 2011, Yale University: New Haven, CT, p. 224-6]

The two great threats to human survival that now confront us are military and environmental. They are likely to converge more and more in the future, as struggles over scarce resources escalate into armed conflict. Over the years, communists have been among the most ardent advocates of peace, and the reason for this is ably summarized by Ellen Meiksins Wood. ‘‘It seems to me axiomatic,’’ she writes, ‘‘that the expansionary, competitive and exploitative logic of capitalist accumulation in the context of the nation-state system must, in the longer or shorter term, be destabilizing, and that capitalism . . . is and will for the foreseeable future remain the greatest threat to world peace.’’≤Σ If the peace movement is to grasp the root causes of global aggression, it cannot afford to ignore the nature of the beast that breeds it. And this means that it cannot afford to ignore the insights of Marxism. The same goes for environmentalism. Wood argues that capitalism cannot avoid ecological devastation, given the antisocial nature of its drive to accumulate. The system may come to tolerate racial and gender equality, but it cannot by its nature achieve world peace or respect the material world. Capitalism, Wood comments, ‘‘may be able to accommodate some degree of ecological care, especially when the technology of environmental protection is itself profitably marketable. But the essential irrationality of the drive for capital accumulation, which subordinates everything to the requirements of the self-expansion of capital and so-called growth, is unavoidably hostile to ecological balance.’’ The old communist slogan ‘‘Socialism or barbarism’’ always seemed to some a touch too apocalyptic. As history lurches towards the prospect of nuclear warfare and environmental catastrophe, it is hard to see how it is less than the sober truth. If we do not act now, it seems that capitalism will be the death of us

#### Vote negative to embrace the academic position of comrade against capitalist planetary devastation – that requires a politics of solidarity and mass struggle that the affirmative theorizing precludes

Dean interviewed by Alvarez 19 -- Maximillian Alvarez is an associate editor at The Chronicle Review. Jodi Dean, a professor of political science at Hobart and William Smith. ("The Comradely Professor," Chronicle of Higher Education, <https://www.chronicle.com/interactives/20191011-ComradelyProf> 10-11-2019)// gcd

