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#### Communicative spaces are structured to exclude disabled bodies- speech has come to constitute the boundary of Humanism, to which disability forms the constitutive negative as a disruption of such networks. Informational assemblages are inaccessible to disabled bodies which form the instability that threatens the humanist circle.

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John Durham Peters has argued that “communication” is a modern invention, stirred by the late 19th century anxieties of isolation and longings for unmediated connection (2000). But while the elusive dream of forging minds together through signs and semantics may be an endemically modern problem, speech has long been a human problem. In particular, performing speech, like performing “the human,” is a risky affair with exclusionary consequences. Oral speech has occupied a dignified position within the humanist lineage, shaping central questions of what it means to be human, imbued with the power to persuade others, serve human affairs, and articulate truth; yet, this pedigree has come at a high cost: the exclusion of voices not deemed rational and intelligible. I propose bringing a disabled, or a crip, analysis to bear on speech communication within humanism and posthumanism. Focusing on the disabled speaker, I accordingly argue that the exclusion of nonnormative voices within liberal humanism results from a tension between the conception of speech as rational and universal, and its embodied particularity that erodes any claim to universality. As the sine qua non of rational human subjectivity, speech is an esteemed, yet volatile, performance that can easily go wrong. Rather than owning up to the necessarily embodied and unstable mediation of human identity, liberal humanism defers the tension immanent within speech by excluding nonnormative and disabled voices, judging them against what I term the “universal speaker,” in a Sisyphean attempt to shore up and contain the boundaries of the human. The ultimately futile movement to free rational discourse from the body entirely is reapproached through the posthumanist shift to text as the principle mode of communication. Pursuing the stuttered trajectory of “rational discourse” in liberal humanism to its disembodied form of “information” in posthumanism, I suggest that speech is largely absent in posthumanist discourse not only because of the incongruity of speech with emerging models of information seemingly free from context, but perhaps more importantly because these discourses assume autoaffectivity and preclude crip voices from analysis. Like its humanist predecessor, and contrary to much of its rhetoric, posthumanism shows signs of structural exclusion dependent on having the right sort of informational body: malleable and flexible. Tony Davis insists that “All humanisms, until now, have been imperial. . . . Their embrace suffocates those it does not ignore” (2008, p. 141). While this may ultimately place disabled voices within good company, it remains worrisome that the silencing itself has been largely underrepresented and untheorized. Even disciplines such as communication studies and disability studies, devoted to unearthing genealogies, articulating phenomenological structures, and exploring subaltern modes of existing together, have not paid enough attention to disabled speech. While these disciplines have had very little, if any, contact so far, they have much to offer each other. By bringing these two disciplines into dialogue and writing from disability, I propose that the disabled speaker is perhaps the cyborg par excellence, eschewing communicative purity, autonomy, and self-mastery. The disabled speaker can be employed to critique the latent ableism within humanist and posthumanist discourse, and communication theory more generally, while offering new modes of thinking about posthuman communication as an embodied activity based on noise, relationality, and reciprocity.1 Liberal humanism and speech Liberal humanism is a broad-based political and intellectual emergence within the Enlightenment, which gained full ascendency in the 19th and 20th centuries, valuing “open and undogmatic inquiry, freedom of the individual conscience” and aiming for a “respect for social justice, social and psychological utility, decency, [and] liberality” (Coates & White, 1970, p. 447). At its center, liberal humanism is a marriage between the long humanist tradition and liberal ideals: a dual commitment to “man” and “freedom.” However, in its effort to secure “man” as a completely autonomous being, liberal humanism must first transcend group differences and generalize attributes of humanity in a movement of essentialization. What defines a human in this tradition is accordingly not accidental attributes— for example race, gender, age—but the possession of rationality. The liberal subject, as Katherine Hayles has observed, identifies the self with the rational mind merely in possession of a body (1999, p. 4).This move is unquestionably overdetermined, yet can in large measure be traced back through Cartesian rationalism to the Discourse on the Method. Asserting the cogito, Descartes writes: from this I knew I was a substance whose whole essence or nature is solely to think, and which does not require any place, or depend on any material thing, in order to exist. Accordingly this ‘I’— that is, the soul by which I am what I am—is entirely distinct from the body, and indeed is easier to know than the body, and would not fail to be whatever it is, even if the body did not exist (2009, p. 36, emphasis added). Distinct from the body and free from context, the existence of the rational “I” stands above the historical moment. While Descartes himself is not the brash dualist so often presumed, the methodological distinction between res extensa and res cogitans nevertheless sets the stage for the humanist erasure of embodiment that carries through into posthumanism. Compared to the axiomatically derived self-evidence of the rational self, the body is deemed epistemically untrustworthy, accidental, and historical. Transcribed through liberal humanism, this binary conceives the subject as an inner and universal rationality possessing an external and particular body. The liberal subject emerges as autonomous and unitary, yet as interior, in need of externalizing his/her social and political nature. It is here that speech takes on a significant, yet surprisingly underrepresented, role within liberal humanist discourse. In 1923, H. Wildon Carr, a former president of the Aristotelian Society, argued that the very idea of reason requires discourse because reason is an activity directed outwards. “The origin of speech,” said Carr, “is in the nature of human mentality. Reason in its human form would not and could not exist without speech” (1923–1924, p. 97). A similar position is taken up more recently by Frank E. X. Dance and Carl E. Larson who have contended that speech communication is a pedagogical initiation into humanity. “Speech communication,” they write, “functions so importantly in the life of a human being that the understanding and study of speech communication are at the very core of a liberal education” (1972, p. 6). Toeing the party line, Dance and Larson have maintained that speech communication has three functions: (a) linking the individual with his environment, (b) developing higher mental processes, and (c) regulating behavior (1972, p. 64). Speech is an enactment of reason and therefore of human identity, since “evolutionarily speaking, the hand is shaped by the labor in which it engages, man’s interiority simultaneously shapes and is shaped by speech communication” (1972, p. 71). For Carr, Dance, and Larson, then, speech is an extension of rationality, belonging not to the body, but to the articulation and formation of reason. The liberal humanist assessment of speech exemplified by Carr, Dance, and Larson relies on an ambiguity and slippage between the rational interior and embodied exterior. Speech is given in liberal humanism as a mode of rationality, yet the body is also needed for the enactment of speech. This duality raises troubling questions regarding the boundaries of reason and the self. Does speech modulate from a form of rationality to a conditional act as it passes through the lips? Where does the universal reason stop and contingent embodiment begin? While speech, mediating the threshold between the public and private and the universal and accidental, can be understood as the sine qua non of the liberal humanist subject, it simultaneously occupies an ambiguous position. This ambiguity translates as a fundamental instability in the rational self’s identity and boundary that can be detailed through the voice, chiastically hinging language and the body. The voice is dually constituted by the phonological and the phonetic: the meaning laden, immaterial aspect of the phoneme and its material, auditory support. While the existence of the phonological depends upon the phonetic (however short-lived its existence), the logic of phonocentrism permeating liberal humanism systematically obscures the phonetic as the trace of embodiment. “Requiring the intervention of no determinate surface in the world, being produced in the world as pure auto-affection, [the voice],” explains Derrida, “is a signifying substance completely at our disposition. For the voice meets no obstacle to its emission in the world precisely because it is produced as pure auto-affection” (1973, p. 79). This dominant tradition understands the phonetic, embodied aspect of the voice to be utterly passive and invisible, and thus “the voice” comes from within, circumventing the body, and directly expresses interiority. Yet, tying the signifier to the body, the voice is not so easily divorced from its embodied source. Somewhat overstated by the dysfluent speaker, the phonetic aspect of the voice often does not self-effacingly recede once the phonological function has been dutifully carried out, but rather lingers and stretches, drawing attention to itself and threatening to subvert its linguistic purpose. The voice of one who has cerebral palsy, for example, is decidedly not at his/her complete disposition precisely because the body obtrudes its continuous emission into the world. The conception of the voice as pure auto-affection can be maintained only by abstracting speech from lived experience. I accordingly argue that the rational human materializes himself through the voice precariously; the slippage is manifested both phonetically and affectively. Mladen Dolar (2006) contends that even though the phonetic voice does not contribute to meaning and is therefore inconspicuous when the semantic operation of speech is “properly” carried out, there is always something leftover, whether accent, individuality, or other tonal qualia. The role assigned to the remainder of the voice by Dolar is somewhat peculiar. On the one hand, the remainder is an obstruction overcome when one becomes adjusted to a different accent, for example, and can focus simply upon the intended meaning. The voice in this regard is simply an impediment to the communicative operation of language. Yet on the other hand, Dolar notes that a voice devoid of any remainder would conflate with mechanical iterability and thus lose its human characteristic: Paradoxically, it is the mechanical voice which confronts us with the object voice, its disturbing and uncanny nature, whereas the human touch helps us keep it at bay. The obstacle it appears to present actually enhances the sense-making effect; the seeming distraction contributes to the better fulfillment of