# Speech 1NC Glenbrooks Rd 7 vs Westlake 11-21 2PM

## 1

#### Interp – the affirmative must have an actor that does the resolution.

#### Violaiotn – the plan text is vote aff to affirm an unconditional right of workers to strike – theres no actor – even if they say vanguard party they dotn have a world that looks like after the revolution happens

#### Prefer –

#### 1] procedural fairness - not defending an actor encourages shiftiness and destroys neg ground since disad links are predicated on how the aff is done, and encourages the aff to skrt out of specific links by obscuring how the aff is done - also a reason to vote neg on presumption since absent an actor the aff remains solely an ideology with no material basis

#### 2] Movement Lawyering Skills – contingent, focused debates around locus points of difference are key to develop activists skills for political justice.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem into manageable components. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

#### 3] their refusal to have a metric of organizoan turns case

**Escalante ‘19**

[Alyson, very cool and good dialectical materialist buddy, philosophy at U of Oregon. 03/26/2019. "Communism and Climate Change: A Dual Power Approach".<https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/>] Pat

Much has been written over the last few years about a dual power approach to communist strategy. I have written extensively about it at The Forge News, and discussed in video format in my YouTube video, Climate Change, Imperialism, and The End of The World. I will not be using this article to give a comprehensive recap on what dual power strategy is, so I suggest checking out those two links. In short: dual power strategy is an approach to communist revolution which seeks to build independent socialist institutions which exist in parallel to the currently existing capitalist state, in order to serve the masses. The goal of a dual power strategy is not to compete with capitalism or reform it out of existence, but rather to radicalize the masses through meeting their needs, to recognize and politicize capitalist crisis as it occurs, and to have a real infrastructure in place for a revolutionary movement to self-sustain at the point that it must inevitably combat the capitalist state. This strategy focuses on building counter-institutions like tenants’ unions, agricultural cooperatives, radical labor unions, and Serve the People programs that not only demonstrate on-the-ground worker power but can provide for the needs of the masses without an appeal to reforming the currently existing capitalist state.

I previously argued that a crucial advantage to dual power strategy is that it gives the masses an infrastructure of socialist institutions which can directly provide for material needs in times of capitalist crisis. Socialist agricultural and food distribution programs can take ground that the capitalist state cedes by simultaneously meeting the needs of the masses while proving that socialist self-management and political institutions can function independently of capitalism. This approach is not only capable of literally saving lives in the case of crisis, but of demonstrating the possibility of a revolutionary project which seeks to destroy rather than reform capitalism.

One of the most pressing of the various crises which humanity faces today is climate change. Capitalist production has devastated the planet, and everyday we discover that the small window of time for avoiding its most disastrous effects is shorter than previously understood. The Intergovernmental Panel on Climate Change predicts that we have twelve years to limit (not even prevent) the more catastrophic effects of climate change. The simple, and horrific, fact that we all must face is that climate change has reached a point where many of its effects are inevitable, and we are now in a post-brink world, where damage control is the primary concern. The question is not whether we can escape a future of climate change, but whether we can survive it. Socialist strategy must adapt accordingly.

In the face of this crisis, the democratic socialists and social democrats in the United States have largely settled on market-based reforms. The Green New Deal, championed by Representative Alexandria Ocasio-Cortez and the left-wing of the Democratic Party, remains a thoroughly capitalist solution to a capitalist problem. The proposal does nothing to challenge capitalism itself but rather seeks to subsidize market solutions to reorient the US energy infrastructure towards renewable energy production, to develop less energy consuming transportation, and the development of public investment towards these ends.

The plan does nothing to call into question the profit incentives and endless resource consumption of capitalism which led us to this point. Rather, it seeks to reorient the relentless market forces of capitalism towards slightly less destructive technological developments. While the plan would lead to a massive investment in the manufacturing and deployment of solar energy infrastructure, National Geographic reports that “Fabricating [solar] panels requires caustic chemicals such as sodium hydroxide and hydrofluoric acid, and the process uses water as well as electricity, the production of which emits greenhouse gases.” Technology alone cannot sufficiently combat this crisis, as the production of such technology through capitalist manufacturing infrastructure only perpetuates environmental harm. Furthermore, subsidizing and incentivizing renewable energy stops far short of actually combating the fossil fuel industry driving the current climate crisis.

The technocratic market solutions offered in the Green New Deal fail to adequately combat the driving factors of climate change. What is worse, they rely on a violent imperialist global system in order to produce their technological solutions. The development of high-tech energy infrastructure and the development of low or zero emission transportation requires the import of raw material and rare earth minerals which the US can only access because of the imperial division of the Global South. This imperial division of the world requires constant militarism from the imperial core nations, and as Lenin demonstrates in Imperialism: The Highest Stage of Capitalism, facilitates constant warfare as imperial states compete for spheres of influence in order to facilitate cheap resource extraction. The US military, one of many imperialist forces, is the single largest user of petroleum, and one of its main functions is to ensure oil access for the US. Without challenging this imperialist division of the world and the role of the US military in upholding it, the Green New Deal fails even further to challenge the underlying causes of climate change.

Even with the failed promises of the Green New Deal itself, it is unlikely that this tepid market proposal will pass at all. Nancy Pelosi and other lead Democrats have largely condemned it and consider it “impractical” and “unfeasible.” This dismissal is crucial because it reveals the total inability of capitalism to resolve this crisis. If the center-left party in the heart of the imperial core sees even milquetoast capitalist reforms as a step too far, we ought to have very little hope that a reformist solution will present itself within the ever-shrinking twelve-year time frame.

There are times for delicacy and there are times for bluntness, and we are in the latter. To put things bluntly: the capitalists are not going to save us, and if we don’t find a way to save ourselves, the collapse of human civilization is a real possibility. The pressing question we now face is: how are we going to save ourselves?

Revolution and Dual Power

If capitalism will not be able to resolve the current encroaching climate crisis, we must find a way to organize outside the confines of capitalist institutions, towards the end of overthrowing capitalism. If the Democratic Socialists of America-backed candidates cannot offer real anti-capitalist solutions through the capitalist state, we should be skeptical of the possibility for any socialist organization doing so. The DSA is far larger and far more well-funded than any of the other socialist organizations in the US, and they have failed to produce anything more revolutionary than the Green New Deal. We have to abandon the idea that electoral strategy will be sufficient to resolve the underlying causes of this crisis within twelve years.

#### Fairness is good and prior

#### A] debate’s a game that requires effective competition and negation, which makes their offense inevitable, it internal link turns clash and engagement.

#### B] Probability – ballots can’t shape our subjectivity or create broad political change but can rectify in-round skews.

#### C] Can’t weigh the aff—it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it.

#### D] Inescapable – the AC conforms to every norm of debate – speed, speech times, ballots – proves they value playing the game and isolating T as the one bad rule is arbitrary.

#### No impact turns or RVIs – A] Substance – if T’s bad then we should try debating on substance – impact turns force me to go for T since I need to defend my position. B] Dead end – strategy guides debates so they’ll desire that people read T to beat them on the impact turn – that proves their strategy is reactive and can’t solve since they rely on the structures they critique.

#### Drop the Debater – 1AR restarts force late-developing debates that favor the aff since they get a 7-6 time skew and ensure surface-level clash.

#### Competing interp – offense defense paradigm is the best method for evaluation since you can compare benefits under both interps easier.

## 2

#### CP Text – ????

#### The 1AC’s semiotic coherence within the world is sutured through a western model of scriptocentrism that is exclusionary and violent towards racialized bodies

Conquergood, Dwight. Cultural struggles: Performance, ethnography, praxis. University of Michigan Press, 2013. (a professor of anthropology and performance studies at Northwestern University)//Elmer

According to de Certeau, this scriptocentrism is a **hallmark of Western imperialism**. Posted above the gates of modernity, this sign: “‘Here only what is written is understood.’ Such is the internal law of that which has constituted itself as ‘Western’ [and ‘white’]” Only middle-class academics could blithely assume that all the world is a text because reading and writing are central to their everyday lives and occupational security. For many people throughout the world, however, particularly subaltern groups, texts are often inaccessible, or threatening, charged with the regulator)' powers of the state. More often than not, subordinate people experience texts and the bureaucracy of literacy as instruments of control and displacement, e.g., **green cards, passports, arrest warrants, deportation orders**—what de Certeau calls "intextuation": "Ever)' power, including **the power of law, is written first of all on the backs of its subjects"** (1984:140). Among the most oppressed people in the United States today are the "undocumented" immigrants, the so-called "il- legal aliens," known in the vernacular as the people "sin papeles," the people without papers, indocitmentado/as. They are illegal because they are not legible, they trouble "the writing machine of the law" (de Certeau 1984:141). **The hegemony of textualism needs to be exposed and undermined.** Transcrip- tion is not a **transparent or politically innocent model for** conceptualizing or **engaging the world**. The root metaphor of the text underpins the **supremacy of Western knowledge systems** by **erasing** the vast realm of human **knowledge and meaningful action that is unlettered,** "a history of the tacit and the habitual" (Jackson 2000:29). In their multivolume historical ethnography of colonialism/ evangelism in South Africa, John and Jean ComarofFpay careful attention to the way Tswana people argued with their white interlocutors "both verbally and nonverbally" (1997:47; see also 1991). They excavate spaces of agency and strug- gle from everyday performance practices—clothing, gardening, healing, trading, worshipping, architecture, and homemaking—to reveal an impressive repertoire of conscious, creative, critical, contrapuntal responses to the imperialist project that exceeded the verbal. The Comarofis intervene in an academically fashionable textual fundamentalism and fetish of the (verbal) archive where "text—a sad proxy for life—becomes all" (1992:26). "In this day and age," they ask, "do we still have to remind ourselves that many of the players on any historical stage **cannot speak at all? Or**, under greater or lesser duress, **opt not to** do so" (1997:48; see also Scott 1990)?

#### Opacity is a sequencing question to the capitalist functioning and disrupting economic performance.

**Gill 10** [Stephen Gill (Distinguished Research Professor of Political Science at York University, Toronto). “American Transparency Capitalism and Human Security: A Contradiction in Terms?” Pages 9-25. Published online: 19 Aug 2010. Accessed 12/1/20. <https://www.tandfonline.com/doi/abs/10.1080/0951274032000044496> //Houston Memorial DX]

