### 1

#### The desire to fill the insatiable lack creates experiences of impairment that structures the disability drive. Able bodies persistence with distancing themselves from disability ensures violence.

Mollow 15 [The Disability Drive by Anna Mollow A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy in English in the Graduate Division of the University of California, Berkeley Committee in charge: Professor Kent Puckett, Chair Professor Celeste G. Langan Professor Melinda Y. Chen Spring 2015 // WHSRS and Lex VM]

Tropes of disability are also present in what Edelman reads as Jean Baudrillard‟s “panicky offensive against reproduction without heterogenital copulation,” in which sex is described as devolving into a “useless function” and humans are distinguished (unsuccessfully, Edelman argues) from “the order of the virus” (qtd. in Edelman 64, 62).111 Edelman‟s apt reading of these remarks by Baudrillard in relation to what was once called “the gay plague,” as well as his own plays on the word “bent,” suggest that it can be difficult, in homophobic and ableist culture, to distinguish between queerness and disability (62, 90).112 Anti-queer religious leaders, Edelman notes, characterize queer sexualities as “unhealthy” and “ugly,” and “ministries of hope” offer cures to those who have “grown sick-to-death of being queer” (91, 47). 113 Against the “pathology” or “social disease” as which queerness is diagnosed, queer-baiting of children, Edelman argues, functions as a form of “antigay immunization,” while the narrative of A Christmas Carol serves as an annual “booster shot” (143, 19, 49). These repetitive references to disability suggest that not only queerness but also disability might be a fitting name for what Edelman, alluding to the death drive, calls “the remainder of the Real internal to the Symbolic order” (25). Indeed, disability metaphors are often the closest approximations that Edelman can find for the “unnameable” death drive (25). The terms that Edelman uses to describe the death drive include “wound,” “fracture,” “stupid enjoyment,” “mindless violence,” “lifeless machinery,” “senseless compulsion,” “disfiguration,” and a “shutdown of life‟s vital machinery” (No Future 22; “Kid” 28; No Future 38, 23, 27, 38, 37, 44). Although these signifiers do not directly refer to specific impairments, they do, taken together, evoke the physical and mental injury and dysfunction as which disability is commonly understood. And then there is Edelman‟s term “sinthomosexuality,” a neologism formed by “grafting, at an awkward join,” the word “sexuality” onto Lacan‟s term “sinthome.” With its “awkward” “grafting,” the word “sinthomosexuality” embodies disability at the level of the letter.114 Etymologically, too, Edelman‟s term harkens back to disability: “sinthome” is an archaic way of spelling the French word for “symptom” (qtd. in Edelman 33). The root meaning of “sinthomosexuality,” then, is something like “symptom-sexuality.” However, Lacan‟s “sinthome” means more than simply “symptom”: it refers, Edelman explains, to “the particular way each subject manages to knot together the orders of the Symbolic, the Imaginary, and the Real” (35). The sinthome is the only means by which the subject can access the Symbolic order of meaning production; but paradoxically, because each subject‟s sinthome is arbitrary and meaningless (as individual as a fingerprint), the sinthome also threatens the Symbolic order to which it provides access (36). Both this access and this threat are figured as disability. In order to be constituted as a subject and to take one‟s place within the Symbolic order, one must be metaphorically blind: the cost of subjectivity is “blindness to this determination by the sinthome,” “blindness to the arbitrary fixation of enjoyment responsible for [the subject‟s] consistency,” “blindness” to the functioning of the sinthome (Edelman 36, 38). The alternative to subjectivity as disability would be, according to remarks that Edelman attributes to Lacan, “radical psychotic autism” (qtd. in Edelman 37).115 That is, whatever might alleviate our constitutive “blindness” by exposing “the sinthome as meaningless knot” must effect a “disfiguration” (Edelman 38), the consequences of which would be “pure autism” (Žižek 81, qtd. in Edelman 38). On the one side, blindness; on the other, disfiguration, psychosis, autism: when it comes to recognizing the senselessness of one‟s sinthome, it seems we‟re disabled if we do, disabled if we don‟t. This is why I have proposed that the “death drive”—a force that has less to do with literal death than with a strange persistence of life in death, or of death in life (perhaps like the “life not worth living” of which disability is often supposed to consist)—would more accurately be termed the “disability drive.” Writing of the contingency of disability as an identity category, Michael Bérubé observes: Any of us who identify as “nondisabled” must know that our self-designation is inevitably temporary, and that a car crash, a virus, a degenerative genetic disease, or a precedent-setting legal decision could change our status in ways over which we have no control whatsoever. If it is obvious why most nondisabled people resist this line of thinking, it should be equally obvious why that resistance must somehow be overcome. (viii) Could part of this resistance be attributable to a fear that, in the car crash or other identity- shattering event, it might be the driver‟s own hand that makes that disabling turn, that is, that the driver might be driven by an impulse, unwanted and unconscious, toward something beyond the principles of pleasure and health? Applying the name “the disability drive” to this “beyond” affords insight into the reasons that images of disability so powerfully excite and repel, becoming, as Tobin Siebers writes, “sources of fear and fascination for able-bodied people, who cannot bear to look at the unruly sight before them but also cannot bear not to look” (178). Later in this chapter, I will define the affect that Siebers references here as “primary pity.” For now, though, I simply want to point out that Siebers‟s important observation can be extended by noting that it is not only nondisabled people who react to images of disability with a mixture of aversion and attraction. Disabled people may also respond in this way, especially when contemplating impairments other than those that currently disable us.116 Building on Douglas Baynton‟s famous assertion that “disability is everywhere,...once you begin looking for it,” I suggest that the same may be true in regard to the disability drive: this ego-undoing psychic force shapes the subjectivities of disabled and nondisabled subjects alike (52).