For Jodi Dean, a professor of political science at Hobart and William Smith, the word “comrade” is by no means a simple descriptor, nor is it some dusty relic of the bygone days of actually-existing state socialism. It is a perennial call to action, a challenge to accept one’s responsibility toward others who are “on the same side of a political struggle.” [In her new book, Comrade: An Essay on Political Belonging](https://www.versobooks.com/books/3060-comrade) (Verso), Dean argues that we are living in an era where the battle lines of a world-historical struggle — a struggle against planetary destruction, forever war, rising fascism, and [a global return to feudalism](https://www.youtube.com/watch?v=XGq3hdWEe10) — have already been drawn. And neutrality is not an option. Everyone must answer the questions: Which side are you on? And what are you going to do about it? This, according to Dean, is why it’s imperative to examine the figure of the comrade, and to eschew concepts of identity and political organization that leave no room for collective struggle. To be and be called a comrade is to know where you stand and whom you stand with. It is to recognize that we all need to be clear about what we’re fighting for — and what we’re fighting against. As a scholar and a political organizer herself, Dean takes this responsibility seriously. She spoke with The Chronicle Review about the relationship between political and scholarly work, what it means to be a communist professor today, and what academics could be — as researchers, teachers, colleagues, and even public servants — if they took comradeliness as their primary directive. Was there something about our political moment, or the arc of your own scholarship, that made you feel that a political theory of “comrade” needed to be worked out? Oh god, yes. It comes out of contemporary politics, out of a concern with the ways that liberal assumptions of individuality undercut left concerns with collectivity. In the vague, inchoate contemporary left of social media, university campuses, NGOs, and socially engaged art, appeals to individual identity, endeavors to protect individual identity, and vigilance against suspected threats to individual identity displace efforts to build collectivity. My goal with Comrade is reminding leftists of another figure of politics, one that was prominent in the 20th century as a figure for all united in emancipatory egalitarian struggle against racism, sexism, capitalism, and imperialism. "My political and scholarly work are deeply interconnected. They inform each other. Each is better because of the other.” So I have a detailed critique of the figure of the ally and the [politics of allyship](http://www.guidetoallyship.com/). It’s strange, isn’t it, that a name associated with sovereign nation states pulling together to protect their own sovereignty, secure their own borders, has become so ubiquitous in sectors that understand themselves as on the left? But this effort to secure borders is the clue to the limits of allyship: Individuals are imagined as like little sovereign states, defending their territory and only joining together under the most cautious and self-interested terms. Those taken to share an identity are presumed to share a politics, as if the identity were obvious and the politics didn’t need to be built. Should academics see themselves as comrades? It’s hard. And it’s hard because it indexes a real antagonism in the academy between the university as a workplace and academia as a collection of scholarly practices and intellectual ideals. The relation between comrades is political; comrades are those on the same side of a political struggle. In the socialist and communist tradition, this struggle has been understood as a struggle between the oppressed and the oppressors, proletariat and bourgeoisie, tenant and landlord, oppressed nations and imperialist powers, etc. Were academics to see ourselves as comrades, we would need to see ourselves on the same political side against, say, austerity-oriented, tax-cutting state governments and neoliberal, financialized, corporate-minded boards of trustees. And this might not always prioritize teaching and research — both of which involve enormous amounts of unpaid labor. Adjuncts and faculty in nontenurable lines carry by far the bulk of this burden. But many in even nominally secure positions are experiencing intensifying precarity, and yet made to think that fighting for better conditions is wrong or suspect because it hurts the students or delays valuable research. From another angle, we can say that universities are already sites of intense politicization, whether one thinks of, say, the role of [Chicago school economists](https://slate.com/business/2016/01/in-chicago-boys-the-story-of-chilean-economists-who-studied-in-america-and-then-remade-their-country.html) in undermining social democracy and ushering in an era of intensifying inequality or in terms of the various sorts of “studies” (gender studies, ethnic studies, Africana studies, indigenous studies, etc.) fighting to redress the biases of the centuries of scholarly production that buttress forms of discrimination, oppression, exploitation, apartheid, and genocide. But this intense politicization doesn’t point to researchers and teachers in general as comrades. It points to the way that researchers and teachers may find comrades or build comradely relations in the struggles in which they participate. When people think “comrade,” their minds are probably conjuring some Cold-War image of ushanka-wearing Soviets. So, what does the term “comrade” mean, and what does it mean to consider yourself a comrade to others? Etymologically, comrade derives from camera, the Latin word for room, chamber, and vault. The generic function of a vault is producing a space and holding it open. This lets us home in on the meaning of comrade: Sharing a room, sharing a space generates a closeness, an intensity of feeling and expectation of solidarity that differentiates those on one side from those on the other. Politically, comradeship is a relation of supported cover, that is, the expectation of solidarity that those on the same side have of each other. Comrade, then, is a mode of address, figure of political belonging, and carrier of expectations for action. When we call ourselves comrades, we are saying that we are on the same side, united around a common political purpose. Many within and outside academe call you a comrade. Do you feel like there’s a clear distinction between your political and scholarly work? Maybe we could say that my political and scholarly work are deeply interconnected. They inform each other. Each is better because of the other. I am a better political theorist than I was before I was engaged seriously in organized political struggle because I now think more about audience and addressee, about the collectivities that might engage or respond to my ideas, about the forms of political action and belonging that my ideas presuppose. Who are they for? Why? “To be a communist professor today means to try to find and forward revolutionary optimism in a setting of climate catastrophe.” The comradely scholar is committed, fierce, and resolutely partisan. That means that she is more likely to be hated than loved in the academy. Her commitments are political, not disciplinary or professional commitments, which of course does not mean that she is undisciplined or unprofessional. Think of Angela Davis. Ronald Reagan, as governor of California, tried to prevent her from being able to teach in the state’s university system because she was a Communist. Is there a difference between a “public scholar” and a “comradely scholar”? Public scholars are rewarded by the same U.S. academic system that demonizes communists as traitors, cogs, and automatons, that blocks and dismisses them from academic jobs … comradely scholars, not so much. In the grand scheme of things, we’re not that far removed from the days when people were silenced, hunted, and purged en masse from academe for being communists (or for just being accused of communist sympathies). What does it mean to be a communist professor today? Over the past few years a number of brilliant scholars have been hounded out of the academy because of their political convictions, their commitments to struggles for Palestinian rights and against white supremacy. At the same time, cowardly administrations repeat right-wing talking points about free speech. It’s indicative of this capitalist, upside-down world that tells us that corporations are people but people are disposable, that we live in a knowledge society but facts, learning, and education are simultaneously devalued and commodified, that success brings freedom when in fact it brings debt and entrapment in the service of the capital accumulation of the very rich. To be a communist professor today means to try to find and forward revolutionary optimism in a setting of climate catastrophe. The source of this optimism is comradeship.