My second hypothesis is that the expansion of American power in the global political economy has been linked to the effort to institutionalize what has been called ‘transparency capitalism’. Processes of liberalization and deregulation have been accompanied by an intensification of both public and private practices of ‘panopticism’ (surveillance and normalization of populations). Panoptic processes and policies are intended to ensure the transparency of economic activity in ways that are linked to the desire to maximize predictability and minimize uncertainty relative to the needs of capital, i.e. to secure investment and accumulation conditions. Indeed the trend of the past decade has been increasingly to place state finance, monetary policy, and trade and investment regulations under ongoing surveillance (though not, it would appear, the commanding heights of capital itself). The US and the G7 have sought to ensure that other governments pursue sound macroeconomic policy and offer strong protection of private property rights for capital, and surveillance is one means to this end. In this context, it seems that the American-dominated system of neoliberal globalization, public policy is increasingly subordinated to providing the maximum political and legal security for (some of) the owners of capital, especially American owners of capital, rather than being premised upon the goal of maximizing human security as we have defined it here. This also perhaps explains why new transparency practices have failed to place capital under adequate scrutiny and regulation, illustrated clearly in the crisis of investor confidence that caused global equity to plunge in value by almost 25 per cent in 2001–2002, triggered in part by scandals such as those associated with the bankruptcies of Enron and WorldCom.3 Indeed in an era of liberalized capital mobility, financial innovation and fraud—and not only in the United States—threaten the integrity of the global financial system and thus the economic security of the world’s population. The greater transparency of populations and government policies that has been the focus of recent regulation has not been sufficient to prevent devastating financial crises, since in many cases the causes are elsewhere.4 Put differently, and in a general sense, the private good of the security of capital seems to have taken priority over the public good of human security and human development. This is because emergent transparency capitalism has coincided with a world of cascading economic and financial crises, as well as growing economic inequality. At a minimum, and in the absence of a major socialization of capital, even greater monitoring and accountability structures need to be applied, particularly to capital, in order to sustain the integrity of a global financial system that seems to be only as strong as its weakest link. The Resurgence of American Power in Informational Capitalism Let us first discuss aspects of the resurgence of American power in the global political economy. Following a period of stagnation, 1979–1980 was a turning point in the development of the global political economy. The United States government under President Reagan (with support from the UK) launched a neoliberal political offensive designed to restructure: (i) the internal social relations of capitalist states (to strengthen capital relative to labour), (ii) the geopolitical and economic relations between the major capitalist states (the G7) and the rest of the world (North–South and East–West relations) and (iii) to create a more integrated world market. The latter goal included the creation of a more liberalized framework of trade and investment, a world capital market and a world market in intellectual property, the latter being formalized in the World Trade Organization. With respect to each these areas, it is noteworthy how the governance regimes have been significantly shaped by American power in the past 20 years. In this regard, as the epicentre of the globalization process, the United States has tended to benefit most from the restructuring of trade and investment relations during the past decade. The GATT (General Agreement on Tariffs and Trade) system created after World War II regulated trade and investment flows between capitalist, socialist and postcolonial economies. In part reflecting the East–West Cold war divide, it was what Sylvia Ostry has called ‘shallow integration’ of very differently organized socioeconomic systems.5 Particu larly after the collapse of the USSR, we have now moved into a period of ‘deepening integration’ with pressure for adjustment of domestic systems and structures to the imperatives of economic globalization. This pressure is reflected in G7 pronouncements; in structural adjustment programs and conditionality frameworks of the international financial institutions; in international laws and treaties such as NAFTA (North American Free Trade Agreement) and the World Trade Organization and most fundamentally in the way that operators in the world capital markets make decisions about where to invest: all things being equal they will opt for jurisdictions that have strong protection for property rights and that guarantee rights of establishment and repatriation of profits and capital. The key point is that new liberalization initiatives are associated with changes in domestic law and institutions in ways much more intrusive than in the era of shallow integration. We now have a situation where market forces, especially those of the capital markets, have greater influence in social and economic life, and as such the power of capital is enhanced. Since the early 1990s, deeper integration has been associated with widening jurisdiction and competence of international organizations in trade and investment with new legal frameworks strongly influenced by the US (e.g. the World Trade Organization, NAFTA). The inter-state level is also crucial, since many bilateral trade and investment agreements also form part of the new webs of deeper integration. Here US models have informed not only new accounting standards but also legal concepts and dispute resolution procedures. For example the American constitutional mechanism of judicial review has been reformulated internationally in the creation of dispute resolution mechanisms, with binding enforcement such as in NAFTA and the World Trade Organization. It is worth noting that other American legal principles and concepts such as transparency are at the heart of the trade liberalization process. For example the concepts of transparency and requirements to give advance notice of changes in trade regulations in the GATT Article X can be traced back to the United States Administrative Procedure Act of 1946. Today these transparency conditions require publication of laws and regulations and the mode of administration in services and investment. As discussed below, trade-related aspects of intellectual property (TRIPs) include detailed enforcement procedures that mirror step-by-step the administrative and judicial mechanisms in the United States.6 These institutional initiatives have allowed the United States not only to shape world trade policies but also to lock in access to foreign markets and to protect its firms’ high technology and other intellectual property in new trade and investment agreements, in ways that have strengthened American-owned capital relative to that of rivals.7 Indeed, through its government and its leading firms, parts of the American economy are formed into loose networks or financial, scientific-military-industrial and image/software complexes crucial to the so-called ‘new economy’. These complexes have been very influential in shaping US domestic and international policies, and they have served to shape the emerging mechanisms of globalization. It is in this framework that the United States experienced widespread introduction of information, communication and surveillance (or network) technologies and the formation of the new economy. As Manuel Castells notes, ‘If the first Industrial Revolution was British, the first Information Technology Revolution was American, with a Californian inclination.’8 Indeed American firms (with the not insignificant assistance of the Pentagon and other US government agencies) have become increasingly dominant in information technology, and this is a powerful indicator of the capacity of the US high technology sectors to shape the direction of global R&D. Put differently, because of the huge scale of its information technology industries, the United States has a critical mass of firms (e.g. Microsoft, IBM) that are able to buy up competitors and rivals both domestically and in other countries, and to gain control over their innovations. Despite the fact that the stocks of high technology firms plunged on the Nasdaq between 2001 and 2002 these firms are still giants relative to others in Europe and Japan, who have also fallen prey to the stock market collapse. The United States has been at the vanguard of the restructuring and deregulation of the world financial system.9 The more liberalized system of the 1990s worked to recycle the trade surpluses of other nations (especially from Japan and South Korea, as well as from the European Union) to fund American expansion. Thus in some important respects the US expansion and stock market boom of the 1990s was partly at the expense of the growth potential of other nations. The United States managed to suck in a great deal of foreign capital not only to boost stock prices but also to finance high-tech investments.10 Thus, in so far as this has meant lower rates of investment elsewhere (given the relatively fixed pool of world savings), the resurgence of American production has been at the expense of the growth potential of rivals in East Asia and Western Europe. By contrast, between 1947 and 1965 the United States was a net exporter of capital to the rest of the world as it financed political and economic reconstruction, its military strategy and the expansion of its transnational corporations. Foreign capital supplemented shortfalls in domestic private savings needed to fund the increases in American investment in the 1990s in the emerging core technologies of the information age. In industrial terms, much of this rapid pace of innovation was within computing, communications and control systems. In the past few years, however, although at uneven speeds of change, it has spread to virtually all industries in the United States. In this context, the United States has established a commanding lead in core technologies associated with the information, communications and other industries of the new economy. The conjunctural context for this growth in American power is a shift from state capitalism towards a more liberalized order in both telecommunications and broadcasting, with intellectual property rights now treated increasingly as commodities.11 With respect to the world’s communications industries, for much of the post-war period, models of state capitalism tended to prevail. As part of the post-1945 reconstruction and nation-building process, information and cultural industries were highly regulated and state directed. Large national public broadcasting services and telecommunications grids (often with monopoly powers) were typical. From the late 1980s this pattern began to change rapidly.12 Now communications systems are evolving towards more flexible, market-driven structures, particularly as new media of communication become more widely available (e.g. via the internet) and national telecomunications are privatized. This situation is being ratified in the negotiations to institutionalize the General Agreement on Trade in Services (GATS) in the World Trade Organization (WTO). GATS is intended to advance the liberalization process across not only communications services, but also education, broadcasting and other social and cultural realms, and correspondingly to constrain certain types of social and health policies.13 GATS should be understood in the wider context of trade and investment agreements and how they prevent certain actions that might be construed as being in the public interest. For example NAFTA’s Chapter 11 gives private companies the right to sue governments for ‘takings’ (expropriation of property), a concept drawn from US jurisprudence.14 Takings can include actions that might lead to a decline in the expectation of future profits even when a government seems to be acting in the public interest to protect its cultural or information industries, or for reasons of public health; similar issues arose concerning AIDS drugs, the pharmaceuticals firms, and South African litigation. The institutionalization of American legal principles was a central goal in United States negotiating strategies for the liberalization of trade and investment although, of course, the outcomes of such negotiations cannot be simply reduced to the effects of American power and strategy per se. 15 Nonetheless, Castells16 has shown, the network capitalism of the new economy which is of such concern to American political and business leaders focuses on the control of abstract objects through intellectual property rights. Intellectual property rights are generally divided into (i) industrial property rights (patents, designs, trademarks) and (ii) rights in artistic and literary works (copyright). Today these rights have been made subject to the jurisdiction of not only national government, but also the WTO, the latter an organization ostensibly dedicated to the liberalization of trade. The period of globalization of intellectual property rights began when the United States succeeded in linking trade to intellectual property rights in the Uruguay Round trade negotiations in 1994. American software, entertainment and pharmaceutical companies successfully lobbied for an agreement with global coverage and enforcement mechanisms.17 Strikingly, this has involved, with little discussion, ‘increasing use of criminal law in an area that has traditionally been a civil matter’.18 The irony of this particular story is that TRIPs has little to do with free trade, since it involves locking the rights of private monopolies over innovations etc., for example through patents and other protections. This is why even some neoclassical economists have argued that TRIPs may undermine global welfare by preventing competition, an argument used very frequently by Third World governments. At the same time more left-leaning agencies such as UNCTAD (United Nations Conference on Trade and Development) and UNESCO (United Nations Education, Scientific and Cultural Organization) were marginalized from any jurisdiction largely because they (like many Third World nations) favoured principles to enhance technology transfer from North to South as well as binding codes of conduct for transnational corporations. The two UN organizations supported the principle that technology was part of the common heritage of humankind. Indeed many developing countries and NGOs have strongly denounced particular aspects of TRIPs and call for its removal, for example because of ethical objections to specific provisions such as Article 27.3(b), which deals with the patenting of life forms. In conclusion to this section it is worth adding that much of the transformation in the regimes of trade, investment and intellectual property rights came about because the US used significant economic coercion to force other states into line. The US government used its 1988 Omnibus Trade and Competitiveness Act with its Super 301 clause to force compliance with US goals and standards through bilateral negotiations. The alternative was that Third World producers would be locked out of the American market (for example South Korea in 1986 and China in 1995–1996 were singled out by the US). Despite the fact that Super 301 contravenes the principles of the World Trade Organization the US blocked or delayed cases against it—whilst it forced important Third World governments to concede ground. At this point the United States was ready to take its new principles into the Uruguay Round and have them institutionalized in the WTO. TRIPs now allows for ongoing surveillance of Third World policies by both the firms and governments of the major Quad countries (US, Canada, EU and Japan). This allows the Quad interests to better police the regime to their advantage. For example American firms feed information about piracy to the World Trade Organization and the United States government. The TRIPS council is then obliged to monitor the situation under Article 68 of the TRIPS Agreement. In a work dealing with over a dozen domains of global business regulation (in a book of 704 pages), it is perhaps worth quoting Braithwaite and Drahos note that ‘intellectual property rights is our most spectacular example of economic coercion … The provisions of TRIPs … are surrounded by internal and external networks of relentless surveillance … [coupled to threats] of economic coercion.’19 In sum, American initiatives have been very influential in establishing new frameworks for trade and investment and in particular for the network industries that are crucial for the vanguard accumulation patterns of the global political economy. Moreover, the innovations in network industries facilitate new forms of panopticism, which we explore in the following section. This is because network technologies enable enhanced capacities for the surveillance, categorization, incorporation and normalization of (affluent) consumers, so as to create and reproduce markets for goods and services. This development rests upon the way that production and consumption structures have come to rely on the same information infrastructures and cognitive frameworks for transactions and planning. Here it is worth noting that not only has much academic work on the significance of network industries been largely confined to social and cultural theory (e.g. postmodernists), but it has often been neglected by students of political economy and international relations when discussing questions of global power. Panopticism and the Expanded Reproduction of Capital In the context of what has been outlined in the previous section, one of the key aspects of resurgent American power is the ‘new economy’ technologies that facilitate networking and other knowledge-enhancing capabilities as well as the expanded reproduction of capital. On the other hand, what is often overlooked is how these new technologies are associated with efforts to achieve greater social control, via the introduction of systems of surveillance of systems and populations, as well as economic activity and transactions more generally (discussed in greater length below). So this section relates to our second hypothesis: how a modernist concern with surveillance of systems and populations in order to maximize predictability and minimize uncertainty is related to the expansion of capital. Moreover, we might further hypothesize that there is a growing tendency towards the increasing use of surveillance capabilities by modern states, e.g. by the liberal democratic state to regulate the new market society and exercise social control in period of rapid social change. In addition, as we shall see below, under the influence of the US, international organizations have embarked on a huge effort to create uniform databases and universal standards, as well as fiscal codes of conduct to promote ‘transparency’ of government policies to investors and market agents and thus to create the regulatory conditions for extending and consolidating the world market. Let us initially outline the conceptual framework that guides our second hypothesis. ‘Panopticon’ is the Greek term for ‘sees all’. Although never built, the Panopticon was intended to ensure, through the all-seeing and dominating eye of the warder from a central watchtower, a transparency that would cause the inmates of a prison to exercise self-discipline, that is, to act, as it were, as surrogate warders. As a social myth, therefore, the panoptic idea depends on the actuality or possibility of constant surveillance, a method that has made the technology of surveillance apparently both economical and effective over a large subject population.20 Thus the concept of the Panopticon allows us to understand some of the meaning of the concept of ‘transparency’ central to recent American discourse on governance of the global political economy. Transparency relates to one of the most fundamental forms of power in modern societies: that of extended surveillance. Today transparency and surveillance practices differ from pre-modern forms of surveillance associated with ancient China (supervised by the imperial bureaucracy with its capillary forms of surveillance down to the smallest village which were effective for centuries across large territories and populations). Modern surveillance practices involve not only categorization and observation of populations, but also normalization, monitoring and file matching facilitated by computerization. Much contemporary surveillance entails electronic and other forms of high technology tracking and processing of transactions and messages. Here it is worth recalling that Michel Foucault described the principle of panopticism as ‘ensuring a surveillance which would be both global and individualizing whilst at the same time keeping the individuals under observation’ (through the illumination of space).21 Bentham, in ways that outlined important aspects of modernity, had sought a way to make power function productively in a way that was efficient and automatic. Power had therefore to be both visible (prisoners were aware that warders were present in the watchtower) as well as unverifiable (they would not know if they were being watched from the watchtower). Disciplinary practices would stem from this construction. Transparency would cause inmates to exercise self-discipline, to act, as it were, as surrogate warders.22 In addition to what has already been mentioned, much of today’s innovation in surveillance practice and technology is driven by state apparatuses—like that of the United States—gathering information about populations and firms, and collecting data on legal and illegal activities for reasons of planning, taxation and control—a process that has intensified in very significant ways since the attacks on the World Trade Center and Pentagon on September 11, 2001. On the other hand, capitalist enterprises have long deployed panoptic techniques as a means of profit maximization and/or to try to eliminate or to hedge risk. The improved capacity of telecommunications and software systems to gather, centralize and analyse data—much of which was difficult to process or was previously stored separately— either geographically or functionally—clearly lies at the heart of these developments in the present era. With this wider framework in mind, in what follows we focus mainly on the private or commercial aspects of surveillance associated with informational or network capitalism. For example, the central driving force of the new capitalism is consumption and consumer confidence, which in turn rests upon use of credit as means of increasing the turnover time of capital. In an extended economic structure, the successful reproduction of capital depends upon a complex system that monitors transactions and calibrates risk and credit in real time. Thus ongoing consumer profiling is widely practised and it is linked to credit rating applied with respect to each transaction (e.g. when we wait for a computerized credit approval for our transaction to be made at a cash register). Expensive purchases (for example autos, PCs) are often financed through larger loans. Data are collected through transactional networks. Database technologies manage files on the credit histories and financial status of consumers (and in some cases criminal records as well as insurance and health histories).23 In turn, manufacturers use these integrated databases to help design new models with consumer profiles in mind, as well as using them to target potential customers who are deemed creditworthy. Thus these technologies facilitate networking across industrial sectors and a deeper and more flexible integration of financial, production and consumption.24 They also create what has come to be regarded as valuable commodities: information sets about (consumer) populations. In turn such information can be bought and sold, or commodified in the extended reproduction of the circuits of capital. In what follows we explore some aspects of recent developments with special reference to the United States, and their potential global implications. The internet in some significant ways facilitates this process, as well as acting as a kind of offshore cyberspace beyond the reach of many national regulation and taxation structures. For example surfing the web involves, simultaneously, the creation and storage of records of activity and thus of consumer/user profiles. A recent investigation by the New York Times illustrated how 1994–1995 was a turning point in the accelerated gathering of personal data through the internet. 