#### Primary pity reflects disability upon the ego threatening ability status – which invokes secondary pity to overcorrect for the shattered-ego.

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A great deal of the pain and pleasure of primary pity center on questions about what, or who, this fallen self is. When most people think about pity, we refer to an affect in which, to adopt Edelman‟s phrase, we purport to “feel for the other.” But as with primary narcissism, in which the self has not yet been constituted, and therefore cannot be said to enter into intersubjective relations with an “other,” primary pity entails a mixing up of self and other such that the ego, in becoming permeable to pain that may properly belong to “someone else,” is profoundly threatened in its integrity. Primary pity is that intense pain-pleasure complex that is provoked by the image of a suffering other who, it seems momentarily, both is and is not one‟s self. This affective response can feel unbearable, as seen in Siebers‟s formulation: one “cannot bear to look…but also cannot bear not to look.” Primary pity is difficult to bear because it involves a drive toward disability (one cannot bear not to look), which menaces the ego‟s investments in health, pleasure, and control—because to contemplate another person‟s suffering is to confront the question, “Could this happen to me?” Such a prospect, although frightening, may also be compelling; in this way, primary pity replicates the self-rupturing aspects of sexuality. Indeed, the unbearability of primary pity reflects its coextensiveness with sexuality. Sex, or the Unbearable, a book coauthored by Edelman and by Lauren Berlant, argues that sex “unleashes unbearable contradictions that we nonetheless struggle to bear” (back cover). This claim accords with Freud‟s account of sexuality as a “pleasurable” “unpleasure” that the ego can never fully master or control (Three 49,75). As Leo Bersani puts it in his reading of Freud, “the pleasurable unpleasurable tension of sexual enjoyment occurs when the body‟s „normal‟ range of sensation is exceeded, and when the organization of the self is momentarily disturbed”; thus, “sexuality would be that which is intolerable to the structured self” (Freudian 38). Primary pity is also intolerable to the structured self, because it entails a fascination with the fantasy of a self in a state of disintegration or disablement. Secondary pity is something else, although it cannot wholly be differentiated from primary pity. Secondary pity attempts to heal primary pity‟s self-rupturing effects by converting primary pity into a feeling that is bearable. As with secondary narcissism, secondary pity involves both an attempt to get back to that ego-shattering state of painfully pleasurable primary pity, and at the same time to defend against that threat to the ego by aggrandizing oneself at someone else‟s expense. Secondary pity refers to all those ego-bolstering behaviors that most people think of when they talk about pity. Disabled people are all too familiar with these behaviors: the saccharin sympathy, the telethon rituals of “conspicuous contribution,” the insistence that “they” (i.e., nondisabled people) could never endure such suffering. More commonly known in our culture simply as “pity,” secondary pity encompasses our culture‟s most clichéd reactions to disability: charity, tears, and calls for a cure. Correlatives of these commonplace manifestations of secondary pity are the obligatory claims that disabled people‟s suffering is “inspiring.” Indeed, the speed with which conventional cultural representations of disability segue from overt expressions of pity to celebrations of “the triumph of the human spirit” highlights the ways in which secondary pity, as a defense against primary pity‟s incursions, reinforces the ego‟s fantasy of sovereignty. Secondary pity, in other words, can be seen as a variation of secondary narcissism: these affects enlarge the ego of the pitier or the narcissist at the expense of someone else. But primary pity is not the same as either primary narcissism, secondary narcissism, or secondary pity. Unlike primary narcissism, a feeling that emerges out of a relation to the world in which notions of “self” and “other” do not obtain, primary pity does depend upon the constructs of self and other, although these constructions are unstable and are continually threatening to come undone. Primary pity can thus be envisioned as a threshold category occupying a liminal position between the total denial of the other that is inherent to primary narcissism and the rigid structure of (superior) self and (inferior) other that constitutes secondary narcissism and secondary pity. My concept of primary versus secondary pity also differs from Freud‟s primarysecondary narcissism distinction at the level of genealogy. Like Freud‟s account of primary and secondary narcissisms, my model of primary and secondary pities involves a temporal transition; but whereas Freud imagines the movement from primary to secondary narcissism as a passage from an earlier to a later stage of an individual‟s development, the temporal shift from primary to secondary pity happens much more quickly than this. It happens in an instant: that moment in which we feel primary pity and then, almost before we can blink, deny that we feel or have felt it. The denial is understandable: who wants to admit that one gets pleasure from the sight of another person‟s suffering—or, to make matters worse, that this pleasure derives in part from the specter of disability‟s transferability, the possibility that this suffering could be—and, fantasmatically, perhaps already is—an image of one‟s own self undone? Indeed, the model of primary pity that I have been constructing may sound a bit too close to sadism for some people‟s liking. Pity does come close to sadism, and at the same time, to masochism, which Freud theorizes as sadism‟s obverse. In “Mourning and Melancholia,” an essay that can be read as a sequel to “On Narcissism,” Freud approaches a distinction between primary and secondary masochism, which accords with my primary-secondary pity heuristic.122 If the story that I traced in “On Narcissism” could be summarized as “child gets breast; child loses breast; child gets breast back, albeit in a secondary, adulterated form,” the tale that Freud tells about masochism takes much the same form. In this story, subject loves object; subject loses object; and subject tries to get object back by becoming object, that is, by identifying with the object in such a way that object starts to seem—and perhaps