## 1

#### Interp and Violation: The affirmative must only defend that the member nations of the WTO reduce Intellectual property protections for medicine – they don’t.

#### [LII] “Intellectual property,” is defined as: Legal Information Institute. [LII of Cornell Law school aims to develop systems that allow users from outside the legal profession to access and understand the laws that govern them more easily.] “Intellectual property” *Legal Information Institute*, No date. https://www.law.cornell.edu/wex/intellectual\_property AC

**Intellectual property Overview In general terms, intellectual property is any product of the human intellect that the law protects from unauthorized use by others.** The ownership of intellectual property inherently creates a limited monopoly in the protected property. **Intellectual property is traditionally comprised of four categories: patent, copyright, trademark, and trade secrets.** Common Law Common law did not recognize intellectual property rights. Justice Brandeis communicated this belief in his dissent to International News Service v. Associated Press:"The general rule of law is, that the noblest of human productions—knowledge, truths ascertained, conceptions, and ideas—become, after voluntary communication to others, as free as the air to common use."

#### [WTO] “Word Trade Organization,” abbreviated “WTO” is defined as: World Trade Organization. [The World Trade Organization (WTO) deals with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible.] “What is the WTO” *World Trade Organization*, No date. https://www.wto.org/english/thewto\_e/whatis\_e/whatis\_e.htm AC

**The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.** Who we are There are a number of ways of looking at the World Trade Organization. It is an organization for trade opening. It is a forum for governments to negotiate trade agreements. It is a place for them to settle trade disputes. It operates a system of trade rules. Essentially, the WTO is a place where member governments try to sort out the trade problems they face with each other. What we do The WTO is run by its member governments. All major decisions are made by the membership as a whole, either by ministers (who usually meet at least once every two years) or by their ambassadors or delegates (who meet regularly in Geneva).

#### [Merriam Webster] Medcicine is

**Merriam Webster:** Merriam Webster “Definition of Medicine” <https://www.merriam-webster.com/dictionary/medicine> BJ

Definition of medicine 1a: a substance or preparation used in treating disease cough medicine

#### Vote neg for predictable limits—post-facto topic adjustment structurally favors the aff by manipulating the balance of prep which is anchored around the resolution as a stasis point. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus every 2 months, which means their arguments are presumptively false because they haven’t been subject to well-researched scrutiny. Two Impacts –

#### 1. Fairness—debate is fundamentally a game which requires both sides to have a relatively equal shot at winning and is necessary for any benefit to the activity. That outweighs:

#### A] decision-making: every argument concedes to the validity of fairness i.e. that the judge will make a fair decision based on the arguments presented. This means if they win fairness bad vote neg on presumption because you have no obligation to fairly evaluate their arguments.

#### B] probability: voting aff can’t solve any of their impacts but it can solve ours. All the ballot does is tell tab who won which can’t stop any violence or resolve subjectivity claims but can resolve the fairness imbalance in this particular debate.

#### 2. Testing – a clear stasis point of the rez allows for clash over a topic that is pre-decided, engagement with arguments and clash are the reason why we are in the activity, the idea of how we engage, how we engage in strategies, are all things that we learn through this activity. This fundamentally turns the affirmative because you prevent us from engaging in the affirmative where you can learn how your strategy works, where I can learn how your strategy works, how the judge learns which prevents real world skills - we don’t actually solve real world harms in this round so we should endorse the best strategy and model to do that.

#### TVA solves – read an AFF about how patents decrease access to medications or treatment/stigmatize pwd. You should also evaluate their answers to T through a lens of switch side – their ability to read this affirmative on the negative solves all their offense so vote negative on preserving some form of competitive equity within debate.

#### Use competing interps – topicality is question of models of debate which they should have to proactively justify, and we’ll win reasonability links to our offense.

#### Drop the debater - dropping the arg is severance which moots 7 minutes of 1nc offense.

#### No RVI’s – it’s your burden to be topical, don’t give them the ballot for not being unfair or uneducational.

## 2

## Framework

#### [ROJ & Dolmage 1] I negate. Disability HAS to be the first and last question of this debate – any other starting point mystifies a larger network of ableist knowledge production. The Role of the Judge is to Check Ableist Pedagogical Agendas, which means they must actively identify and respond to the ableist underpinnings of educational spaces.

**Dolmage 1:** Dolmage, Jay Timothy. [Associate Chair, Undergraduate Communication Outcome Initiative at University of Waterloo, Miami University] “Academic Ableism: Disability and Higher Education” *University of Michigan Press*, Chpt. 1, 2017. AZ **Brackets in original text**