1994 was when ‘cookies’ were invented, that is web memories in the form of programs placed on individual computers (either with or without active consent of the owners and users of the machines). 1995 was when cookies were placed in the Netscape browser, a move subsequently emulated by the other major online companies, including American Online and Microsoft (this was done initially without alerting users). Cookies enable the automatic recording of the online activity of shoppers and browsers, such that At a stroke, cookies changed the Web from a place of discontinuous visits to a rich environment in which to shop, to play—even, for some people, to live. Cookies fundamentally altered the nature of surfing the Web from being a relatively anonymous activity, like wandering the streets of a large city, to the kind of environment where records of one’s transactions, movements and even desires could be stored, sorted, mined and sold. Since then, cookies have become nearly ubiquitous [and used by most business websites including the New York Times] … ‘Before cookies, the Web was essentially private,’ said Lawrence Lessig, a professor at Stanford Law School who studies the ways that software code and public policy collide. ‘After cookies, the website becomes a space capable of extraordinary monitoring.’25 The growth of the internet and new forms of communication offers not only increases in communicative efficiency and lower costs but also many more opportunities for scrutinizing as well as marketing information sets and flows. The internet also facilitates the offshore aspects of the world economy and it amplifies the scope and speed of liberalization. On the other hand, government agencies (particularly intelligence agencies) are pleased at the growth of the internet, since the ordered convergence of the net, electronic messages and other data flows allows for the transmission, collection and analysis of potentially vast amounts of (sensitive) information. In this way, the public sector seeks to monitor the financial system and to pursue tax claims and in some cases track down fraud and money laundering as well as ‘enemies of the state’, although the September 11 attacks show that not all of its enemies can be monitored this way. Indeed not only governments but also private information corporations create massive databases on citizens. Much data are sold to private firms by governments. Here it is important to note that the United States—where the biggest and most aggressive data corporations are located—has no protections in the Federal Constitution for individual rights to privacy (rights that have further narrowed following September 11 with new legislation enacted allowing for more extensive surveillance of persons to prevent terrorism). Despite growing privacy concerns, the use of the internet by business has been accelerating, as has the practice of using cookies for data collection on customers, allowing for product advertising to be customized to individual computers when they visit the web. Again it is worth mentioning that in the United States regulation is patchy and seems to be focused on self-regulation by business through voluntary codes of conduct. In the United States at least, privacy regulation lies with the individual states, allowing for significant variation or, as one journalist put it, a system that resembles a ‘quilt with many holes’.26 Although only a few US states such as Maryland ‘actively hawk’ their public records to private firms, ‘every state … has opened its filing cabinets to information brokers who have copied and computerised millions of records’. For example Maryland has sold its driving records, car registrations, property deeds, and records of ‘court cases linked to the individual’. Private firms’ databases often include not only credit and sometimes health records but also ‘unlisted phone numbers, Social Security numbers, physical details such as height and weight, as well as the description and value of the person’s house’.27 This type of development has given rise to enormous numbers of complaints in the United States. This example has potentially very wide resonance because American (as well as other) data corporations can now expand more aggressively because of the new phase of trade and investment liberalization outlined above: In Texas a company called Public-Data.com last year paid $1600 to buy a database with the records of about 14 million drivers and 3 million others with state-issued identification cards, which the company posted on the Web. But when the state legislature passed a law … requiring anyone purchasing motor vehicle information to pledge not to post the data without approval from individuals, Public-Data simply moved abroad—to the British West Indies—and kept the information on the Web.28 Many private agencies in the United States now have massive centralized databases, or data warehouses containing public and private information accessed by powerful, increasingly high-speed computers. In the past decade, the number of these data warehouses in the United States has risen from 100 to over 1000, also reflecting the tenfold increase in the number of private firms engaged in what the Washington Post calls the ‘surge in aggressive data gathering’ in the period 1993–1998.29 Such data are gathered from all forms of transactional activity that leaves electronic traces, including email at home or at work, surfing the web, use of charge or credit cards and a whole host of other transactions. One of the biggest firms is Experian, formerly TRW, a US-based credit-rating and marketing organization which by 1994 boasted detailed economic and social data on 170 million American citizens (the US population was then about 254 million). By March 1998 Experian executives claimed that a database enquiry that took six minutes on a giant mainframe in 1994 now only took 19 seconds. Experian sold in 1996 for US$1 billion in late 1996 and seven weeks later it was resold for US$1.7 billion. Approximately US$10 billion a year is now spent in the United States on building and maintaining private data warehouses.30 As is well known, data are used in the construction of markets and consumer profiles, with people graded according to their economic importance and/or risk to the company.31 In sum, at the base of global financial regulation is an extensive system of databases mainly concerned with the pecuniary activity of, mainly, members of the affluent populations who have been granted access to credit. This is, in turn, articulated through national and international financial market structures. As I have noted, the informational bases for modern panopticism are everyday transactional activities that leave traces that can be (electronically) recorded, stored, sorted and evaluated, in part according to the application of statistical and other evaluation principles. Much of the method of modern panopticism is premised on techniques associated with insurance: i.e. the management and if possible the avoidance of risk. It is worth noting that within this population set, modern techniques serve to eliminate ‘unproductive’, ‘unprofitable’ or high risk individuals, and to identify those who can be ‘constructed’, normalized or profitably captured as workers and consumers. So what is at issue here is the reconfiguration of civil society, and the privatization of aspects of risk (both market risk and credit risk) that were largely socialized in the OECD (Organization for Economic Co-operation and Development) countries between 1950 and 1980. What is emerging at the social level is contradictory. On the one hand, risk has shifted increasingly down to the personal level, and the hedging of risks takes market form (e.g. the provision of private health care arrangements, private security guards, etc.). On the other hand, risk is increasingly generalized (e.g. environmental or market risks, such as a fall in the stock market undermining the life savings of people or a financial collapse impoverishing millions). It is important to bear these aspects of the new situation in mind as we look at issues of global finance. Financial Surveillance and Transparency In this section we argue that developments in financial regulation in the past two decades have also tended to support extension of the power of capital, and thus of the largest corporations, most of which are American owned and controlled. Here we will focus on the role of the international financial institutions and the credit-rating agencies. Since the early 1980s the IMF (International Monetary Fund) and World Bank, strongly influenced by the United States, have pressed governments not only for deregulation and privatization but also for changes in tax policy, favouring higher indirect taxes, lower income and corporate taxes, as well as bankruptcy measures and new legal protection for investors from expropriation—all measures that tend to reinforce the power of capital. The IMF now uses conditionality to give institution building and policy advice on banking law, contract law, company law, and more generally on the role of judiciary and specifically judicial review mechanisms modelled, as we have noted, on American jurisprudence. It is worth noting that liberal reforms are more fully institutionalized when locked in by law and backed by sanctions. Thus the requirement of developing countries to move towards full adoption of the IMF’s Articles Agreement may be linked to the granting of loans by the international financial institutions and thus to conditionality. As noted, the World Bank’s World Development Report of 1997 stressed the desirability of ‘locking in’ liberal arrangements on capital mobility and governance. The Bank stressed the basic logic was to provide checks that restrain any impulse by governments to depart from announced commitments, thus buttressing credibility. The Bank stressed that for developing nations it was better to err on the side of inflexibility in this way to achieve long-term goals. Thus when liberalization and protection for private property rights are locked in, governments must accept not only privatization but also full entry and exit rights for investors, including rights of establishment and rights to repatriate capital or to move it offshore. Legal exit options for business are reinforced in a structural sense by the offshore world that has proliferated since World War II, especially since the 1960s and 1970s. The offshore system involves facilities that are legally provided and maintained by over 60 sovereign nations. They allow for greater freedom of movement of capital as well as lower taxes, less onerous regulation and often complete secrecy for individuals and firms. ‘Offshore’ is a misnomer: most facilities are onshore and they reflect how state sovereignty is used to attract investments.32 New laws and the frameworks for capital mobility have redefined not only transparency but also accountability. For example public policy seems less accountable to the interests of the majority of the population, especially when governments need to borrow money in the capital markets or from the international financial institutions. Borrowers are generally forced to accept austerity frameworks as a condition of loans. This often means reduced expenditures on programmes of vital importance to most people and especially to the poor (social, health, education, etc.). With respect to bond issues and borrowing on the capital markets both at home and overseas, governments in need of funds must pay attention to their own sovereign credit ratings since such ratings influence the rate of interest that governments must pay to their lenders. Credit ratings are generally privately determined by companies such as Moody’s and Standards and Poor or by institutional investors themselves. When they are considering whether to loan to governments, crucial for investors are the macroeconomic policies to be pursued, i.e. investors prefer fiscal restraint and ‘sound money’ so that their capital/investments are not devalued by inflation and/or currency depreciation. If there is doubt in the minds of investors that not only the present but also future governments might not pursue anti-inflation policy, investors prefer the locking in of macroeconomic policies. The main governance mechanisms to do this are balanced budget/fiscal restraint laws and independent central banks committed to low or zero inflation targets. Such laws and institutional arrangements have proliferated in the 1990s. In this context, the IMF and World Bank frequently point out that mobile financial capital (investors) may be able to quickly punish governments that do not maintain control over their finances by a denial of credit and/or a lowering of credit rating—which makes finance more expensive to obtain. Thus credit ratings do not simply apply to individuals, but also to firms and governments—and they help to shape expectations of large institutional players in the markets to form a structure of power and knowledge and a pattern of policy normalization.33 However, as capital has become more liberalized and globalized, the frequency and depth of economic crises have worsened and material dimensions of human insecurity may have increased, especially in much of the Third World. The 1998 global crisis was the worst since the Great Depression and tens of millions of people were impoverished in Asia, Latin America and Russia. In 1998 an offshore hedge fund registered in the Cayman Islands but dealing from New York, Long Term Capital Management, almost brought down Wall Street, and with it the world financial system. This was despite G10 efforts to move towards a harmonization of standards for capital adequacy and other prudential regulations in the wake of the Third World debt crisis and imprudent lending by private banks. Because of this there has been some movement towards enforcing greater transparency among private banks (about balance sheets and related data). The principles of consolidation and transparency appear to have been gaining some support from governments, since they provide a way to retain or to recapture sovereignty over their financial systems.34 In this context, some of the process of international financial regulation and coordination relies on the practice of ‘mutual surveillance’. G7 estimates and proposals are mutually scrutinized and criticized, and reviewed by the IMF, which produces reports on the world economy. Indeed, the IMF’s powerful Interim Committee adopted a ‘Code of Good Practices on Transparency in Monetary and Financial Policies’ on 26 September 1999 (a ‘Code of Good Practices on Fiscal Transparency’ had been endorsed by the Interim Committee in April 1998). The Monetary and Financial Code states, Transparency refers to an environment in which the objectives of policy, its legal, institutional, and economic framework, policy decisions and their rationale, data and information related to monetary and financial policies, and the terms of agencies’ accountability, are provided to the public on an understandable, accessible and timely basis. Thus, the transparency practices listed in the Code focus on: (1) clarity of roles, responsibilities and objectives of central banks and financial agencies; (2) the processes for formulating and reporting of monetary policy decisions by the central bank and of financial policies by financial agencies; (3) public availability of information on monetary and financial policies; and (4) accountability and assurances of integrity by the central bank and financial agencies. The IMF adds that the case for transparent monetary and financial policies has two premises: policy effectiveness requires ‘credible commitment’ (governments must do what they say), since, it is argued, ‘good transparency practices promote the potential efficiency of markets’. Second, ‘good governance calls for central banks and financial agencies to be accountable, particularly where the monetary and financial authorities are granted a high degree of autonomy’. Thus there may be situations where the central bank might be both an owner and a supervisor of a financial agency and this mandates the need for clear rules and procedures and as such ‘facilitate[s] policy consistency’.35 In the 1990s these principles were also accompanied by other transparency requirements, for example the ‘Core Principles for Effective Banking Supervision’ formulated by the Basle Committee for Banking Supervision, and the ‘Objectives and Principles of Securities Regulation’ formulated by the International Organization of Securities Commissions (IOSCO), and standards were being developed by the Committee on Payment and Settlement Systems (CPSS), the International Association of Insurance Supervisors (IAIS), and the International Accounting Standards Committee (IASC). For the international financial institutions, transparency policies should be backed by legislation, e.g. a central bank law. Indeed, throughout their pronouncements the international financial institutions note that transparency is not an end in itself but should be understood as a complement to ‘sound policies’ premised upon what we have elsewhere called the ‘Three C’s of Capital’: credibility, consistency and confidence. Credible and consistent policies are required are required to win the confidence of financial market participants—that is investors.36 In sum, effectiveness and precision of policy for government and investors require timely and manipulable data, constructed according to given epistemological and categorical rules. Thus transparency is a means to impose macroeconomic (and microeconomic discipline) on governments. The reason for this is clear: ‘Transparency by financial agencies, particularly in clarifying their objectives, should also contribute to policy effectiveness by enabling financial market participants to assess better the context of financial policies, thereby reducing uncertainty in the decision-making of market participants.’37 So much for the theory. But what about the practice? First of all it needs to be said that of course the IMF does not go so far as to argue for total transparency of policies, and allows for some exceptions including the following: Some aspects of the transparency of financial policies could pose concerns. Moral hazard, market discipline, and financial market stability considerations may justify limiting both the content and timing of the disclosure of some corrective actions and emergency lending decisions, and information pertaining to market and firm-specific conditions. In order to maintain access to sensitive information from market participants, there is also a need to safeguard the confidentiality and privacy of information on individual firms (commonly referred to as ‘commercial confidentiality’). Similarly, it may be inappropriate for financial authorities to make public their supervisory deliberations and enforcement actions related to individual financial institutions, markets, and individuals.38 However, leaving aside the very mixed record of economic performance by borrowing states such as Argentina (which resulted in a massive default in early 2002) that have implemented the policies of the ‘Washington consensus’, it is important to emphasise that IMF and Wall Street style transparency puts the onus on borrowers to provide information, not lenders. The IMF argument is based on the idea that capital is a productive form of discipline that promotes economic efficiency and ultimately economic welfare. Thus when governments are not fully transparent vis-a`-vis the true condition of their economic fundamentals, it sends the wrong signals to the markets and on occasion this can lead to herd behaviour by investors (of course, as the case of Argentina suggests, the opposite may be true: if it is fully transparent it may trigger capital flight). However, such herd behaviour can be either on the upside or the downside—that is, investors move too much money in following the trend, or they take too much money out and overreact if they perceive a potential threat to their assets. This is because investors who lack good quality information often follow those who are perceived to have better information or analysis. Thus states that do not comply with transparency requirements run the risk of misallocation of resources, currency and financial crises, and poor economic performance. However, in practice, even those investors who are perceived as having access to good information may not use it. One reason is that fund managers of giant institutional investors who now invest globally now heavily influence financial markets. Not only do these fund managers have extremely large funds to invest, they also have very short investment horizons (measured in weeks and months). In this context it also appears that not only does this give rise to efforts to maximize short-term profits and the share price, but also the structure of their portfolios has lowered the incentives to gather good quality economic information on all borrowers. This is especially the case for small countries (for example Thailand) that comprise only a small proportion of overall assets held. In other words, fund managers of institutional investors may ignore the true economic situation in a small country. In this case the issue is not that information is not available, but that investors simply ignore it. Studies have shown how these paradoxes of transparency capitalism often amplify investment booms, asset bubbles and the inevitable crashes that follow when investors are panicked.39