in some ways is—part of subject‟s self. This last phase is a dysfunctional and disabling form of identification, Freud makes clear. Subject is still angry at object for having left it, and it takes out that anger on the object that is now part of itself. This is the reason that people suffering from melancholia are so hard on themselves, Freud says; the “diminution in…self-regard” that typically accompanies melancholia results from the subject‟s attacks on the loved-and-lost object that the subject has incorporated into its ego (“Mourning” 246). Freud had not wanted there to be such a thing as primary masochism; for a long time, he had insisted that sadism, or “aggression,” was the primary instinct, and that masochism was only a turning-inward of this originary aggression. But in “Mourning and Melancholia,” although Freud does not yet use the term “primary masochism,” he nonetheless gets at this concept. The problem of suicide, Freud notes in this essay, raises the possibility that the ego “can treat itself as an object” that it wants to destroy (252). When it comes to such an extreme act as suicide, the possibility of carrying “such a purpose through to execution” must, Freud surmises, involve more than a sadistic wish to punish others. Perhaps, then, there is an innate desire to destroy one‟s own self, Freud hypothesizes. If so, this self would not be a single thing: it would be “me” and at the same time, the lost object whose image “I” have internalized. Freud‟s notion of a primary masochism is tied very closely to his conceptualization of the drive. Beyond the Pleasure Principle, the text in which Freud first used the term “death drive,” was published three years after “Mourning and Melancholia.” In the later text, Freud‟s speculations about the death drive lead him to acknowledge that “there might be such a thing as primary masochism” (66). After all, Freud points out, the idea that either sadism or masochism definitively takes precedence over the other does not ultimately make much sense, as “there is no difference in principle between an instinct turning from the object to the ego and its turning from the ego to an object” (66). If sadism and masochism are ultimately indistinguishable obverses of each other, then pity, in both its primary and its secondary forms, would have to be both sadistic and masochistic. This is a deeply troubling possibility, but I suggest that trying to overcome pity will only make matters worse. There are many ways of trying to overcome primary pity, and each one ultimately aggravates the violence of primary pity. One way is the “pitiless” refusal of compassion that Edelman advocates (70). Another is the disability activist “No pity” injunction. A third example is secondary pity, as in the query, commonly addressed to disabled people, “Have you ever thought of killing yourself?”123 In this question, disabled people correctly hear the wish, “I‟d like to kill you.” Indeed, primary pity is so unsettling that our culture has been driven to “mercifully” kill people in the name of secondary pity. We have also been driven to lock people in institutions, to let them languish on the streets, to stare, to punish, and to sentimentalize—all, I would suggest, in the interest of not owning, not naming, not acknowledging that self-shattering, ego-dissolving, instantaneous and intolerable moment of primary pity. Because primary pity is tied up with the disability drive, it must, like the drive itself, be regarded as unrepresentable. However, I will quote at length from a passage of writing that comes close not only to representing primary pity but also perhaps to producing it. In his memoir, One More Theory About Happiness, Paul Guest describes an experience that he had in the hospital after sustaining a spinal cord injury when he was twelve years old: My stomach still roiled and it was hard to keep anything down. Late one night, a doctor came to my bedside, leaning over me, his hands knotted together. He seemed vexed, not quite ready to say anything. Used to the look, I waited. And then he began. “The acids in your stomach, Paul, because of everything you‟re going through, it‟s like your body, everything about it, is upset. That‟s why you feel so nauseous all the time. We‟re going to treat that by putting a tube into your nose and down into your stomach, so we can give you medicine, OK?” When he walked away, I felt something begin to give way inside me. Up until then, I‟d faced more misery and indignity than I would have thought possible. I lay there, numb and sick in a diaper, helpless. It was too much to bear, too frightening, a last invasion I could experience and not break, utterly. When he returned with nurses, I was already sobbing. Anyone so limited could hardly fight, but I tried. I tried. The neck collar prevented much movement, and any was dangerous, but I turned my head side to side, just slightly, a pitiful, unacceptable range. Fat tears rolled down my face like marbles. I begged them all, no, no, no, please no. “Hold him, hold him still,” the doctor said. Nurses gripped my head on either side. From a sterile pack, the doctor fished out a long transparent tube and dabbed its head in a clear lubricant. He paused almost as if to warn me but then said nothing. 77 Then the tube entered one nostril, its gauge slight enough to pass through, down my throat and into my stomach. I couldn’t thrash or resist. I could only relent. To the pain, the discomfort, but most distressingly the feeling of powerlessness, of violation. It was in that moment, I think, that the weight of everything which had happened fell upon me, undeniably, and the knowledge of it crushed me. (23-24) “Too much to bear,” Guest writes. The word “unbearable” would indeed be an accurate descriptor of this passage: both the experience of violence that it narrates and also the retelling of that experience produce sensations that, as in Berlant and Edelman’s account of sexuality, one cannot bear but must nonetheless “struggle to bear” (back cover). Guest’s account of a nonconsensual administration of an unwanted medical treatment is especially difficult to bear because it gives the reader no recourse to secondary pity: the passage offers no “lesson” to be learned, no invitation to feel “inspired,” nothing to make one feel in any way okay about what has happened. The medical violence that Guest recounts seems particularly devastating because it is readable as sexual: it takes the form of forced penetration, and it results in a “feeling of powerlessness, of violation” that resonates with experiences recounted by survivors of sexual assault.