the goal (2006, p. 22). The phonetic side effect of the voice enables its recognizability and identification as a human voice. Implicit here is the narrow phonetic line sheltering the human voice in between the mechanical and noise—between merely iterating signifiers and chaotic distraction. At far ends of the spectrum, voices of intellectually disabled people are often read as subhuman at best, while voices with no inflection can be read as eerily mechanical or computerized. Depicting the former phenomenon, a vitriolic letter was recently sent to the caretaker of an autistic boy, in which the anonymous author complained, “You selfishly put your kid outside every day and let him be nothing but a nuisance and a problem to everyone else with that noise polluting whaling [sic] he constantly makes! That noise he makes when he is outside is DREADFUL [sic] . . . It scares the hell out of my normal children! . . . Do the right thing and move or euthanize him!” (“Hateful Letter,” 2013). This instance is repugnant and likely not representative in degree. However, inasmuch as speech and reason are tightly correlated through the linguistic function of the voice, performing the voice in any way that strays beyond codified vocalic boundaries and unsettles the effortless production of meaning calls into question the rationality of the performer “behind” the voice. More moderately disabled voices, like the stuttering voice, are in this regard not outright rejected as a signifying voice like the voices of the (presumed) intellectually disabled. However, recognition can nevertheless be denied in degree. The failure to signify in a quotidian manner results in a desperate struggle for the disabled voice to maintain a uniform performance of reason if the speaker wishes to be afforded the privileges of full participation given to those deemed rational. Speaking as a rational human is a delicate performance that can easily go sideways. The knife-edge of human vocality is honed even finer by taking into account normalized vocal affectivity. Joshua Gunn (2010) has argued that the affective power of the voice is culturally policed because it is fundamentally public; the phonetic aspect of the voice generates “public feelings” that communicate on their own accord. Rhetorical training aims to tame this affective power to match, support, and enliven the semiotic character of the voice. However, citing the public anxiety around “uncontrolled speech” that transgresses vocal norms, Gunn points out how easily the affective force can go awry, so much that he claims “within speech is always a tacit threat of the loss of control” (2010, p. 189). Gunn references the grunting of female tennis players and the unintentional yelps of politicians; yet, it would be helpful here to widen his observation of uncontrolled speech to include such voices as those belonging to the transgendered and the disabled.These voices accentuate the volatile affective power of the voice and the tenuous hold we possess over our bodies. As I have argued elsewhere, “In failing to live up to the ideals set by liberal individualism and capitalism, [dysfluent voices] act as a reminder of the fragile mastery we have of our bodies and of the social downturn that quickly follows the failure to uphold and project this ideal of mastery.” (2012, p. 16). The anxiety-riddled demand for control in public speech arises precisely because the affective power of speech exists in a metastable relation to the body. Rational speech, dispassioned, and disembodied, may at any moment be ruptured and must thus be constantly surveilled and managed. Articulating and simultaneously threatening to occlude rational human identity, the voice thus bears the full weight of the humanist anxiety concerning borders and membership. The “proper” performance of speech is accordingly strongly patrolled within liberal humanist discourse. The universal speaker Iris Young casts the liberal subject in his/her political context, arguing for a conception of “universal citizenship.” In her assessment, the liberal subject transcends his/her self-interested particularity through public discussion and decision making by which private interests can agree on a common good (1989, p. 253). The universal citizen is therefore homogenized, as “citizenship is an expression of the universality of human life; it is a realm of rationality and freedom as opposed to the heteronomous realm of particular need, interest, and desire” (1989, p. 253). The universal citizen transcends differences threatening impartiality and equality by essentializing himself or herself and projecting that self into the politicized public sphere. If to be truly human in liberal humanist discourse is to exercise autonomous reason, and if speaking realizes oneself as a rational and social agent within the public sphere, then having a voice has direct bearing on the universal citizen—so much so that I believe it possible to conceive of what might be termed a “universal speaker.” Because speech plays a pivotal role in the realization of the self as a rational agent, then if one is to speak, he/she must speak in a way that defends the universality of autonomous reason against embodied and historical particularity. Furthermore, the universal speaker, like the universal citizen, must be marked by impartiality. As stated by Young, “impartial reason aims to adopt a point of view outside concrete situations of action, a transcendental ‘view from nowhere’ that carries the perspective, attributes, character, and interests of no particular subject or set of subjects” (1990, p. 100). From this façade of impartiality, it is only a small step to judge who does and does not speak impartially and thereby qualifies as rational and human. To speak as a truly rational agent requires that one speak from nowhere and everywhere, becoming an invisible medium for communication. The universal speaker is a powerful homogenizing trope, for it defines what type of speech production is natural, who gets the right to speak, what speech needs to be taken seriously, and what speech gets to be heard at all. If one is to speak with agency or efficacy, one must speak in the right way; hence the burden within this tradition is to find and retain the “right voice.” In Better Than Well: American Medicine Meets the American Dream, for example, Carl Elliott (2004) notes an anxiety in the struggle of transgendered people to match gendered vocal norms, the accent-reduction clinics in the American south, and the difficult adjustment of disabled speakers to voice synthesizers. At the heart of liberal humanism’s claim to universality and equality, an ugly structure of exclusion of those who are not “universal” shows itself, an exclusion that I argue results from the tension between (a) the desire to conceive of oral communication as rational/universal and (b) the embodied particularity of speech that threatens to undermine its universality. For while speech is peddled as a rational, universal, and nonspatial medium within liberal humanism, the particularity of embodied speech casts a threatening shadow over this claim. Returning to the example of the stuttering voice, Marc Shell argues that having the “right voice” is a necessary sign of membership to a particular group of persons. If you cannot speak, he wryly explains, you are likely not human. If you can somewhat speak you may be human, and if you cannot speak in my particular way, you do not belong to my tribe (2005, p. 50). For the stutterer, however, “all words are test words, passwords, or catchphrases whereby one gains or loses social acceptance or credibility. . . . The concern is not his inability to pronounce some word or phrase fast enough; it is one’s ability to say any word fluently in any language” (2005, p. 51). Shell is quite clearly stating the boundary conditions of the universal speaker. However, just as the vocal markers of ethnic boundaries are contingent, historical, and laden with colonial power, so can the supposed universality of rational human speech be unraveled. Disability studies convincingly challenge the pathologization of individual bodies by articulating the sociocultural structures of ableism that normalize and exclude certain forms of human variation.2 “Disability” is no more self-evident, natural, or stable a concept than “able-bodiedness”: Both are understood through disability studies as a function of contingent sociocultural anxieties and oppressions. Disability circumscribes the human by negation. Following in this vein, we might likewise fray the boundaries of the universal speaker by deterritorializing disabled speech. Consider again Gunn’s claim that “within speech is always a tacit threat of the loss of control” (2010, p. 189). Ubiquitous stutters and vocalic gaffes occur to everyone on a daily basis precisely because communication is fundamentally unstable: the act of carving out meaning from indeterminacy and noise as opposed to a pure and rational articulation of Being. The so-called disabled speech permeates all speech. The delimitation of the disabled speaker is thus necessarily arbitrary: the construction of a deviant and pathologized Other to prop up the universal speaker. More specifically, pathologization individuates “nonrational” speech production and thereby maintains and polices the public/private divide. Disabled speech is conceived as a private affair marked by particularity and embodiedness, while the rational speech of the universal citizen belongs to the public realm. Yet, resituating disability as a distinctly public structure of oppression unmasks “universality” as simply the norms of unmarked and dominant groups. What counts as a particular and impartial voice is a function of conglomerate sexist, classist, racist, and ableist determinations obscured by their dominant positions within society. Vocally passing as universal is a stacked game favoring those who discursively control the boundaries of rationality and the human. To transgress norms of unmarked dominant groups is to risk great social punishment and exclusion. To speak “in the wrong way” not only reveals the speaker to be connected to his/her body, particularity, and context, but also risks blurting out that the emperor is naked— the emperor speaks from a body. In rupturing the mythos of speech, the disabled speaker thus throws darkness within the humanist circle, threatening the ostensibly stable conditions of a generalized and “universal” identity and provoking violence in attempts to shore up the boundaries of the human. Excluding “hyperembodied voices” is thus a dogged mechanism of deferring the tension inherent in liberal humanist speech between universality and particularity, rational autonomy, and embodiment. The (failed) movement to free communication as rational discourse from the body entirely is reapproached through the posthumanist shift to text as the principal mode of communication. Cripping posthumanism There is no single bridge spanning humanism to posthumanism. There are certainly stories to tell about the antihumanism of the 1960s and 1970s, of feminism, cybernetics, Hans Moravec, late capitalism, and of the cascading death of God, man, and the author. Yet, as Donna Haraway duly reminds us, the cyborg is a bastard. Any attempt to pin down its origins is always already a fabrication, a sanitation, an attempt to tell a crooked story straight. Neil Badmington further muddies the water, adapting for posthumanism the Lyotardian-Derridean line that a system always contains the conditions for its critique. Rather than construing humanism and posthumanism as distinct entities in a linear, temporal relation, Badmington argues—akin to Lyotard’s reading of modernism and