## 1

### 1NC—T—Subsets

#### Interpretation: The affirmative may not specify a subset of workers’ unconditional right to strike .

#### Violation: they do

#### The upward entailment test and adverb test determine the genericity of a bare plural.

Leslie 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University.] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.

#### Standards:

It applies-upward entailment—‘just govts ought to recognize dunkin donuts workers right to strike’ doesn’t entiail all workers right to stirke—adverb test- just govts ought to usually regonize workers uncondiitonal right to strike doenst mean naything substanially diff from the res

#### [1] precision – the counter-interp justifies them arbitrarily doing away with random words in the resolution which decks negative ground and preparation because the aff is no longer bounded by the resolution. Independent voter for jurisdiction – the judge doesn’t have the jurisdiction to vote aff if there wasn’t a legitimate aff.

#### Limits – you explode limtis since you could functionally defend any agent gets the right to strike i.e. teachers, students, government officials, athletes, celebrities, etc.

#### Topic ed - you kill topic ed by forcing us to debate about fringe parts of the topic with minimal ground.

#### [3] tva – just read your aff as an advantage under a whole res aff, solves all ur offense

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### Drop the debater – a] deter future abuse and b] set better norms for debate.

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm, [b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

t>1ar theory—lexcially prior—topecality determines wehter aff is fair-self inclficted abuse

## 2

### 1NC—OFF

#### Interpretation: topical affirmatives must defend recognizing an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.

#### Violation— Plan’s a regulation of a right to strike but they don’t defend a net increase– they only defend a subset of workers—that means they fiat a restriction, not a net increase, since it just establishes conditions where the right is absolute.

Merriam Webster ND, <https://www.merriam-webster.com/dictionary/unconditional> //sid

 not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

#### The US legal dictionary defines unconditional as,

Us Legal, Inc., "Unconditional Law and Legal Definition," https://definitions.uslegal.com/u/unconditional/

**Unconditional means** without conditions; **without restrictions; or absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain

#### Restriction is based on conditions – that’s the aff since a right to strike is only recognized [in the case of sex workers]

PEDIAA 15 [learning website], “Difference Between Prohibited and Restricted,” *PEDIAA*, 12 October 2015, <https://pediaa.com/difference-between-prohibited-and-restricted/>, beckert

Prohibited and Restricted are used in reference to limitations and prevention. However, they cannot be used interchangeably as there is a distinct difference between them. Prohibited is used when we are talking about an impossibility. Restricted is used when we are talking about something that has specific conditions. The main difference between prohibited and restricted is that prohibited means something is formally forbidden by law or authority whereas restricted means something is put under control or limits. What Does Prohibited Mean Prohibited is a variant of the verb prohibit. Prohibited can be taken as the past tense and past participle of prohibiting as well as an adjective. Prohibited means that something is formally forbidden by law or authority. When we say ‘smoking is prohibited’, it means that smoking is not allowed at all, there are no exceptions. Prohibit indicates an impossibility. This gives out the idea that it is not at all possible under any condition or circumstance. The term Prohibited goods is used to refer to items that are not allowed to enter or exit certain countries. For example, the government of South America lists Narcotic and habit-forming drugs in any form, Poison and other toxic substances, Fully automatic, military and unnumbered weapons, explosives and fireworks as prohibited goods. The following sentences will further explain the use of prohibited. Inter-racial marriages were not prohibited by the government. He was proved guilty of using prohibited substances. No one was allowed to enter the grounds; entry was prohibited. Prohibited imports are the items that are not allowed to enter a country. What Does Restricted Mean Restrict means to put under limits or control. Restricted can be either used as the past tense of restrict or as an adjective meaning limited. When we say something is restricted, it means that limits or conditions have been added to it. It does not mean that it is completely impossible. For example, Restricted goods are allowed to enter or exit a country under certain circumstances. A written permission can help you to import or export that item. Likewise, a restricted area does not mean that people are not allowed to enter; it means that a special permission is required to enter the place. Restricted information refers to information that are not disclosed to the general public for security purposes.

#### CX doesn’t check – preround prep was skewed which is during NC construction.

#### Voting issue for limits and ground. There are infinite working conditions they could spec in the plan which means their interp is always semantically incorrect since the right to strike is conditional in all other instances. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.

#### Stable ground --- a complete unconditional recognition is key to circumvention, Politics DAs, and CP competition. Making recognition probabilistic allows the aff to shift late in the debate to no link core positions—all of our ground is predicated on the debate between unconditional and conditional – shifting the debate to particular conditions eviscerates core Negative Arguments like Economic Perception or Investment Signaling which only happen as a result of a blanket right to strike.

## 3

### 1NC—OFF

#### The 1AC’s attempt to change public belief based on the injection of new knowledge into the debate economy allows contrary beliefs to frame themselves as a “radical” rebellion against authority—this turns the case

McGowan, 2013 (Todd, Associate Professor in the College of Arts and Sciences at the University of Vermont, Enjoying What We Don’t Have, pg. 247-250)

Dawkins proceeds in his assault on belief in the precise manner that Noam Chomsky proceeds in his critique of contemporary capitalism. Underlying the arguments of both is the belief that if people simply had all the facts, they would abandon either their religious belief or their investment in the capitalist mode of production. But religious belief and ideological commitment are not reducible to knowledge. Both represent libidinal investments that provide adherents with a reward that no amount of knowledge can replace. What Dawkins’s argument against belief leaves intact – and what every argument against belief leaves intact – is the enjoyment that derives from believing. In fact, arguments that make clear the inutility of belief augment this enjoyment rather than detracting from it. Enjoyment has an inverse relationship to utility: we enjoy in proportion to the uselessness of our actions. If an activity such as belief is useful, we gain something from it. It might, for instance, provide us healing during a time of illness or bring a good harvest during a drought. When an activity is not useful, however, it results in no tangible or even immaterial benefit; pursuing it involves pure expenditure without any return and thus wastes time, energy, resources, and life itself. Religious belief is essentially waste and pointless sacrifice, which for critics augurs its eventual elimination. But when one examines religion from the perspective of human enjoyment, its wastefulness becomes the chief source of its attraction. Looked at from one side, the sacrifice that religion demands is not wasteful but productive: the believer gives up something in this life (sensual pleasures, free time on the weekend, and so on) in order to gain a blissful life in the afterworld. Belief, in this sense, operates according to the logic of exchange, and the exchange accrues to the benefit of the believer, since almost everyone would sacrifice some immediate pleasure for the assurance of eternity in heaven. Even religions without a clear conception of the afterlife (life Judaism) nonetheless offer the believer tangible rewards – a sense of membership in a community, transcendent justification for one’s actions, and so on. If this account of belief were sufficient to explain the phenomenon, the arguments against belief would have a cogency that they in fact lack. As Dawkins shows from the perspective of evolutionary biology and as Stenger shows from the perspective of physics, the probability that there is a God and that there is an afterlife is almost zero. 11 Given the odds, belief represents a poor investment and should attract very few adherents. But if the driving force behind belief is not eternal bliss but the very act of sacrifice itself – a wasteful rather than a productive act – the arguments against belief would lose all of their force. Wasteful sacrifice appeals to us because we emerge as subjects through an initial act of ceding something without gaining anything in return. The creative power of the human subject stems from its ability to sacrifice. Through sacrificing some part of ourselves, we create a privileged object that will constitute us as desiring subjects, but this object exists only as lost or absent and has no existence prior to the sacrificial act that creates it. There is a fundamental dissatisfaction written into the very structure of subjectivity that no one can ever escape. But at the same time, the act of sacrifice itself allows us to create anew our lost object. Through religious belief, the subject repeats the original act of sacrifice that constitutes its desire. Belief thus provides a foundational enjoyment for the believer, who, through the act of believing, wastes without recompense. The promise of a future reward in the afterlife is nothing but the alibi that religion provides in order to seduce the subject on the conscious level. But this is not where the real libidinal appeal of religion lies. The proliferation of religious belief is inextricable from its failure to deliver on its promises and from its status as a bad investment for the devout. Especially in the contemporary world, religious belief provides respite – an oasis of enjoyment – for the subject caught up in the capitalist drive to render everything useful and banish whatever remains unproductive. 12 The more that the demands of capitalist relations of production imprint themselves on a social order, the more that subjects – or at least a subset of them – within that order will turn toward religious belief or some other form of pure sacrifice (such as sports fandom). Capitalism installs a regime of utility that demands productive accumulation and leaves little space for useless expenditure. As Marx points out in the *Grundrisse*, Just as production founded on capital creates universal industriousness on one side – i.e., surplus-labour, value-creating labour – so it does create on the other side a system of general exploitation of the natural and human qualities, a system of general utility, utilizing science itself just as much as all the physical and mental qualities, while there appears nothing *higher in itself*, nothing legitimate for itself, outside this circle of social production and exchange. Thus capital creates the bourgeois society, and the universal appropriation of nature as well as of the social bond itself by the members of society. 13 The social bond within capitalist society is one that unites all subjects and all objects in a general calculus of utility. In the midst of this system, subjects increasingly carve out the space for useless acts, and religion provides a ready arena for them. Though the Protestant ethic may have initially paved the way for the development of capitalism, today it is capitalism and its ethos of general utility that provides the ground, albeit negatively, for religious belief. 14 Consequently, displaying the uselessness of religious belief or its wastefulness can only have the effect of highlighting its ultimate value for the believer. Demonstrating the improbability of God’s existence – one of the goals of *The God Delusion* and the other attacks on belief – allows believers who sustain belief in spite of this improbability to experience themselves as radicals. This is a great problem in contemporary society because the prevailing ideological modes of subjectivity is that of the rebel or outsider. Though religious belief involves bowing to authority, the contemporary believer also experiences the enjoyment that comes from defiance of earthly authority. In most societies today, there is simply no earthly authority inveighing against faith or even prohibiting it; there is no one to defy. But Richard Dawkins, Sam Harris, Christopher Hitchens, and the other contemporary critics of religion help to erect just such an authority. One might even imagine that their books were undertaken with the unconscious aim of allowing believers to enjoy their belief.