Disavowing disability is in no body’s best interest. **Teachers recognize the diversity of the students they teach. But** teachers must also recognize their roles within institutions**, disciplines, and perhaps even personal pedagogical agendas, in which they may seek to** avoid **and disavow** the very idea **of disability—­to give it no place. This avoidance and disavowal brings with it its own spatial metaphors—­I use the steep steps to express this negative force.** That these steps are real in the lives of people with disabilities adds to the power of the metaphor. The steps have a strong connotation in the disability community, and not just for people who use wheelchairs and crutches. **When I say that the academy** build**s steep steps**, I hope that this verb entails many things—­most of all, I want to show that the steep steps are constructed for a reason. As I have already shown, not only did eugenics actually reshape the North American population through things like immigration restriction, not only did it reshape families through its campaigns for “better breeding,” not only did it reshape bodies through medical reinvention, but it reshaped how North Americans thought about bodies and minds. Here, for example, is a diagram of the steps that were created to distinguish between different grades of the “feeble-­minded” in the United States in the heyday of the eugenics movement before the Second World War. The definitions were used to classify a group of humans according to mental age, suggesting that development had been arrested and would proceed no further past the step at which the individual was placed. The mental age was determined based upon variations of a standard test, the Binet test, which asked literally hundreds of standard common-­knowledge questions, of increasing difficulty. The test was also designed to stop the subject once they had reached the stage or step of difficulty at which they could proceed no further. Fig. 3. “Exhibit of Work and Educational Campaign for Juvenile Mental Defectives.” American Philosophical Society, 1906. Fig. 3. “Exhibit of Work and Educational Campaign for Juvenile Mental Defectives.” American Philosophical Society, 1906. This image shows five people, each stationed on one of five very steep steps. The bottom person, slouched on the ground, is labeled an “idiot, mentally 3 yrs. old.” On the next step up, an individual is hunched over, looking downwards, labeled “low-­grade imbecile, 4 to 5 yrs. old.” Next step up, a “medium imbecile, mentally 6 to 8 yrs. old.” Then a “high grade imbecile, mentally 8 to 10 yrs. Old” is pictured on the next step up, now gazing upwards. Finally, we view a person, described in the caption as a “moron, mentally 10 to 12 years old,” attempting to climb above the final and topmost step but only getting halfway up. As the image reveals, the steps were also closely associated with forms of work, and thus classed citizens and linked their value to this labor-­output, but also placed almost all of the feebleminded below reason and judgment, not only in a space of rational vacuity, but deficit. You’ll also notice that the bodily bearing of these individuals conveys a message: the different levels of animation suggest physical and cognitive correlation. These people look tired. The disabled mind equates with the disabled body. These states correspond with affects: the slumped shoulders and downcast eyes suggest or physicalize depression. If these steps in the image on the next page represent the very bottom of the steep set we climb to the ivory tower, they nonetheless cannot be disconnected from the history of North American higher education. In fact, “morons,” “imbeciles,” and “idiots” were both rhetorically (and eugenically) constructed by the “fathers” of higher education, and those individuals who were given these labels were also studied and researched.[10] At the top of the steps were those who taught and studied at premier universities, and these people studied and experimented upon the bodies of those on the bottom steps. We may like to believe that, today, practices of eugenics have not only been rejected but that they’ve also been corrected. Yet the selectivity of this environment **must be continually interrogated or questioned. We must all evaluate the ways in which we ourselves continue to decide which bodies and which minds will have access to the considerable resources, privileges, and advantages we have and we bestow—and as we ask this question, we must wonder whether what we have to offer is truly worthwhile if it translates into** policies of exclusion, programs of incarceration, and reductive definitions of human worth. Interrogating the steep steps metaphor works to highlight not just how space and spatialization are exclusionary but also the ways that the distance between **a hypothetical “us” and a “them,” perhaps the able and the disabled, has a particular structure.** Yet we must look at the steps from other angles, along other axes. What are the attitudes, requirements, and practices that might represent boundaries, jumps on the graph, risers on the steps? Are there chutes, or are there ladders, set up to speed movement from top to bottom or bottom to top? What forces move up and down, affecting students’ progress? Should we even want to get to the top? How do students go back down the steps or out of the university gates and back to home communities? What makes this journey possible or impossible? What does it mean to skip the steps? Where do the steps actually start?

#### [ROB & Dolmage 2] The Role of the Ballot is to Endorse the Debater who Better Challenges the Exclusion of Educational Spaces. This is uniquely key on this topic, as the existence of disability turns colleges into labor-intensive asylums. Interrogating ableism is key to understanding education itself.

**Dolmage 2:** Dolmage, Jay Timothy. [Associate Chair, Undergraduate Communication Outcome Initiative at University of Waterloo, Miami University] “Academic Ableism: Disability and Higher Education” *University of Michigan Press*, Chpt. 1, 2017. AZ **Brackets in original text**

They were “in every sense apart from society”; “All of the **institutional routines were** segmented into carefully defined blocks of time, scrupulously maintained and punctuated by bells”; The routine was based on “work and solitude . . . steady labor and isolation” in which individuals are enveloped in the same work in a parallel way; They began as orderly and eventually became overcrowded and corrupt; They all housed the lowest orders of society. (xxv) What is ironic about this list is that if you flip a few key points, you have a great description of the universities also being developed in the same period: **fully removed, rigidly patterned, isolating, labor-intensive, increasingly corrupted and corruptible, but for only the highest orders of society.** Perhaps the university should always have been thought of as similar to other “total institutions”—to borrow Erving Goffman’s term. **Perhaps the college or university is in fact exactly the same as the almshouse or asylum, organizationally and even architecturally. And yet it** i**s viewed as the opposite. Thus the subjects in** one total institution, the college, are elevated. The inmates in the other spaces are confined. Importantly: **one studies; the other is studied. As Sharon Snyder and David Mitchell have shown, “historically**, disabled people have been the objects of study but not the purveyors of the knowledge base of disability” (Cultural, 198). As Tanya Titchkosky writes, **“disabled people are socially organized under the rubric of knowledge bases . . . within the everyday practices and procedures of university environments, for example, [we think of] disability as a problem in need of a solution” and not as an “important form of critical knowledge production within the university” (Question, 70).** Disability is studied; people with disabilities have been research resources. More than this, higher education has been built upon such research. It is important to map the history of this research, but also to intervene in showing some of the ways that we might hope higher education can be redesigned. **We need to understand how universities work to fully understand disability.** Inversely, we really need to understand disability to understand the history and the future of higher education.