#### The 1ACs belief of a better future is tied to rehabilitation where the signifier of the Child is used to other disability.

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“Let us begin our reexamination of Tiny Tim with a discussion of No Future, a text in which Tiny Tim takes a prominent position. No Future is a text with a target: the book takes aim at “the Child whose innocence solicits our defense,” a trope that Edelman names as the emblem of an ideology that he terms “reproductive futurism” (2). According to Edelman, commonplace cultural invocations of the figure of the Child (“not to be confused with the lived experiences of any historical children”) uphold “the absolute privilege of heteronormativity” (11, 2). Defying pronatalist social imperatives, Edelman names queerness as “the side of those not fighting for the children‟” (3) and urges queers to accept the culture‟s projection of the death drive onto us by saying explicitly what Law and the Pope and the whole of the Symbolic order for which they stand hear anyway in each and every expression or manifestation of queer sexuality: Fuck the social order and the Child in whose name we‟re collectively terrorized; fuck Annie; fuck the waif from Les Mis; fuck the poor, innocent kid on the Net; fuck Laws both with capital ls and with small; fuck the whole network of Symbolic relations and the future that serves as its prop. (No Future 29) Elsewhere, I have argued that No Future‟s impassioned polemic is one that disability studies might take to heart. Indeed, the figure that Edelman calls “the disciplinary image of the ‘innocent’ Child” is inextricable not only from queerness but also from disability (19). For example, the Child is the centerpiece of the telethon, a ritual display of pity that demeans disabled people. When Jerry Lewis counters disability activists‟ objections to his assertion that a disabled person is “half a person,” he insists that he is only fighting for the Children: “Please, I’m begging for survival. I want my kids alive,” he implores (in Johnson, Too Late 53, 58). If the Child makes an excellent alibi for ableism, perhaps this is because, as Edelman points out, the idea of not fighting for this figure is unthinkable. Thus, when Harriet McBryde Johnson hands out leaflets protesting the Muscular Dystrophy Association, a confused passerby cannot make sense of what her protest is about. “You‟re against Jerry Lewis!” he exclaims (61). The passerby’s surprise is likely informed by a logic similar to that which, in Edelman‟s analysis, undergirds the use of the word “choice” by advocates of legal abortion: “Who would, after all, come out for abortion or stand against reproduction, against futurity, and so against life?” (16). Similarly, why would anyone come out for disability, and so against the Child who, without a cure, might never walk, might never lead a normal life, might not even have a future at all? The logic of the telethon, in other words, relies on an ideology that might be defined as “rehabilitative futurism,” a term that I coin to overlap and intersect with Edelman‟s notion of “reproductive futurism.” If, as Edelman maintains, the future is envisaged in terms of a fantasmatic “Child,” then the survival of this future-figured-as-Child is threatened by both queerness and disability. Futurity is habitually imagined in terms that fantasize the eradication of disability: a recovery of a “crippled” or “hobbled” economy, a cure for society’s ills, an end to suffering and disease. Eugenic ideologies are also grounded in both reproductive and rehabilitative futurism: procreation by the fit and elimination of the disabled, eugenicists promised, would bring forth a better future.” (68-69)

#### The only ethical alternative is to affirm crippessimism – a refusal of the world can disrupt the current notion of optimism – condo.

Selck 16 [Selck, Michael L. "Crip Pessimism: The Language of Dis/ability and the Culture that Isn't." (Jan 2016) // WHSRS and Lex VM]