## 3

#### CP Text – A Just Government ought to not crack-down on worker strikes.

#### Yes they link – a right requires “ a moral or legal entitlement to have or obtain something or to act in a certain way.”

https://www.google.com/search?q=right+defeintion&rlz=1C1CHBF\_enUS877US877&oq=right+defeintion&aqs=chrome..69i57.1626j0j7&sourceid=chrome&ie=UTF-8

#### Legally recognizing the right to strike renders it ineffective by de-radicalizing movements, decks solvency and turns case.

White 18 (, A., 2018. Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike. [online] Colorado Law Scholarly Commons. Available at: <https://scholar.law.colorado.edu/articles/1261/> [Accessed 7 November 2021] Ahmed White is the Nicholas Rosenbaum Professor of Law. Before arriving at the University of Colorado, he was a visitor at Northwestern University in 1999. He has also taught at Villanova Law School. Earlier in his career, Professor White's research focused heavily on the fate of rule of law norms and the rule of law concept in capitalist society, and on the role of criminal law and punishment as mechanisms of social control of the working class. More recently, Professor White's scholarship has taken a more definite historical turn. Much of his work concerns the history of law and labor relations from the early Twentieth Century through the New Deal period, as well as the viability of a functional system of labor rights in liberal society. The subjects of many of his articles over the last decade or so, these themes are central to his recent, acclaimed book, The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor Rights in New Deal America (Oakland: University of California, 2016). They also feature in his second book, tentatively titled The Romance and the Suffering: Law, Violence, and the Tragic Fate of Radical Industrial Unionism in Twentieth Century America, which will be published by the University of California Press in 2021.)-rahulpenu

The Wagner Act purported, for the first time in American history, to extend a definite, readily enforceable right to strike to most American workers. Not coincidentally, the years surrounding its enactment featured the most intense wave of labor conflict in the country’s history. When the statute became effective in 1937 (having been widely ignored by employers and blocked by hostile courts), the violence of strikes began to diminish, though not so much their frequency. For much of the period after the Second World War, strikes remained common even as they also became less ambitious in their aims and less militant in their conduct. Beginning about forty years ago, things changed again. Strikes suddenly became rare as well, to the point that workers today basically do not strike at all. From 1947 through 1976, the government documented an average of just over 300 “major work stoppages” (strikes and lockouts involving at least 1000 workers) every year; over the last decade, the annual average was only 14.10 Even the much-ballyhooed mini-strike wave of 2018 appears to be largely an illusion built on a combination of wishful thinking and a convenient misconstruction of a string of well-reported, and sometimes impressive, strikes, as a trend.11 In any event, militancy of the sort that was commonplace when Steinbeck wrote his book, along with the open strife and bloodshed that made the novel a work of undeniable realism, are nearly unheard of today. The waning of bloody battles may be a good thing. But there is not much to celebrate about the overall demise of strikes—not if you are a worker or care about the working class. For strikes are the most important mode of working class protest, the best way, it seems, for workers to directly challenge capitalist hegemony by their own hand, to alter the terms of exploitation if not to build a new world. As they have declined, so has the strength of the labor movement and, with this, the ability of workers to contest the power that employers wield over their work lives and economic fortunes. And so it is that with the demise of strikes, union representation has plummeted, wages have stagnated, economic inequality skyrocketed, and the everyday caprices and tyrannies of capitalist management have been entwined in the web of demeaning indignities, patronizing indulgences, and suffocating bureaucratic rules that define the contemporary workplace. Nevertheless, in most quarters the decline in strikes has been taken in stride, if noticed at all. For most people, **strikes** are hardly more than **historical** **relics** or quaint curiosities that seldom affect their daily lives or command much of their attention. Ironically, this is probably one reason the very modest labor conflict of the last year has been so **overcharacterized**. Once a preoccupation of newspaper editorialists, lawyers, and other commentators, a concern of government, and the subject of numerous hearings and reports, abundant litigation, and seemingly endless attempts at legislation, strikes are now **rarely** **of** **any** **interest** in any of these quarters. Where judges, politicians, and editorialists once worried greatly over how to deal with strikes of the kind that Steinbeck fictionalized, how to protect the economy (not to mention the interests of individual capitalists) from the disruptive effects of labor unrest, and sometimes how to preserve the ability of workers to strike in meaningful ways, their successors stand mute in the context of the near extinction of this form of protest. It has been two decades since Congress, which once grappled with these issues on a regular basis, has seriously confronted the question of strikes.12 Its last engagement with the right to strike attempts, in the early 1990s, to enact modest changes in the law relative to employers’ use of replacement workers during strikes. And even this effort, which collapsed in the mid 1990s, hardly seemed possessed of the kind of urgency that characterized earlier forays on these issues.13 Among the few Americans who well remember what strikes are and why they are important are labor scholars. For them, at least, strikes remain a preoccupation. Prominent students of labor like James Atleson, Julius Getman, Karl Klare, and James Pope—to name the most notable of this group—have expended much effort over the past few decades identifying and critiquing **legal** **doctrines** which have **undermined** the **right** **to** **strike**. Important to them in this regard are doctrines that give employers the prerogative to easily replace striking workers; that allow employers to enjoin and even fire strikers on the ground that they have engaged in coercive “misconduct,” or because they have protested the wrong issue or in the wrong way; that prohibit sympathy strikes and general strikes, and spontaneous “wildcat” strikes; and that funnel labor disputes off of picket lines and into legal proceedings and arbitrations.14 These doctrines have eviscerated a once-vital right to strike, these scholars tell us, subverting a prerogative that earlier in the century was central to improving conditions for workers and lending legitimacy to the very idea that workers have rights to claim in the first place. Indeed, in the 1930s and 1940s, especially, a massive and sustained campaign of strikes proved crucial to the formation of the modern labor movement, the political and legal validation of the Wagner Act, and ultimately the survival of the New Deal itself. This was true even as the Wagner Act itself seemed to play a crucial role in conveying to workers, for the first time, an effective right to strike. But the problem as far as the right to strike goes, we are told, is that the statute was later weakened and corrupted by the connivances of judges and Congress, urged on by a business community relentless in its contempt for organized labor, and abetted at times by inept or corrupt union leaders and a weak and politically diffident National Labor Relations Board (NLRB, the entity with primary authority for enforcing the labor law). And so the Wagner Act is said to have had a great potential, only to have been tragically “deradicalized,” as Klare puts it; and workers are said to have “lost” the right to strike, in Pope’s words, with devastating consequences for workers today and ominous portents for generations ahead.15 Critically, these authors argue, an effective **right** **to** **strike** must be **restored** **at** the **expense** **of** these **unjustified** **impositions**.16 Only then will the labor law regain its relevance and the labor movement its ability to improve the lives of workers. Early on, this attempt to defend an effective right to strike was the object of mean-spirited criticism by more conventional scholars who, in the guise of unmasking its interpretative shortcomings, rejected its radicalism and recoiled at its underlying supposition that law is not only malleable and untethered to its formal, elite iterations, but within the province of workers to reshape around their own interests and visions.17 Despite these efforts, which focused on the work of Klare and Katherine Stone, whose critique of post-war “industrial pluralism” shared a similar reasoning—or maybe, to some extent, anyway, because of them—**support for** this campaign to restore **the right to strike seems like a mandate** among scholars and commentators who purport to take seriously the interests of workers.18 And yet **for all its appeal**, **this project** nevertheless **suffers from** a remarkably negligent oversight, one that has nothing to do with morality of its pretense that the law is malleable and that workers can remake it—a proposition that is broadly true and eminently defensible. Instead, it has to do with its **practical feasibility**. In fact, as this Article argues, a critical reflection on this question suggests that the effort to realize **an effective right to strike is** actually quite **impossible** **and** that **attempts to do so**, however earnest and thoughtful they may be, **represent** as **dubious a battle** as the hopeless walkout dramatized in Steinbeck’s book. This doleful conclusion rests on a frank understanding of the legal and political realities in which strikes necessarily play out. There are many kinds of strikes, but those that are apt to be successful in challenging employers’ power and interests entail a level of militancy that sets them against well-entrenched notion of property and public order. This was true in the 1930s and 1940s when these values **contradicted**, at once, **strike** **militancy** and whatever radical potential the Wagner Act may have had. Ironically, it is perhaps even truer today, now that workers do in fact enjoy the right to strike, albeit only in more conventional ways. Seen in this light, those doctrines that have undermined the right to strike are not aberrations or jurisprudential failings—not mistakes in any sense, in fact, nor a retreat from some earlier, truer iteration of the labor law. Rather, they represent a **settling of the labor law** on bedrock precepts of the American life. However **illegitimate** those **precepts** may be from a vantage that **questions capitalism’s essential legitimacy** and **takes the rights of workers seriously**, they reign supreme, **foreclosing** an **effective right to strike**. All of this, as I argue in this Article, is made plainly evident by a critical review of the history of strikes and striking. To anticipate a bit more of the argument that follows, **the strikes most crucial** to the building of the labor movement in the 1930s and 1940s **were not** **built** only **around** **peaceful picketing** **and a withholding of labor**. Rather, they were sit-down strikes and strikes built on mass picketing, as well as, to some extent, secondary boycotts. And **strikes** of this kind were **never considered lawful or politically appropriate**. Ironically, it was these strikes that legitimated the Wagner Act itself and the New Deal. But they could not legitimate themselves. Those who call for resurrecting the right to strike contend that the flourishing of strike militancy reflected, if not the inherent politics of the original Wagner Act before it was “de-radicalized,” then at least its potential. To be sure, it is clear that the Wagner Act was a remarkable document which did more to advance workers’ rights than any statute in American history; and it was at least ambiguous on the question of the legal status of strike militancy. But what seemed like its support for worker militancy was not a product of any particular potential. Rather, it was a reflection of the difficulty that judges, legislators, and other authorities, who dedicated themselves to restraining these strikes even as they flourished, encountered in prosecuting these values amid the unique economic and political conditions of the 1930s and 1940s. These obstructive conditions were quite temporary, though, and the authorities’ efforts culminated soon enough in the near-categorical prohibition of the tactics that had made strikes so effective. It is in this way that the history of strikes shows less in the way of **de-radicalization** than an encounter with the unyielding outer boundaries of what labor protest and labor rights can be in liberal society. As this all played out, it **left** in its wake **a right to strike**, but one **whose power** **consists** almost **entirely of the ability of workers to pressure employers** by withholding labor, while also maybe publicizing the workers’ issues and bolstering their morale. But while publicity and morale are not irrelevant, in the end they are **not effective weapons** in their own right. **Nor are they** generally **advanced when strikes are broken**. Moreover, the withholding of labor, unless it could be managed on a very large scale—something the law also tends to prohibit by its restrictions on secondary boycotts, by barring sympathy strikes and general strikes—is inherently ineffective in all but a small number of cases where workers remain irreplaceable. Of course, **striking in such a conventional way** accords with liberal notions of property and social order; but precisely because of this it **is** simply **not coercive enough to be effective**. And it is bound to remain ineffective, particularly in a context where workers far outnumber decent jobs, where mechanization and automation have steadily eaten away at the centrality of skill, where the perils that employers face in the course of labor disputes are as impersonal as the risks to workers are not, where employers wield overwhelming advantages in wealth and power over workers, where the state’s machinery for enforcing property rights and social order have never been more potent—where, in fact, capital is capital and workers are workers. From this perspective, **the quest for an effective right to strike emerges as a fantasy**—an appealing fantasy for many, but a fantasy no less, steeped in a **misplaced** and exaggerated **faith in the law** and a misreading of the class politics of modern liberalism. The **campaign to resurrect** such **a right appears**, too, not only as a dead-end and **a distraction**, but an undertaking that **risks blinding** those who support viable **unionism** and the interests of the working class **to** the more important and fundamental fact that **liberalism and the legal system** are, in the end, **antithetical to a meaningful system of labor rights**. It is for this reason that **the call for** an effective **right to strike should be set aside** **in favor of more direct endorsement of militancy and** a **turn away from the law** and instead towards a political program that might advance the interests of the working class regardless of what the law might hold. The argument that follows further elaborates these main contentions about the history of striking and the nature of strikes in liberal society, augmented by a discussion of the legal terrain on which all of this has played out. It unfolds in three main parts. Part I describes how the concept of a right to strike developed in concert with the history of striking itself, how both were influenced by the evolving condition of labor, and how this history created the circumstances under which it became possible to conceive of an effective right to strike without making this possible in fact. Part II consists of a critical review of the fate of coercive and disorderly strikes, especially those featuring sit-down tactics and mass picketing. It considers how the courts, the NLRB, and Congress confronted these strikes, and how they moved with increasing vigor to proscribe them as soon as these strikes emerged as effective forms of labor protest. Part III looks more carefully at the underpinnings of this repudiation of strike militancy, finding in court rulings and other pronouncements against the strikes an opposition to coercion and disorder that, even if sometimes invoked disingenuously, is nonetheless firmly anchored in modern liberalism and its conception of the appropriate boundaries of class protest and labor conflict. On this rests the argument that an effective right to strike is impossible and the pursuit of it, problematic. The final part is a brief conclusion that sums up some of the implications of this argument.

