# Aff

## Advantage

#### Incarcerated workers do not have a right to strike in the US.

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

II. LEGAL FRAMEWORK GOVERNING PRISON STRIKES: STATE LAW AND FEDERAL STATUTES¶ A. Statutes and Regulations¶ As a threshold matter, state and federal statutory law provides no recourse for protecting prison strikes. Incarcerated individuals are not included as protected “employees” in the text of federal labor laws like the Fair Labor Standards Act78 and the National Labor Relations Act,79 and courts have refused to extend the protections that these statutes offer to those confined within prison walls.80 Further, this Note is aware of no state labor laws, or for that matter any state constitutional provisions, that have been interpreted to allow prisoners to strike. ¶Not only are prison strikes not protected by statutory law — they also are often explicitly prohibited. State statutes and prison regulations pose the most immediate barrier to prison strike activity, as states across the union appear to categorically bar prison strikes and other forms of inmate collective organizing. For instance, Alaska’s administrative code lists “participation in an organized work stoppage” and “encouraging others to engage in a food strike” as “[h]igh-moderate infractions.”81 The same is true at the federal level, as the Bureau of Prisons has made “[e]ngaging in or encouraging a group demonstration” and “[e]ncouraging others to refuse to work, or to participate in a work stoppage” prohibited acts.82 ¶ Further research is certainly necessary to develop a fuller, more nuanced treatment of the various state and federal statutory schemes that impact prison strikes.83 But even this brief overview drives home a clear bottom line: that state and federal laws, in their current forms, likely offer no viable protection for prison strikes and indeed often prohibit them outright. ¶B. Constitutional Law ¶ The Supreme Court has not spoken directly on the question of whether peaceful prison protests merit constitutional protection. However, two areas of constitutional analysis — prisoners’ rights broadly and prisoners’ First Amendment rights specifically — suggest that under current law, the answer to this question is likely also a resounding no.¶ 1. Prisoners’ Constitutional Rights Generally. — Section 1 of the Thirteenth Amendment states: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”84 By its express terms, the amendment creates an explicit exception for persons serving a sentence pursuant to conviction of a crime, and it therefore offers prisoners no basis to refuse to work or to engage in other forms of peaceful strikes.85 ¶ Despite the Thirteenth Amendment’s clear textual carve-out, courts have not, in modern times, read the wording of the amendment literally to allow the State to treat inmates like slaves.86 According to the Court, “[t]here is no iron curtain drawn between the Constitution and the prisons of this country.”87 Instead, as neither slaves nor free people,88 inmates retain some (but not all) of their constitutional rights when they cross into the prison.89 The Supreme Court has time and again asserted that “[l]awful incarceration brings about the necessary withdrawal or limitation of many privileges and rights.”90 This is the case not only because of the inherently “deprivat[ory]” nature of imprisonment,91 but also because prison administrators must be accorded wide latitude in the complex and difficult task of operating a penal institution.92 This deference, however, “yield[s] to the strictures of the Constitution.”93 Indeed, courts recognize that inmates, despite being incarcerated, retain particular constitutional rights “that the courts must be alert to protect.”94 Such rights that an inmate retains are those “that are not inconsistent with his status as a prisoner or with the legitimate penological objective of the corrections system.”95 ¶ However, as the Court explained in Turner v. Safley, 96 a prison regulation may infringe on a prisoner’s retained constitutional rights as long as “it is reasonably related to legitimate penological interests.”97 Turner identified four relevant factors in determining the reasonableness of a prison regulation: (1) whether there is “a ‘valid, rational connection’ between the regulation and the legitimate governmental interest [advanced] to justify it”;98 (2) whether alternative means for exercising the asserted right remain available;99 (3) whether accommodation of the asserted right will adversely affect “guards[,] other inmates, and . . . the allocation of prison resources generally”;100 and (4) whether there is a “ready alternative[]”101 to the regulation “that fully accommodates the prisoner’s right at de minimis cost to valid penological interests.”102 ¶ So, under the general legal framework for prisoners’ rights, finding constitutional protection for peaceful collective actions like the 2018 prison strike will likely face an uphill battle. Such a right to strike not only must fit within the confines of a “retained right,” which appears to be narrowly defined; it also must go up against Turner and its progeny, which mandate rational basis review for any prison regulation — providing prison officials with broad deference to curtail any rights that a prisoner might retain.103 Turning to prisoner First Amendment jurisprudence specifically, it becomes even clearer that a right to strike likely cannot navigate either difficulty successfully.