postmodernism— that “the writing of the posthumanist condition should . . . take the form of a critical practice that occurs inside humanism, consisting not of the wake but the working-through of humanist discourse” (2003, p. 22). Posthumanism has always ghosted humanism, and posthumanism is never a clean break (if it can be called a break at all) from humanism. Just as there is no single nor a complete shift from humanism to posthumanism, so are there many posthumanisms. My affinity toward posthumanism as a generative source for rethinking disabled speech does not extend to them all, insofar as some remain bedded with humanism more than others. For example, early cybernetics remained fixated on defining and maintaining borders of an autonomous and autopoietic subject. In a related vein, transhumanists hoist the banner of human progress with pride. Often conflated with posthumanism, transhumanism has wormed its way into the cultural imaginary with grand ameliorative visions of biotechnology improving the human condition through augmentation and newgenics. Transhumanism, as Cary Wolfe defines it, is simply an “intensification of humanism” (2009, p. xv), a technological extension of the dream of perfectibility that sees bodily limitations as a hurdle to transcend. Disabled speech (and disability more broadly) is accordingly irksome problem for transhumanists to fix, in time, through technology. The posthumanism I intend to redeploy takes its cue from Nayar, who defines what he terms critical posthumanism as “the radical decentering of the traditional sovereign, coherent and autonomous human in order to demonstrate how the human is always already evolving with, constituted by and constitutive of multiple forms of life and machines” (2014, p. 2). The posthuman under this reading cannot be understood in terms of a single locus or a unitary ontology of presence. Rather, he/she is dynamically coconstituted within ecological, technological, and informational networks—a congealing of “heterogeneous components, a material-informational entity whose boundaries undergo continuous construction and reconstruction” (Hayles, 1999, p. 3). Subjectivity is an emergent feature of sympoietic systems (Haraway, 2014), necessarily constrained by and dispersed within the exchanges between systems and environments. “The Human” thus cedes its transcendental status long enjoyed within the Anthropocene. Yet, at the same time, in relinquishing this status, the (post)human no longer needs to frantically police the borders within which it (ostensibly) ruled autonomously. Rather, critical posthumanism recognizes that the borders of the human have always been porous. Owning up to our sympoietic constitution produces a vantage from which the ableist construction and policing of human borders, bodies, and communicative practices can be politicized and critiqued. With the cyborg bastard fully in mind, I suggest that the disabled body is useful in parsing a necessarily crooked and partial transition to posthuman communication. Interrogating the familial tradition of rhetoric from the perspective of disability, Jay Dolmage is here instructive: The body of history has been shaped to look like an idealized human body: proportional, inviolable, autonomous, upright, forward facing (white and masculine). But if you find the rhetorical body, you find tension, trial, and trouble. . . . [W]riting from bodies we would do history differently, not just be recognizing ‘other’ bodies, but also because our histories and rhetorics might more closely represent the difference and diversity of our bodies themselves (2014, p. 16). Reading posthumanism and posthuman communication through disability is accordingly a means of not only recognizing bodies that are often excluded in communication theory (relegated, e.g., to the insulated domain of speech-pathology) but also cripping communication itself. Like the stuttering body, there is perhaps much to gain from resisting the straight and most direct communicative and discursive path. Consider in this regard that for disability theorist Alison Kafer, the cyborg is appealing not in spite of but because of its “multiple, and often contradictory, deployments” (2013, p. 116). To look for and expect disability in posthumanism and communication theory is to invoke a heuristic of instability and indeterminacy that generates multiple meanings and relations. Conscious of the multivariate affinity and inconsonance between humanism and posthumanism, I wish to pull on a few threads to (a) appreciate the transition and reconstitution of the humanist logic excluding disabled speech within posthumanism and (b) redeploy posthumanism to imagine the disabled speaker otherwise. One thin place between humanism and posthumanism that provides an early historical reference point for the cripped movement to posthuman communication is the abstraction of “information” from context and the body by cybernetics and information theory. The work of cybernetic and informational theorists Norbert Wiener and Claude Shannon famously recast communication in terms of pattern/randomness rather than presence/absence. Within this paradigm, similar to within both structuralism and poststructuralism, information is not the one-to-one correlation of a signifier and signified, but, following Saussure, is rather the differentiation between arbitrary relations. By extracting information from the presence/absence binary, immateriality can be constructed on the basis of pattern/randomness. Hayles argues that because a universal informational code can be recognized as underwriting everything that exists, information and materiality can be conceived of as discrete entities, with information occupying the dominant role (1999, p. 11). In this configuration, information is differential insofar as the probabilities of a message alone determine its content. The “meaning” of a message is self-contained and its value is therefore unaffected by situation and context outside the closed information system. “Shannon and Wiener,” remarks Hayles, “wanted information to have a stable value as it moved from one context to another. If it was tied to meaning, it would potentially have to change values every time it was embedded in a new context, because context affects meaning” (1999, p. 53). As such, in “information,” the liberal humanist subject finds a release from the constraints of the body and the context of its production. In Hayles estimation, early cybernetics was thus a means to extend, not subvert, humanist conceptions of man as autopoietic, autonomous, and self-directed. This was accomplished by demonstrating that machines could function like a man and correspondingly that man is essentially an information-processing entity akin to intelligent machines (1999, p. 7). One might argue more specifically, in relation to communication theory, that the effort by Shannon and Weiner to distill information from context resonates with the liberal humanist desire to free rational discourse from the body. By disentangling information from materiality and context, cybernetics somewhat ironically remains tethered to humanist anxieties. Yet, it is worth noting that at the same historical moment, even poststructuralism, putatively motivated by a wariness of immediacy characteristic of humanism, blots out speech in favor of writing. While Derrida and his progeny favor writing inasmuch as speech ostensibly bypasses any impediment to self-presence, the fact that both cybernetics and poststructuralism converge in the erasure of speech is telling. That is, these divergent projects take as their starting point an idealized communicative body; an idealization that adopts the humanist assumption of vocal autoaffectivity. In an ironic twist, even Derrida effaces bodies in the effort to highlight the trace, the body. Working in the poststructuralist lineage, Haraway similarly brackets speech in her articulation of dirty, noisy, posthuman communication. “Cyborg politics,” she writes, “is the struggle for language and the struggle against perfect communication, against the one code that translates all meaning perfectly, the central dogma of phallogocentrism. That is why cyborg politics insist on noise and advocate pollution.” (1990, p. 176).This support for the embodied disruption of communication is curiously prefaced by an insistence that “writing is pre-eminently the technology of cyborgs” (1990, p. 176; my emphasis). For all her rhetoric of embodiment and insistence on the centrality of communication, Haraway seems not to consider speech as an intimate form of embodied communication that resists perfect translation. Hayles as well, setting her sights on theorists such as Wiener and Shannon, intends to reinstitute embodiment in posthumanism, yet never discusses speech as a creative source of noise in the evolution of material-informational systems. Even if interpreted as vestigial poststructuralist anxiety, this puzzling lacuna in posthumanist discourse around speech betrays an ableist presumption of self-presence and resonates with the exclusionary logic of the universal speaker. Yet, if one follows Dolmage in writing from bodies in their diversity, (post) humanism can be read against the grain. Thinking from the perspective of disability not only highlights the points of tension in the stuttered movement toward posthuman communication (as evidenced by both Haraway and Hayles) but also suggests new ways of thinking about speech as embodied and affective, and the relation between communication and the posthuman. Posthumanism and communication Reimagining the stuttering cyborg requires a more nuanced articulation of posthumanism’s relation with both disability and communication. Starting with the former, in decentering the human subject from its position as the transcendental explanans, posthumanism renders “ability” as an emergent aspect of human situatedness within politicized networks. Able-bodiedness is accordingly not an immanent feature of “the body” (as if it could be decoupled from its environment) but is a dynamic index of architectural, economic, industrial, biomedical, discursive, material, informational, affective, political, and sociocultural assemblages. More specifically, able-bodiedness identifies the congruence of these networks with putatively “normal” bodies. As Nayar helpfully points out, networks are inherently political, put in place, and optimized “for certain kinds of bodies to tap into and connect with—and this is what en-ables these bodies.” Bodies marked as disabled are accordingly, and conversely, those “that do not fit into available systems and institutionally created structures” (2014, p. 107). Put simply, disabled bodies are for Nayar those for which networks do not exist. While Nayar’s analysis is helpful, it is perhaps better to say that disabled bodies occupy subaltern networks, because deworlding (to put the phenomenon in Heideggerian parlance) is rarely, if ever, absolute.3 Disability is not a simple aggregate of network conditions, but is constituted in part by feedback loops. That is, disabled people—edged out of, or exploited by, dominant systems—regularly produce new networks that rewire connections between each other and their environments in politically subversive and generative ways. Disabled communities often supplant the neoliberal and meritocratic ideals of productivity, individualism, and self-sufficiency with an ethos of care, interdependency, and slowness. Cripping communication might likewise be understood as a criticoethical practice of reimagining the relations between informational bodies and systems, remapping disabled speech in ways that privilege noise, indeterminacy, affectivity, and sympoiesis.