## 4

#### **The world relies on the fundamental opposition to disability to exist – disabled bodies are modeled as the inverse reflection to the normate which drives the internal ableism and desire to eliminate disabled bodies.**

**Hughes 12** [Bill Hughes (professor of Sociology at Glasgow Caledonian University, BA in sociology from the University of Stirling, PhD in political philosophy from the University of Aberdeen). 2012. Accessed 8/9/20. “Civilising Modernity and the Ontological Invalidation of Disabled People.” <https://link.springer.com/chapter/10.1057/9781137023001_2> //Xu]

The stratifying binary of disability/non-disability and the antagonism of the latter towards the former is mediated and maintained, principally, by the emotion of disgust. Disgust is the bile carried in a discursive complex that Campbell (2008: 153) calls ‘ableism’: ‘a network of beliefs, processes and practices that produces a particular kind of self and body (the corporeal standard) that is projected as perfect, species-typical and therefore essential and fully human’. The body produced by ableism is equivalent to what Kristeva (1982: 71) calls the ‘clean and proper body’. It is the body of the ‘normate’, the name that Rosemarie Garland-Thomson (1997) gives to the body that thinks of itself as invulnerable and definitive. It is the hygienic, aspirational body of civilising modernity. It is cast from the increasingly stringent norms and rules about emotional behaviour and bodily display that mark mundane social relations in the lebenswelt (lifeworld). This curious non-disabled body/self has no empirical existence per se. On the contrary, the body of ableism is a normative construct, an invulnerable ideal of being manifest in the imaginary of ‘modernist ontology, epistemology and ethics’ as something ‘secure, distinct, closed and autonomous’ (Shildrick, 2002: 51). It embraces ‘human perfectibility as a normative physical or psychological standard’ and involves ‘a curious disavowal of variation and mortality’ (Kaplan, 2000: 303). It is what we are supposed to aspire to, to learn to be but can never become. It has no grounding in the material world. It is a ‘body schema, a psychic construction of wholeness that … belies its own precariousness and vulnerability’ (Shildrick, 2002: 79). It is a ‘body divorced from time and space; a thoroughly artificial affair’ (Mitchell and Snyder, 2000: 7), the epitome of civilisation, closed off from any connection with the animal side of humanity and from the ways in which our bodily nature wallows in its carnal improprieties. It is a body aghast at the messiness of existence. Disability is the opposite of this ideal body, its ‘inverse reflection’ (Deutsch and Nussbaum, 2000: 13). The disabled body is or has the propensity to be unruly. In the kingdom of the ‘clean and proper body’, disability is the epitome of ‘what not to be’. As a consequence the disabled body can be easily excluded from the mainstream ‘psychic habitus’ (Elias, 2000: 167). The ‘clean and proper’ – a normative body of delicacy, refinement and selfdiscipline – has powerful social consequences most manifest in its normalising dynamics. It is the standard of judgement against which disabled bodies are invalidated and transformed into repellent objects. It is the emblem of purity that by comparison creates existential unease. It apportions the shame and repugnance that underwrite the civilising process (Elias, 2000: 114–19, 414–21). Through ableism, modernity has been able to structure disability as uncivilised, outside or on the margins of humanity. One of the great books of the science of natural history published under the title Systema Naturae by Linnaeus in 1735 distinguishes between homo sapiens and homo monstrosus. In this classification impairment – at its extreme and highly visible end – is excluded from the human family. The distinction is, in itself, an act of violence and invalidation, an object lesson in transforming difference and ‘defect’ into the abominable. The distinction mobilises the aversive emotions of fear and disgust. Ableism is a cruel teacher. It embodies violence at many levels: ‘epistemic, psychic, ontological and physical’ (Campbell, 2008: 159). It is at its most bellicose when it is mediated by disgust: a mediation invoked mostly in the social fabrication of taboo and most compellingly in a context when the human/animal boundary is under threat. Ableism rests on the effort to eliminate from awareness, chaos, abjection, animality and death: all that civilisation seeks to repress. It encourages us to live in the false hope that we will not suffer and die, to adopt a perspective of invulnerability, to confuse morality with beauty and to see death, pain and disability as the repulsive woes of mortality rather than as the existen- tial basis for community and communication. Kolnai (2004: 74) reminds us that, ‘in its full intention, it is death ... that announces itself to us in the phenomenon of disgust’. Disability, in modernity, has been produced in the ontological household of the abject, as the antithesis of communica- tion and community, in a place that we might on occasion peer into only to ‘choke’ on the unsavoury sights that greet us. Disability is put out, put away, hidden, segregated or transformed into its opposite, covered up by whatever medical or aesthetic techniques are available to achieve this end. Any opportunity that disability might have to take its place at the heart of communication and community is thwarted by the ablest sensibilities that push it back down among the disgusting, the sick, the dead and the dying. In fact, as Elias (2000) suggested, the making of ‘civilised’ community and communication in modernity proceeds by exclusion and interdiction, by cutting out and hiding away whatever causes or might come to inspire angar (choking) or anguista (tightness).

#### Communicative spaces are structured to exclude disabled bodies- Informational assemblages are inaccessible to disabled bodies which form the instability that threatens the humanist circle.

**St. Pierre 15** [Bracketed for crip to disabled. Joshua St. Pierre (BA in humanities from Briercrest College, Master of Arts in philosophy from the University of Alberta). “Cripping Communication: Speech, Disability, and Exclusion in Liberal Humanist and Posthumanist Discourse.” Communication Theory. Vol 25, Issue 3. Pages 330-348. 3/31/15. Accessed 8/29/20. <https://onlinelibrary.wiley.com/doi/abs/10.1111/comt.12054> // Xu]

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 [disabled]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 promise of proletarian internationalism through is a façade---they still uphold ableist standards of productivity that contain indefinite discrimination.

Mitchell and Snyder ‘10

[David Mitchell and Sharon Snyder, Disability and Human Development at the University of Illinois-Chicago. 2010. “Disability as Multitude: Re-working Non-Productive Labor Power,” <https://muse.jhu.edu/article/390400>] pat

"Non-productive bodies" represent those who belong to populations designated "unfit" by capitalism. Thus, whereas traditional theories of political economy tend to stop at the borders of the laboring subjects (including potential laborers), the concept of non-productive bodies expansively rearranges the potentially revolutionary subject of leftist theory. If one is "wired" into the system in some manner—and, for Hardt and Negri, there is no such thing as an outside to this formulation—then one actively participates in the global give and take of biopolitical life. While such a claim may seem to deflate the potential for significant political action, given the seemingly boundless ability of capitalism to produce subjectivities advantageous to its own livelihood, the alternative proves equally accurate: those whom Frantz Fanon designated "the wretched of the earth" come into greater contact with each other through immaterial communication networks characteristic of modes of production in affective labor markets and opportunities for "collective" action increase. We now offer a brief description of how disability collectivities may be recognized as the paradigm of this alternative formula of resistance.

Disability as "Deconstructive" Method

By the end of the nineteenth century, efforts to segregate, restrict, and oppress populations, identified variously as "feebleminded," "subnormal," "deviant," etc., went increasingly trans-national. Eugenics, the social engineering project that sought to eradicate defective traits from a nation's hereditary pool, went global. Scientific collectives were formed, restrictive policies were translated from one cultural context to another with relative ease, categories of pathology proliferated, and parallel populations found themselves increasingly the subjects of incarceration practices. Policy-makers, scientists, psychiatrists, and institutional administrators referenced the effective restrictions at work in other nations in order to put pressure on their home legislatures to adopt "firm measures." In other words, modern capitalism recognized the utility of international markets in segregation strategies toward disabled people (and others deemed non-normal) and actively traded in their dissemination (there are echoes of Homi Bhabha's "DIS-semi-nation" here). In Cultural Locations of Disability, we point out that a profound and devastating irony was at work in the progressive period: as the discourse of disciplinary eugenics became increasingly mobile and international, disabled people—the very subjects of that discourse—found themselves increasingly immobilized. Their labor was not absent, but rather cordoned off and contained within the parameters of the modern-day institution.

A fully Foucauldian network burgeoned within this period with disabled people as the global objects of its efforts. Within the U.S., Canada, western Europe, and Australia, nations argued a logic of racial improvement and purity; in Russia the old czarist lines were disqualified as "inferior" due to the eugenics concept of "inbreeding"; in Asia entire countries such as Korea found themselves "disabled" by virtue of another (Japan in this case) colonizing power's emasculation of the country. In other words, the discourse of eugenics, applied unevenly and non-uniformly, functioned as a meta-disqualifier of entire populations whose differences (perceived or actual) served as the source of their inferiority. Here we find the historical roots of a global effort to classify bodies as non-productive and therefore outside of capitalist competitive labor markets all together.

The modern-day disability-rights movement, consequently, is not essentially European or American or "Western" by necessity of the fact that wherever the discourse of eugenics could be found (in one form or another), counterinsurgent forces arise. These resistance strategies increasingly surface within populations designated as "non-productive," but, for Hardt and Negri, "nonproductive bodies" prove imminently productive because they occupy outposts of alternative biopolitical discourses, lives imagined and realized in contrast to, even counter-posed against, more dominant discourses of consumption, productivity, family, and nation. In part these insurrectional communities of non-productive bodies begin with a "deconstructive method" in that they create group conceptions founded on theories of the malleability—the necessary mutancy even—of strict borders, classifications, and social relationships.

The introduction of this strategic fluidity proves critical to the creation of counter cultural formations as they rely upon the exposé of the artificiality of late capitalism's "naturalness" as their political alternative. Disabled bodies, as definitively multiple forms of embodiment that cannot be universalized even within "condition" groups, rely for their insurrectional force on the non-transcendental nature of their difference. This is the impetus for upsetting medical and rehabilitation-based models of pathology that transect the globe. Disability movements function as counter-discursive resistance efforts at the global level while sustaining—and even honoring—local differences. This is one of the powerful lessons that Jim Charlton's Nothing About Us Without Us (2000) has brought to Disability Studies with its comparativist, international interview methodology.

#### the idea that epistemic resistance in 1AC Smith the worker’s mind is all we need erases the material conditions of disability

Siebers 06 (Tobin, Prof of Literary and Cultural Criticism at the U of Michigan, “Disability Studies and the Future of Identity Politics”) DR 16

**The attack on identity by social constructionists is designed to liberate individuals constrained by unjust stereotypes and social prejudices. The example of disability in particular reveals with great vividness the unjust stereotypes imposed on identity by cultural norms and languages as well as the violence exercised by them.** It also provides compelling evidence for the veracity of the social model**. Deafness was not, for instance, a disability on Martha’s Vineyard for most of the eighteenth century because 1 in 25 residents was deaf and everyone in the community knew how to sign**. Deaf villagers had the same occupations and incomes as people who could hear.3 This example shows to what extent **disability is socially produced.** In fact, **it is tempting to see disability exclusively as the product of a bad match between society and some human bodies because it is so often the case. But disability also frustrates theorists of social construction because the disabled body and mind are not easily aligned with cultural norms and codes. Many disability scholars have begun to insist that the social model either fails to account for the difficult physical realities faced by people with disabilities or presents their body and mind in ways that are conventional, conformist, and unrecognizable to them. These include the habits of privileging pleasure over pain, making work a condition of independence, favoring performativity to corporeality, and describing social success in terms of intellectual achievement, bodily adaptability, and active political participation.** David Mitchell and Sharon Snyder have noticed that **the push to link physical difference to cultural and social constructs, especially ideological ones, has actually made disability disappear** from the social model. They cite a variety of recent studies of the body that use “corporeal aberrancies” to emblematize social differences, complaining that “physical difference” within common critical methodologies “exemplifies the evidence of social deviance even as the constructed nature of physicality itself fades from view.”4 As Davis puts it, **cultural theory abounds with “the fluids of sexuality, the gloss of lubrication, the glossary of the body as text,** the heteroglossia of the intertext, the glossolalia of the schizophrenic. **But almost never the body of the differently abled.”5 Recent theoretical emphases on “performativity,” “heterogeneity,” and “indeterminancy” privilege a disembodied ideal of freedom, suggesting that emancipation from social codes and norms may be achieved by imagining the body as a subversive text. These emphases are not only incompatible with the experiences of people with disabilities; they mimic the fantasy, often found in the medical model, that disease and disability are immaterial as long as the imagination is free. Doctors and medical professionals have the habit of coaxing sick people to cure themselves by thinking positive thoughts, and when an individual’s health does not improve the failure is ascribed to mental weakness**. Sontag was perhaps the first to understand the debilitating effects of **describing illness as a defect of imagination or will power**. She traces the notion that disease springs from individual mental weakness to Schopenhauer’s claim that “recovery from a disease depends on the will assuming ‘dictatorial power in order to subsume the rebellious forces’ of the body” (43-44). **She also heaps scorn on the idea that the disabled or sick are responsible for their disease concluding that “theories that diseases are caused by mental states and can be cured by will power are always an index of how much is not understood about the physical terrain of a disease**” (55**). The rebellious forces of the body and the physical nature of disease represent a reality untouched by metaphor.** Sontag insists that “the reality has to be explained” (55).