## A. Links

#### [hedva 1] The aff’s appeals to change, progress, and revolution equate the political with *action* – that requires the oppressed to position themselves in the public sphere and “do something.”

hedva 1: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

1. In late 2014, I was sick with a chronic condition that, about every 12 to 18 months, gets bad enough to render me, for about five months each time, unable to walk, drive, do my job, sometimes speak or understand language, take a bath without assistance, and leave the bed. This particular flare coincided with the Black Lives Matter protests, which I would have attended unremittingly, had I been able to. I live one block away from MacArthur Park in Los Angeles, a predominantly Latino neighborhood and one colloquially understood to be the place where many immigrants begin their American lives. The park, then, is not surprisingly one of the most active places of protest in the city. I listened to the sounds of the marches as they drifted up to my window. Attached to the bed, I rose up my sick woman fist, in solidarity. I started to think about what modes of protest are afforded to sick people – it seemed to me that many for whom Black Lives Matter is especially in service, might not be able to be present for the marches because they were imprisoned by a job, the threat of being fired from their job if they marched, or literal incarceration, and of course the threat of violence and police brutality – but also because of illness or disability, or because they were caring for someone with an illness or disability. I thought of all the other invisible bodies, with their fists up, tucked away and out of sight. If we take Hannah Arendt’s definition of the political – which is still one of the most dominant in mainstream discourse – as being any action that is performed in public, we must contend with the implications of what that excludes. If being present in public is what is required to be political, then whole swathes of the population can be deemed a-political – simply because they are not physically able to get their bodies into the street. In my graduate program, Arendt was a kind of god, and so I was trained to think that her definition of the political was radically liberating. Of course, I can see that it was, in its own way, in its time (the late 1950s): in one fell swoop she got rid of the need for infrastructures of law, the democratic process of voting, the reliance on individuals who’ve accumulated the power to affect policy – she got rid of the need for policy at all. All of these had been required for an action to be considered political and visible as such. No, Arendt said, just get your body into the street, and bam: political. There are two failures here, though. The first is her reliance on a “public” – which requires a private, a binary between visible and invisible space. This meant that whatever takes place in private is not political. So, you can beat your wife in private and it doesn’t matter, for instance. You can send private emails containing racial slurs, but since they weren’t “meant for the public,” you are somehow not racist. Arendt was worried that if everything can be considered political, then nothing will be, which is why she divided the space into one that is political and one that is not. But for the sake of this anxiety, she chose to sacrifice whole groups of people, to continue to banish them to invisibility and political irrelevance. She chose to keep them out of the public sphere. I’m not the first to take Arendt to task for this. The failure of Arendt’s political was immediately exposed in the civil rights activism and feminism of the 1960s and 70s. “The personal is political” can also be read as saying “the private is political.” Because of course, everything you do in private is political: who you have sex with, how long your showers are, if you have access to clean water for a shower at all, and so on.

I’ll isolate specific links in the aff – their role of the ballot is… **[insert links].**

**Takes plavce**

**If you don’t do the aff it recontinues**

#### 1. They endorse the ballot as a way to affect the debate space — I’ll quote from the doc: “Vote affirmative as an endorsement of dysfluency and the failure to disability to be productive” — means they have faith in this space to rupture norms of productivity

2. They say they “hijack communicate spheres” — means they present the aff as actively doing something to affect disability

**Further,** their framing of the aff as a 6-minute revolution is a **performative** link – the aff is only revolutionary because they got up and read it in a public sphere.

## B. Impacts

#### [hedva 2] They adopt a “view from nowhere” – a myth of neutrality that frames the public as an open space for anyone willing to do the work to fight. These reps are rooted in Whiteness – what about people who CAN’T join the public sphere, or those who’ve tried and failed? And assuming progress is possible and things get better is ableist af.