#### The 1AC is a form of loco parentis – their action of omnilateral will governing the actions of private entities creates a distinction between ourselves as “full and smart subjects” versus the other “irrational and crazy agents” who will engage in bad actions. This sustains the divide between a “child” and a “adult” – this developmental logic supercharges ableist oppression by validating the “inferior” “superior” divide,

**Mills and Lefrançois 18** [China Mills( [The University of Sheffield](https://sheffield.academia.edu/), [School of Education](https://sheffield.academia.edu/Departments/School_of_Education/Documents), Faculty Member) and Brenda A. Lefrançois(Professor @ School of Social Work for [Memorial University of Newfoundland](https://scholar.google.com/citations?view_op=view_org&hl=en&org=17452456186544668394)). “Child As Metaphor: Colonialism, Psy-Governance, and Epistemicide.” The Journal of New Paradigm Research. Volume 74, 2018 - [Issue 7-8: Transdisciplinary Child and Youth Studies](https://www.tandfonline.com/toc/gwof20/74/7-8). Pages 503-524. 17 Dec 2018. Accessed 3/18/20. [https://www.tandfonline.com/doi/abs/10.1080/02604027.2018.1485438 //](https://www.tandfonline.com/doi/abs/10.1080/02604027.2018.1485438%20//) Recut Xu from BL]