### 1NC – OFF

#### Interpretation: Debaters must disclose all constructive positions on open source with highlighting, underlining, and popping of tags on the 2020-21 NDCA LD wiki after the round in which they read them.

#### Violation – they don’t – SS in doc

#### A screenshot of a computer Description automatically generated

#### 1] Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs who can’t bypass paywalled articles.

Louden 10 – Allan D. Louden, professor of Communication at Wake Forest (“Navigating Opportunity: Policy Debate in the 21st Century” Wake Forest National Debate Conference. IDEA, 2010)

Groups interested in engaging in competitive National Debate Tournament (NDT)-Cross Examination Debate Association (CEDA)-style policy debate are entering an exciting time in the debate community where **digital resources are making research and networking increasingly accessible**. Those developing programs should be encouraged to choose their own topics and resolutions, but they should also make use of the massive resources available by focusing on the official NDT-CEDA resolution. **New initiatives in the field of open-source debate make evidence sharing, such as the Open Caselist, a powerful tool for new programs to engage and compete against established teams**. It is no coincidence that **the winners of the NDT tend to be the schools with the largest coaching staffs, but the increased distribution and free sharing of evidence and resources have made smaller debate programs increasingly capable of competing against larger institutions**. We are now seeing the beginnings of **increased resource sharing**, with multiple initiatives focusing on regional evidence sharing for groups of developing debate programs. This **is one example of dramatic changes occurring in the community that are capable of opening the doors for new participation in debate**. Regardless of outside influence, such as an organized campaign by preexisting debate organizations to increase resource distribution, students are independently capable of establishing the foundations for a larger competitive program. The following suggestions are a nonlinear set of options available to students who wish to establish a struc-tured and coached debate program, and eventually developing the capability to maintain multiple professional teaching positions, such as those discussed earlier in the chapter.

#### 2] Evidence ethics – open source is the only way to verify pre-round that cards aren’t miscut or highlighted or bracketed unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### 3] Depth of clash – it allows debaters to have nuanced researched objections to their opponents evidence before the round at a much faster rate, which leads to higher quality ev comparison – outweighs cause thinking on your feet is NUQ but the best quality responses come from full access to a case.

The abuse is uniquely super charged in the context of k affs – its functionally impossible to find the warrants when you only disclose first and last 3 since most of these books are huge as fuck

#### 4] Norming – it’s a question of Wiki usage – setting the better norm outweighs on exportability, and link turns every argument, since it leads to more nuance clash

#### Fairness is a voter its a meta-constraint on your ability to evaluate the rest of the flow. Education is a voter it benefits you for life and is the reason schools fund debate

#### DTD – a] 7-6 rebuttal adv, b] ensures compliance, c] theres no arg to drop so that would be incoherent

**Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 bright lines under an offense defense paradigm just like 2 interps. C) judges don’t vote a disad if there is a reasonable amount of offense.**