#### vote negative to forefront disability as dysfluency as an unintelligible frame that interrupts those hegemonic processes.

St. Pierre 17 [Joshua St. Pierre, co-founder of the Did I Stutter Project, philosophy at University of Alberta. 2017. Accessed 11/30/20. “Becoming Dysfluent: Fluency as Biopolitics and Hegemony.” <https://online.liverpooluniversitypress.co.uk/doi/abs/10.3828/jlcds.2017.26> //Xu]

Fluency as hegemony is constitutively wider than communicative practices, depicting the way that bodies are compelled to live within linear and uni-directional time that has no becoming. Yet communication highlights the sorts of oppressions that can result from fluent processes. Ableist “choreographies” of communication (St. Pierre “Distending”) regulate access to the present and shape who gets to participate within encounters. For example, Autistic people often process language at different rates and in different modes and are thus unable to “keep up” with the pace of fluent conversation in everyday social encounters. Without hitting the right cues and interjecting at the appropriate times, dysfluent and slow speakers are excluded from meaningful participation in shared time (see Paterson; St. Pierre “Construction”). From this perspective, disability politics are always, in part, a question of heterogeneous temporalities and differential rates of access that have been swept up in an unsustainable ableist beat. With this being said, dysfluency offers a critical response by questioning who can access, participate, and even belong within collective time. Tanya Titchkosky writes that “access is a way to orient to, and even come to wonder about, who, what, where, and when we find ourselves to be in social space” (3) and we might extend this analysis into a temporal register. Dysfluency calls from our relations not better communication skills, nor “understanding,” nor simply “more time,” but what we might term “responsiveness”: a reorientation towards the other through the body. The stubborn materiality of disability offers a resource for becoming responsive to one another and to our social situation, and responsiveness thus offers a way to imagine access as relation alongside the needed flexibility of crip time. Yet while the accelerated temporality of fluency has worrisome overt consequences in itself, it also hides a distinctly hegemonic function: fluency works to close the present moment such that nothing, in the existential sense, happens. Arendt is helpful at this junction, since her theory of “action,” by which she means the human capacity to begin something new, spontaneous, and thus transformative in the world, resonates in fruitful ways with dysfluency and crip politics. What defines the intersubjective process of action is precisely its unpredictability and its capacity to interrupt hegemonic social processes with a chain of unforeseeable consequences. Arendt, in this way, reads modern politics as an impulse toward closure and stability: The attempt to eliminate action because of its uncertainty and to save human affairs from their frailty by dealing with them as though they were or could become the planned products of human making has first of all resulted in channeling the human capacity for action…into an attitude toward nature which up to the latest stage of the modern age had been one of exploring natural laws and fabricating objects out of natural material. (230–31) Arendt has in mind the reduction of political action to bureaucratic management and the “fabrication” of the nation-state. Yet in a move that she would likely resist, we might also consider the chrononormative politics that seek to render action and its uncertainty inert within our intersubjective relations. During my daily commute a couple years ago a high school-aged girl with Down’s seated herself beside me on the crowded subway. As we started talking she quickly became aware of my dysfluent speech and accordantly asked if I, like her, had an aid in school. I was aware of the onlookers acutely uncomfortable with our public display of dysfluency that was rupturing the normalized social field and of the fluent impulse to disavow our relation: to reassert fixed identities and to align myself with able-bodiedness—“Why would I have an aid? My speech does not make me like you.” Instead, we just talked. Our shared dysfluency opened something new: a site of kinship and solidarity that modified an ableist social field and hegemonic ways of relating to ourselves and others. Fluency channelizes the human capacity for action within our communicative bodies to mitigate the possibilities of something aporetic interrupting the tractable passage of time. Yet what might happen if fluency didn’t govern our time and interactions? The impulse towards closure, the collapse of polyvocal access and engagement within the encounter, is ultimately an effort to render the present and its possibility for rupture utterly inert.4 I have suggested that neoliberal and postindustrial subjects are rendered governable and productive in part through technologies of closure that seek to collapse the encounter through a series of sutures enacted upon and through the body. Only by inscribing social order in our bodies and smoothing over/ disavowing the site of politics can compulsory able-bodiedness manifest as a stable, seamless, and natural field—everywhere and nowhere at once. “Compulsory able-bodiedness,” once again, “functions by covering over, with the appearance of a choice, a system in which there actually is no choice” (McRuer 8). While paraded around in discourses and practices like liberal eugenics, this “choice” is in fact covered by fluent processes that both disavow thick moments of collective access and judgment and that regulate and streamline the encounter to effectively exclude uncertainty and the voices of those most affected by ableist and eugenic logic. Ableist and eugenic ideology contribute to this “common ground” of disability oppression, the apparent consensus on the desirability of able-bodiedness, but ideology is always a secondary inscription: an echo of the material in the sphere of representation. Attention to fluency complicates strategies of resistance to hegemony. For example, while expanding the limits of subjective intelligibility (such as widening “sex” to account for non-dimorphic sexed bodies; or seeking cultural representation of disability) is a critical political intervention, we must recognize that intelligibility is always already a function of biopower. Foucault famously claimed that “the target nowadays is not to discover what we are but to refuse what we are” (“The Subject and Power,” 134; emphasis added), and we must soberly ask whether we can refuse subjectivization fluently and whether fluency can unmake fluent, ableist ontologies. Is a “becoming-minority” or a “becoming-crip” possible without a “becoming-dysfluent”?5 Or in Foucault’s terms again, to “promote new forms of subjectivity [and intersubjectivity] through the refusal of this kind of individuality that has been imposed on us for centuries” (134) perhaps requires that we think beyond the individualizing effects of clarity, intelligibility, and closure that restrict the possibilities of crip lives and render us functions of fluent time. Dysfluency as Escape In conclusion, we might consider that for McRuer, following Eve Kosofsky Sedgwick, “disability” can refer to “the open mesh of possibilities, gaps, overlaps, dissonances and resonances, lapses and excesses of meaning when the constituent elements of bodily, mental, or behavioral functioning aren’t made (or can’t be made) to signify monolithically” (156–57). An attention to dysfluent voices as material enunciations offers one specific way to think about this crip excess, particularly as resistance to hegemony. Fluent voices presume to signify monolithically and thus anticipate and linearly sustain the givenness of what is—fluency must be decomposed for a crip politic to flourish. Yet while fluency may have the first word (my speech arrives always a hesitation), it certainly never has the last—the impulse of fluency is totalizing but “something always escapes!” (Beasley-Murray xxi). Chris Eagle has written that an attention to dysfluency within disability studies would “understand mastery over language as always already tenuous, fragile, and partial” (6) and we might in this way begin to imagine dysfluency not as a communicative “breakdown” but as a type of escape or, in Deleuzio-Guattarian terms, flight. In Lexicon of the Mouth: Poetics and Politics of the Voice and the Oral Imaginary, Brandon LaBelle suggests that by “considering interrupted speech, we enter into a politics of the mouth. By tripping over the word, stuttering evidences the deep performative drive of the mouth under the spell of the linguistic. It stumbles precisely over a syllable, a grammar, a phoneme; the mouth gasps along the fault lines of a given vocabulary, to lisp over words, and in doing so, raises the volume on the very question as to what constitutes ‘proper speech’” (139; emphasis added). I have always imagined LaBelle’s offhanded remark a playful engagement with the Germanic fable the “Pied Piper.” In many versions of this classic tale, the piper leads all but three of the entranced village children into the river to drown. These are three crips, in fact: the first, physically disabled who could not keep pace; the second, deaf, who like Odysseus who could not hear the piper’s song; and the third, blind. Only those transformed by disability could resist the irresistible, the linear pull into deep water. In a similar way, the spell of fluency lures and strings words from our mouths in the lock-and-file order of “proper speech,” intelligibility, and surplus value. To what world and what dangers does this straightening syntax lead? The crip mouth, on the other hand, stumbles over and along the major grammar. It cannot follow and in this excess forms a collective site of material agency that stubbornly resists the spell of the linguistic. Against the liberal sirens (those masters of consensus) the agential capacity of dysfluency lies precisely in its flight from understanding and intelligibility.

#### Assumptions of ableism is always already inherent in any system of knowledge production thus ableism is *always* a prior question and a failure to engage it is an independent link – the role of the ballot is to refuse compulsory ablebodiedness – evaluate their scholarship and assumptions first – they don’t get to weigh case.

**Campbell 13** [Fiona Kumari Campbell (Adjunct Professor in the Department of Disability Studies at Griffith University). “Problematizing Vulnerability: Engaging Studies in Ableism and Disability Jurisprudence.” Legal Intersections Research Centre, Disability at the Margins: Vulnerability, Empowerment and the Criminal Law, University of Wollongong. 11/23/13. Accessed 9/2/20. https://documents.uow.edu.au/content/groups/public/@web/@law/@lirc/documents/doc/uow166211.pdf]

What is meant by the concept of ableism? The literature suggests that the term is often used fluidly with limited definitional or conceptual specificity. The work of Carlson (2001)5 and Campbell (2001) represented a turning point in bringing attention to this new site of subordination not just in terms of disablement but also ableism’s application to other devalued groups.Ableism is deeply seeded at the level of knowledge systems of life, personhood and liveability. Ableism is not just a matter of ignorance or negative attitudes towards disabled people; it is a schema of perfection, a deep way of thinking about bodies, wholeness and permeability.6 As such integrating ableism into social research and advocacy strategies represents a significant challenge to practice as ableism moves beyond the more familiar territory of social inclusion and usual indices of exclusion to the very divisions of life. Bringing together the study of existence and knowledge systems, ableism is difficult to pin down. Ableism is a set of processes and practices that arise and decline through sequences of causal convergences influenced by the elements of time, space, bodily inflections and circumstance. Ability and the corresponding notion of ableism are intertwined. Compulsory ablebodiedness is implicated in the very foundations of social theory, therapeutic jurisprudence, advocacy, medicine and law; or in the mappings of human anatomy. Summarised by Campbell (2001, 44) Ableism refers to; …A network of beliefs processes and practices that produces a particular kind of self and body (the bodily standard) that is projected as the perfect, speciestypical and therefore essential and fully human. Disability then is cast as a diminished state of being human. Writing today (2013) I add an addition to this definition: ‘The ableist bodily configuration is immutable, permanent and laden with qualities of perfectionism or the enhancement imperative orientated towards a self-contained improvability’. Sentiency applies to not just the human but the ‘animal’ world. As a category to differentiate the normal from the pathological,the concept of abledness is predicated on some preexisting notion about the nature of typical species functioning that is beyond culture and historical context. Ableism does not just stop at propagating what is typical for each species. An ableist imaginary tells us what a healthy body means – a normal mind, the pace, the tenor of thinking and the kinds of emotions and affect that are suitable to express. Of course these ‘fictional’ characteristics then are promoted as a natural ideal.This abled imaginary relies upon the existence of an unacknowledged imagined shared community of able-bodied/minded people held together by a common ableist world view that asserts the preferability and compulsoriness of the norms of ableism. Such ableist schemas erase differences in the ways humans express our emotions, use our thinking and bodies in different cultures and in different situations. This in turn enacts bodily Otherness rendered sometimes as the ‘disabled’, ‘perverted’ or ‘abnormal body’, clearly demarcating the boundaries of normal and pathological. A critical feature of an ableist orientation is a belief that impairment or disability is inherently negative and at its essence is a form of harm in need of improvement, cure or indeed eradication. **Studies in Ableism** (SiA)inverts traditional approaches, by shifting our concentration to what the study of disability **tells us about the production, operation and maintenance of ableism.** In not looking solely at disability,we can focus on how the abled able-bodied, non-disabled identity is maintained and privileged. Disability does not even need to be in the picture. SiA’s interest in abledness means that the theoretical foundations are readily applicable to the study of difference and the dividing practices of race, gender, location and sexual orientation. Reframing our focus from disability to ableism prompts different preoccupations: • What does the study of the politics of ‘vulnerability’ tells us about what it means to be ‘non-vulnerable’? • Indeed how is the very conceptualisation of ‘autonomy’ framed in the light of discourses of ‘vulnerability’? • In representing vulnerability as universal does this detract from the specificity of disability experiences?SiA examines the ways that concepts of wellbeing, vulnerability and deficiency circulate throughout society and impact upon economic, social, legal and ethical choices. Principally SiA focuses on the limits of tolerance and possessive individualism. Extending the theorization of disability, studies in ableism can enrich our understanding of the production of vulnerability and the terms of engagement in civic life and the possibilities of social inclusion. I now turn to unpacking the nuances and structure of a theory of ableism.

# AC

#### Vote neg on presumption:

#### 1] Systems- the 1AC says institutions create social realities that replicate violence but in-round discourse does nothing to alter conditions. All you do is encourage teams to write better framework blocks.

#### 2] Spillover- they are missing an internal link as to why they need the ballot or why the reading of the aff forwards change. Empirically denied – judges vote on [x] all the time and nothing happens.

#### 3] Competition- debate is the wrong forum for change and competition moots any ethical value of the aff. Winning rounds just makes it seem like you want to win and a loss is internalized as a technical mistake.

#### 4] Debate should be a side of tactical engagement of the real world- presumption is necessary as a sequencing question- their burden is material change which they don’t defend- they have no strategy or method from queer assemblages to banning LAWs out there. Even if you fiat somehow they self-destruct, they will just be rebuilt which turns the aff.