Lister 1: Lister, Kate [Dr Kate Lister is a university lecturer, a writer, blogger, and curates the online research project Whores of Yore - a digital public engagement project that works to make research on sexuality and the history of sex work accessible to the public. Kate is a campaigner for sex worker rights and is a board member for the sex work research hub and the Vagina Museum. In 2017, Kate won the Sexual Freedom Award, Publicist of the Year.]. “Yes, sex strikes have been successful. But not because women simply withheld sex” *iNews*, August 2020. AC

**Other sex strikes are successful because they drew media attention** to the cause, rather than because men were being denied the occasional roll in the hay. **In 2006, a group of Colombian women in the city of Pereira staged a sex strike to demand their gangster partners hand in their guns, stop shooting one another, and agree to attend vocational training programmes.** Reports estimate there were about **two dozen women taking part and the strike lasted for ten days.** Clearly, a small group of women boycotting sex for 10 days is not going to affect cultural change on its own. There was much more going on. **City authorities were already working with law enforcement to reduce gun crime, as one month before the strike, some 140,000 Pereirans had voted in favour of disarming civilians. The sex strike was symptomatic of a culture that desperately wanted change, rather than an instigator of it. The sex strike tactic drew global attention and boosted national support for their cause. By 2010, Pereira’s murder rate was reportedly** down by 26.5 per cent, but this is a result of a city wide, concentrated effort to reduce gun crime that utilised a multi-agency approach **and had international support, rather than a group of gangsters not getting any for ten days**

**establish masculinity as a coherent subjectivity wherein politics are accessible and violence is invisible—not only does this deny the inherent lack within the masculine, but it also is an attempt to suture an inherent corporal lack onto the masculine other.**

[**Zakin**](http://plato.stanford.edu/entries/feminism-psychoanalysis/#Lac) **11**. (Emily Zakin, Stanford Encyclopedia of Philosophy. Psychoanalytic Feminism. May 16, 2011. <http://plato.stanford.edu/entries/feminism-psychoanalysis/#Lac>. MMG)

The erasure of sexual difference enables a metaphysics of substance in which sexual identity is a matter of fixed and pre-determined being, of underlying essences or common properties, rather than a form of becoming and self-generation. Irigaray's genealogical account of sexual difference resists both the idea of an invariant universal (and hence sexually neutral) human essence that subtends (and thereby expels) human multiplicity and the idea of sexual essences that consist in self-enclosed identities between which there is an uncrossable divide. That is, **she rejects the ontological assumptions of both universal equality and separatism**, taking both to be implicitly masculine and patriarchal, bound to a metaphysical essentialism that aims to capture diversity in first or final principles, or to subsume particulars under general concepts. Challenging the logic of the one and the many, Irigaray takes the self-division of nature, its being-two, as a model of autonomous self-development. When Irigaray says that human nature is two, she does not mean that there are two fixed sexual substances, but that to be natural is to be embodied, finite, divided, that the fundamental character of nature is growth through differentiation. Human nature, in her view, is not disembodied or neutral; it is always distinctively sexed or sexuate, a neologism for sexed, but not necessarily erotic, bodily difference. Viewing the natural body as self-differentiating rather than self-identical, Irigaray also articulates distinctive capacities for generation corresponding to differing morphological possibilities (the possibilities of bodily form) that entail “different subjective configurations” (Irigaray 2001 [1994], 137). If human nature is two, and always divided, Irigaray argues, then civil identity is also two and divided; the two of nature needs to be brought into the two of culture. The one is an illusion of patriarchy, while the two threatens the phallocentric order and challenges the supposition that universality must be singular. The scandalous idea of a feminine subjectivity means that the universal must be doubled. Doubling the universal does not, for Irigaray, mean merely replacing a neutral universality (something that holds true for all human beings) with two wholly distinct and separate truths. A universal that has been doubled has also been split or divided from itself, no longer one, and Irigaray sees in this the possibility for cultivating sexual difference and overcoming a culture of sexual indifference that is dependent on the idea of the generic human. If the other has always been formulated on the basis of the same, as merely a specific difference from some underlying generic identity, there has only been complementarity and opposition, there has never been an actual other subject, each with its own path of development. Women have mirrored men's subjectivities, reflected their egos back to them in **an illusion of wholeness** and unity, submitted to the demand that they perform or masquerade femininity. Given this criticism of the exploitation of otherness, and despite her criticism of a feminist politics of equality, Irigaray thus cannot be simplistically aligned with the project of difference, if this means asserting features of women's biological or social specificity as essential and innately valuable attributes, since these Irigaray takes to be framed already and in advance by a patriarchal symbolic and imaginary order. Irigaray's affirmation of sexual difference does not mean affirming the feminine traits that have been ascribed to women, since these are actually, in her view, the traits of sexual indifference, defined only with reference to men. Sexual difference has yet to appear and it is her task to bring it into being. Being-two is counterposed to the metaphysical alteration between the one and the many, with its incessant oscillation between the essentialism of a rigid identity and the laissez-faire contingency, independent of any determining essence, of unlimited multiplicity and atomistic individualism. It is on the basis of this being-two that Irigaray attempts to build an ethics of sexual difference, a political relation between-two, with civil rights appropriate to sexuate identity, so that one's identity as a citizen is not cut off from the body, and law is not severed from nature. If sexual difference is not simply an effect of oppression, then freedom does not mean freedom from sexed embodiment. While political neutrality can only recognize disembodied subjects deprived of their bodily life, for Irigaray, citizens are not abstractions. The doubled, non-neutral, universal allows for distinctively feminine (and distinctively masculine) subjects to be recognized politically. Similarly to Beauvoir, who ascertains that language and culture constitute the subject as masculine, and the feminine as other to him, Irigaray maintains that inhabiting a feminine subjectivity is paradoxical in a fraternal social order. But, for Irigaray, both Beauvoir and Freud fail to address sexual difference insofar as they retain a singular notion of masculine subjectivity, Freud because he presumes the libido is always masculine, and Beauvoir because she reckons the aim of women's emancipation as equality with men (for instance by concluding the Second Sex with a call to brotherhood and seeming, arguably, to be calling for women to assimilate to masculine norms of selfhood). Irigaray rejects the project of equality, since ‘equality’ can only ever mean equality to men, and proposes instead doubling the notion of subjectivity in line with the subject's own self-division. This might seem unnecessary, especially to equality-oriented feminists, since of course, women can, at least in much of the liberal, democratic world, be citizen-subjects, just like men. But **Irigaray's point is that women can have the rights of men only so long as they are like men**, i.e., insofar as they are brothers, subsumed into the neutral individuality of the liberal social contract. This purportedly equal access to citizenship and subjectivity thus does not resolve the paradox, since it merely takes the side of subjectivity over that of femininity, retaining the constitution of the feminine as lack, the inverted image of man, the other of the same, that which stands in the way of political agency and obstructs autonomy, and which thus must be overcome in order to achieve self-determination. In the prevailing social contract, femininity and subjectivity remain opposed.

#### Their call for unionization and strikes might have worked a century ago, but post digital infosphere, the solvency is impossible.

**Berardi 11** [Franco Berardi, Italian communist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism “Chapter 4 Exhastion and Subjectivity.” After the Future, by Franco Bifo Berardi et al., AK Press, 2011. P. 107-108 // LEX JB]

The financial cycle is bleeding the social environment dry: sucking energies, resources, and the future. And giving nothing back. Recovery of the financial process of valorization of capital is totally separated from the cycle of material production and social demand. Financial capitalism has obtained autonomy from social life. Let’s consider the political side of the same problem: once upon a time when society was suffering the blows of recession, workers reacted with strikes, struggle and political organization, and forced state intervention in order to increase demand. Industrial growth needed mass consumption and social stability. What is impressive in the ongoing crisis, on the contrary, is the widespread passivity of the workers, their inability to unionize. The political trend in Europe is the meltdown of leftist parties and the labor movement. In the US, Obama is daily attacked by racist and populist mobs, but no progressive social movement is emerging. 1.2 million people have had their mortgages foreclosed upon and lost their houses following the sub-prime swindle, but no organized reaction has surfaced. People suffer and cry alone. In the old time of industrial capitalism, the working class could fight against a target that was precisely identified: the boss, the entrepreneur who was the owner of material things like the factory, and of the product of his laborers. Nowadays the boss has vanished. He is fragmented into billions of financial segments, and disseminated into millions of financial agents scattered all around the world. The workers themselves are part of recombinant financial capital. They are expecting future revenues from their pension fund investments. They own stock options in the enterprise exploiting their labor. They are hooked up, like a fly in a spider web, and if they move, they get strangled, but if they don’t move, the spider will suck their life from them. Society may rot, fall apart, agonize. It is not going to affect the political and economic stability of capitalism. What is called economic recovery is a new round of social devastation. So the recession is over, capitalism is recovering. Nonetheless, unemployment is rising and misery is spreading. This means that financial capitalism is autonomous from society. Capitalism doesn’t need workers: it just needs cellular fractals of labor, underpaid, precarious, de-personalised. Fragments of impersonal nervous energy, recombined by the network. The crisis is going to push forward technological change, and the substitution of human labor with machines. The employment rate is not going to rise in the future, and productivity will increase. A shrinking number of workers will be forced to produce more and more, and to work overtime. The real bubble is the work bubble. We have been working too much; we are still working too much. The human race does not need more goods, it needs a redistribution of existing goods, an intelligent application of technology and a worldwide cut in the lifetime dedicated to labor. Social energies have to be freed from labor dependence, and returned to the field of social affection, education, and therapy. We should take seriously the concept of autonomy. In the present condition autonomy means exodus from the domain of economic law: Out-onomy, abandonment of the field of economic exchange, self-organization of knowledge and of production in a sphere of social life which is no longer dependent on economic culture and expectations – barter, free exchange of time and of competence, food self reliance, occupation of territories in the cities, organization of self-defense.