hedva 2: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

There is another problem too. As Judith Butler put it in her 2015 lecture, “Vulnerability and Resistance,” Arendt failed to account for who is allowed in to the public space, of who’s in charge of the public. Or, more specifically, who’s in charge of who gets in. Butler says that there is always one thing true about a public demonstration: the police are already there, or they are coming. This resonates with frightening force when considering the context of Black Lives Matter. The inevitability of violence at a demonstration – especially a demonstration that emerged to insist upon the importance of bodies who’ve been violently un-cared for – ensures that a certain amount of people won’t, because they can’t, show up. Couple this with physical and mental illnesses and disabilities that keep people in bed and at home, and we must contend with the fact that many whom these protests are for, are not able to participate in them – which means they are not able to be visible as political activists. There was a Tumblr post that came across my dash during these weeks of protest, that said something to the effect of: “shout out to all the disabled people, sick people, people with PTSD, anxiety, etc., who can’t protest in the streets with us tonight. Your voices are heard and valued, and with us.” Heart. Reblog. So, as I lay there, unable to march, hold up a sign, shout a slogan that would be heard, or be visible in any traditional capacity as a political being, the central question of Sick Woman Theory formed: How do you throw a brick through the window of a bank if you can’t get out of bed? 2. I have chronic illness. For those who don’t know what chronic illness means, let me help: the word “chronic” comes from the Latin chronos, which means “of time” (think of “chronology”), and it specifically means “a lifetime.” So, a chronic illness is an illness that lasts a lifetime. In other words, it does not get better. There is no cure. And think about the weight of time: yes, that means you feel it every day. On very rare occasions, I get caught in a moment, as if something’s plucked me out of the world, where I realize that I haven’t thought about my illnesses for a few minutes, maybe a few precious hours. These blissful moments of oblivion are the closest thing to a miracle that I know. When you have chronic illness, life is reduced to a relentless rationing of energy. It costs you to do anything: to get out of bed, to cook for yourself, to get dressed, to answer an email. For those without chronic illness, you can spend and spend without consequence: the cost is not a problem. For those of us with limited funds, we have to ration, we have a limited supply: we often run out before lunch. I’ve come to think about chronic illness in other ways. Ann Cvetkovich writes: “What if depression, in the Americas, at least, could be traced to histories of colonialism, genocide, slavery, legal exclusion, and everyday segregation and isolation that haunt all of our lives, rather than to be biochemical imbalances?” I’d like to change the word “depression” here to be all mental illnesses. Cvetkovich continues: “Most medical literature tends to presume a white and middle-class subject for whom feeling bad is frequently a mystery because it doesn’t fit a life in which privilege and comfort make things seem fine on the surface.” In other words, wellness as it is talked about in America today, is a white and wealthy idea. Let me quote Starhawk, in the preface to the new edition of her 1982 book Dreaming the Dark: “Psychologists have constructed a myth – that somewhere there exists some state of health which is the norm, meaning that most people presumably are in that state, and those who are anxious, depressed, neurotic, distressed, or generally unhappy are deviant.” I’d here supplant the word “psychologists” with “white supremacy,” “doctors,” “your boss,” “neoliberalism,” “heteronormativity,” and “America.” There has been a slew of writing in recent years about how “female” pain is treated – or rather, not treated as seriously as men’s in emergency rooms and clinics, by doctors, specialists, insurance companies, families, husbands, friends, the culture at large. In a recent article in The Atlantic, called “How Doctors Take Women’s Pain Less Seriously,” a husband writes about the experience of his wife Rachel’s long wait in the ER before receiving the medical attention her condition warranted (which was an ovarian torsion, where an ovarian cyst grows so large it falls, twisting the fallopian tube). “Nationwide, men wait an average of 49 minutes before receiving an analgesic for acute abdominal pain. Women wait an average of 65 minutes for the same thing. Rachel waited somewhere between 90 minutes and two hours,” he writes. At the end of the ordeal, Rachel had waited nearly fifteen hours before going into the surgery she should have received upon arrival. The article concludes with her physical scars healing, but that “she’s still grappling with the psychic toll – what she calls ‘the trauma of not being seen.’” What the article does not mention is race – which leads me to believe that the writer and his wife are white. Whiteness is what allows for such oblivious neutrality: it is the premise of blankness, the presumption of the universal. (Studies have shown that white people will listen to other white people when talking about race, far more openly than they will to a person of color. As someone who is white-passing, let me address white people directly: look at my white face and listen up.) The trauma of not being seen. Again – who is allowed in to the public sphere? Who is allowed to be visible? I don’t mean to diminish Rachel’s horrible experience – I myself once had to wait ten hours in an ER to be diagnosed with a burst ovarian cyst – I only wish to point out the presumptions upon which her horror relies: that our vulnerability should be seen and honored, and that we should all receive care, quickly and in a way that “respects the autonomy of the patient,” as the Four Principles of Biomedical Ethics puts it. Of course, these presumptions are what we all should have. But we must ask the question of who is allowed to have them. In whom does society substantiate such beliefs? And in whom does society enforce the opposite? Compare Rachel’s experience at the hands of the medical establishment with that of Kam Brock’s. In September 2014, Brock, a 32-year-old black woman, born in Jamaica and living in New York City, was driving a BMW when she was pulled over by the police. They accused her of driving under the influence of marijuana, and though her behavior and their search of her car yielded nothing to support this, they nevertheless impounded her car. According to a lawsuit brought against the City of New York and Harlem Hospital by Brock, when Brock appeared the next day to retrieve her car she was arrested by the police for behaving in a way that she calls “emotional,” and involuntarily hospitalized in the Harlem Hospital psych ward. (As someone who has also been involuntarily hospitalized for behaving “too” emotionally, this story feels like a rip of recognition through my brain.) The doctors thought she was “delusional” and