#### No RVis – a] illogical – u shouldn’t win for being fair, b] norming – I can’t concede the CI if I realize my norm was bad c] baiting – best theory debaters will read abusive advocacies ensuring they never prep & win every round d] topic ed – can’t return to substance if there’s an rvi

#### Reject 1AR theory and independent voting issues- A] 7-6 time skew means it’s endlessly aff biased B] I don’t have a 3nr which allows for endless extrapolation C] 1AR theory is skewed to the aff because they have a 2ar judge psychology warrant d] they can spam 50 blippy independent voting issues without warrants that skew the 2nr impossible

## Case

### 1NC – ROTB

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

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

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

#### Prefer –

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

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

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

#### 4. Competition takes out the aff – the ballot becomes a securitizing object that prevents engagement

Ritter 13. JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually incapable of creating any social change, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with nonapplicable rhetorical theory that fails to account for the unique aspects of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: “Can debate cause social change?” Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen not to prove this fundamental assumption, which—as this article argues—is merely a fiction that is harmful in most, if not all, respects. The position that competitive interscholastic debate can create social change is more properly characterize5d as a fiction than an argument. A fiction is an invented or fabricated idea purporting to be factual but is not provable by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be incredibly critical of those fictions and adopt them only if they promote the activity and its purposes

#### 5. No evidence for the power of the ballot – debate specific – negate on presumption.

Ritter 13 [Michael, JD UTexas Law, B.A. cum laude Trinity University. September 2013. “Overcoming the Fiction of ‘Social Change Through Debate’: What’s to Learn From 2Pac’s Changes?” https://docs.wixstatic.com/ugd/9896ec\_8b2b993ec42440ecaab1b07645385db5.pdf]

Up to this point, this article has shown how each of the essential components of “competitive interscholastic debate” makes it very different from any other kind of debate. But one thing that is persuasive in any kind of debate is some sort of properly conducted study (or even a mere survey) that provides empirical proof or even substantial anecdotal support. To date, none of the many academics who coach or participate in the debate community have published a study or survey to support the social change fiction. (Perhaps they have tried, and discovered they were just wrong.) But until such an empirical study of competitive interscholastic debate is conducted, students, judges, and coaches should not take it for granted.

#### Extinction is the only coherent and egalitarian framework – prefer it

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

### 1NC – WTO Bad

#### WTO Credibility is on the brink – patent waivers are the make-it-or-break it issue – failure to pass the Plan dooms the WTO BUT passage signals success that generate momentum for structural change.

Meyer 6-18 David Meyer 6-18-2021 "The WTO's survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn" <https://archive.is/etPtf> (Senior Writer at Fortune Magazine; Covers mostly European Business Affairs)//Elmer

The World Trade Organization **knows all about crises**. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the fairness of the global trade rulebook. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, one crisis is **more pressing than the others**: the battle over COVID-19 vaccines, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—**the WTO's future rests on what happens next**. "The credibility of the WTO will depend on its **ability to find a meaningful outcome** on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "**Final nail in the coffin**" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to **reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an unprecedented and seismic event**. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result **will be on the WTO as a whole**, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally **becomes an obstacle** as in contrast to part of the solution, I think **it could be the final nail in the coffin**" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being part of the solution—saving lives and livelihoods—it could create goodwill and momentum to address what are still daunting structural problems."

#### Yes Link – the Plan is perceptively seen as bolstering the WTO since its by all WTO Members.

### 1NC – TL

#### Cant solve any of the evidence – none of it is specific to ip protections – either the aff is extra t which is a voting issue for limits since they can defend any infinite number of things outside the resoltuin that results in good policies

#### The state is inevitable— even if we don’t engage the state, it will engage us

Choat, 16—PhD in Political Science at Queen Mary University of London, member of the Political Studies Association, Senior Lecturer in the School of Economics, Politics, and History (Simon, “Marxism and anarchism in an age of neoliberal crisis,” <http://eprints.kingston.ac.uk/32233/1/Choat-S-3223-AAM.pdf>, dml)