**The 1AC’s demand to be recognized as a form of political dissent is an investment in the hegemonic order – the power of demand stems from the authority of the system. Their failure to theorize desire turns the 1AC into a moment of jouissance that betrays their radical intentions in order to maintain the possibility of protest. The 1nc is a no to the affirmative and disrupts the agential fantasy in favor of reinvesting desire in light of the death drive.**

**Lundberg ’12** (Christian, Associate Prof. of Rhetoric @ UNC Chapel Hill, “On Being Bound to Equivalental Chains,” Cultural Studies, Volume 26, Issue 2-3, 2012)

On this diagnosis, the Mexican response typifies institutional attempts to downplay protest, a problem of misrecognition. The problem here is not that the protest is ineffective per se, but that the Mexican authorities do not recognize the danger that the protestors pose: the lack of recognition does not make the protest ineffective - the statement reaffirms that ‘ordinary citizens’ continue to represent the ‘biggest threat to the WTO’. Instead, the fact that the Mexican Government and the WTO misrecognize the power of ordinary citizens animates this critique. Not to be outdone, the Mexico Solidarity Network created an online form letter for self-identified ‘dangerous anti-globalization groups’: Dear Government Agents Bent on Restricting Civil Liberties,¶ I recently found out about the ‘watch list’ prepared by Mexican authorities, purportedly to quell the voice of civil society at the upcoming WTO Ministerial in Cancun . . . Please add my name to your ‘watch list’ immediately!! Nothing less is acceptable.¶ (Mexico Solidarity 2004)¶ How might we understand such demands for recognition by the Mexican authorities? One might read such demands as parodic critiques of globalization and security, as ironic calls for mobilization, as foregrounding the ideology of globalization, as a strategy of over-identification, or as any combination of these. Perhaps, **the purpose of the demands is simply inclusion, calling for the democratization of global governance. But these demands are not simply demands for inclusion: they are also demands to be recognized as dangerous and in solidarity with other similarly dangerous global citizens**. On the one hand, such demands often accompany calls for specific changes in processes of global governance, aiming at concrete change. But on the other hand, these demands also condense a more universal demand for recognition of the act of dissent. As Laclau might have it, demands are caught up in a formal logic of trope: metonymic connections between disparate demands are condensed in metaphors that figure a relation to and make claims on a political order. But it is also possible to detail the rhetorical functionality of such demands by taking them both as a set of tropologically animated connections, and simultaneously at their word in reading the affective implications of a literal call to be recognized as dangerous to and excluded from the processes of global governance. How is it possible to ground a literal reading of the rhetorical functionality of the demand to be recognized as dangerous in this case? This reading strategy involves identifying a supplemental split to the one between the universal and particular political content of a demand, between subjects who enjoy the mere fact of affinity with a group as a mode of (mis)identification and the set of identitarian equivalences inaugurated by entry into the particular. This strategy involves reading such utterances both as specific political demands, as containing a universal commitment that authorizes equivalential linkages, and simultaneously as practices of enjoyment, creating ritually repeated relationships to a hegemonic order. On this reading it is not the change that the demand anticipates that is significant, nor is in the political potential of forging equivalential links, **but rather the role demand plays for the one who utters it, and the modes of interpassive political affinity entailed**.¶ Working through the complexity of demands requires reading the demand for recognition as a practice of enjoyment **􏰑** as an affectively invested call for sanction and love by the governing order. Framing demands as a practice of enjoyment opens a conversation with and point of political critique for Laclau’s conception of the demand by marking the affective complexity of the politics of demands **􏰑** **demands also entail a perverse dialectic of political agency as resistance and simultaneous interpassive political constraint**. Demands empower forms of political agency by generating an oppositional relationship to hegemonic structures, and by providing the equivalential preconditions for identity. As Slavoj Zˇizˇek might have it, there is always the risk that the demands of protestors are the supplement that authorizes the functioning of capital(Zˇizˇek 2000).**∂** Laclau and the politics of the demand∂ Laclau’s On Populist Reason provides an elegant account of demand as the fundamental unit of the political, and by extension of politics as a field of antagonism. Laclau’s basic goal is to define the specificity of populist reason, or, to give an account of populism as ‘special emphasis on a political logic which, is a necessary ingredient of politics tout court’, of ‘Populism, quite simply, as a way of constructing the political’ (Laclau 2005, p. 18). Here, a focus on demands replaces a now prevalent approach focused on various taxonomies of populism (which Laclau diagnoses as hopelessly unsystematic) with a more formal account of the political based on the logic of demands, which in turn provides a way of thinking about the political as the space of demand and politics as a practice of working through specific demands.∂ Demands serve a number of functions that derive from the split between the universal and the particular that Laclau relies upon. Demands articulate a specific political claim at the level of the particular, and also imply a more generalized relationship to hegemony in the register of the universal. On this logic, demands represent the hegemonic order, creating an implicit picture of how it functions and might change. Simultaneously, demands create possible lines of equivalential affinity between others also making demands on the hegemonic order. Thus, the demand is more fundamental than the group, in that the operation of the split demand inaugurates all ‘the various forms of articulation between a logic of difference and a logic of equivalence’ that animate the social affinities that give groups their coherence (Laclau 2005, p. 20). The logic of the demand is in turn the logic of equivalence, and equivalence is as important for how it animates a group identity, as it is in positing claims on a hegemonic order.∂ Although Laclau owes a significant debt to Freud and Lacan, it is not clear that his theory of demand is explicitly crafted from psychoanalytic categories. For example, how central is enjoyment to Laclau’s relatively formal account of the demand? As Glynos and Stavrakakis have argued, there is a ‘complete and conspicuous absence in Laclau’s work of Lacanian categories such as fantasy, and, perhaps more importantly, jouissance’ (Glynos and Stavrakakis 2006, p. 202). Glynos and Stavrakakis claim that there is ‘to [their] knowledge no reference in Laclau’s work to the concept of jouissance’ (Glynos and Stavrakakis 2006, p. 209).∂ On Populist Reason contains a brief discussion of the concept of jouissance as worked out by Copjec, which Laclau summarizes by saying:∂ there is no achievable jouissance except through radical investment in an objet petit a. But the same discovery (not merely an analogous one) is made if we start from the angle of political theory. No social fullness except through hegemony; and hegemony is nothing more than the investment in a partial object, of a fullness which will always evade us. The logic of the objet petit a and the hegemonic logic are not just similar, they are simply identical. (Laclau 2005, p. 109)∂ There is an elegance to Laclau’s point about enjoyment, provided that enjoyment is reducible to a set of logical forms. This presupposition makes the lack of talk about jouissance in Laclau’s work understandable. If jouissance and hegemony are identical, one does not need Lacan to say something that might be said more elegantly with Gramsci. Jouissance is simply hegemonic investment, an elevation of an object or identity to the level of a thing or a universal.∂ Despite occasional caveats to the contrary, the greatest virtues of Laclau’s version of the political stem from his relentlessly persistent application of a formal, almost structural account of the political. And, as is the case with many well executed structuralist accounts, Laclau’s system can elegantly incorporate caveats, objections to and oversights in the original system by incorporating them into the functioning of the structure jouissance can easily be read as nothing more than hegemony in this account without changing the original coordinates of the system too drastically.∂ Yet, enjoyment provides one particularly difficult stumbling block for a dedicated formal account. To start with, enjoyment is never quite as ‘achievable’ as the preceding quotation might suggest. Far from being the consummation of a logic of structure and investment, enjoyment is a supplement to a failing in a structure: for example, Lacan frames jouissance as a useless enjoyment of one’s own subjectivity that supplements the fundamental failings of a subject in either finding a grounding or consummating an authoritative account of its coherence. This ‘uselessness’ defines the operation of jouissance. Thus, for example, when Lacan suggests that ‘language is not the speaking subject’ in the Seminar on Feminine Sexuality, lodging a critique of structural linguistics as a law governing speech, jouissance is understood as something excessive that is born of the failure of structures of signification (Lacan 1977). Language is not the speaking subject precisely because what is passed through the grist mill of the speech is the result of a misfiring of structure as much as it is prefigured by logics of structure, meaning and utility. Therefore the interpretive difficulty for a structuralist account of enjoyment: the moment that the fact of enjoyment is recoded in the language of structure, the moment that it is made useful in a logic of subjectivization is precisely the moment where it stops being jouissance.∂ Following Glynos and Stavrakakis’s suggestion, one might press the question of the relationship between the demand and jouissance as a way of highlighting the differences that a purely Lacanian reading of demand might make for Laclau’s understanding of politics. Framing enjoyment as equivalent with hegemony, Laclau identifies the fundamental ‘split’ in psychoanalytic theory between the universal and the particular demands of a group. Framing the split in this way, and as the privileged site of the political, Laclau occludes attention to another split: namely, the split within a subject, between the one who enters an equivalential relationship and the identitarian claim that sutures this subject into a set of linkages. This too is a site of enjoyment, where a subject identifies with an external image of itself for the sake of providing its practices of subjectivity with a kind of enjoyable retroactive coherence. The demand is relevant here, but not simply because it represents and anticipates a change in the social order or because it identifies a point of commonality. Here the demand is also a demand to be recognized as a subject among other subjects, and given the sanction and love of the symbolic order. The implication of this argument about the nature of enjoyment is that the perverse dialectic of misfirings, failure and surpluses in identity reveals something politically dangerous in not moving beyond demand. Put another way: not all equivalences are equally equivalent. Some equivalences become fetishes, becoming points of identification that eclipse the ostensible political goal of the demand. To extend the line of questioning to its logical conclusion, can we be bound to our equivalential chains?∂ Freud, Lacan and the demand∂ Demand plays a central role in Freud’s tripartite scheme for the human psyche specifically in the formation of the ego. Although this scheme does not exercise the same hold over psychoanalytic thinking that it once did, the question of the ego still functions as an important point of departure for psychoanalytic thinking as a representative case of the production of the subject and identity. Even for critics of ‘ego psychology’, the idea of the ego as a representation of the ‘I’ of the human subject is still significant the main question is what kind of analytical dispositions one takes towards the ego, the contingencies of its emergence and its continuing function.∂ Despite the tendency of some commentators to naturalize Freud’s tripartite schema of the human psyche, Freud’s account of the ego does not characterize the ego as pre-existent or automatically given. Although present in virtually every human subject, the ego is not inevitably present: the ego is a compensatory formation that arises in the usual course of human development as a subject negotiates the articulation and refusal of its needs as filtered through demand. Hypothetically a ‘subject’ whose every need is fulfilled by another is never quite a subject: this entity would never find occasion to differentiate itself from the other who fulfils its every need.