#### Defending the vanguard party is extratopical

#### The aff is nonuq – 1ac azzelline proves that strieks anrd protste are happengin now which flips uq toward the neg

#### There is no counterhegemny – you read tfw

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#### The valoriziaotn of work as liberation per cx that “worker have self dtermininacy” plays into the capitalist notion of productivity as that *everyone* should be a worker but ignores the lived experience of disabled bodies and internalizes able-nationalism.

Taylor 04 [Sunny Taylor (Assistant Professor in the Department of Environmental Science, Policy and Management at the University of California, Berkeley). “The Right Not to Work: Power and Disability”. Monthly Review, an Independent Socialist Magazine. Mar 01, 2004. Accessed 11/17/21. <https://monthlyreview.org/2004/03/01/the-right-not-to-work-power-and-disability/> //Xu]

This is not to say the feudal era was a utopian time for the impaired, but instead is an attempt to demonstrate that our current conception of disability and the position of the disabled are not absolute and should be challenged and changed. In contemporary American rhetoric there is a strong emphasis on independence and self-sufficiency. America is the country where everyone has the opportunity to become “independent.” A person, if strong enough, can lift herself up by her bootstraps and own the American dream of a nice new car, a big house, and a good retirement plan; or better yet, she can live the new American dream and become rich, famous, and beautiful. Independence is perhaps prized beyond all else in this country and for disabled people this means that our lives are automatically seen as tragically dependent. Michael Oliver, like many disability theorists, argues that dependence is relative. We as a society are all dependent on each other. The difference between the way the disabled community sees dependence, and how the rest of society views it, is that there is not so much emphasis on individual physical independence. “Professionals tend to define independence in terms of self-care activities such as washing, dressing, toileting, cooking and eating without assistance. Disabled people, however, define independence differently, seeing it as the ability to be in control of and make decisions about one’s life, rather than doing things alone or without help.”10 Today, independence is more about an individual being in control of their own services (be it education, plumbing, electrical, medical, dietary, or personal care), than it is about an individual being completely physically self-sufficient; this is true not only for the disabled population, but for the population in general. This ideal of physical self-sufficiency is a byproduct of the rhetoric of economic self-sufficiency. But no one partakes in American capitalism independently; there is no such thing as a “self-made” individual. In this respect, able-bodied people should take a second look at the position of disabled people; perhaps, ultimately, their position as interdependent is not so at odds with the position all able-bodied people occupy. A huge part of the stigma attached to being disabled is that due to disabled people’s physical dependence, they are seen as burdens (because they can’t work according to our current standardized economic system). The more impaired someone is the more of a burden they are. In actuality, the only reason that many people are a burden on their family and friends is that they have such limited options. People who try to live independently with the help of loved ones often find that it is next to impossible because the state has no independent living options and so the burden is indeed too great to take on individually. Thus many people, simply due to financial constraints, have no other option but to be put in an institution. In our society it is not the impairment that is the only reason for dependence; it is our impaired system of social services. In my life I have experienced both extreme physical dependence and relative physical independence. I spent years as a preteen trying to figure out how to dress myself and take myself to the bathroom. This was out of a complete conviction that if I were not physically independent I would forever be a burden on my family and that I’d never be free to have my own life. Because of the way the personal care system is set up now, it is true that being physically self-sufficient in these matters has made my life easier simply because I do not have to worry about institutionalization or fighting for a personal care attendant. However, my life has not changed that dramatically with the ability to pee or change my clothes when I want to, and I have since realized how little it affected my ego or my daily routine. The issues that caused me worry during this period were not things that directly were caused by my physical limitations (I was not embarrassed by needing help), but were indirectly caused because of the stigma others attached to needing help and by the worry that these physical necessities could lead me into a life without choices. Much of the empowering rhetoric in disability movements is about becoming employed and about having equal access to mainstream society. Capitalism has at it root the idea of an individual’s worth being intrinsically linked to their production value. Many, though by no means all, disabled people will never be good workers in the capitalist sense: if you cannot move or speak, it is hard to succeed in a mainstream career. There is a small but significant percentage of the disabled population that has “made it” and has achieved economic equality working as professionals, lawyers, artists, professors, and writers. They are a fortunate minority and the work they do is important. These opportunities have everything to do with class and are not open to all impaired individuals. I, like many people, will never make a good waitress, secretary, factory worker, or bus driver (unless there were massive and expensive adaptations to the bus I was driving), the type of work open to people who lack higher education. It is hard to think of a vocation where my contribution would be desirable in a cost-benefit analysis. The minority of the impaired population that does have gainful employment are paid less than their able-bodied counterparts and are fired more often (and these statistics are more egregious for disabled minorities). To ensure that employers are able to squeeze surplus value out of disabled workers, thousands are forced into dead-end and segregated jobs and legally paid below minimum wage (for example, in the case of “sheltered workshops” for those with developmental disabilities).11 The condescension towards the workers in such environments is severe. Why should working be considered so essential that disabled people are allowed to be taken advantage of, and, moreover, expected to be grateful for such an “opportunity”? Disabled people are brought up with the same cultural ideals and ambitions and dreams as their able-bodied counterparts; we too are indoctrinated to fetishize work and romanticize career and to see the performance of wage labor as the ultimate freedom. And yet, for the most part, we are denied access to this fantasy; many of us live on government aid or family support or even charity. If you have a severe disability your likelihood of having a job is 26.1 percent (as compared to a rate of 82.1 percent for working-age non-disabled people). Our largest contribution to the economy is as “beds,” as nursing homes call the aged and disabled who fill their vacancies and bank accounts. Shouldn’t we, of all groups, recognize that it is not work that would liberate us (especially not menial labor made accessible or greeting customers at Wal-Marts across America), but the right to not work and be proud of it? How would this shift in thinking affect the goals and attitude of those concerned with the rights of impaired people or the self-image of those who are impaired themselves?

#### The focus on labor as liberation is the integration of workers into a totalizing capitalist machine and turns case – you should redraw the lines of the revolutionary subject to mobilize the lumpenproletariat.

Carpenter 19 [Brackets Original. Bennett Dempsey Carpenter (Program in Literature at Duke University). “Lumpen: Vagrancies of a Concept from Marx to Fanon (and on)”. Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Graduate Program in Literature in the Graduate School of Duke University. 2019. Accessed 11/10/21. <https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/18680/Carpenter_duke_0066D_14978.pdf?sequence=1&isAllowed=y> //Xu]

Thus Bukharin, for instance, will view the lumpenproletariat as synonymous with the poorest of the poor, while Rosa Luxemburg will employ Marx's alternating conception of the lumpen as comprised of "degenerate" elements of all classes.16 Trotsky sidesteps sociological definition but repeat Marx's broader rescue manuever, attributing the failure of the workers' movements in the face of rising fascism, in part, to the negative influence of lumpen elements.17 Indeed, the label of lumpenproletarian will more often than not be applied to any group of (poor) people whose actions the writer disagrees with or dislikes—to wildly varying effect. If the labor left will throw the epithet at scabs and strikebreakers, in Germany the rightward-drifting SocialDemocratic Party will apply the term to those who defy party and labor leadership by engaging in militant actions, including strikes.18 The "official" definition in the Great Soviet Encyclopedia, meanwhile, more or less attempts to synthesize all these positions: a declassed strata in an antagonistic society (including vagrants, beggars, and criminal elements) [which] has become particularly widespread under capitalism. It is recruited from various classes and is incapable of organized political struggle. It constitutes, along with the petit bourgeois strata, the social basis of anarchism. The bourgeoisie makes use of the lumpen proletariat as strikebreakers, as participants in fascist pogrom bands, and in other ways. The lumpen proletariat disappears with the abolition of the capitalist system. In a sense, the only remarkable aspect of this dictionary definition is how faithfully it reproduces the aporias of Marx's own account. Thus the lumpenproletariat is at once incapable of political organization and responsible for political reaction; a specific class or "strata" and an amalgamation of "various classes"; utterly distinct from the proletariat and yet comprised of scabbing workers; etc. The association of the lumpenproletariat with anarchism, meanwhile, has its origins in the fierce polemics between Marx and Bakunin within, and over the fate of, the First International. These debates focused primarily on the internal organization of the International itself, and secondarily on the role of the conquest of political power in social struggle. Yet a third but by no means insignificant point of contention concerned the question of social subjects, of the true bearer of revolutionary potentiality. As Bakunin writes: To me the flower of the proletariat is not, as it is to the Marxists, the upper layer, the aristocracy of labor, those who are the most cultured, who earn more and live more comfortably than all the other workers. [...] By virtue of its relative wellbeing and semi-bourgeois position, this upper layer of workers is unfortunately only too deeply saturated with all the political and social prejudices and all the narrow aspirations and pretensions of the bourgeoisie. [...] By the flower of the proletariat, I mean above all that great mass, those millions of the uncultivated, the disinherited, the miserable, the illiterates[...] ordinarily designated by Marx and Engels in the picturesque and contemptuous phrase Lumpenproletariat (47- 48). In Bakunin's castigation of the aristocracy of labor we glimpse already the inklings of a latent crisis that will greatly preoccupy 20th-century Marxism—namely the possibility that the labor struggle, far from provoking a revolutionary rupture with the capitalist system, may merely serve to integrate the working class within it. This possibility, already visible in Lenin's tirades against economism and the limits of "trade union consciousness," will metastatize in the works of the later Frankfurt School, and especially Marcuse, for whom the incorporation of the proletariat into a totalizing consumer capitalism will be a given.19 While such pessimism may be a product, in part, of the unique conditions of the post-war "boom" (les trentes glorieuses, as the French will call it) it nevertheless points towards a broader political problem. For if the impetus for, and horizon of, the labor struggle is the amelioration of the workers' conditions of existence—concretely, higher wages, shorter hours, and so forth—then this struggle, if successful, would seem to lead to reconciliation with the status quo, rather than its revolutionary overthrow. The properly Marxist retort would be, of course, that such struggles can only ever be momentarily successful—that no real amelioration of the condition of the proletariat is conceivable under capitalism, and indeed that it is precisely this ultimate incompatability which both necessitates and ensures the latter's supersession. (As Marx writes in the Manifesto: "Now and then the workers are victorious, but only for a time. The real fruit of their battles lies, not in the immediate result, but in the ever expanding union of the workers.") Here too, however, a latent crisis lingers, for if an upwardly- mobile proletariat risks losing its relish for revolution, a downwardly-mobile one would seem to lose that purchase on production which, in the orthodox account, at least, is both the lever of and catalyst for revolution. This, indeed, is the objection made by the Russian Bolshevik Nikolai Bukharin against the lumpenproletariat, in perhaps the most elaborate treatment of the topic of the inter-war period.20 If mere—or sheer—immiseration were the sole condition of revolutionary potentiality, Bukharin notes, then "the lumpenproletariat would have to be considered as the most revolutionary class, as the power capable of realizing the transition to a higher form of society." Such, however, is not the case, for immiseration concerns merely the distribution of wealth, not its generation. The true revolutionary class, Bukharin argues, must not just be economically impoverished but economically productive—and productive within quite specific social and historical circumstances. Indeed, he enumerates six preconditions that "must be present in a class in order to enable it to accomplish a transformation of society," going so far as to present these in a table:

Table

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Bukharin’s table presents a concise version of what will become a Marxian orthodoxy—namely, the notion that, while other classes, groupings and social blocs can play a supporting role in revolutionary politics, only the industrial proletariat, narrowly conceived, can play the part of protagonist. The rational for this reduction of revolutionary potentiality is itself overdetermined; beneath Bukharin’s seemingly straightforward schema runs a whole series of explicit and implicit arguments and assumptions—about the disciplining function of the factory, its strategic centrality to production, the (uniquely?) social nature of workplace struggle, the politicizing effects of immiseration (and the depoliticizing effects of private property) as well as the equation, arguably metaphoric, between the transformation of raw materials and that of the broader social structure. (As Bukharin writes: “A class which is not the bearer of a new mode of production cannot "transform" society.”) There is, of course, something compelling in all of this. It is true that the labor conditions of the industrial proletariat are conducive to the forging of social bonds; that “freedom” from private property eliminates one potential source of self-interest in upholding the status quo; that economic exploitation creates both a potential motivation for revolting and a potentially powerful means for doing so, etc. Nevertheless, the risk in drawing the lines of the revolutionary subject so narrowly is that it misses out on the actual movement of history—the complex and contradictory processes through which individual and collective social subjects are articulated, agitated and motivated to act. Seeking to preserve a direct and unmediated equation between class position and political potentiality, Bukharin’s table occludes the need for revolutionary strategy. Indeed, it is hard not to read within it a reduction of strategy to tactics, and to one tactic at that—the strike. Peasants and lumpenproletarians cannot strike—that, succinctly, captures the objection at the core of Bukharin’s schema. Elsewhere Trotsky spells this out explicitly: "Only the workers can conduct a strike. Artisans ruined by the factory, peasants whose water the factory is poisoning, or lumpenproletarians in search of plunder can smash machines, set fire to a factory, or murder its owner." But there would seem no prima facie reason to divorce the strike as tactic from arson, machine-smashing, peasant revolts, food riots and other forms of resistance through which the poor and dispossessed rise up against their oppressors. Nor is there any unmediated path leading directly from the shopfloor strike to mass-scale social revolution. Quite the contrary—the great revolutions of the nineteenth century, as we have seen, were largely led by “artisans ruined by the factory,” while those of the twentieth would be, as Zygmunt Bauman aptly put it, “peasant revolutions in everything but their self-definitions” (1). Indeed, the great dilemma of the Russian Revolution would lie in the failure of the (western) proletariat to play its world-historical part; its great innovation—what Gramsci called its “revolution against Capital”—in its willingness to jettison this theoretical centrality when it conflicted with the actual opportunities of the concrete historical conjuncture. In this regard, however, we might say that the theorization of the Third International lagged behind its political praxis. Ironically, Marxist-Leninist orthodoxy was converging on an exclusionary focus on the revolutionary potential of the industrial proletariat at the exact moment when its own historical development was suggesting, if anything, the opposite. Such a narrow emphasis on industrial waged work would seem to find its writ of authority in Marx. Yet, as we have seen, Marx’s writings in fact contained considerably more ambivalence, both about the relation of class position to revolutionary potentiality and around the ultimate trajectory of wage labor. Indeed, Marx’s scattered and inchoate reflections on the lumpenproletariat prefigure what one might term the two great “failures” (subjective and objective, political and economic, social and structural) of the twentieth-century proletariat. On the one hand, there is the “subjective” failure of the proletariat to adopt the political perspective to which its class position is supposed to correspond—the problem of what will come to be called “false consciousness.” On the other, there is the “objective” failure of the industrial proletariat to achieve that position of absolute numerical predominance which Marx, at least on one reading, prophesied— a problem already registered in Trotsky’s notion of “uneven development,” and which has only grown greater as employment in manufacturing (both absolutely and relatively, both in the overdeveloped countries and worldwide) has continued to decline. To these twin crises the theorists of twentieth-century Marxism have struggled to respond. Yet if Marx’s own intermittent wrestling with the question of the lumpenproletariat prefigured the persistence of these problems, it also contained the hint of a possible path forward. On the one hand, his writings surrounding the 1848 revolutions begin to explore a new conception of revolutionary consciousness as a process and product of struggle—opening up the cohering of an anti-capitalist bloc, not as a historic inevitability, but as a contingent possibility. On the other, scattered passages across the Grundrisse and Capital start to flesh out the contours of a heterogeneous (post?) proletarian subject no longer defined by its relation to production. Taken together, these twin aspects of the lumpenproletarian problematic begin to lay the groundwork for a more expansive theory of revolutionary possibility. A Marxism beyond both class reductivism and productivism—one better able to confront the contingencies of political articulation, the multiplicity of social subjects, and the perils and possibilities of a world without work. In its hints and intimations, the rag-and-tatter lumpen wove a rich if unfinished tapestry; it would be almost a century after Marx, however, before those threads were picked back up.