The anarchist critique of Marxist organisational forms is unconvincing, then, because it does not acknowledge the diversity of Marxist approaches and it tends towards a theoreticism that sees a linear, causal, and continuous line from theory to practice. Nonetheless, there are significant differences of strategy between anarchism and Marxism: it is just that these are less to do with organisation as such, and are much more broadly to do with differing attitudes toward politics and the state. Although some (though by no means all) anarchists have supported formal political organisations, with rules, membership criteria, and even internal discipline (Schmidt and van der Walt 2009: 247-263), they have traditionally rejected any engagement with the state – whether it be voting, demanding legal rights or protections, forming political parties, or attempting the revolutionary seizure of government – on the basis that such engagement can only end up replicating the oppressive hierarchies that they are fighting: either it will lead to new forms of dictatorship and bureaucracy (such as developed in the Soviet Union); or it will lead to parliamentary reformism and hence merely reinforce existing structures and relations of power. If Marxists support (qualified) engagement with the state and even the formation of political parties, however, it is not because they think that centralised hierarchies are desirable or inevitable, but because they begin from a different understanding of politics. They argue that the anarchist abstention from state politics denies us the most effective means of political action: we disempower ourselves rather than the state when we refuse to engage with it. Making demands on the state does not necessarily entail an endorsement of the state, any more than the demands that are made by employees during a strike are an endorsement of the employer or of the system of wage-labour (Marx 1988). Anarchists themselves have at least implicitly recognised the efficacy of political engagement by occasionally supporting the policies of certain governments and even participating in elections (Engels 1988; Franks 2012: 216). More than this, abstention from state politics is not a genuine option: whether we like it or not, we are all already involved in state politics, because we are all always already submitted to state power, control, and oppression. Anarchists are concerned that participation in conventional politics will lead to parliamentary reformism. But this concern is itself ultimately premised on a tacit acceptance of the liberal-parliamentary understanding of politics: to claim that we can safely repudiate state politics simply by refusing ever to enter a polling booth is to assume that ‘the state’ stops at the door of Parliament. Marxists, in contrast, have argued that the state apparatus includes educational institutions, the media, churches, the family, and so on (e.g. Althusser 1971): simply in going about our daily lives we are all therefore implicated in state politics. Given our necessary involvement within politics, the question is not whether we engage with it, but how we do so; even libertarian Marxists like Holloway argue that engagement with the state is inevitable (Holloway 2005: 40). In contrast, the anarchist recommendation of disengagement from the state risks a politics of withdrawal and isolation. There are two related reasons why under our current conditions in particular the Marxist willingness to engage in state politics is preferable to an anarchist position. The first is the dominance of neoliberalism today. Given the strength of neoliberalism since the crisis that it created, there is a strong case for a certain pragmatism in our response. A danger of the prefigurative politics favoured by anarchists is that it dogmatically dictates an a priori exclusion of certain forms of political action. For Marxists, on the other hand, political strategies must be decided according to particular conditions and within a certain context. In a context in which private companies are increasingly undertaking tasks previously performed by the state, the active defence of state services and institutions can be viewed as a radical position to adopt: defending welfare provision, public pensions, universal healthcare, and free higher education should be seen not as a reformist compromise with the existing order but as safeguarding the gains of class struggle against capitalist processes of accumulation by dispossession. This leads to the second reason for doubting the refusal of state politics as a viable tactic under current conditions, which concerns the specific role of the state under neoliberalism. The anti-state politics of anarchism may have made sense during eras in which the state could plausibly be presented as the main threat to freedom and equality: during the period of nation-building and imperialistic expansion in the mid- to late-19th century, of the rise of fascism in the early-20th century, or even of the development of welfare capitalism after WWII. But it has far less purchase in an era in which neoliberalism, as both the official ideology and a form of everyday common sense, is anti-statist. Put simply, the attack on state power too easily echoes the rhetoric of neoliberalism itself (Taylor 2013: 735). When government actors themselves are explicitly endorsing the retreat of the state, then anarchist attacks on state power have limited efficacy either as a tactical call to arms or as a convincing analysis of our present conjuncture. In practice, of course, it is true that neoliberalism has not dissolved state power. But nor has the relation between state and capital remained the same under neoliberalism, such that our analyses, strategies, or rhetoric need not alter. The nature of this relationship between state and capital will be examined in the next section.