suffering from bipolar disorder, because she claimed that Obama followed her on twitter – which was true, but which the medical staff failed to confirm. She was then held for eight days, forcibly injected with sedatives, made to ingest psychiatric medication, attend group therapy, and stripped. The medical records of the hospital – obtained by her lawyers – bear this out: the “master treatment plan” for Brock’s stay reads, “Objective: Patient will verbalize the importance of education for employment and will state that Obama is not following her on Twitter.” It notes her “inability to test reality.” Upon her release, she was given a bill for $13,637.10. The question of why the hospital’s doctors thought Brock “delusional” because of her Obama-follow claim is easily answered: Because, according to this society, a young black woman can’t possibly be that important – and for her to insist that she is must mean she’s “sick.” 3. Before I can speak of the “sick woman” in all of her many guises, I must first speak as an individual, and address you from my particular location. I am antagonistic to the notion that the Western medical-insurance industrial complex understands me in my entirety, though they seem to think they do. They have attached many words to me over the years, and though some of these have provided articulation that was useful – after all, no matter how much we are working to change the world, we must still find ways of coping with the reality at hand – first I want to suggest some other ways of understanding my “illness.” Perhaps it can all be explained by the fact that my Moon’s in Cancer in the 8th House, the House of Death, or that my Mars is in the 12th House, the House of Illness, Secrets, Sorrow, and Self-Undoing. Or, that my father’s mother escaped from North Korea in her childhood and hid this fact from the family until a few years ago, when she accidentally let it slip out, and then swiftly, revealingly, denied it. Or, that my mother suffers from undiagnosed mental illness that was actively denied by her family, and was then exasperated by a 40-year-long drug addiction, sexual trauma, and hepatitis from a dirty needle, and to this day remains untreated, as she makes her way in and out of jails, squats, and homelessness. Or, that I was physically and emotionally abused as a child, raised in an environment of poverty, addiction, and violence, and have been estranged from my parents for 13 years. Perhaps it’s because I’m poor – according to the IRS, in 2014, my adjusted gross income was $5,730 (a result of not being well enough to work full-time) – which means that my health insurance is provided by the state of California (Medi-Cal), that my “primary care doctor” is a group of physician’s assistants and nurses in a clinic on the second floor of a strip mall, and that I rely on food stamps to eat. Perhaps it can be encapsulated in the word “trauma.” Perhaps I’ve just got thin skin, and have had some bad luck. It’s important that I also share the Western medical terminology that’s been attached to me – whether I like it or not, it can provide a common vocabulary: “This is the oppressor’s language,” Adrienne Rich wrote in 1971, “yet I need it to talk to you.” But let me offer another language, too. In the Native American Cree language, the possessive noun and verb of a sentence are structured differently than in English. In Cree, one does not say, “I am sick.” Instead, one says, “The sickness has come to me.” I love that and want to honor it. So, here is what has come to me: Endometriosis, which is a disease of the uterus where the uterine lining grows where it shouldn’t – in the pelvic area mostly, but also anywhere, the legs, abdomen, even the head. It causes chronic pain; gastrointestinal chaos; epic, monstrous bleeding; in some cases, cancer; and means that I have miscarried, can’t have children, and have several surgeries to look forward to. When I explained the disease to a friend who didn’t know about it, she exclaimed: “So your whole body is a uterus!” That’s one way of looking at it, yes. (Imagine what the Ancient Greek doctors – the fathers of the theory of the “wandering womb” – would say about that.) It means that every month, those rogue uterine cells that have implanted themselves throughout my body, “obey their nature and bleed,” to quote fellow endo warrior Hilary Mantel. This causes cysts, which eventually burst, leaving behind bundles of dead tissue like the debris of little bombs. Bipolar disorder, panic disorder, and depersonalization disorder have also come to me. This means that I live between this world and another one, one created by my own brain that has ceased to be contained by a discrete concept of “self.” Because of these “disorders,” I have access to incredibly vivid emotions, flights of thought, and dreamscapes, to the feeling that my mind has been obliterated into stars, to the sensation that I have become nothingness, as well as to intense ecstasies, raptures, sorrows, and nightmarish hallucinations. I have been hospitalized, voluntarily and involuntarily, because of it, and one of the medications I was prescribed once nearly killed me – it produces a rare side effect where one’s skin falls off. Another cost $800 a month – I only took it because my doctor slipped me free samples. If I want to be able to hold a job – which this world has decided I ought to be able to do – I must take an anti-psychotic medication daily that causes short-term memory loss and drooling, among other sexy side effects. These visitors have also brought their friends: nervous breakdowns, mental collapses, or whatever you want to call them, three times in my life. I’m certain they will be guests in my house again. They have motivated attempts at suicide (most of them while dissociated) more than a dozen times, the first one when I was nine years old. That first attempt didn’t work, only because after taking a mouthful of sleeping pills, I somehow woke up the next day and went to school, like nothing had happened. I told no one about it, until my first psychiatric evaluation in my mid 20s. Finally, an autoimmune disease that continues to baffle all the doctors I’ve seen, has come to me and refuses still to be named. As Carolyn Lazard has written about her experiences with autoimmune diseases: “Autoimmune disorders are difficult to diagnose. For ankylosing spondylitis, the average time between the onset of symptoms and diagnosis is eight to twelve years. I was lucky; I only had to wait one year.” Names like “MS,” “fibromyalgia,” and others that I can’t remember have fallen from the mouths of my doctors – but my insurance won’t cover the tests, nor is there a specialist in my insurance plan within one hundred miles of my home. I don’t have enough space here – will I ever? – to describe what living with an autoimmune disease is like. I can say it brings unimaginable fatigue, pain all over all the time, susceptibility to illnesses, a body that performs its “normal” functions monstrously abnormally. The worst symptom that mine brings is chronic shingles. For ten years I’ve gotten shingles in the same place on my back, so that I now have nerve damage there, which results in a ceaseless, searing pain on the skin and a dull, burning ache in the bones.