∂ As a mode of individuation and subjectification, egos are economies of frustration and compensation. This economy relies on a split in the Freudian demand, which is both a demand to satiate a specific need and a demand for addressee to provide automatic fulfilment of need generally. The generative power of the demand relies on this split and on fact that some demands will be refused. This economy of need and frustration works because refusal of a specific need articulated as a demand on another is also a refusal of the idea that the addressee of the demand can fulfil all the subject’s needs, requiring a set of individuation compensatory economic functions to negotiate the refusal of specific demands.∂ ‘Ego’ is nothing more than the name for the contingent economy of compensatory subjectification driven by the repetition and refusal of demands - the nascent subject presents wants and needs in the form of the demand, but the role of the demand is not the simple fulfilment of these wants and needs. The demand and its refusal are the fulcrum on which the identity and insularity of the subject are produced: an unformed amalgam of needs and articulated demands is transformed into a subject that negotiates the vicissitudes of life with others. Put in the metaphor of developmental psychology, an infant lodges the instinctual demands of the id on others but these demands cannot be, and for the sake of development, must not be fulfilled. Thus the logic of the pop-psychology observation that the incessant demands of children for impermissible objects (‘may I have a fourth helping of dessert’) or meanings that culminate in ungroundable authoritative pronounce- ments (the game of asking a never-ending ‘whys’) are less about satisfaction of a request than the identity producing effects of the distanciating parental ‘no’. In ‘The Question of Lay Analysis’, Freud argues:∂ If . . . demands meet with no satisfaction, intolerable conditions arise . . . At that point . . . the ego begins to function. If all the driving force that sets the vehicle in motion is derived from the id, the ego . . . undertakes the steering, without which no goal can be reached. The instincts in the id press for immediate satisfaction at all costs, and in that way they achieve nothing or even bring about appreciable damage. It is the task of the ego to guard against such mishaps, to mediate between the claims of the id and the objections of the external world. (Freud 1986, p. 22)∂ Later works move this theory from the narrow bounds of the parent/child relationship to a broader social relationship which was continually constituting and shaping the function of the ego this is a theme of works such as Group Psychology and the Analysis of the Ego, as well as Civilization and its Discontents. The latter repeats the same general dynamics of ego formation as ‘The Question of Lay Analysis’, but moves the question beyond individual development towards the entirety of social relations. For Freud, the inevitability of conflicts between an individual and the social whole is simply one of the facts of life among other people. Life with others inevitably produces blockages in the individual’s attempts to fulfil certain desires some demands for the fulfilment of desires must be frustrated. This blockage produces feelings of guilt, which in turn are sublimated as a general social morality. Here frustration of demand is both productive in that it authorizes social moral codes, and civilization as mode of functioning, though it does so at the cost of imposing a constitutively contested relationship with social mores (Freud 1989).∂ Though there are many places to begin thinking the Freudian demand in Lacan, one of the best places to start is an almost accidental Lacanian rumination on demands. Confronted by student calls to join the movement of 1968 Lacan famously quipped: ‘as hysterics you demand a new master: you will get it!’ Framing the meaning of his response requires a treatment of Lacan’s theory of the demand and its relationship to hysteria as an enabling and constraining political subject position.∂ Lacan’s theory of the demand picks up at Freud’s movement outward from the paradigmatic relationships between the parent/child and individual/ civilization towards a more general account of the subjects, sociality and signification. The infrastructure supporting this theoretical movement transposes Freud’s comparatively natural and genetic account of development to a set of metaphors for dealing with the subject’s entry into signification. Lacan’s goal is to rearticulate Freudian development processes as metaphors for a theory of the subject’s production within signification. In Lacanian terms, what is at stake in this transposition is a less naturalized account of the subject by privileging supplementary practices of enjoyment that give a subject coherence as an agent, not in the sense of an ultimate ontological grounding, but rather as a mode of enjoying the repetition of retroactive totalities that name and produce subjects.∂ This process is most famously worked out in Lacan’s famous ‘Mirror Stage’ which details the trauma of the subject’s insertion into the symbolic order, and the way that this constitutive dislocation generates the jouissance that sustains the production of subjectivity (Lacan 1982a). Looking in the mirror, Lacan’s hypothetical infant does not yet have a concept of a unified self, puzzled by the fact that when it moves the image of the child in the mirror also moves. From the child in the mirror, Lacan infers the existence of two ‘I’s underwriting processes of subjectivization: an ‘ideal I’, a statuesque projection of what it means to be an ‘I’ (in this case the image of the child) and a phenomenological experience of ‘I-ness’.∂ Lacan treats the dialectic of misidentification in the mirror as a constant and constitutive performance of subjectivity as opposed to a specific developmental stage (Wilden 1982). In this interpretation, the child in the mirror stage is a metaphor for the constant production of the subject as a performance of the self in relation to a constitutive gap between the Symbolic and the subject, and the articulation of subjectivity as a category serves to repress the trauma produced in the margin between a nascent subject, its alienation from a projected external identity, and within the structure of signification.∂ The paradoxical effect of this mode of subject formation is that not only does the child ‘discover’ that she is the child in the mirror, it also experiences a disorienting distance between itself and its image. Despite this fact, the child requires the an external image such as the one in the mirror to impose a kind of unity on its experience the image of the other child provides an imaginary framing, a retroactive totality or a kind of narrative about what it means to be a self. The paradox of subjectivity lies in the simultaneity of identifying with an image of one’s self that is given by a specific location within the symbolic order and the simultaneous alienation produced by the image’s externality. Thus, the assumption of a frame for identity cannot ever completely effective, or, a subject is never completely comfortable inhabiting subjectivity there is always an impossible gap between an experience of alienated subjectivity, a prefigured given image of one’s subjectivity and the experience of being produced by the Symbolic.∂ There is a famous Lacanian aphorism that holds that ‘the signifier represents a subject for another signifier’ (Lacan 1977, p. 142). This formulation of the subject’s relation to language inverts the conventional wisdom that ontologically pre-given subjects use language as an instrument to communicate their subjective intentions. Signifiers are constituted by their difference, and subjects come into being in negotiating their entry into this realm of difference. Instead of articulating subjective states through language, subjects are articulated through language, within the differential space of signification. The paradoxical implication of this reversal is that the subject is simultaneously produced and disfigured by its unavoidable insertion into the space of the Symbolic. The mirror stage marks the excess of the demand as a mode of subject formation. Subjects assume the identity as subjects as a way of accommodating to the demand placed on them by the symbolic, and as a node for producing demands on the symbolic, or, of being recognized as a subject (Lacan 1982a, p. 4).∂ Here jouissance is nothing more than the useless enjoyment of one’s own subjectivity, surplus produced in negotiating a difficult gap between the phenomenological and ideal ‘I’s, produced by a failure in relation between Lacan’s phenomenological I and the Symbolic. Both the site of subject production and the site where this subject fills out an identity by investing in equivalential linkages and common demands are sites of enjoyment. In this sense, perhaps there is an excess of jouissance that remains even after the reduction of jouissance to hegemony. This remainder may even be logically prior to hegemony, in that it is a useless but ritually repeated retroactive act of naming the self that produces the conditions of possibility for investment, the defining point for Laclau’s reduction of jouissance to hegemony.∂ This specific site of excess, where the subject negotiates the terms on a non-relationship with the symbolic is the primary site splitting need, demand and desire. Need approximates the position of the Freudian id, in that it is a precursor to demand. Demand is the filtering of the need through signification, but as Sheridan notes ‘there is no adequation between need and demand’ (Sheridan 1982). The same type of split that inheres in the Freudian demand inheres in the Lacanian demand, though in this case the split does not derive from the empirical impossibility of fulfilling demands as much as it stems from the impossibility of ever fully articulating needs to or receiving a satisfactory response from the Other. Since there is no adequation, the specificity of the demand becomes less relevant than the structural fact that demand presupposes the ability of the addressee to fulfil the demand. This impossibility points to the paradoxical nature of demand: namely that the demand is less a way of addressing need than a call for love and recognition by this other. ‘In this way’, writes Lacan, ‘demand annuls (aufheht) the particularity of everything that can be granted by transmuting it into a proof of love, and the very satisfactions that it obtains for need are reduced (sich erniedrigt) to the level of being no more than the crushing of the demand for love’ (Lacan 1982b, p. 286). The difficulty is that the Other cannot, by definition, ever give this gift: the starting presupposition of the mirror stage is the constitutive impossibility of comfortably inhabiting the symbolic – the mirror stage marks the constitutive split between the subject and the Symbolic. This paradoxical split, namely the structural impossibility of fulfilling demands, resonates with the logic of the Freudian demand in that the frustration of demand produces the articulation of desire. Thus, Lacan argues that ‘desire is neither the appetite for satisfaction, nor the demand for love, but the difference that results from the subtraction of the first from the second’ (Lacan 1982b, p. 287). How might this subtraction occur? The answer to this question requires an account of the Other as seemingly omnipotent, and as simultaneously unable to fulfil demands. This sentiment animates the crucial Lacanian claim for the impossibility of the other giving a gift which it does not have, namely the gift of love: It will seem odd, no doubt, that in opening up the immeasurable space that all demand implies, namely, that of being a request for love …. Desire begins to take shape in the margin in which demand becomes separated from need: this margin being that which is opened up by demand, the appeal of which can be unconditional only in regards to the Other … having no universal satisfaction … It is this whim that introduces the phantom of omnipotence, not of the subject, but of the other in which his demand is installed. (Lacan 1982c, p. 311) Transposed to the realm of political demands, this framing of demand reverses the classically liberal presupposition regarding demand and agency. In the classical iteration and contemporary critical theories that inherit its spirit, there is a presupposition that a demand is a way of exerting agency, and that the more firmly that the demand is lodged, the greater the production of an agential effect. The Lacanian framing of the demand sees the relationship as exactly the opposite: the more firmly one lodges a demand the more desperately one clings to the legitimate ability of an institution to fulfil it. Thus, demands ought to reach a kind of breaking point where the inability of an institution or order to proffer a response should produce a re-evaluation of the economy of demand and desire.