For Ashis Nandy (2007), the Western worldview of childhood as an imperfect transitional state on the way to adulthood is embedded in ideologies of colonialism and modernity, meaning “the use of the metaphor of childhood [is] a major justification of all exploitation” (p. 59). Accordingly, parentification – or even in loco parentis – has been used to justify, and to deem benevolent, interventions used by the powerful to “protect” those who are “childlike”. Not so hidden from the surface are the vested capitalist interests as well as the social, political, and psychological agendas of power and control taken on by those in the parental role within these socially constructed and contrived “parent-child” relations. The developmental logic that underlies these power relations legitimizes various regimes of ruling that promote the subordination of certain groups in the name of benevolence. In this article, we demonstrate the ways in which these forced paternalistic encounters, and the infantilization that characterize them, serve not only to debase and erase racialized/colonized, psychiatrized and/or disabled adults and children as knowers, but also serve to reinscribe children themselves as incompetent and inferior. Colonial logics intersect with medical and psychiatric logics that enable not just the marking of certain individual bodies as sub-human but also the global categorizing of whole groups of people as being undeveloped, underdeveloped and/or wrongly developed. Correspondingly, we understand the importance placed within mainstream corporate academia upon the subfields of developmental studies within political science, international development, international relations, economics, geography, child psychology, and medicine, all which serve the same function of maintaining the status quo of (white) supremacy whilst (re)producing majority world people, children, psychiatrized and/or disabled people as childlike (Blaut, 1993). We expose and contest such debasement whilst also disputing the essentialized and adultist meanings contained within the very concept of childlike, a concept which emanates from dominant Eurowestern and adult-centric constructions of childhood. Metaphor is “pervasive in everyday life”, and is classically understood as structuring the way we think and act, and enabling us to understand and experience “one kind of thing in terms of another” (Lakoff & Johnson, 1980, pp. 3–5). Yet many concepts may not be separate as such, and may be historically entangled with one another. Metaphors are contextually bound and have a performative aspect in that they structure what action we can take (Kövecses, 2015). Understanding something through metaphor may hide aspects of a concept that are not consistent with that metaphor (Lakoff & Johnson, 1980), and thus metaphors can be used to do political and ideological work. We are interested in how certain groups of peoples (colonized, racialized, mad and crip)2 come to be understood, talked about and acted upon through the metaphor of childhood. Specifically, the pervasive, entangled and co-constitutive nature of metaphors of the child, colony/“savage”, mad and crip are explored. The intersections of these metaphors call for an approach attuned to overlaps and not constricted by disciplinary boundaries. We engage in this analysis through a creative transdisciplinary inquiry that is not discipline-specific but instead brings together knowledges that are rarely understood to coexist and that may at times be in tension with each other (Augsburg, 2014; Leavy, 2006; Mitchell & Moore, 2015; Montuori, 2013). Transdisciplinarity – as contingent and non-essentialized – alerts us to and rejects the politics of differentiation and exclusion, key to the bordering and disciplining practices of social scientific knowledge and their beginnings in the codification of Enlightenment rationality used to justify slavery, colonialism and apartheid (Sehume, 2013). Following Nicolescu (2008), we understand transdisciplinary inquiry to be a form of meaning-making that breaks down the academic hierarchy of epistemological relationships, that is open to different forms of logic including that which is unknown (Augsburg, 2014), and that strives to eliminate epistemic injustice (Leblanc & Kinsella, 2016) or epistemicide (Santos, 2014). Further, our inquiry is informed by mad studies, critical disability studies, critical childhood studies, as well as critical race, transnational and post-colonial theories. Mad studies transgresses the academy and its disciplines, with its beginnings being located outside the academy and within mad social movements (Gorman & LeFrançois, 2017; LeFrançois et al., 2013; Russo & Sweeney, 2016). A transdisciplinarity lens is consistent with Mad studies, in that it is not only inquiry based but also questions the logics and the very form in which that inquiry may take (Augsburg, 2014), whilst Mad studies may further rebelliously challenging enlightenment and eurocentric notions of rationality (Blaut 1993) which underpins and structures knowledge emanating from academic disciplines (Sehume 2013). That is, at times, Mad studies may be at odds with rationalism as the basis of knowledge production and as the basis of the formation of the academy. As Bruce (2017) notes, “(r)ationalist readers may fear that such a mad study…detrimentally reinforces myths of black savagery and subrationality. Such investment in rationalism presumes that Reason is paramount for fully realized modern personhood” (p. 307). Like Bruce (2017), we reject such investments and presumptions, and our work instead interrogates the adultist, disableist, saneist, colonial and racist logics that often underpin the conventional academic imaginary. However, debasement of mad people’s knowledges does not just occur within the academy but also within the general public (Leblanc & Kinsella, 2016). Mad studies produces knowledge where the meaning-making of mad people is centred, but where other meanings emanating from other sources – academic or otherwise – also can be considered and deconstructed, incorporated or rejected. So too do we argue that critical childhood studies should also be seen as not only transdisciplinary (Mitchell & Moore, 2015) and as a direct challenge on ‘Reason’ as key for children’s entrance into a fully realized personhood, given the ways adultist notions of children’s inherent irrationality, lack of reason, rule by passion, animism (Scott and Chrisjohn, forthcoming), and their supposed lack of contribution as productive members of (capitalist) society is conventionally inscribed on their bodies and minds in the West. According to Rollo (2018, 61) this denigration and subordination of children – misopedy –was in ancient Greece a “form of social and political hierarchy”. Here the child functions as the ontological other to reason and politics; children as a group for whom there was seen to be a moral obligation to assist but for whom political claims were seen as impossible. It was this that made possible the framing of violence as necessary and legitimated as being in children’s ‘best interests’. As these dominant notions of children and childhood not only exist but also shut down discussions of the social construction of childhood within most academic disciplines (child psychology, sociology, social work, medicine, psychiatry, etc), understanding (critical) childhood studies as a direct challenge to this denotes the desire to disrupt and break away from “the governing strictures found within academic modes of dominant knowledge production that both center and reproduce privileged and constraining notions of reason and productivity” (LeFranc¸ois and Voronka forthcoming). For the most part, the academy neither acknowledges the existence of nor includes knowledge production emanating from children themselves, whether such contributions mirror dominant (adult) discourses or not, as the concept of “children’s contributions” is read through an adultist lens. This is not to imply that the heterogeneous accounts of children and/or mad people are innocent; it is instead about radically calling into question what the academy counts as knowledge. For those contributions deemed childlike, whether they emanate from children, colonized and racialized peoples, psychiatrized or disabled people, transdisciplinarity coupled with Mad studies may provide a platform for ensuring epistemic justice through both the deconstruction of dominant, racist, sanist and ableist strictures but also by opening up a wider space for meaning-making beyond such adultist and Euro-western positivism. We argue that the use of child as metaphor operates as a form of epistemicide – what Santos (2014) terms, a “failure to recognise the different ways of knowing by which people across the globe provide meaning to their existence” (p. 111), including different ways of knowing children. This operates as a form “cognitive injustice” often followed by attempts to destroy epistemological diversity with a single story that claims to be universal (Santos, 2014), including a single developmental story about children and those deemed childlike. These concepts are mostly used by Santos in reference to the violent eradication of Indigenous knowledge systems enabled through a colonial framing of irrationality. Yet cognitive injustice is also at work in the dismissal of alternative experiences of reality and alternative cognitions that are classified as ‘mad’ and intellectually disabled respectively, and hence, marked as incompetency and irrationality. We are interested in how the child functions as a metaphor for colonized, racialized, psychiatrized and disabled peoples. Literature on the iconography of childhood usually makes a distinction between metaphorical or symbolic and actual “flesh and blood” children (Burman, 2016; Morrigan, 2017). We also make this distinction here by exploring the performative nature of “child as metaphor” for those deemed childlike, and for actual children. However, in making this distinction we do not seek to reify a naturalized and essentialized developmental child. Sánchez-Eppler (2005) notes the entanglement of “childhood as a discourse and childhood as persons”, particularly in Euro-western affective deployments of childhood (p. xxiii). Furthermore, we recognize that given the “societally as well as intrapsychically invested character of childhood, arguably all appeals to ‘the child’ are metaphorical” (Burman, 2016, p. 2; Stainton Rogers & Stainton Rogers, 1992). Our point of departure, then, is the analytic task outlined by Burman (2016) to render “explicit the work done by the rhetorical appeal to childhood” (p. 2), and the task in this article is to trace the work done by the metaphorical appeal to childhood, specifically in relation to colonialism, madness and disability. While we are concerned with the effects of metaphor, we are cognizant that the conceptual basis on which “child as metaphor” functions is largely a Euro-western construction of childhood as an early rung on a linear developmental ladder and a stage marked by a lack of intellectual capacity, dependency, irrationality, animism, emotionality, – or “rule by passion”, and economic unproductivity (Blaut, 1993). This is an evolutionary and developmentalist narrative globalized by the West as a universal standard (Nieuwenhuys, 2009) and, as we shall see, a narrative that is deeply entangled with colonialism (Blaut, 1993) and epistemicide (Santos, 2014).