“The disabled are dying and with them dis/abled culture is being eradicated. In the time between formulating this project and its completion already too many disabled souls have been taken from this world, including pivotal disability studies influences for this research. I barely had enough time to mourn the loss of disability advocate and inspiration porn critic Stella Young before grieving the loss of disability studies exemplar Tobin Siebers. Attached to the grief I feel as a result of the fading disability studies community is the perpetual grief I harbor since my disabled Father’s suicide and in turn the grief concomitant to the claiming of a disabled identity. I choose to start out this project with grief because it communicates the tenor of this research; this is not the disability studies project of inspiration or utopia. My entry point to the disability studies dialogue is riddled with grief, anger, and pain and it is as such that this project plots a course of disability research that attempts to make a space free from the ideological constraints of optimism. The language surrounding dis/ability is highly political. Entire words, phrases, and identities are stretched between, in, and out of the nexus of dis/ability. The choice, for instance, to include a backslash in the word dis/ability represents for Goodley (2014) a desire to delineate and expand each of the categories in the face of global neoliberalism. My initial research inquired about the impact of dis/abled terms and phrases. I went to interrogate rhetoric like “special education”, “handicapable”, and one of the most glaringly overused insults in the American education system “retard”. The scholarship I was coming up with was plentiful but was for the most part located entirely outside of intercultural communication programs like the one I was attending. For the most part the few and far between intercultural communication projects about dis/ability I was able to locate were without modal complexity and didn’t bear semblance to so many of my own experiences. I was beginning to notice a layer of optimism that has been communicatively imprinted upon the negotiation of dis/abled identity. The angst started to manifest as I questioned if I was in the correct field or if dis/ability even was ‘cultural’. I felt a very real cultural erasure of dis/ability in academia and ultimately that glaring lack of consideration is what pushed me to performance studies. I first worked to close the apparent research gap by crafting a collaborative performance titled Under the Mantle (UTM), which put dis/ability, communication scholarship, and pessimist philosophy on stage. The larger purpose of this research report is to antagonize the erasure of dis/ability from communication studies by autoethnographically analyzing the crip-pessimist performance art project Under The Mantle.” (1-2) This research report will first detail the components of the theoretical work that was drawn on to create UTM. Next I offer a literature review to demonstrate the combination of optimism and neglect dis/ability has undergone in intercultural communication models. Following that section I mark my shift to performance methods as I explain how narrative autoethnography can illuminate cultural misconceptions regarding the dis/abled. In the last sections of this report I offer a textual analysis of the performance UTM and analyze three significant arguments of the instillation before concluding. Contextualizing Critical Dis/Ability Theory Often used interchangeably, critical disability theory (CDT) and critical disability studies (CDS) contest dis/ablism (Goodley, 2011, 2014; Devlin & Pothier, 2006; Hosking, 2008). There are several unique additions made to CDS with every new instantiation. Scholars in European countries and Canada attend to the theory, with United States academics often underrepresented. There are three concurrent themes of CDT that I will synthesize in this section with some dis/ability studies authors claiming there are as many as seven themes of CDT (Hosking, 2008). In the introduction to their edited collection of dis/ability essays, Richard Devlin and Dianne Pothier (2006) present three themes of CDT as, first, to highlight the unequal status to which persons with disabilities are confined; second, to destabilize necessitarian assumptions that reinforce the marginalization of persons with disabilities; and third, to help generate the individual and collective practical agency of persons with disabilities in the struggles for recognition and redistribution. (p. 18, emphasis mine) Already the connections between the CDT and the critical communication paradigm are visible as each respectively forefronts notions of power, privilege, identity, and agency. Outlined in more detail, the first theme of CDT argues that there is systemic micro and macro level discrimination against bodies with disabilities. To some critical communication scholars, this theme might be obvious, but it seldom is when “the resulting exclusion of those who do not fit able-bodied norms may not be noticeable or even intelligible” (Delvin & Pothier, 2006, p. 7). As the bumper sticker on my laptop proudly disclaims, “Not all disabilities are visible,” which necessarily adds a level of nuance and complexity to the way that dis/ability studies attend to the prospect of discrimination and violence. Often times, “social organization according to able-bodied norms is just taken as natural, normal, inevitable, necessary, even progress” (Delvin & Pothier, 2006, p. 7). It might be true that the lack of collaborative work between critical communication studies and dis/ability studies is because neoliberalism is supremely effective at rebranding marginalized oppression as a marker of its progress. The implications of this assertion are dire but essential to the basis of crip-pessimism. Theoretical approaches based in pessimism and skepticism are often necessary to distinguish the instruments of self destruction that have been mistaken for those of self betterment. Thus, a key question remains, what is regarded as progress and to whom does it count? The politics of progress call for the second tenet of CDT, which is a destabilization of neoliberal practices that strip power and agency from bodies with disabilities. Devlin and Pothier (2006) use the language of “anti-necessitarian” (p. 2), which refers to the efficacy of social organizations and an unflinching skepticism of liberalism. For Shildrick and Price (1999), “disabled bodies call into question the ‘giveness’ of the ‘natural body’ and, instead, posit a corporeality that is fluid in its investments and meanings” (p. 1). Anti-necessitarian logics ask questions that remain innocuous to the critical communication paradigm. Can the architectural proliferation of stairs and multiple levels on buildings be attributed to neoliberalism and active disablism? If stairs seem to focus too exclusively on physical impairments, then what about the sensitivity of the building’s lighting, acoustics, and spatiality? Finally, if neoliberalism fights to protect its grand narrative of progress then is the social exclusion of bodies with disabilities necessary for the day-to-day operation of our globalized world? As Donaldson (2002) posits: “theories of gendered, raced, sexed, classed, and disabled bodies offer us critical languages for ‘denaturalising’ impairment’” (p. 112) at the level of the subjective and inter-subjective. The third theme of CDT is to attend to the agency of bodies with disabilities in the struggle for recognition. One key element of extending agency to the disabled is the use of social experience. Experience is subjective “but experience remains intimately connected to political and social existence, and therefore individuals and societies are capable of learning from their experiences” (Siebers, 2008, p. 82). Though absolutely necessary, it is not enough to write treatises on the oppression of the disabled over time. Academics, theorists, intercultural trainers, and storytellers alike should be aware of the constant risks of representation. Representation and context are at the core of critical disability studies. The notion of agency is as unstable as the notions of dis/ability. There is no one-size-fits-all human rights based approach that will be suitable to address all disabled experiences, as the theoretical call for crip-pessimism will remind us. Instead of a universal abstract Rawlsian concept of social justice, CDS “attend(s) to the relational components of dis/ablism” (Goodley, 2011, p. 159). By a Rawlsian concept of social justice I mean a model that