## C. Alternative

#### [hedva 3] Reject their representations of liberation [or progress] and endorse Sick Woman Theory as a survival strategy for oppressed people. This means re-centering the discussion to oppose incorporation into oppressive structures. It is NOT the burden of the oppressed to fix the world around them – instead, an ethic of care for self and others should replace the call for public protest. SOLVES CAP AND ROOT CAUSE CLAIMS.

hedva 3: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

Despite taking daily medication that is supposed to “suppress” the shingles virus, I still get them – they are my canaries in the coalmine, the harbingers of at least three weeks to be spent in bed. My acupuncturist described it as a little demon steaming black smoke, frothing around, nestling into my bones. 4. With all of these visitors, I started writing Sick Woman Theory as a way to survive in a reality that I find unbearable, and as a way to bear witness to a self that does not feel like it can possibly be “mine.” The early instigation for the project of “Sick Woman Theory,” and how it inherited its name, came from a few sources. One was in response to Audrey Wollen’s “Sad Girl Theory,” which proposes a way of redefining historically feminized pathologies into modes of political protest for girls: I was mainly concerned with the question of what happens to the sad girl when, if, she grows up. Another was incited by reading Kate Zambreno’s fantastic Heroines, and feeling an itch to fuck with the concept of “heroism” at all, and so I wanted to propose a figure with traditionally anti-heroic qualities – namely illness, idleness, and inaction – as capable of being the symbol of a grand Theory. Another was from the 1973 feminist book Complaints and Disorders, which differentiates between the “sick woman” of the white upper class, and the “sickening women” of the non-white working class. Sick Woman Theory is for those who are faced with their vulnerability and unbearable fragility, every day, and so have to fight for their experience to be not only honored, but first made visible. For those who, in Audre Lorde’s words, were never meant to survive: because this world was built against their survival. It’s for my fellow spoonies. You know who you are, even if you’ve not been attached to a diagnosis: one of the aims of Sick Woman Theory is to resist the notion that one needs to be legitimated by an institution, so that they can try to fix you. You don’t need to be fixed, my queens – it’s the world that needs the fixing. I offer this as a call to arms and a testimony of recognition. I hope that my thoughts can provide articulation and resonance, as well as tools of survival and resilience. And for those of you who are not chronically ill or disabled, Sick Woman Theory asks you to stretch your empathy this way. To face us, to listen, to see. 5. Sick Woman Theory is an insistence that most modes of political protest are internalized, lived, embodied, suffering, and no doubt invisible. Sick Woman Theory redefines existence in a body as something that is primarily and always vulnerable, following from Judith Butler’s work on precarity and resistance. Because the premise insists that a body is defined by its vulnerability, not temporarily affected by it, the implication is that it is continuously reliant on infrastructures of support in order to endure, and so we need to re-shape the world around this fact. Sick Woman Theory maintains that the body and mind are sensitive and reactive to regimes of oppression – particularly our current regime of neoliberal, white-supremacist, imperial-capitalist, cis-hetero-patriarchy. It is that all of our bodies and minds carry the historical trauma of this, that it is the world itself that is making and keeping us sick. To take the term “woman” as the subject-position of this work is a strategic, all-encompassing embrace and dedication to the particular, rather than the universal. Though the identity of “woman” has erased and excluded many (especially women of color and trans and genderfluid people), I choose to use it because it still represents the un-cared for, the secondary, the oppressed, the non-, the un-, the less-than. The problematics of this term will always require critique, and I hope that Sick Woman Theory can help undo those in its own way.

They add:

6. I used to think that the most anti-capitalist gestures left had to do with love, particularly love poetry: to write a love poem and give it to the one you desired, seemed to me a radical resistance. But now I see I was wrong. The most anti-capitalist protest is to care for another and to care for yourself. To take on the historically feminized and therefore invisible practice of nursing, nurturing, caring. To take seriously each other’s vulnerability and fragility and precarity, and to support it, honor it, empower it. To protect each other, to enact and practice community. A radical kinship, an interdependent sociality, a politics of care. Because, once we are all ill and confined to the bed, sharing our stories of therapies and comforts, forming support groups, bearing witness to each other’s tales of trauma, prioritizing the care and love of our sick, pained, expensive, sensitive, fantastic bodies, and there is no one left to go to work, perhaps then, finally, capitalism will screech to its much-needed, long-overdue, and motherfucking glorious halt.

# Case

#### [James 1] The aff’s appeals to dysfluency endorse the politics of capitalistic RESILIENCE – their PERFORMANCE is packaged as a 6-minute, consumable product that endorses the method to counter-act fluency.