**Outweighs -**

**(A) Case cross-apps assume that ethical norms can be ascribed onto the other, which this ev denies**

**(B) K is a prereq - communication cannot exist independent of broader structures that constrain who gets heard, which implicates their ethics.**

#### Societal reform based on liberal humanism cannot address the narcissistic threat of disability. Thus the alternative is to endorse abjection – a radical inscription of “VULNERABILITY” onto the enlightenment analytic of the subject as “Liberty, Equality and Fraternity.”

**Dohmen 3** [Josh Dohmen (Professor of Philosophy at the University of West Georgia). “Disability as Abject: Kristeva, Disability, and Resistance.” Hypatia: A Journal of Feminist Philosophy. Pages 762-778. 7/7/16. Accessed 8/30/20. <https://onlinelibrary.wiley.com/doi/abs/10.1111/hypa.12266> //Houston Memorial SC]

* checked

The foundation for my account of disability exclusion begins with a brief overview of two essays on disability published by Kristeva. She begins “Liberty, Equality, Fraternity and ... Vulnerability” with a discussion of the singularity of disabled subjects (Kristeva 2012).1 There are multiple and diverse disabilities, she notes, and each disabled person is singular—he or she experiences “his or her situation in a ... unique way” (Kristeva 2012, 30). Yet disabled persons “confront us with incomparable exclusion” because “the disabled person opens a narcissistic identity wound in the person who is not disabled; he inflicts a threat of physical or psychical death, fear of collapse, and beyond that, the anxiety of seeing the very borders of the human species explode” (30).2 That is, the multiplicity of singular, disabled subjects share experiences of exclusion, and this exclusion results from the threat of a narcissistic wound others experience in encounters with them. However, this exclusion is not necessary because, as Kristeva writes, By adding a fourth term (vulnerability) to the humanism inherited from the Enlightenment (liberty, equality, fraternity), analytic listening inflects these three toward a concern for sharing, in which, and thanks to which, desire and its twin, suffering, make their way toward a constant renewal of the self, the other, and connection. (42) When the vulnerability of every subject is taken seriously, the political link understood in terms of liberty, equality, and fraternity will be thought differently. This link must, for instance, take dependence into account. Moreover, in Kristeva’s view, understanding vulnerability as a part of the political link opens the possibility of sharing between disabled subjects and nondisabled others. This term, “to share” (partager), has a particularly rich meaning for Kristeva: “to take part in particularity beyond the separation that imposes our destiny on us, to participate without forgetting that each is ‘its own part’ (chaucun est ‘a part’), in order to recognize ‘its’ unsharable part (‘sa’ part impartageable)” (Kristeva 2009, 23).3 Through sharing, persons who interact retain their singularity; they are able to share precisely because they are separated by an unbridgeable uniqueness. Thus, when Kristeva counterpoises her claim that the vulnerability of disabled persons “cannot be shared” with her stated aim of showing that “it can be shared” (Kristeva 2012, 30), she does not contradict herself. Rather, what is shared between subjects cannot be shared by subjects because of each subject’s singularity. This sharing is hindered, however, by the narcissistic wound that subjects experience in encounters with disabled others. Rather than think of this as natural or necessary, Kristeva traces a history of responses to disability to show that contemporary Western subjects still deny the “lack of being” that is constitutive of life and subjectivity, and that this denial reveals a theological ideal, even in our secular era. In opposition to this culture, Kristeva suggests a humanism based on vulnerability, and thus a view of disabled persons as singular subjects rather than as persons with privations of certain (ideal) qualities. Such a change must involve more than mere integration, for Kristeva, and thus she prefers interaction. Integration expects the disabled person to change, to assimilate to community (for example, social or economic) standards such that she is accepted by the grace of her society. The threat to nondisabled subjects’ narcissism remains intact. Interaction, on the other hand, encourages disabled persons to make and share meaning, transforming those with whom they interact as well. In other words, through interaction nondisabled subjects confront the narcissistic threat disabled persons pose. Furthermore, through interaction, changes can occur within a community that take into account disabled persons’ feelings, perceptions, and desires.

#### Their notion of epistemological certainty projects ontological stigmas against what they perceive as disabled. The notion of self knowledge is negated by the disability drive. Thus the role of the ballot is to adopt epistemological disablement, which posits disability as constitutive to the subject.

**Mollow 15**[Anna Mollow(Ph.D. in 2015 from the University of California, Berkeley, Andrew Vincent White and Florence Wales White Scholar, UC Dissertation-Year Fellow, coeditor of Sex and Disability and the co-editor of DSM-CRIP). “The Disability Drive.” University of California at Berkeley. Spring 2015. Accessed 4/30/20. <https://digitalassets.lib.berkeley.edu/etd/ucb/text/Mollow_berkeley_0028E_15181.pdf> // Houston Memorial DX]

Ambivalent encounters with disability point to a possibility that is at the heart of psychoanalytic theory: our psyches may be set up in ways that make us innately disabled. Freud‟s theory of the death drive suggests that we are driven by a force that threatens our socially recognizable selves, but are at the same time prevented from fully perceiving this drivenness in ourselves. Always, it will be easier to allow that “someone else” may be under the sway of a self-undoing compulsion toward disability than to imagine ourselves as similarly driven. Yet our unwillingness indeed, perhaps, our structural inability to see ourselves as governed by the disability drive presents a major problem. A central argument of this dissertation will be that when individuals and social movements imagine themselves as not subject to the disability drive, their projects almost invariably have the effect of stigmatizing other abjected subjects, who come to be read as emblems of this disavowed and disabling compulsion. This thesis attempts to upset the impulse to overcome the disability drive. Rather than “putting the „ability‟ back in „disability,‟” the sexual model of disability underscores the disability that may inhere in subjectivity itself, regardless of whether a given individual or political movement identifies as “disabled” or “nondisabled.”17 How, then, might we begin to acknowledge our own determination by the drive? Any knowing of the drive that we might hope to achieve must, on account of the structural barriers that render the drive unthinkable, be an effort characterized by failure and incompletion—that is, we might say, by epistemological disablement. The term “epistemological disablement” will appear frequently in this dissertation, as I will argue that coming into close proximity with the disability drive produces states of cognitive and affective uncertainty, confusion, and incapacity that are akin to disability. In the works that I shall analyze, epistemological disablement will often be performed on a textual level, as theorists and narrators seem to lose control of what they want to say about disability. These moments of epistemological disablement are often disavowed by theorists and narrators and are instead projected onto disabled people. When this happens, disabled people‟s impairments are depicted as the result of an insufficiency of self-knowledge that is assumed not to determine nondisabled subjects. I will challenge these characterizations of disabled people not only by arguing for the value of “cripistemologies” (that is, ways of knowing that arise from disabled people‟s lived experiences) but also by using drive theory to undermine belief in the possibility of a transparent and wholly knowable self, whether disabled or nondisabled.18 My two-pronged approach to the issue of epistemological disablement may seem to present a paradox: on the one hand, I am asserting that disabled people‟s lived experiences generate important knowledge about disability; yet at the same time I am seeking to destabilize the very notion of self-knowledge. Let me be clear, then, that in undertaking this double endeavor I do not forward all-or-nothing claims either “for” or “against” the possibilities of selfknowledge. I will not assert that people cannot ever know anything reliable about themselves, but I will also not suggest that truth claims derived from personal knowledge about disability are infallible. Instead, this dissertation highlights the limits of complete self-knowledge for nondisabled and disabled subjects alike, while at the same time interrogating the social dynamics that give rise to imbalances in the distribution of epistemological authority to particular subjects on the basis of their perceived status as disabled or nondisabled.

#### The role of the ballot precludes your standard

#### 1] The standard speaks to offense leveraged under a normative framework and thus a normative conception of reality. No one consistently abides by normative ethics because we all have subjectivity. The Role of the ballot on the other hand, speak to the judge’s obligation as an individual in the round and thus preclude examination of normativity.