relies on distributive justice with utopist equality at its core. Where utopist equality projects highlight human sameness to the point of purity. CDT unavoidably invites a discussion about difference into the folds as postmodern and post-structural thinkers position the self as defined constantly in relation to others. Therein lies the difference between an equality model and a justice model of social identity. Often in the attempt to open up spaces for reconsidering self and other, CDS celebrates disability as a positive identity marker. This essay offers a strong argument of caution that the inclusion of CDS in critical communication studies might rely too heavily on celebrations of disabled identity. Nothing better demonstrates that reliance on celebrating identity than the myriad language choices used to describe a disabled identity including: differently-abled, special needs, person with disability, disabled person, temporarily able-bodied, and others. Often, able- bodied audiences have a tendency to sensationalize the presence of disability in a space that has not traditionally welcomed it. Examples of this are highlighted by the increasingly popular discussion of ‘inspiration porn’ (Young, 2014) and Hollywood’s representation of disability. The tendency is to inspirationalize the disabled for achieving tasks that would not be celebrated if they were accomplished by an unimpaired body. Crossing the street, showing up on time, entering a building by oneself are all tasks profoundly routine to the non-disabled and yet simultaneously cherished as markers of progress for the disabled. Philosophical pessimism is articulated next as a way to temper the risk of sensationalizing dis/ability. The theories ultimately fuse together like orchids and wasps to generate the larger theme of crip-pessimism. Philosophical Pessimism Throughout the 19th century pessimism was one of the most popular intellectual and philosophical strains, crossing countries and continents. Authors such as Rousseau, Leopardi, Schopenhauer, and Nietzsche overwhelmingly created and lead the spirit of pessimism. Contemporarily however, the word ‘pessimism’ is pejorative and describes a body’s emotional discontent rather than intellectual engagement with the world. Dienstag (2009) writes, “Since pessimism is perceived more as a disposition than as a theory, pessimists are seen primarily as dissenters from whatever the prevailing consensus of their time happens to be, rather than as constituting a continuous alternative” (p. 3). Power is responsible for ontological shifts, and during shifts some populations benefit while others are harmed. The turn in thinking about pessimism from an intellectual position to an emotional state has been particularly gratuitous for bodies with disabilities. I come to pessimism because of my experience with disability. My anxiety disorder comes with an exteriority of anti-social behavior that has branded me pessimistic. The concern for my anxiety in public situations is often commented on as overly critical, negative, narcissistic, and most often pessimistic. I experience an anxious state of becoming different, and after years of failing to rehabilitate my sameness to able-bodied standards, I have come to a comfort with pessimism. I choose to include pessimism as a theoretical crutch to avoid communication studies’ sensationalism of disability. I imagine that when critical communication studies does bridge the dis/ability research gap that it might, at least initially, extend some neoliberal logics at the expense of CDS. This might manifest by scholars simply asserting disabled personhood where it does not institutionally, culturally, or individually exist. I find that CDT and philosophical pessimism combine in unique and valuable ways, particularly around tensions of personhood, abstract ideal humanism, and neoliberalism. Neoliberalism should be understood as “the superiority of individualized, market-based competition over other modes of organization. This basic principle is the hallmark of neo-liberal thought— one with old roots that lay partly in Anglo economics and partly in German schools of liberalism” (Mudge, 2008, p. 706-707). There are four components of pessimism outlined by Joshua Foa Dienstag (2006) in his book Pessimism: Philosophy, Ethic, Spirit that I wish to explore difference through. They are as following that: (1) time is a burden, (2) history is ironic, (3) human existence is absurd, and finally (4) resignation or affirmation. To write about pessimism necessarily involves questions of time, temporality, and history. The development of philosophical pessimism, specifically, the theories regarding the burden of time-consciousness, begins with difference. For the pessimist, the concept of time begets a differentiation between human and animal. Being a dog-owner myself, I have heard the colloquial aphorism that dogs, as all animals, have no concept of time. Pessimists understand time consciousness as a unique, but ultimately loathsome, trait of the human condition. Even in projects that appear to be geared toward sameness there are always unperceived and neglected populations. For example, even the U.S. constitution alleges persons of color were (and still are often) racially subjugated as property instead of considered to be fully human. The notion of difference is at the center of the pessimist’s position on time-consciousness because the philosophy accepts that the conditions of our existence are subject to relentless unpredictable change. “To the pessimists, however, the human condition is existentially unique— its uniqueness consisting precisely in the capacity for time-consciousness” (Dienstag, 2009, p. 20). For the pessimist nothing is ever the same, everything is always different, and to inhabit linear time means that everything in existence is always rushing off into the past. The advent of human time consciousness is also what leads the pessimist to find the course of history to be ironic. History is ironic for the pessimist because progress is always related to a greater set of unperceived consequences. As suggested above, philosophical pessimism acknowledges that change occurs; technologies develop and improve over time. Pessimists ask if those improvements are related to a greater set of costs that are not immediately recognizable. (Dienstag, 2006, p. 25) Similar to critical disability theory, pessimism interrogates power and privilege. Pessimists rely on the logic of difference to chart consequences. Consequences go unperceived because they occur across populations with disproportionate access to power, populations that are often culturally unintelligible. For instance, the massive boom in mobile technologies like cell phones and laptops has created vast pits of ‘e-waste’ in Africa, surges in child labor, and conflict over rare earth minerals (Vidal, 2013). Pessimists use difference to tease out the distinction between the instruments of suffering and those of betterment. The third philosophical pessimistic position is that human existence is absurd. The absurdity of existence “is illustrated by the persistent mismatch between human purposes and the means available to achieve them: or again, between our desire for happiness and our capacity to encounter or sustain it” (Dienstag, 2006, p. 32). Difference is built upon exanimations of power, which is both fluid and transferable but ultimately permanent. Classical western philosophy has an optimistic pragmatism built into it that posits there must be an answer to our questions. Alternatively, the pessimist embraces uncertainty, ambiguity, and intersubjectivity. Pessimism encourages a sense of comfort around the idea of multiple, coexistent, and perhaps competing histories. Neoliberal optimism is the logic of conflict as materially reconcilable, rather than antagonistically irreconcilable. The fourth and final tenet of pessimism that we are to examine asks what we are to do about our dire human condition. There are multiplicities of rationales that ultimately inform the pessimistic dualism to either resign from life or affirm it entirely. I defer to an existential or Nietzschean pessimism that recognizes suffering is inevitable for two reasons. First, human time-consciousness necessitates an awareness of our impending death. Second, mutually assured value systems will always intersubjectively exist. The choice to affirm life in its entirety is a pessimistic choice. Embracing life as both miserable and beautiful, fleeting and enduring, validates the perpetually fragmented subject seeking a world that exists beyond good and evil and instead just is.