James 1: James, Robin. [Associate Professor of Philosophy, UNC Charlotte] “Incandescence, Melancholy, and Feminist Bad Vibes: A Response to Ziarek’s Feminist Aesthetics and the Politics of Modernism.” Differences 25 (2), 2016. CH

Neoliberalism co-opts this incandescence (or at least the most visible, legible part of its spectrum), domesticating its critical force into the means of producing aesthetic pleasure and reproducing social normativity. Potentiality has been “upgraded” into resilience.9 In resilient art, formal experimentation cultivates, or incites (to use a more Foucaultian term), shocks and feeds the resultant shockwaves back into the system.10 This feedback supports rather than destabilizes hegemonic institutions. The aesthetic damage through which modernist art established its heteronomous/ autonomous position of critique—stuttering, fragmented, degraded, aleatory, dissonant—is now the very medium of normalization.11 Neoliberal resilience, in other words, is a method or process of recycling modernist damage. For example, if modernist art invested aesthetic pleasure in the objectification of women (what Laura Mulvey famously calls scopophilia), neoliberal art invests aesthetic pleasure in women’s spectacular assumption of subjectivity—what Ziarek calls incandescence. If in modernity we liked doing damage to women, we now like to see women overcome that damage.12 This means that we expect women to perform their damage as a baseline from which “good” women then progress. That [D]amage is the fuel for incandescent fires, so it must be constantly incited and invoked so that there’s something for incandescent women to ignite. In this way, resilience discourse normalizes traditional patriarchal damage (e.g., the damage of exclusion and objectification) as a systemic or background condition that individual women are then responsible for overcoming. “Undoing [. . .] feminism while simultaneously appearing to be engaging in a wellinformed and even well-intended response to feminism” (McRobbie 1), resilient incandescence is quintessentially postfeminist. We, the audience, use our identification with the resilient heroine as a way to disidentify with and (supposedly) transgress the imperatives of modernist patriarchy. This is why, as Ziarek explains, audiences have a “sympathetic identification with subversive femininity, with the mother avenging the murderous sacrifice of her daughter for political ends, rather than with the murderous father/king” (104). We enjoy women’s spectacular subjectivization (i.e., their overcoming of scopophilic objectification) because this distances us from unfashionable patriarchal formations and tastes (i.e., this latter scopophilia). In postfeminist neoliberalism, “bearing witness to both the destruction of women’s artistic capacities and women’s revolutionary aspirations” (5) becomes a source of aesthetic pleasure not because it’s revolutionary, but because it’s normative. To use Jack Halberstam’s term, we like our women to “go gaga” because this incandescence, this “unpredictable feminine” (114) methodology allows us to eke even more light out of otherwise exhausted enlightenment modernity. If we’ve reached, as Ziarek discusses, the so-called end of art and the end of history (and the end of tonality and the end of representation and, well, the end of modernity), then the only way to find more resources is, like Pixar’s wall-e, by sifting through our vast piles of waste. And in that waste heap is abject femininity (what musicologist Susan Cook calls the feminized “abject popular”). Femininity is abject because its exclusion from patriarchy is what constitutes patriarchy as a coherent system. In both Ziarek’s aesthetics of potentiality and in resilience discourse, women artists do the cultural work of remaking abjection or constitutive exclusion into ecstatic radiance.13 In the former case, that work is revolutionary; in the latter case, that work normalizes. Resilience discourse transposes feminist revolution into a nationalist, patriarchal, white supremacist practice. Take, for example, Katy Perry’s “Firework,” in which the lyrics trace the affective journey from dejection to radiant exceptionality. The song begins by asking listeners to identify with feelings of irrelevance, weakness, loneliness, and hopelessness; it posits and affirms damage, suffering, and pain. But then Perry’s narrator argues that in spite and perhaps [B]ecause of this damage, the listener has precisely the means to connect to others, to make a difference, to have hope: “[T]here’s a spark in you / You just gotta ignite the light and let it shine.” She uses the metaphor of fireworks (and their association with u.s. Independence Day celebrations) to describe the listener’s self-transformation from black dust to shining light: you may feel like trash, but if you can just light yourself on fire, that trash will burn with a dazzling radiance that lights up the sky, just as it lights up audiences’ faces. Here, Perry transforms abjection—feeling like trash, unmoored, socially dead—into incandescent triumph. In the song, the addressee’s personal triumph evokes u.s. nationalist narratives of overcoming colonization (i.e., the Declaration of Independence, celebrated on the Fourth of July). Feminine incandescence—the transformation of waste and melancholy into glowing potential—is no longer revolutionary. Not only parallel to u.s. nationalism, it is the very means for reproducing normativity.

#### [James 2] First, their narrative of “overcoming” PERPETUATES CYCLES OF OBJECTIFICATION, requiring a public performance for a spectator’s benefit.

James 2: James, Robin. [Associate Professor of Philosophy, UNC Charlotte] *Resiliency and Melancholy: Pop Music, Feminism, Neoliberalism*.Zero Books: Winchester, 2015. CH