#### 2] Ontology is an epistemic prerequisite to engagement in any other framing – we need to deconstruct the reality of our world first in order to understand it. Ontology precedes ethics as it frames the way we view other subjects

#### 3] Outweighs on magnitude – Our epistemology claim that proves that disabled people are excluded from all decisions calculus which means any other rob leads to erasure we can’t come back from

#### **Reps come first –**

#### **1] It frames the way we approach topics and it shapes the way we interpret them, so it precedes reality – we wouldn’t have invaded Iraq if we didn’t think that Al Qaeda was based there. Discourse constitutes subjectivity as it frames how they approach the world**

#### **2] Proximity – it’s the only thing that happens in round, so in-round discourse is the only real takeaway we have from a debate round. Holding debaters accountable for their reps is key to accessibility which comes first because otherwise debaters leave if they feel like the space is violent. That also means they can’t sever out of their speech act.**

## ON

### Underview

#### Yes 2nr theory and paradigms—otherwise the 1AR reads abusive paradigm issues and the neg can’t reactively respond

#### No 1ar voter

### Tourney Names/Judge Names

#### I MEET – I went to some random tournaments called “Emory” “UT” “Asd” – 1AR violations are new

#### I meet – My judges names were Gordo and Taj

#### Counter-interp: debaters with dysgraphia don’t have to disclose by tournament name

#### Its impossible to meet because I can’t spell – solves and turns majority of your offense.

#### Elitisim DA – creates the notion that if a strategy loses then it’s bad which discounts critical scholarship that judges have a bias against

#### I read disability pess which shouldn’t be read by other debaters

#### Counter-interp: Their interp unless the wiki is down

#### A] I can’t meet the shell because I can’t edit the wiki

#### B] I don’t know it exists because I can’t get to the wiki

#### 3] Disabled debaters get reasonability

#### A] Link turns fairness since learning disabilities create structural skews that makes reciprocity nonexistent. – also means presume neg cuz being disabled is harder.

#### B] Accessible Norms – flexible norms are key to accommodate differently able

### 1NC – AT: TT

#### AT: linguistics

#### Affirm and Negate isn’t part of the resolution so it doesn’t flow under TT

#### on a] Excluding people o/ws excluding arguments – TT prevents method-testing and enables violent scholarship which o/ws on reversibility

#### On B] Jurisdiction is-ought – competing definitions are determined by better models

#### AT: Collapses

#### Even if every statement means truth-false conditions, there’s no reason for why it means we use the rez – empirically proven by theory debates.

#### Independently, epistemic certainty is impossible and an able-normative fantasy that sustains a violent dichotomy

#### AT: Inclusion -- Begs the question of whether the args are worth preserving – their model endorses nibs and a prioris

#### AT: Isomorphism – intervention inevitable since the judge still has to evaluate weighing args for whether something is more true or false

#### Permissibility assumes obligation – no ought in rez

#### Not atrocity cuz no offense either way

#### No – you just would end the point cuz no reason for either side

#### Theory warrants o/w – inclusion first

#### Scope

### 1NC – AT: Ideal Theory

#### Abstraction fails—theory can diagnose a problem, but can’t tell us how to address injustices.

Mills ‘09

Mills, Charles W (Distinguished Prof. of Philosophy @ The Graduate Center of the City University of New York). “ Rawls on Race/Race in Rawls." The Southern Journal of Philosophy, Vol. XLVII , 2009.

But there is a deeper criticism that hinges on the distinction I drew at the start between an ideally just society in the sense of a society with no past history of injustice and an ideally just society in the sense of a society whose past unjust history has been corrected for. Let us demarcate these as the ideal ideal (ideal theory in ideally just circumstances) and the rectificatory ideal (what is ideally required to remedy past injustices). I suggest that if we think of ideal theory as being able to play an adjudicative role in determining which public policy option is morally superior, it is because we really have the second in mind. In other words, the rectificatory ideal is a goal to be approached, if only asymptotically, and used as a criterion in determining whether option A or option B more closely approaches it. Thus Rawls writes, in seeming support of this interpretation: “[N]on- ideal theory presupposes that ideal theory is already on hand. For until the ideal is identified, at least in outline ... nonideal theory lacks an objective, an aim, by reference to which its queries can be answered” (Rawls 1999b, 89–90). But as earlier emphasized, this claim of his is problematic since by his own earlier avowal, he is talking about the ideal ideal. And the problem, I would claim, is that the ideal ideal cannot in general play this role because it represents a goal located in a different conceptual space, on an alternate timeline to which we have no access. We would have to abandon our present social order and build a new “basic structure” from scratch, from the ground up. (And not merely with reference to social structures and political insti- tutions, but with new people, unmolded by the previous unjust order.) We can see this simply by considering how the ideal ideal would play itself out in the context of trying to correct for racial injustice. The Rawlsian ideal, starting from ground zero, is a society with no history of racial (or any other kind of) injustice. So all we need is appropriate antidiscrimination legislation to make sure that this injustice does not enter the basic structure. But not only would this produce a racism-free polity, it would produce a race-free polity. As the huge and ever-growing body of literature over the last decade in critical race theory and criti- cal white studies demonstrates, race is socially constructed, and without systemic discrimination, race would not even have come into existence in the first place. So it is not merely that we would have a basic structure without systemic racism, we would have a basic structure without races existing as social entities at all. It is not merely that there would be no need for rectifica- tory public policy measures like affirmative action and, more radically, reparations, but that there would be no identifiable groups to whom these policies could even be targeted. By contrast, Rawls’s ignorance and naivety about race are manifested in the fact that both in Theory and Justice as Fairness he repre- sents race—and even culture!—as “fixed” and “natural.” Admittedly, when he wrote Theory he did not, as we do, have the benefit of the aforementioned huge body of literature in the left academy on the construction of race. But even so, Ashley Montagu’s well-known Man’s Most Dangerous Myth: The Fallacy of Race (1997) had been around since 1942, and has gone through numerous editions ever since. It would have been available to Rawls, making clear to him that race is not natural at all but social. Now how can this ideal—a society not merely without a past history of racism but without races themselves—serve to adjudicate the merits of competing policies aimed at correcting for a long history of white supremacy manifest in Native Ameri- can expropriation, African slavery, residential and educational segregation, large differentials in income and huge differentials in wealth, nonwhite underrepresentation in high-prestige occu- pations and overrepresentation in the prison system, contested national narratives and cultural representations, widespread white evasion and bad faith on issues of their racial privilege, and a corresponding hostile white backlash against (what remains of) those mild corrective measures already implemented? Obviously, it cannot. As Thomas Nagel concedes: “Ideal theory enables you to say when a society is unjust, because it falls short of the ideal. But it does not tell you what to do if, as is almost always the case, you find yourself in an unjust society, and want to correct that injustice” (2003a, 82). Ideal theory represents an unattainable target that would require us to roll back the clock and start over. So in a sense it is an ideal with little or no prac- tical worth. What is required is the nonideal (rectificatory) ideal that starts from the reality of these injustices and then seeks some fair means of correcting for them, recognizing that in most cases the original prediscrimination situation (even if it can be intelligibly characterized and stipulated) cannot be restored. Trying to rectify systemic black disadvantage through affirmative action is not the equivalent of not discriminating against blacks, especially when there are no blacks to be discriminated against. Far from being indispensable to the elaboration of non- ideal theory, ideal theory would have been revealed to be largely useless for it. But the situation is worse than that. As the example just given illustrates, it is not merely a matter of an ideal with problems of operationalization and relevance, but of an ideal likely to lend itself more readily to retrograde political agendas. If the ideal ideal rather than the rectificatory ideal is to guide us, then a world without races and any kind of distinction- drawing by race may seem to be an attractive goal. One takes the ideal to be colorblind nondiscrimination, as appropriate for a society beginning from the state of nature, and then—com- pletely ignoring the nonideal history that has given whites a systemic illicit advantage over people of color—conflates together as “discrimination” all attempts to draw racial distinctions for public policy goals, no matter what their motivation, on the grounds that this perpetuates race and invidious differential treatment by race. In the magisterial judgment of Chief Justice John Roberts in the June 2007 Supreme Court decision on the Seattle and Louisville cases where schools were using race as a factor to maintain diversity, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race,”6 a statement achieving the remarkable feat of depicting not merely as true, but as tautologically true, the equating of Jim Crow segregation and the attempt to remedy Jim Crow segregation! What is ideally called for under ideal circumstances is not, or at least is not necessarily, what is ideally called for under nonideal circumstances. Claiming that all we need to do is to cease (what is here characterized as) discrimination ignores the differential advantages and privileges that have accumulated in the white population because of the past history of discrimination.