## Case

#### Strikes don’t solve—it doesn’t spillover long-term and can’t recongize the unique relationship between sex workers and employers. We read green

**Gourevitch:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike.” Cambridge University Press, June 13, 2016. MB/CH//Recut Aanya

This is a challenge to the logic of the capitalist labor market that begins from within, at the location of the strike itself. At that point in the system, strikers temporarily reverse the relationships of power by eliminating that employers’ ability to use the threat of job- loss against them. They do that not just by claiming the job but by claiming it as a matter of right. The thought is that the exploitation of workers is unjustifiable, an unjustifiability that appears in the terms of the employment itself. Workers have the right to the job, and therefore to interfere with the employer’s property rights and other workers’ contract rights, because it is unjustifiable to subject workers to exploitative conditions. To be sure, many strikes and many strikers never articulate the argument in this language. But the point is not what workers always explicitly say, but rather what they do and what that doing presupposes. I am reconstructing the ideal presuppositions of a strike, and in particular, how to think about the peculiar set of assumptions about the right to a job. We have seen that it is no atavistic recovery of traditional rights and guild privileges but is a way of resisting a thoroughly modern form of social domination from a point within that structure of domination. Again, facing a freedom to quit the job but not the work, workers assert a right to quit working but keep the job. To put this all another way, though strikes are still about bargaining, and in that sense like market exchanges, they are simultaneously a challenge to the market as the appropriate standard by which to judge the fairness of workers’ compensation. The market is unfair because of workers’ structural disadvantage. Over and against the market value, strikers can argue that there are shared, or at least shareable, standards of fair compensation that employers should adhere to. While here again we see the echoes of feudal theories of “just price” and equity jurisprudence,61 we must note that in principle the claim is not, or does not have to be, based on special privilege. Rather, it begins by challenging the view that labor “freely” finds its value on the market. Workers are always already in relationships with employers and they cannot leave the basic relationship of earning money only by selling labor- power, no matter how many jobs they might quit. The standards we use for evaluating those kinds of forced relationships, like the state, are different, based on shared conceptions of justice and human need, not private agreement. Two final observations before we move to the work- place itself. If the foregoing analysis is correct then we can get a better sense of the way a right to strike relates to the rights of employers and replacement workers. The right to strike does not have to include the claim that employers have no right to use their property to pursue their own interests. It just means employers have no right to use their property in ways that allow them to exploit workers. That is why, from within the theory of the right to strike, employers do not have a unilateral right to hire whomever they please on whatever terms they please. If that latter right is permitted then, of course, employers may take advantage of the fact that every propertyless worker needs a job. Further, the right to strike does not have to mean replacement workers have no right to pursue their interests and make labor contracts. Rather, it means they do not have a right to use that power to reproduce the system of structural domination that puts all workers at an unfair disadvantage. That is why they may not take jobs that striking workers refuse to perform.

**Their politics**

#### Decriminalizing sex work does not go far enough to keep the most marginalized sex workers safe — they will still be subject to intersectional harassment and additional policing

Golkar et al 16 – Niloofar Golkar, “A Roundtable on Sex Work Politics and Prison Abolition with Elene Lam, Chanelle Gallant, Robyn Maynard and Monica Forrester”, 6/28/2016, Upping the Ante, <https://uppingtheanti.org/journal/article/18-sexworker> //km

Chanelle: I relate prison abolition to sex work from what Robyn and Elene already touched on, which is that an intersectional sex workers movement has to consider how the PIC oppresses many sex workers. So radical intersectional sex work organizing must be both prison and police abolitionist, and I include child protection services – its role in oppression and colonialism – within the PIC. But that system is not reformable for many sex workers because it has been designed as a tool and a weapon of oppression.

On its own, a sole focus on decriminalizing sex work is not enough. Especially because a lot of sex work activists will also support the enforcement of other laws. I understand where it is coming from. Sex workers are a targeted group, because our society has criminalized their forms of safety, pushed them into unsafe conditions, and then abandoned them to the predators. Of course that group of people will say, “We deserve protection, we deserve our lives, we deserve to be able to protect our own lives,” and many people will push to criminalize those who harm sex workers. To assure the people that decriminalization will not lead to some sort of chaos, they will say, “We are going to decriminalize sex work, but don’t worry we won’t decriminalize all other sorts of things and other forms of abuse.” Again I understand that because we share the same goal, which is safety for sex workers. However, when we look at the sex workers that are the most marginalized, they may benefit from decriminalization of sex work, but it may not have the impact we want it to because they will still be subjected to other forms of criminalization based on who they are. I know this is complex and controversial but I do support the abolition of all forms of prison, policing, and child welfare services.

In its place, sex workers can implement their own very effective, low cost, tried and true strategies of protection from intimate partner violence, client violence, and stranger violence. Sex workers are very knowledgeable and skillful at that, and have a lot to share with the prison abolition movement because the big boogie man in the prison abolition movement is, “What about the rapists and murderers?” Well, sex workers know about the rapists and murderers, and have all kinds of strategies to protect themselves. Many prison abolitionists say that in order to have abolition we need to have a society where people have the resources they need and that will prevent the vast bulk of harm. If people have the housing, food, and health care (including mental healthcare and substance abuse treatment) that they need, we will reduce lots of harm. We need to decriminalize sex workers’ methods of self-protection.

Monica: With these new laws, we see more police presence in the places that sex workers used to be. This pushes sex workers out of their safe areas, particularly trans women. The police force called TAVIS (Toronto Anti-Violence Intervention Strategy), in their words, tries to keep streets safe and target criminal activity, which means targeting sex workers and people who live in impoverished areas. Toronto’s east end has lots of low-income housing that many sex workers used to work at and still do, but we see so many of them being pushed out of those areas by new condo developments.

We also should look at how different police divisions act on sex workers differently. For example, 51 division has always been very hardcore in targeting marginalized and impoverished people and sex workers. In the last 30 years as a sex worker, my worst violent experience has been with law enforcement, and I know a lot of sex workers would say the same. I had only two incidents with clients, and I handled them on my own without the help of police. I know many women in the trans community who are migrant workers that have been arrested and waiting to be deported but still sitting in a Canadian jail for two years.

Criminalization has a specific effect on Indigenous women. We see that colonial sexuality has been internalized for many Aboriginal women and men. It reaffirms how our bodies can be criminalized and sexualized at the same time by law enforcement. They think they can do what they want with our bodies. In our cultures, we respected our bodies, our bodies were beautiful, sex was beautiful. The state thinks it can control our bodies through poverty, discrimination, the appropriation of our lands, and that is why a lot of two-spirited and Indigenous women are criminalized. The government responds by blaming peoples’ lifestyles, as if we are at fault for being murdered or sexually assaulted, and this is where the government clearly shows its racism against Indigenous women. In response, Idle No More has extended beyond pipelines, reserves, and impoverishment to include sex workers’ issues, our bodies, and our choices. It’s so important because Indigenous people and people of colour have the highest rates of incarceration, and premature death, so something has to be done.