#### Refusal of queer critique to engage the state promotes an inaccessible movement that is doomed to failure

Nikita Dhawan 15, Professor of Political Science (Political Theory and Gender Studies) and Director of the Research Platform Gender Studies: "Identities – Discourses – Transformations" at the University of Innsbruck, Austria, Homonationalism and State-phobia: The Postcolonial Predicament of Queering Modernities, Academia.edu

As Foucault himself warns state-phobia is deeply inscribed in liberal and neo-liberal ideas of civil society. The wickedness of the state is juxta- posed against the inherent goodness of civil society, so that the aim is the ‘whithering away of the state’. This anti-state-centric approach to political power, locates radical politics in extra-state space of innovation. This is why Puar and others reject pragmatic politics of same-sex marriage or anti-discrimination legislations. In contrast they support civil society campaigns like pink-watching that increasingly deploy the strategy of surveillance for shaming states into good behavior. Even as one critiques the harnessing of gender and sexuality by neo-liberal capitalism, the rejection of all feminist- queer politics oriented towards the state as part of a biopolitical agenda is disingenuous state-phobic rhetoric.

Postcolonial-queer-feminists are caught in an ambivalent, double-bind vis-à-vis the state: On the one hand, the state has historically been the source of violence and repression through the criminalization and pathologization of non-normative sexual practices. And yet, queer strategies seek to instru- mentalize the state to promote sexual justice. Even as the state is known to perpetuate heteronormative ideologies, which are founding myths of nations, the hope is that the state can function as a site of redress of gender and sexual inequality. Despite the problematic track-record with regard to sexual politics

of all nation-states, whether European or non-European, it is dangerous to disregard the immense political implications of state-phobic positions, which are increasingly popular in radical discourses in the West.

As the recent re-criminalization of homosexuality in Uganda, India and Nigeria demonstrate, negotiations with state are indispensable and imperative for emancipatory queer politics in the global South. This is not a plea for statism; rather, one must be aware of the dangers of the replacement of state with non-state actors as motors of justice. Against this background, the recent anti-statist stance within postcolonial queer scholarship is alarming, as it ignores the importance of the state for those citizens who do not have access to transnational counterpublic spheres to address their grievances.

Decolonization, whether in USA, Israel or India, cannot be achieved merely through a strategy of shaming the state. Rather in the Gramscian- Spivakian sense, it is imperative to enable vulnerable disenfranchised indi- viduals and groups to access the state (Dhawan 􀀲􀀰􀀱􀀳). Accordingly, instead of a for or against position vis-à-vis the state, the more challenging question is how to reconﬁgure the state, given that its institutions and policies are the mobile eﬀect of a regime of multiple governmentalities. Thus the chal- lenge is how to pursue a non-statephobic queer politics that at the same time neither rationalizes the biopolitical state project nor makes the queer bodies governable. In postcolonial contexts, the state is like a pharmakon , namely, both poison and medicine. Postcolonial queer politics must explore strategies of converting poison into counterpoison (Spivak 􀀲􀀰􀀰􀀷: 􀀷􀀱).

Herein the ambivalent function of the state must be addressed. As Pharmakon, the inherent condradictions must be engaged with: Violence and justice, ideology and emancipation, law and discipline. If, following Foucault, the state has no stable essence, then it is marked by undecidability or doubleness. The sole focus on the negative aspects of the Pharmakon, namely the destructive and repressive traits, neutralizes and ignores the enabling and empowering aspects. Thus postcolonial-queer-feminist poli- tics must transform poison into remedy and formulate critique of the state beyond state-phobia. A challenging task, but anything else would be too risky!