#### Group Holstrom and Shelby is about combining ideal theory with non-ideal theory and is in the context of rawls – it doesn’t support kant because kant rejects experience and material resistance because of the is-ought gap

#### If they go for “our framework takes out impacts to the K” then it proves our thesis and means their underview flips neg

### 1NC – AT: Contention

#### AT: Van Ejik

#### Ilaw is non-unvierslaislabe because not everybody signed onto it AND private entities aren’t bound by iLaw.

Alvarez 11 [José E. Alvarez (former president of the American Society of International Law, the previous co-editor-in-chief of the American Journal of International Law, and a member of the Institut de Droit International and Council on Foreign Relations). “Are Corporations "Subjects" of International Law?”. Santa Clara Journal of International Law. 2011. Accessed 12/18/21. <https://www.law.nyu.edu/sites/default/files/ECM_PRO_069097.pdf> //Xu]

We should not lose sight of first principles. States, whatever their flaws, remain the sin- gle greatest repository for the legitimate enforcement of both national and international law.145 They remain as well the most legitimate and effective international law-maker. Even today most of us rely on states for our protection and even undemocratic states are usually seen as more legitimate representatives of their citizens' collective interests than any NGO, international civil servant, or corporate official. As Benedict Kingsbury has sug- gested, while the age of globalization has greatly weakened the power of governments, they remain the central defense of their respective peoples.146 States can protect us from globalization's excesses, including the potential harms produced by or in the name of free capital flows.147 States are expected to address all the concerns of their polities, from the economic to the social. They are specifically charged with respecting the rights of their citi- zens under international law. Corporations have none of these traits. As Jägers points out, corporations are not the in- tended beneficiaries of human rights and have "no inherent ability to suffer the harmful consequences associated with human rights deprivation."148 Under mainstream U.S. corpo- rate law, their principal mandate is to pursue profit for their shareholders.149 Indeed, un- der most of the national laws under which they operate, if they deviate from that goal they may be punished, including by their shareholders. We should never confuse the economic rights of corporations (or of investors) for the rights of natural persons to live in dignity. Human rights lawyers, who have been so good at demonizing corporations under the ATCA, should be the last ones to humanize them by turning them into international law persons."

#### Private contracts would be broken by the aff

Martinez 21 [Katherine Latimer Martinez (Seattle University School of Law). “Lost in Space: An Exploration of the Current Gaps in Space Law”. Seattle Journal of Technology, Environmental & Innovation Law: Vol. 11 : Iss. 2 , Article 4. 5-7-2021. Accessed 12/18/21. <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1022&context=sjteil> //Xu]

No company is able to operate in a purely private capacity and without State partnerships because of a need for government funding and the government’s need for additional research due to decreases in funding and resources.138 Private companies fall into two categories: (1) those focused on commercial space travel and (2) those focused on mining and space resources.

#### AT: Westphal

#### This isn’t offense, it doesn’t say that private entities are unjust just that there is no government to control them in space. At worst, proves the link to the K because their categorical imperitative requires an infinte deferral to the parent child dialectic and TURNS autonomy

#### **AT: Williams**

#### **says that ethical judgement isn’t possible without an omnilateral will – proves your FW collapses since it offers no alternative index to make ethical measurements**

#### AND social recognition isn’t possible for disabled people without violence which link turns their offense.

### 1NC – AT: Framework T/L

#### Bindingness – Transcendentalism fails since it begs the question of how we gain knowledge of a priori truths. Their fwk isn’t binding – 4 warrants

#### 1] Tailoring

#### A] Every single maxim is tailoring since its specified to specific agents and actions like “appropriation by entities.”

#### B] Superman doesn’t have to respect other peoples maxims since nobody can stop him which prevents contradiction in conception – empirically proven by dictators that abuse their constituents without resistance.

#### 2] Rule following paradox

#### A] we will always be uncertain whether we have correctly discovered truth

#### B] we will always be uncertain whether we have correctly understand and act on truth

#### **3]** Meno’s – in order to discover something, it must not be known, but in order to know to discover something, it must already be known – this makes the quest for knowledge incomprehensible and thus impossible

#### 4] Schmagency – no inherent reason why we act as practical reasoners

#### A] Moral error – we can forget, miscalculate or willfully ignore our logical reasoning processes

#### B] We didn’t choose to be alive which proves our supposed agency was not optional which means we constitutively aren’t agents. How do we know we are practical reasoners in then first place – it took humans thousands of years for kant to write his book.

### 1NC – AT: Framework LBL

#### AT: Action Theory

reason is also infinitely divisible since you have to justify your justifications ad infinitum

#### AT: Epistemology

This isn’t practical reason just reason – no reason why we need to act on what we think is valid we can just be satisfied with being correct and forget about it

#### AT: infinite regress

empirically denied – we do things we know are bad like procrastinating homework – else means genocide is moral cuz Hitler thought it was just

#### AT: performativity

1] not true – no reason why someone I’m arguing with can punch me. Empiricaly denied – judge preferences means I can’t read args like spark, afropess even if I think they are true

2] The concession doesn’t rise to the level of conceding their entire framework or that I am always bound by practical reason apriori. It just means that I am contingently free to express my arguments in this one round.

3] It negates – private entities should be free to do whatever they want because the alternative would be coercion.

#### Reject TJFs- they’re arbitrary and beg the question because they all presume the framework has legitimacy to begin with. Winning our framework substantively and disproving theirs means our framework is fairer and more educational since reading false fwks bankrupts debate’s value.

#### At best, only a reason why unfair frameworks are bad, not a reason why more fair frameworks should auto-win.

### 1NC – AT: Consequences Fails

#### 1] Even if prediction is impossible, we can still evaluate quotidian violence so the K still links to the impact

#### 2] Analysis solves – we can evaluate proximate causes and historical analysis to inform our understanding of structures

#### 3] We can prove the intrinsic nature or intent of ableism which coheres

### Universalizability

#### It’s ableist – it’s the logic that targets neurodivergence as educative failure – it would exclude people who can’t do math

#### 1] 1=0. Through substitution and subtraction – chart in doc

**x-y+y=y**

**=**

**=**

**=**

**1 = 0**

#### 2] 1=2. Through substitution and distribution – also in doc

**Assume a=b,**

**a2=ab**

**a2-b2=ab-b2**

**(a+b)(a-b)=b(a-b)**

**a+b=b**

**2a=a**

**2=1**