### ROTB

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

#### [2] My role of the ballot is a question of ontology – your framework presupposes both epistemology and ontology in the process of making its claims about ethics. Ontology obviously comes first because it shapes the ways ethics are constructed per the psyche.

#### [3] Pessimism as a method is an epistemic prerequisite to engagement in any other framing – we need to deconstruct the reality of our world first in order to understand it.

#### [4] negates under TT

#### A] ontology necessitates absolute negation which means any risk of a link proves the resolution false.

#### B] We meet the ought definition – ableism means your framework is immoral

#### [6] AT Text

#### 1] “Affirm” and “negate” are not part of the res, they are just words that we have assigned to different sides. Your textuality internal links don’t apply.

#### 2] Adhering to the strict text does not produce fair and educational debate-the res is written by traditional 80 years old for lay debaters. We should be allowed to modify it.

#### 2] Affirm and negate are arbitrary words – we could use “pro” and “con” like PF

### overview

#### 1AR Theory is not a voter [A] theory attempts to correct dysfluent mistakes disabled folk create which is violent. [B] The only voter for theory that matters in this round is ableism. [C] Exploits disabilities – since those who have dementia will always forget to spec something or meet your interp in future rounds.

### O/V

#### You should adopt epistemological disablement over certainty. Their attempt to construct a guide to action ignores the ways in which uncertainty, confusion, and the overall drive determine us.

Mollow 15 [The Disability Drive by Anna Mollow A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy in English in the Graduate Division of the University of California, Berkeley Committee in charge: Professor Kent Puckett, Chair Professor Celeste G. Langan Professor Melinda Y. Chen Spring 2015 // WHSRS and Lex VM]

“How, then, might we begin to acknowledge our own determination by the drive? Any knowing of the drive that we might hope to achieve must, on account of the structural barriers that render the drive unthinkable, be an effort characterized by failure and incompletion—that is, we might say, by epistemological disablement. The term “epistemological disablement” will appear frequently in this dissertation, as I will argue that coming into close proximity with the disability drive produces states of cognitive and affective uncertainty, confusion, and incapacity that are akin to disability. In the works that I shall analyze, epistemological disablement will often be performed on a textual level, as theorists and narrators seem to lose control of what they want to say about disability. These moments of epistemological disablement are often disavowed by theorists and narrators and are instead projected onto disabled people. When this happens, disabled people’s impairments are depicted as the result of an insufficiency of self-knowledge that is assumed not to determine nondisabled subjects. I will challenge these characterizations of disabled people not only by arguing for the value of “cripistemologies” (that is, ways of knowing that arise from disabled people‟s lived experiences) but also by using drive theory to undermine belief in the possibility of a transparent and wholly knowable self, whether disabled or nondisabled.18 My two-pronged approach to the issue of epistemological disablement may seem to present a paradox: on the one hand, I am asserting that disabled people’s lived experiences generate important knowledge about disability; yet at the same time I am seeking to destabilize the very notion of self-knowledge. Let me be clear, then, that in undertaking this double endeavor I do not forward all-or-nothing claims either “for” or “against” the possibilities of self- knowledge. I will not assert that people cannot ever know anything reliable about themselves, but I will also not suggest that truth claims derived from personal knowledge about disability are infallible. Instead, this dissertation highlights the limits of complete self-knowledge for nondisabled and disabled subjects alike, while at the same time interrogating the social dynamics that give rise to imbalances in the distribution of epistemological authority to particular subjects on the basis of their perceived status as disabled or nondisabled.” (4

#### The imaginary body ego trapped in the imagine of the symbolic becomes the way the material body is lived. There remains a fundamental gap between the imaginary body and the real body. The affirmative is fundamentally a failed project.

**Breu 16** Christopher Breu, “Identity vs. Embodiment: A Materialist Rethinking of Intersex and Queerness” symplokē, Vol. 24, No. 1-2, Materialisms (2016), pp. 65-79 Published by: University of Nebraska Press // UTDD

“To add to this list, I think we need to focus on embodiment as distinct not only from identity, but from all of these other dynamics as well. While it intersects with each of these dynamics it is important to emphasize embodiment in its resistance, intransigence, malleability, and agency. The advent of the material turn enables us to theorize this more fully, by refusing to merely see the body as a discursive production or as what Butler in 1994 called a process of materialization. In the conception of the body I want to argue for, materiality isn’t just a passive site of inscription or construction, culture’s and language’s plaything, but also something that actively intervenes, insists, resists, and exerts agency. One way of theorizing this form of embodiment, one I employed in Insistence of the Material, is to use the developmentalist account of the real and the imaginary in Lacan. The imaginary body, for Lacan, is one that is produced by the phantasmatic mapping of the body that takes place during the mirror stage. This imaginary body, or what Freud terms the body ego, is a phantasmatic construction, one that both differs from the material body as it also becomes the way in which the material body is lived. Thus, the imaginary body can exist in contradiction with the material body, even as it provides the subject’s apprehension of the material body.18 The real body in Lacan functions as uncoded materiality. It is those aspects of the material body that elude or exist in tension with symbolization and imaginary mapping.

### Framing

#### Agency –

#### [1] The disability drive determines subjectivity – the eroticized compulsion towards disability is what creates a lack in our being. Pretending to be a completed Kantian agent necessitates pushing your lack onto disabled folk as shown through the idea of moral patients rather than moral agents.

#### [2] Ideal theory is wrong and a link – 1] Mollow says an ideal world is a rehabilitative world where disability doesn’t exist 2] Abstraction is ivory tower - ideal world is impossible to achieve since the drive overdetermines us so presuming its possible shuts out real violence 3] The K is a prereq to ideal theory – constantly trying to achieve Eudemonia is an attempt to fill the lack which results in disabled violence.

#### [3] K outweighs – we’ve won an epistemology claim that proves that disabled people are excluded from all decisions calculus which means any other ROTB leads to exclusion and erasure to the point that we can’t jump back.

#### [3] K turns the aff – our ontological claims show your knowledge production and social construct is inherently ableist – ontology comes first since it shapes the ways ethics are constructed by our own ideological beliefs –even if they win their structural claim, if I’ve won the ontology debate, then that’s sufficient reason to negate since it turns their framework.