#### Legalization only imposes burdens on prostitutes – Lack of protections lead to worse working conditions and susceptibility to coercion and violence

Suzanne Daley 01 – Reporter for the New York Times, chief of the Paris bureau. (New York Times, “New Rights for Dutch Prostitutes, but No Gain,” 8/12/2001, <https://www.nytimes.com/2001/08/12/world/new-rights-for-dutch-prostitutes-but-no-gain.html>)

One of the women who has worked here for about 10 years said that some of the prostitutes simply left the business because they did not want to lose their anonymity by registering with the police and paying taxes. Others, she said, were still selling sex, but in a more dangerous way. They advertise in local magazines and meet their customers in hotel rooms. To do this, most rely on a pimp for protection. ''I don't see anything good about the law,'' she said. ''The whole thing is crazy.'' No one is yet calling for a repeal of the law. Most prostitute advocacy groups maintain that the legalization of brothels will be a good thing in the long run. But right now, they say, too little money has been spent on getting information to the prostitutes about how to comply with and benefit from the law, or on campaigns to encourage community acceptance. ''It's chaotic out there right now,'' said Mariska Majoor, a former prostitute who runs the Prostitution Information Center in Amsterdam's red light district. ''It's not good for anybody. Most of the prostitutes don't have any idea where they are in all of this.'' In changing its laws on brothels, the Netherlands is again in the forefront of social and legal innovation. This year the country became the first in the world to legalize euthanasia and to give same-sex marriages the status of heterosexual marriages. As usual, what happens here is being carefully studied by the rest of Europe. Legalizing brothels had been under debate for nearly two decades before it became law on Oct. 1 last year. In the 1980's, experts say, the debate revolved around feminist arguments of empowerment. But by the 90's, as the industry grew, it was law enforcement concerns that carried the day. The law finally passed easily, with a two-thirds majority in the upper house. ''What we saw over time is that the Ministry of Social Services faded into the background and the Ministry of Justice took on a bigger and bigger role in putting forward the legislation,'' said Marieke van Doorninck, an expert at the Mr. A. de Graaf Foundation for research on prostitution. ''The emphasis today has been to get legal control over a work place that was a great cover for all sorts of illegal activity. The emphasis has not been on decent labor conditions.'' The new law leaves licensing up to local governments, but few have put their systems in place. Mr. van Dorst, who has been in business in Apeldoorn for two decades and is the spokesman for the Dutch Federation of ''Relax Center'' Owners, has applied for his new license but is still waiting to receive it. And he is deep in battle with the tax department about whether he is an employer and therefore has to pay social service costs for the prostitutes. He maintains that he is not, that he simply rents out rooms to the women. They set their own prices, he says. But the issue, he admits, is far from resolved and in the meantime his business is suffering because of the lack of workers. ''It's like that for all us,'' Mr. van Dorst said. ''The idea was to make it better for the girls. But right now they are all in hiding. We had a meeting of the federation recently and most people were doing 40, 50 percent of their business. This is not good for the girls either.'' Most experts estimate that the sex industry is now a $1 billion business in the Netherlands, or 5 percent of the Dutch economy, with the industry having increased 25 percent in the last decade. At any hour of the day, women of all ages and races, dressed in scanty underwear can be seen in the Netherlands' red light districts perched provocatively in windows. People who enter these brothels usually find themselves in tiny, tiled rooms with only a single bed and a sink. Sex generally costs about $30 here. But the industry has many layers, from street prostitution to expensive escort services. Experts estimate that as many as 60 percent of the women working in prostitution are foreigners, but no one knows how many of those women are illegal immigrants or how many are coerced into the business. Some women are expected to drink with clients, because the brothel owner makes money from the alcohol. Some are expected to submit to exams by brothel doctors who charge them high rates. Some also have little say in whether or not they accept customers. Advocates of the law see it as a means of making sure that the worst conditions are eliminated. ''Before, we could not even go and ask for ID papers, '' said Rob Coster, the Police Department's national coordinator on prostitution and the trafficking in human beings. ''Now there will be all sorts of inspections. The licensing process allows us to deal with city planning issues, health issues and operations, such as whether the prostitute is a minor and working of her own free will.'' But government officials acknowledged that some of the rules dictated by the bureaucrats have been ludicrous. ''So far it is true that they have all the duties but none of the advantages that they were promised,'' said Jola Vollebregt, a police policy adviser on the issue. ''We never expected that the Dutch society would react the way they reacted. Legalization does not mean acceptance. ''

#### Decriminalization leads to child trafficking

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5. Legalization of prostitution and decriminalization of the sex industry increases child prostitution. Another argument for legalizing prostitution in the Netherlands was that it would help end child prostitution. Yet child prostitution in the Netherlands has increased dramatically during the 1990s. The Amsterdam-based ChildRight organization estimates that the number of children in prostitution has increased by more than 300% between 1996 –2001, going from 4,000 children in 1996 to 15,000 in 2001. ChildRight estimates that at least 5,000 of these children in Dutch prostitution are trafficked from other countries, with a large segment being Nigerian girls (Tiggeloven, 2001). Child prostitution has increased dramatically in the state of Victoria compared to other Australian states where prostitution has not been legalized. Of all the states and territories in Australia, the highest number of reported incidences of child prostitution came from Victoria. In a 1998 study undertaken by ECPAT (End Child Prostitution and Trafficking) who conducted research for the Australian National Inquiry on Child Prostitution, there was increased evidence of organized commercial exploitation of children (ECPAT Australia, 1998).

#### The aff doesn’t legalize sex workers but rather the entire industry – It benefits pimps and brothels while incentivizing mass trafficking operations

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1. Legalization/decriminalization of prostitution is a gift to pimps, traffickers and the sex industry. What does legalization of prostitution or decriminalization of the sex industry mean? In the Netherlands, legalization amounts to sanctioning all aspects of the sex industry: the women themselves, the buyers, and the pimps who, under the regime of legalization, are transformed into third party businessmen and legitimate sexual entrepreneurs. Legalization/decriminalization of the sex industry also converts brothels, sex clubs, massage parlors and other sites of prostitution activities into legitimate venues where commercial sexual acts are allowed to flourish legally with few restraints. Some people believe that, in calling for legalization or decriminalization of prostitution, they dignify and professionalize the women in prostitution. But dignifying prostitution as work doesn‟t dignify the women, it simply dignifies the sex industry. People often don‟t realize that decriminalization means decriminalization of the whole sex industry, not just the women in it. And they haven‟t thought through the consequences of legalizing pimps as legitimate sex entrepreneurs or third party businessmen, or the fact that men who buy women for sexual activity are now accepted as legitimate consumers of sex. In countries where women are criminalized for prostitution activities, it is crucial to advocate for the decriminalization of the women in prostitution. No woman should be punished for her own exploitation. But States should never decriminalize pimps, buyers, procurers, brothels or other sex establishments. 2. Legalization/decriminalization of prostitution and the sex industry promotes sex trafficking. Legalized or decriminalized prostitution industries are one of the root causes of sex trafficking. One argument for legalizing prostitution in the Netherlands was that legalization would help to end the exploitation of desperate immigrant women who had been trafficked there for prostitution. However, one report found that 80% of women in the brothels of the Netherlands were trafficked from other countries (Budapest Group, 1999)(1). In 1994, the International Organization of Migration (IOM) stated that in the Netherlands alone, “nearly 70 % of trafficked women were from CEEC [Central and Eastern European Countries]” (IOM, 1995, p. 4). The government of the Netherlands presents itself as a champion of antitrafficking policies and programs, yet it has removed every legal impediment to pimping, procuring and brothels. In the year 2000, the Dutch Ministry of Justice argued in favor of a legal quota of foreign “sex workers,” because the Dutch prostitution market demanded a variety of “bodies” (Dutting, 2001, p. 16). Also in 2000, the Dutch government sought and received a judgment from the European Court recognizing prostitution as an economic activity, thereby enabling women from the European Union and former Soviet bloc countries to obtain working permits as “sex workers” in the Dutch sex industry if they could prove that they are self employed. Non-governmental organizations (NGOs) in Europe report that traffickers use the work permits to bring foreign women into the Dutch prostitution industry, masking the fact that women have been trafficked, by coaching them to describe themselves as independent “migrant sex workers” (Personal Communication, Representative of the International Human Rights Network, 1999). In the year since lifting the ban on brothels in the Netherlands, eight Dutch victim support organizations reported an increase in the number of victims of trafficking, and twelve victim support organization reported that the number of victims from other countries has not diminished (Bureau NRM, 2002, p. 75). Forty-three of the 348 municipalities (12%) in the Netherlands choose to follow a no-brothel policy, but the Minister of Justice has indicated that the complete banning of prostitution within any municipality could conflict with the federally guaranteed “right to free choice of work” (Bureau NRM, 2002, p.19). The first steps toward legalization of prostitution in Germany occurred in the 1980s. By 1993, it was widely recognized that 75% of the women in Germany‟s prostitution industry were foreigners from Uruguay, Argentina, Paraguay and other countries in South America (Altink, 1993, p. 33). After the fall of the Berlin wall, 80% of the estimated 10,000 women trafficked into Germany were from Central and Eastern Europe and CIS countries (IOM. 1998a , p. 17). In 2002, prostitution in Germany was established as a legitimate job after years of being legalized in tolerance zones. Promotion of prostitution, pimping and brothels are now legal in Germany. The sheer volume of foreign women in the German prostitution industry suggests that these women were trafficked into Germany, a process euphemistically described as facilitated migration. It is almost impossible for poor women to facilitate their own migration, underwrite the costs of travel and travel documents, and set themselves up in “business” without intervention. In 1984, a Labor government in the Australian State of Victoria introduced legislation to legalize prostitution in brothels. Subsequent Australian governments expanded legalization culminating in the Prostitution Control Act of 1994. Noting the link between legalization of prostitution and trafficking in Australia, the US Department of State observed: “Trafficking in East Asian women for the sex trade is a growing problem…lax laws – including legalized prostitution in parts of the country – make [antitrafficking] enforcement difficult at the working level” (U.S. Department of State, 2000, p. 6F).