(d) “Look, I Overcame!” Resilience must be performed explicitly, legibly, and spectacularly. Overcoming is necessary, but insufficient; [T]o count and function as resilience, this overcoming must be accomplished in a visible or otherwise legible and consumable manner. Overcoming is a type of “affective labor” which, as Steven Shaviro puts it, “is productive only to the extent that it is a public performance. It cannot unfold in the hidden depths; it must be visible and audible” (PCA 49n33). In order to tune into feminine resilience and feed it back into its power supply, MRWaSP has to perceive it as such. “Look, I Overcame!” is the resilient subject’s maxim or mantra. Gender and race have always been “visible identities,” to use philosopher Linda Martin Alcoff’s term, identities strongly tied to one’s outward physical appearance. However, gendered/ racialized resilience isn’t visible in the same way that conventional gender and racial identities are visible. To clarify these differences, it’s helpful to think of resilience in terms of a “Look, I Overcame!” imperative. “Look, I Overcame!” is easy to juxtapose to Frantz Fanon’s “Look, a Negro!”, which is the touchstone for his analysis of gendered racialization in “The Fact of Blackness.” In both cases, looking is a means of crafting race/gender identities and distributing white patriarchal privilege. But, in the same way that resilience discourse “upgrades” traditional methods for crafting identities and distributing privilege, the “looking” in “Look, I Overcame!” is an upgrade on the “looking” in “Look, a [black person!] Negro!” According to Fanon, the exclamation “Look, a Negro!” racializes him as a black man. To be “a Negro” [a black person] is to be objectified by the white supremacist gaze. This gaze fixes him as an object, rather than an ambiguous transcendence (which is a more nuanced way of describing the existentialist concept of subjectivity). “The black man,” as Fanon argues, “has no ontological resistance for the white man” (BSWM 110) because, as an object and not a mutually-recognized subject, he cannot return the white man’s gaze (“The Look” that is so important to Sartre’s theory of subjectivity in Being & Nothingness). The LIO narrative differs from Fanon’s account in the same way it differs from Iris Young’s account of feminine body comportment: [I]n resilience discourse, objectification isn’t an end but a means. [a]ny impediment posed by the damage wrought by the white/male gaze is a necessary prerequisite for subjectivity, agency, and mutual recognition. In other words, being looked at isn’t an impediment, but a resource. Resilience discourse turns objectification (being looked at) into a means of subjectification (overcoming). It also makes looking even more efficient and profitable than simple objectification could ever be. Recognizing and affirming the affective labor of the resilient performer, [T]he spectator feeds the performer’s individual overcoming into a second-order therapeutic narrative: our approbation of her overcoming is evidence of our own overcoming of our past prejudices. This spectator wants to be seen by a wider audience as someone who answers the resilient feminine subject’s hail, “Look, I Overcame!”. Just as individual feminine subjects use their resilience as proof of their own goodness, MRWaSP uses the resilience of its “good girls” as proof that they’re the “good guys”—that its social and ethical practices are truly just, and that we really mean it this time when we say everyone is equal. For example, the “resilience” of “our” women is often contrasted with the supposed “fragility” of ThirdWorld women of color.

#### [hedva 1] The aff’s appeals to change, progress, and revolution equate the political with *action* – that requires the oppressed to position themselves in the public sphere and “do something.”

hedva 1: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

1. In late 2014, I was sick with a chronic condition that, about every 12 to 18 months, gets bad enough to render me, for about five months each time, unable to walk, drive, do my job, sometimes speak or understand language, take a bath without assistance, and leave the bed. This particular flare coincided with the Black Lives Matter protests, which I would have attended unremittingly, had I been able to. I live one block away from MacArthur Park in Los Angeles, a predominantly Latino neighborhood and one colloquially understood to be the place where many immigrants begin their American lives. The park, then, is not surprisingly one of the most active places of protest in the city. I listened to the sounds of the marches as they drifted up to my window. Attached to the bed, I rose up my sick woman fist, in solidarity. I started to think about what modes of protest are afforded to sick people – it seemed to me that many for whom Black Lives Matter is especially in service, might not be able to be present for the marches because they were imprisoned by a job, the threat of being fired from their job if they marched, or literal incarceration, and of course the threat of violence and police brutality – but also because of illness or disability, or because they were caring for someone with an illness or disability. I thought of all the other invisible bodies, with their fists up, tucked away and out of sight. If we take Hannah Arendt’s definition of the political – which is still one of the most dominant in mainstream discourse – as being any action that is performed in public, we must contend with the implications of what that excludes. If being present in public is what is required to be political, then whole swathes of the population can be deemed a-political – simply because they are not physically able to get their bodies into the street. In my graduate program, Arendt was a kind of god, and so I was trained to think that her definition of the political was radically liberating. Of course, I can see that it was, in its own way, in its time (the late 1950s): in one fell swoop she got rid of the need for infrastructures of law, the democratic process of voting, the reliance on individuals who’ve accumulated the power to affect policy – she got rid of the need for policy at all. All of these had been required for an action to be considered political and visible as such. No, Arendt said, just get your body into the street, and bam: political. There are two failures here, though. The first is her reliance on a “public” – which requires a private, a binary between visible and invisible space. This meant that whatever takes place in private is not political. So, you can beat your wife in private and it doesn’t matter, for instance. You can send private emails containing racial slurs, but since they weren’t “meant for the public,” you are somehow not racist. Arendt was worried that if everything can be considered political, then nothing will be, which is why she divided the space into one that is political and one that is not. But for the sake of this anxiety, she chose to sacrifice whole groups of people, to continue to banish them to invisibility and political irrelevance. She chose to keep them out of the public sphere. I’m not the first to take Arendt to task for this. The failure of Arendt’s political was immediately exposed in the civil rights activism and feminism of the 1960s and 70s. “The personal is political” can also be read as saying “the private is political.” Because of course, everything you do in private is political: who you have sex with, how long your showers are, if you have access to clean water for a shower at all, and so on.