#### [4] Motivation – turn – the drive motivates people to be virtuous and complete their good life at the expense of the disabled object

#### [5] Performativity – is/ought fallacy

#### [6] Doesn’t solve oppression we have won ideal theory fails

## 1NC – Offense

### 1NC – Core

#### 1] IP rights are necessary for subject formation – creators are isolated and properly conceived under IP which is a sequencing question to understanding the virtuous nature of agents.

Kanning 12 [Michael A. Kanning (Graduate School at University of South Florida). “A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism”. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts Department of Philosophy College of Arts and Sciences University of South Florida. January 2012. Accessed 8/22/21. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5290&context=etd> //Xu]

As noted previously in my discussion of the utilitarian justification, determining precisely how to maximize something like innovation or creative expression through the use of intellectual property is a difficult and complicated task. I have argued that this difficulty was not sufficient grounds to reject the utilitarian or instrumentalist accounts as a foundation. Much to the contrary, for the instrumentalist, this empirical task is the most important project in the analysis and development of intellectual property policies. One way to proceed in this analysis would be to engage in a kind of armchair economics, speculating about what motivates people to create, and then speculating about how institutions and rewards can be arranged to help encourage creative efforts. But this method is decidedly unempirical. Nonetheless, something like this is what is usually offered as a utilitarian justification - that intellectual property rights reward people who engage in costly and risky creative efforts. Without such a system of reward, we would not have as much creativity and innovation in the world. This is taken as an axiomatic truth. I do not intend to argue that this is false, only that is needs to be proven. The instrumentalist is committed to an empiricism that necessitates a more scientific and well-documented analysis about what best facilitates creative and innovative processes. This task cannot be taken up here. In fact, as Merges noted, there is much work already done in this area, but the verdict is still out. What can be done here is a brief conceptual analysis of the things that make up the creative process, broadly conceived. Most prominent in the rhetoric of intellectual property law is the concept of creator who serves as the ultimate or efficient cause of some new thing. As an illustration of this, recall that most of the classical justifications covered in Chapter 1 centered around a solitary creator, conceived of as a laborer (in Lockean theory), or as an self-contained individual or personality (in the Kantian and Hegelian theories). Creators, whether inventors, authors, artists or innovators, are isolated and identified, granted ownership rights and rewarded. If we are to have an ideally-functioning set of intellectual property laws that best achieve their established ends, it is important that creators are properly conceived of. A clear notion of the creative entity will allow us to ensure that whatever incentives or pecuniary rewards are distributed are done so in a way that best achieves the goals of the intellectual property system.

#### - That also protects creativity which your ev says creativity is a virtue

Opderbeck 07, David W. Opderbeck, Maine Law Review Vol. 59 No.2 (2007) “A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin)” [https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5/] Accessed 8/11/21 NPR

. Once open source communities are conceived in Maclntyrian terms, it is possible to identify virtues that support the flourishing of such communities. Benkler and Nissenbaum identify three "clusters" of virtues that relate to peer production: (1) "autonomy, independence, liberation"; 83 (2) "creativity, productivity, industry"; 84 (3) "benevolence, charity, generosity, altruism"; 85 and "sociability, camaraderie, friendship, cooperation, civic virtue."

#### 2] IPR is well established under iLaw – it overwhelmingly negates.

Osei-Tutu 17 [Bracketed for G-Lang. Julia Janewa Osei-Tutu (she is the current Editor in Chief of the African Journal of Legal Studies, and one of the founding directors of the Center for International Law and Policy in Africa, Ghanaian-Canadian, Associate Professor of Law @ Florida International University, LL.M. from McGill University, J.D. from Queen’s University, B.A. from the University of Toronto. “Humanizing Intellectual Property: Moving Beyond the Natural Rights Property Focus”. Florida International University College of Law. 2017. Accessed 8/24/21. <https://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1353&context=faculty_publications> //Xu]

There is an international human rights basis for claiming IP protection as a human right. 92 Both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) contain language that is suggestive of copyright and patent protection.93 Furthermore, European jurisprudence has recognized trademark and copyright property interests as human rights under the European Convention on Human Rights. 94 The UDHR is an important instrument because, although it is not a binding treaty, it is largely considered customary international law.9 5 Its status as customary international law means that it is part of the accepted law of nations.96 Article 27(2) of the UDHR states: "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." 97 Similar language is found in Article 15(1)(c) of the ICESCR, which also provides for the protection of material and moral interests.98 Arguably, Article 27 of the UDHR and Article 15 of the ICESCR acknowledge a human right to IP.99 In particular, copyright and patents seem to intersect with the human rights enunciated both in the UDHR and in the ICESCR. 100 Copyright protects literary and artistic works, while patents protect new, useful, and inventive products or processes. 101 The right to the protection of moral and material interests resulting from any scientific production of which one is the author is less clearly related to patents, trademarks, or copyrights than the rights related to literary and artistic works. 102 This is because a scientific production may not be the same thing as a new, useful, and non-obvious invention. However, the language of these human rights provisions has been interpreted as overlapping with patent protection as well. 103 The UDHR also recognizes property rights. 104 To the extent that patents, trademarks, copyrights, and other intangible rights are considered property, this provides an additional basis for claiming a human right to IP.105 The natural rights property-based IP model more closely aligns with the notion of an absolute right to property. 106 It is important to note, however, that property as a human right is not universally accepted.107

#### Two impacts –

#### A] community – Ilaw sets rules and laws that allow one another to be empathetic to one another which is a virtue – otherwise there is no enforcement.

#### B] promise breaking – form of dishonesty which is a bad virtue – where states promise companies to protect them and then unilaterally lies and breaks it without consent.

#### 3] Reducing protections of IP leads to theft and the free riding of ideas – turns Grimmelmann.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the many reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!