#### The industry can’t be reformed – Womens’ safety will never be prioritized

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6. Legalization/decriminalization of prostitution does not protect the women in prostitution. In two studies in which 186 victims of commercial sexual exploitation were interviewed, women consistently indicated that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal. One woman said, “The only time they protect anyone is to protect the customers” (Raymond, Hughes & Gomez, 2001; Raymond, d‟Cunha, Ruhaini Dzuhayatin, Hynes & Santos, 2002). One of these studies interviewed 146 victims of trafficking in 5 countries. Eighty percent of the women interviewed had suffered physical violence from pimps and buyers and endured similar and multiple health effects from the violence and sexual exploitation, regardless of whether the women were trafficked internationally or were in local prostitution (Raymond et al, 2002, p. 62). A second study of women trafficked for prostitution in the United States yielded the following statements. Women who reported that sex businesses gave them some protection qualified it by pointing out that no “protector” was ever in the room with them. One woman who was in out-call prostitution stated: “The driver functioned as a bodyguard. You‟re supposed to call when you get in, to ascertain that everything was OK. But they are not standing outside the door while you‟re in there, so anything could happen” (Raymond et al, 2001, p. 74). In brothels that have surveillance cameras, the function of cameras was to protect the buyer and the brothel rather than the women, with one brothel putting in cameras after a buyer died (Raymond et al, 2001, p. 74). Protection of the women from abuse was of secondary or no importance.

#### No solvency – Disincentive to force health standards and decriminalization reduces women’s agency by legitimizing coerced labor

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8. Legalization/decriminalization of prostitution does not promote women’s health. A legalized system of prostitution often mandates health checks and certification, but only for women and not for male buyers. Health examinations or tests for women but not men make no public health sense because monitoring prostituted women does not protect them from HIV/AIDS or STDs. This is not to advocate that both women in prostitution and male buyers should be checked. It is simply to point out the duplicity of a policy that implies, “We‟ll have safer sex and HIV/AIDS control if we examine the women under a regulated or decriminalized system of prostitution.” Male buyers can and do originally transmit disease to the women they purchase. It has been argued that legalized brothels or other “controlled” prostitution establishments protect women through enforceable condom policies. In one study, 47% of women in U.S. prostitution stated that men expected sex without a condom; 73% reported that men offered to pay more for sex without a condom; and 45% of women said that men became abusive if they insisted that men use condoms (Raymond et al, 2001, p. 72). Although certain sex businesses had rules that required men to wear condoms, men nonetheless attempted to have sex without condoms. One woman stated: “It‟s „regulation‟ to wear a condom at the sauna, but negotiable between parties on the side. Most guys expected blow jobs without a condom (Raymond et al, 2001, p. 72).” In reality, the enforcement of condom policy was left to the individual women in prostitution, and the offer of extra money was an insistent pressure. One woman stated: “I‟d be one of those liars if I said „Oh I always used a condom.‟ If there was extra money coming in, then the condom would be out the window. I was looking for the extra money (Raymond et al., 2001, p. 73).” Many factors militate against condom use: the need of women to make money; older women‟s decline in attractiveness to men; competition from places that do not require condoms; pimp pressure on women to have sex with no condom for more money; money needed for a drug habit or to pay off the pimp; and the general lack of control that prostituted women have over their bodies in prostitution venues. "Safety policies" in brothels did not protect women from harm. Where brothels allegedly monitored the buyers and employed "bouncers," women stated that they were injured by buyers and, at times, by brothel owners and their friends. Even when someone intervened to momentarily control buyers' abuse, women lived in a climate of fear. Although 60% of women reported that buyers had sometimes been prevented from abusing them, half of those same women answered that, nonetheless, they thought that they might be killed by one of their buyers (Raymond et al., 2002). 9. Legalization/decriminalization of prostitution does not enhance women’s choice. Most women in prostitution did not make a rational choice to enter prostitution from among a range of other options. They did not sit down one day and decide that they wanted to be prostitutes. They did not have other real options such as medicine, law, nursing or politics. Instead, their “options” were more in the realm of how to feed themselves and their children. Such choices are better termed survival strategies. Rather than consenting to prostitution, a prostituted woman more accurately complies with the extremely limited options available to her. Her compliance is required by the fact of having to adapt to conditions of inequality that are set by the customer who pays her to do what he wants her to do. Most of the women interviewed in the studies authored by Raymond et al. reported that choice in entering the sex industry could only be discussed in the context of a lack of other options. Many described prostitution as their last choice, or as an involuntary way of making ends meet (Raymond et al., 2001; Raymond et al., 2002). In one study, 67% of a group of law enforcement officials expressed the opinion that women did not enter prostitution voluntarily. Similarly, 72% of social service providers did not think that women voluntarily choose to enter the sex industry (Raymond et al 2001, p. 91). The distinction between forced and voluntary prostitution is precisely what the sex industry is promoting because it will give the industry more legal security and market stability if this distinction can be utilized to legalize prostitution, pimping and brothels. Women who consider bringing charges against pimps and perpetrators will bear the burden of proving that they were “forced.” How will marginalized women ever be able to prove coercion? If prostituted women must prove that force was used in recruitment or in their “working conditions,” very few women in prostitution will have legal recourse, and very few offenders will be prosecuted. Women in prostitution must continually lie about their lives, their bodies, and their sexual responses. Lying is part of the job definition when the customer asks, “did you enjoy it?” The very edifice of prostitution is built on the lie that “women like it.” Some prostitution survivors have stated that it took them years after leaving prostitution to acknowledge that prostitution wasn‟t a free choice because to deny their own capacity to choose was to deny themselves. There is no doubt that a small number of women say they choose to be in prostitution, especially in public contexts orchestrated by the sex industry. In the same way, some people choose to take dangerous drugs such as amphetamine. However, even when some people consent to use dangerous drugs, we still recognize that is harmful to them, and most people do not seek to legalize amphetamine. In this situation, it is harm to the person, not the consent of the person that is the governing standard. A 1998 International Labor Organization (United Nations ILO) report suggested that the sex industry be treated as a legitimate economic sector, but still found that “…prostitution is one of the most alienated forms of labour; the surveys [in 4 countries] show that women worked „with a heavy heart,‟ „felt forced,‟ or were „conscience-stricken‟ and had negative self-identities. . A significant proportion claimed they wanted to leave sex work [sic] if they could (Lim, 1998, p. 213). When a woman remains in an abusive relationship with a partner who batters her, or even when she defends his actions, concerned people now understand that she is not there voluntarily. They recognize the complexity of her compliance. Like battered women, women in prostitution may deny their abuse if they are not provided with meaningful alternatives.