#### The utilization of strikes is a reformist smokescreen that reinforces capitalist labor-relations.

IP 16 [Note – the website cntrl c+v is really weird so there might be a misspelled word (like “down” to “clown”) or a misplaced comma or period. I’m not sure how to fix it but please let me know if you do! Internationalist Perspective (left-communist publication defending Marxism as a living theory and critiquing left-communist theory). “Trade unions: pillars of capitalism - Internationalist Perspective”. LibCom. 1/5/16. Accessed 11/12/21. <https://libcom.org/library/trade-unions-pillars-capitalism-internationalist-perspective> //Recut Xu from Majeed]

Most of us agree that the unions are an integral part of the capitalist system. Not just the corrupt ones and those with a heavy bureaucratic apparatus but also those who profess a belief in "grass roots democracy" or even in "revolution". The arguments given for that position have been mostly empirical. Indeed, time and time again, the unions have screwed the workers, contained and defanged their struggle, have spread capitalist ideology in the working class and acted as capital's police on the shop floor. But empirical arguments are not enough. Indeed, on the basis of past experience alone, one could very well conclude that global revolution is impossible, as Paul wrote. Some have argued that it's the union's function within the capitalist economy - to manage the sale of labor power- which inevitably ties it to the system and hence opposes it to the class whose fundamental interests are irreconciliable with those of that system. That is true but it's not sufficient either. One could argue that as long as the goals of the struggle don't go beyond obtaining better wages and working conditions, or preventing their deterioration, and as long as those goals are achievable within capitalism, the irreconcilability is not immediate and the existence of permanent institutions to negotiate a better price for variable capital remains in the interests of the workers. In short one could argue, as does Adam [Buick of the Socialist Party of Great Britain], that despite the empirical evidence and despite the integration of the unions in the structure of the capitalist economy, the existing unions are bad but unionism is good. Moreover, despite the widespread disillusion, many workers still see the unions as their (imperfect) organisations, and sometimes the most combative workers are active in them. And sometimes capitalists fight the unions and try to get rid of them. When they attack a union and the workers rise up to defend "their" organisation, should revolutionaries who understand the real role of the union tell them not to wage that fight, even though the attack is clearly meant to defeat the workers and have a free hand to impose more exploitation? What to do when the workers most willing to fight are shop stewards and others who ardently defend the unions - not the leadership but the organisation? Should we simply call upon workers to leave the unions? And what do we offer as alternative, not just in limes of open struggle but also when the conditions for collective struggle aren't ripe while the pressure from capital continues? Is the 'outside and against' directive more than an empty slogan when the only meetings where workers gather are those organised by the unions? To answer those and many other questions pertaining to the practical aspects of class struggle and the defense of workers' immediate interests, the question why unions are not just counter- revolutionary but against the working class in their daily practice, must be answered first. The answer is not that obvious. After all, it is a logical reaction of workers, who are utterly powerless as individuals towards their employers who seek to exploit them as much as possible, to band together in permanent organisations to defend the price of their labor power. The first unions were clearly created by the working class even though many did bear the corporatist imprints of the guilds (professional organisations from the pre-capitalist era). Their existence as permanent organisations was a necessity, not only because of the permanency of capitalist pressure, but also because of the need of permanent preparation for confrontations with the capitalists, confrontations which often look the form of wars of attrition which the workers were doomed to lose without this preparation (the build-up of strike funds etc). Likewise, the growth of unions into bigger organisations, operating on a national scale, reflected the need of workers to increase their power by extending their class solidarity. So the growth of the unions reflected and stimulated class consciousness. Capitalists feared and loathed them and fought them bitterly. Yet very soon, the permanency of these large organisations posed a problem. The class struggle goes through ups and clowns which reflect the contradictory tendencies to which the workers, as an exploited class, are subjected. The conditions of exploitation push the workers to fight collectively and thereby to assert itself as a class with interests separate and opposed to those of capital; but those same conditions also create competition among workers, atomisation, alienation, passivity, receptiveness to the ideology of the dominant class. Those two tendencies do not neutralize each other but give the class struggle a very non-linear character, with sudden advances and retreats, moments of rising class consciousness and stretches of 'social peace', as one or the other of those tendencies dominate. During those periods of no collective struggle, when atomisation and alienation prevail, these big permanent organisations cannot express what isn't there, a class collectively fighting. It does not mean they immediately become bourgeois but they inevitably acquire an autonomy from the class they are supposed to represent. As autonomous institutions they inevitably develop hierarchical, authoritarian attitudes and relations and come to have interests which are distinct from those of the class as a whole. Thus the source of conflict of interests between the working class and the unions is already potentially present in the permanence of unions as social institutions. I write 'potentially' because from this does not yet follow that these institutions must side with capital against the workers. For this to happen, these institutions must first become part of capital, absorbed into the social fabric weaved by the law of value. This did not happen immediately because the extension of the law of value throughout society was a slow, gradual process. ln the early stages of this process, the domination of capital over society was only 'formal'. The work process itself was at first not yet intrinsically capitalist, capitalism only squeezed as much surplus value as possible from it by making the working day as long as possible and keeping the wages as measly as possible. It look a long time for a specifically capitalist method of production (based on machinism, which reversed the relation worker-technology: the tool was an extension of the worker's hand but now the worker became an appendage of the machine) to develop and become dominant. The giant leaps in productivity which technology-based production unleashed created mass production and set the stage for capitalism to transform the totality of society in its own image, which meant that the law of value came to determine social relations not just in the sphere of production but also in distribution, education, entertainment, culture, media and every other aspect of human life. But before that process (called the transition to real domination of capital) amassed critical weight, there remained a large space within society that was not yet penetrated by the law of value. Therein, not only expressions of pre-capitalist classes survived but organisations of the fledging working class too could maintain a relative autonomy. Unions were not the only permanent workers organisations that flourished in that space: there were workers' cooperatives, mutual aid societies, political mass parties, cultural organisations, newspapers, etc. that were genuine expressions of the working class. The modest size of the bourgeois state apparatus also reflected the merely formal control of capital over society. The fact that the state's policy towards the unions was largely repressive shows that capital had not yet developed the means to organically integrate them; the unions were still by and large standing outside the state. As the real domination of capital progressed and the complexity, technification and interwovenness of the capitalist economy developed, the state gradually fused with the economy and its tentacles spread over civil society. It's striking how this transformation of the economy and the integration of the unions into the structure of capitalist society went hand in hand, in particular towards the end of the 19th and the beginning of the 20th century. The test of that integration came when the interests of capitalism and those of the working class (and humanity) became diametrically opposed as never before. What was at issue was not the price of variable capital but its survival or destruction. In the first world war, many millions of proletarians were slaughtered and it happened with the active collaboration of the unions. This epochal event signalled a new paradigm in which both crisis and war meant something different than before: they became both catastrophic and global in nature as well as essential to the continuation of capitalist accumulation. Today more than ever, there cannot exist any large permanent institution outside of the fabric of capital. That is true not just for unions but also for churches, political parties, cultural institutions and so on. The market either absorbs them, accords them a specialized function within its overall operating structure, a niche according to what they can do for the valorisation of capital, or marginalizes them, makes them disappear. When the class struggle heats up , the market shifts, a demand is created for a company of management of 'human resources' that has a more radical market image, which is quickly filled, either by a new union or by a radicalisation of the existing ones. Neither represents a gain for the working class. Today, there are no longer any progressive factions of capital. The unions' interests are inextricably bound to those of capital, to those of the nation. The logic of capital makes them complicit in trying to impose the worst possible fate on the working class. In the revolutionary struggle, which is a defensive struggle, the working class will have to take on the entire capitalist machinery, including the unions. It is true that this does not mean that every act or every word of the unions are opposed to the immediate interests of the working class. The productivity-increases made possible by the progress of capital's real domination allowed capital to accord improvements of the living standards and to increase exploitation (increase the portion of the labor day that is unpaid) at the same time, at least in period of expansion. It doesn't like to do this, of course, since every wage gain is a profit loss, but over lime it came to realize that this can be in its own interests. The main reason is that the production process under real domination, with its huge assembly lines and increased specialisation and thus interdependency, became more vulnerable to interruptions, to class struggle. That was a powerful incentive, especially in the post-world war two period, to grant better wages and to give the unions a bigger say in the management of the economy. The unions have their own particular interests. As companies that manage the sale and the smooth exploitation of variable capital, they compete among themselves and have a market image to defend, both in regard to the workers the y seek to represent and in regard to the enterprises with whom they seek to negotiate. Their credibility is their most valuable asset and if it's necessary to protect it, they can sometimes drive a hard bargain with the buyers of labor power. The most intelligent capitalists realize that unions can only fulfil their capitalist function if they have some credibility as defenders of the workers and must do what they have to do to maintain it. The international waves of class struggle in the '60's and '70's which repeatedly broke through the dykes of unionism and did great damage to capitalist profits and to the myth of unions as defenders of the working class, was a powerful stimulant to the restructuring of the capitalist economy that followed it. The 'post-Fordism' in which it resulted, with its increased automation, the computerization of labor, the decentralisation of production, the explosion of outsourcing, subcontracting and temp work, the increased mobility of capital (vastly expanding the use layoffs and closings, and the threat thereof, as social weapons) decreased the vulnerability of production to industrial action considerably. By decreasing that vulnerability, capital also decreased its dependence on the unions. This allowed for more anti-unionism among capitalists, and led to a marked increase of 'union-busting'. But this also helped the unions to shore up. their credibility in the eyes of the workers somewhat, because the enemy of your enemy can seem to be your friend. The unions resisted the post-Fordist trend, in part to maintain their credibility in the eyes of the workers and in part because it was and is a threat to their own power. But since the trend reflected not a mere policy choice but the direction in which capitalism, of which they are a part, was going, their resistance was doomed to be ineffective. The alternative of the unions to this trend is conservative, to resist changes in capitalism. As this is impossible, they end up almost invariably defending 'capitalism lite', layouts, but less layoffs than the bosses are demanding, wage cuts, but with a percentage and a half shaved off. But, they need a culprit, a scapegoat for the worker's anger, and since they are tied to national capital, the scapegoat is usually foreign competition (foreign workers really). That makes the unions the most ardent defenders of protectionism. As an economic recipe that is plain stupid and sometimes really annoying to other factions of capital, but politically it is very useful to capital because it makes them work tirelessly to spread the nationalist poison into the working class.

#### Strikes have no impact and hurt workers, Orechwa 19

Jennifer Orechwa, 2019, "General Motors Strike A Reminder Unions Hurt Workers," UnionProof, https://projectionsinc.com/unionproof/how-unions-hurt-workers-the-gm-strike-continues/

**Employees Hurt the Most by a Strike** The reality is that a strike hurts the workers the most. They don’t hurt the union. In fact, union leaders see a strike as a chance to get some nationwide publicity as an organization helping the “little guys” take on the big bad abusive employer. Strikes don’t hurt permanently hurt the company because a large company like GM has a contingency plan and is prepared to keep operating without the striking workers by taking steps like temporarily shutting down some plants and consolidating operations. It’s the workers that are hurt, encouraged by the unions and some politicians to subject themselves to loss of income and job stability. Instead of encouraged, it should read that workers are “used” by the unions and [political parties](https://www.cnbc.com/2019/09/16/2020-election-democrats-cheer-uaw-strike-against-gm-criticize-trump.html) to push their agenda. Unions thrive on making employers look bad, and politicians that believe America’s big businesses take advantage of employees use the strikes as proof. The general line is that, “If employees are willing to suffer a loss of income, benefit and job stability, the workplace policies must be abusive.”