#### Decrim fails – Increased trafficking, worse working conditions, more crime and abuse, and stigmas are reinforced

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3. Legalization/decriminalization of prostitution does not control the sex industry. It expands it. Contrary to claims that legalization and decriminalization would control the expansion of the sex industry, prostitution now accounts for 5% of the Netherlands economy (Daley, 2001, p. 4). Over the last decade, as pimping was legalized, and brothels decriminalized in the year 2000, the sex industry increased by 25% in the Netherlands (Daley, 2001, p.4). At any hour of the day, women of all ages and races, dressed in hardly anything, are put on display in the notorious windows of Dutch brothels and sex clubs and offered for sale. Most of them are women from other countries who were probably trafficked into the Netherlands (Daley, 2001, p. 4). In addition to governmental endorsement of prostitution in the Netherlands, prostitution is also promoted by associations of sex businesses and organizations comprised of prostitution buyers who consult and collaborate with the government to further their interests. These include the “Association of Operators of Relaxation Businesses,” the “Cooperating Consultation of Operators of Window Prostitution,” and the “Man/Woman and Prostitution Foundation,” a group of men who regularly use women in prostitution, and whose specific aims include “to make prostitution and the use of services of prostitutes more accepted and openly discussible,” and “to protect the interests of clients” (Bureau NRM, 2002, pp.115-16). Faced with a dwindling number of Dutch women who engage in prostitution activities and the expanding demand for more female bodies and more exotic women to service the prostitution market, the Dutch National Rapporteur on Trafficking has stated that in the future, a solution may be to “offer [to the market] prostitutes from non EU/EEA[European Union/European Economic Area] countries, who voluntarily choose to work in prostitution…” These women would be given “legal and controlled access to the Dutch market” (Bureau NRM, 2002, p. 140). As prostitution has been transformed into “sex work,” and pimps into entrepreneurs, so too this recommendation transforms trafficking into “voluntary migration for sex work.” Looking to the future, the Netherlands is targeting poor women for the international sex trade to remedy the inadequacies of the free market of “sexual services.” Prostitution is thus normalized as an “option for the poor.” Legalization of prostitution in the State of Victoria, Australia, resulted in massive expansion of the sex industry. Along with legalization of prostitution, other forms of sexual exploitation, such as tabletop dancing, bondage and discipline centers, peep shows, phone sex, and pornography, have all developed in much more profitable ways than before legalization (Sullivan & Jeffreys, 2001). Prostitution has become an integral part of the tourism and casino boom in Victoria with government-sponsored casinos authorizing the redeeming of casino chips at local brothels (Sullivan &Jeffreys, 2001). A range of state-sponsored prostitution systems exist in Austria, Denmark, Germany, the Netherlands and Switzerland. It seems likely that European state-sponsored prostitution countries serve as magnets and, ultimately, as conduits through which significant numbers of women are trafficked to other European nations. Europe has a high density of women trafficked per square mile compared to North America, for example. Given the porousness of national borders facilitated by the Schengen agreement (2), it is not surprising that high numbers of trafficked women are also present in other European countries that do not have legalized or decriminalized systems of prostitution. Although accurate numbers of women trafficked are difficult to obtain, the International Organization of Migration (IOM) has estimated that 500,000 women and children are trafficked in Europe annually (IOM, 1998). In contrast, it has been estimated that 45,000- 50,000 women and children are trafficked annually into the United States (Richard, 1999, p.3). 4. Legalization/decriminalizaton of prostitution increases clandestine, illegal and street prostitution. One goal of legalized prostitution was to move prostituted women indoors into brothels and clubs where they would be allegedly less vulnerable than in street prostitution. However, many women are in street prostitution because they want to avoid being controlled and exploited by pimps (transformed in legalized systems into sex businessmen). Other women do not want to register or submit to health checks, as required by law in some countries where prostitution is legalized (Schelzig, 2002). Thus, legalization may actually drive some women into street prostitution. Arguing against an Italian proposal for legalized prostitution, Esohe Aghatise has suggested that brothels actually deprive women of what little protection they may have on the street, confining women to closed spaces where they have little chance of meeting outreach workers or others who might help them exit prostitution (Aghatise, in press).. In the Netherlands, women in prostitution point out that legalization or decriminalization of the sex industry does not erase the stigma of prostitution. Because they must register and lose their anonymity, women are more vulnerable to being stigmatized as “whores,” and this identity follows them everyplace. Thus, the majority of women in prostitution still operate illegally and underground. Some members of Parliament who originally supported the legalization of brothels on the grounds that this would liberate women are now seeing that legalization actually reinforces the oppression of women (Daley, 2001, p. A1). Chief Inspector Nancy Pollock, one of Scotland‟s highest-ranking female police officers, established Glasgow‟s street liaison team for women in prostitution in 1998. Pollock stated that legalization or decriminalization of prostitution is “…simply to abandon women to what has to be the most demeaning job in the world” (Martin, 2002, p. A5). Countering the argument that legalized prostitution provides safer venues for women, Pollock noted that women in sauna prostitution, for example, “have even less control over what services they will perform. On the street, very few women will do anal sex and few do sex without a condom. But in the saunas, the owners, who obviously don‟t want their punters going away disappointed, decide what the women will do, and very often that is anal sex and sex – oral and vaginal – without a condom” (Martin, 2002, p. A5). The argument that legalization was supposed to take the criminal elements out of sex businesses by strict regulation of the industry has failed. The real growth in prostitution in Australia since legalization took effect has been in the illegal sector. Over a period of 12 months from 1998-1999, unlicensed brothels in Victoria tripled in number and still operate with impunity (Sullivan & Jeffreys, 2001). In New South Wales where brothels were decriminalized in 1995, the number of brothels in Sydney had tripled to 400-500 by 1999, with the vast majority having no license to advertise or operate. In response to widespread police corruption, control of illegal prostitution was removed from police jurisdiction and placed under the control of local councils and planning regulators. However, the local councils do not have the resources to investigate illegal brothel operators (Sullivan & Jeffreys, 2001).

#### Neoliberal discourses of sexual violence shift responsibility to individual victims, even if law reformers have good intentions

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The elaboration of an affirmative consent standard in Canadian law means that it is now far less likely that acquiescence will be transformed into consent. What Smart has labelled the ‘pleasurable phallocentric pastime’ of pressing a woman until she submits is clearly disrupted through emerging legal standards (1989: 45). And yet, reflecting the way in which the systemic nature of sexual violence has been increasingly erased in a context of neoliberal governance, Canadian judicial discourses consolidating an affirmative consent standard reinforce a decontexualized construction of sexual assault. Emphasis is placed on discrete sexual transactions, consent-seeking actions and the quality of agreement. And while valuable in focussing attention on the demonstration of positive consent, sexual violence is atomized; its manifestations and consequences are never collected, never considered in a context where sexual assault is a mechanism for sustaining gendered power relations. Recent Canadian decisions recognize sexual autonomy, but in a form that is consistent with individuated norms of criminal law. Normative sexual interaction is reconceived as being like an economic transaction and good sexual citizens are reconfigured to resemble rational economic actors assuming responsibility for their actions and the risks that they take. Tied to this decontexualized framing, the production of risk managing subjects who diligently practice sexual safekeeping becomes privileged as a governmental technique for managing the once ‘social’ problem of sexual violence. Alongside the shift to an affirmative consent standard in Canadian law, the line between the ideal victim and the incredible complainant has also shifted (Gotell 2007, 2008). When standards for consent are raised to ‘only yes means yes’ and when responsibility is placed on those initiating sex to take active steps to secure agreement, sexual virtue is eroded as the essential prerequisite of good victimhood. Indeed, this was the conscious intent of feminist law reformers. Yet, in post-Ewanchuk Canadian sexual assault law, the idealized (read credible) victim does not simply disappear. Instead, the contours of good victimhood shift to reflect the privileged logic of risk management. The performance of a diligent and cautious femininity grants some women access to the protections of law, while those who fail to follow the rules of sexual safekeeping can be denied protection. Victim-blaming constructions emerge repeatedly when complainants fail to behave as responsible risk managers. Even as convictions are entered, complainants are described as having ‘questionable judgement’, as being ‘careless’ as displaying ‘youthful naiveté’ and are criticized for failing to respond quickly and assertively in the face of sexual threats (Gotell 2008: 879-880). In a particularly striking recent example of this revised form of victim–blaming, a trial judge, convicting two men of drugging and sexual assaulting a young woman who they had met in an internet chatroom, emphasized the reckless nature of the complainant’s behaviours:

#### An individualist lens of sexual violence codifies normative subjects into law and ignores the situational realities of agency

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The decontexutalized lens of affirmative consent, and the manner in which choice and responsibility are highlighted, pose problems for other highly vulnerable groups of Canadian women. Although women with mental disabilities face extremely high rates of sexual violence, Benedet & Grant contend that the substantive law of sexual assault is inadequate to meet their needs (2007; and in this volume). Based upon their analysis of more than 100 Canadian cases, they demonstrate how the courts rarely acknowledge the specific vulnerability of women with mental disabilities and very often use the language of autonomy in order to justify acquittals. Legal attention is focussed on complainants’ participation in the sexual activities as an indication of consent, ignoring how high levels of control over the lives of women with mental disabilities produce compliant behaviour. Benedet & Grant are critical of the overemphasis on complainants’ conduct in these cases and the corresponding failure to scrutinize defendants’ actions in inducing compliance, actions that undermine the voluntariness of consent. Moreover, exacting demands of accuracy, consistency, rationality and psychological coherence placed upon all sexual assault complainants, work against the legal recognition of sexual violence against women with mental disabilities. The focus in Ewanchuk on what the complainant was thinking creates difficulties where the complainant was unable to tell the court what was going on in her mind at the time of the alleged assault. Benedet & Grant argue that the substantive law of sexual assault is premised on the assumption that complainants do not have disabilities. The decontextualized lens of affirmative consent creates a fiction of sexual autonomy, while failing to acknowledge how agency is constrained in situations of disadvantage and dependency.

#### Societal frames of power relations are a prerequisite – focusing solely on interventions takes gendered violence for granted

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Law reform efforts were only one component of a broad-based Canadian feminist strategy that sought to de-individualize sexual violence and place it firmly in the social and political arena as a legitimate object of governmental intervention. As I have argued here, even though statute and doctrine have moved Canadian law in the direction of an ‘only yes means yes’ standard, the transactional logics of affirmative consent operate to decontextualize sexual violence from the social power relations that define it. The atomized frame of criminal law is accentuated in a context of neoliberalism where risk management discourses hail women as hyper-cautious victims of sexual violence and reconstruct vulnerability as a failure of responsibilization. In a context in which sexual violence as a gender equality issue has disappeared from political agendas, the opportunities for law reform have closed. This temporary closure of political spaces has produced a productive strategic emphasis on ensuring enforcement and altering police practices. Restricted opportunities for law reform should also promote critical reflection and prompt a reminder that criminal law reform, even in its most progressive guises, is a limited strategy. As Marcus (1992) has insightfully argued, an emphasis on vindication in the courts has limited effectiveness for a politics of rape prevention. This strategy conceives of sexual violence as a taken for granted occurrence, with only post rape events offering possible occasions for intervention. In the present context, a renewed focus on prevention, including cultivating women’s resistance to their assigned role as safety-conscious victims-in-waiting and engaging men in anti-rape education and politics, constitute promising extra-legal strategies.