¶ 2. Prisoners’ First Amendment Rights. — The First Amendment of the Constitution includes within its guarantees political rights to communicate, associate, and present grievances to the government.104 These rights go to the very heart of our political system — one that, as a democracy, values the participation of its citizens.105 Outside of prison walls, the Supreme Court has recognized that individuals may, in many situations, exercise their First Amendment associational rights by peacefully engaging in a work strike.106 Inside prison walls, however, the right to strike is a legal gray area. The Court has analyzed a number of First Amendment rights, including those implicating concerted political activity and association, in the prison context — asking whether (1) the First Amendment right in question is inconsistent with an inmate’s status as a prisoner and (2) prison officials’ interference with such a right reasonably relates to a legitimate penological interest.¶ 107 However, the Court has yet to perform such an analysis for prison strikes specifically. But one seminal Supreme Court case — Jones v. North Carolina Prisoners’ Labor Union, Inc.108 — casts serious doubt on prisoners’ collective right to strike. In Jones, a prisoners’ labor union109 brought an action under 42 U.S.C. § 1983, claiming that the North Carolina Department of Corrections violated its First Amendment rights110 by promulgating a prison rule that prohibited, among other things, union meetings among inmates.111 The three-judge district court agreed, granting substantial injunctive relief to the union.112 The Supreme Court reversed, however, doing so on two main grounds. Writing for the majority, then-Justice Rehnquist first invoked the familiar notion that “[t]he fact of confinement and the needs of the penal institution impose limitations on constitutional rights,” especially First Amendment associational rights.113 Then, without engaging with the specific nature of the potentially retained associational interest in question (that is, that of organizing as a union), Justice Rehnquist concluded that the challenged regulation did not unduly abridge inmates’ First Amendment rights.114 He did so by adopting a rational basis test — emphasizing the critical importance of “wide-ranging [judicial] deference” to prison officials and their informed discretion in carrying out penological goals.115 In particular, Justice Rehnquist argued that “[r]esponsible prison officials must be permitted to take reasonable steps to forestall” the “everpresent potential for violent confrontation” within prisons.116 And as he highlighted, North Carolina prison administrators had testified that the presence of, and potentially even the very objectives of, a prisoners’ union did potentially pose a danger117 — likely resulting in increased friction between inmates themselves or between inmates and prison personnel, as well as in “easily foreseeable” outcomes like “[w]ork stoppages.”118 ¶ In light of Jones, it is unlikely that the Supreme Court would, if the question came before it, recognize inmates’ First Amendment right to strike. Although the case concerned the specific issue of prison unions, the Jones Court’s holding was, in its methodology and reasoning, farreaching — (1) providing prison administrators with wide latitude to curtail any inmate collective activity that, in their “reasonable” judgment, threatened institutional order and security119 and, as a result, (2) appearing to severely curtail inmates’ First Amendment rights.120 The Court’s broad deference and narrow First Amendment view should therefore naturally be expected to extend to prison strikes and other forms of collective protest, about which prison officials have consistently offered similar safety concerns and which they have uniformly sought to ban,121 and which Jones specifically acknowledged as a possible unwelcome outcome of allowing prisoners to unionize. ¶ That Jones likely prevents any constitutional protection for prison strikes — and therefore liberally protects prison regulations banning strike activities — is reinforced by how the Supreme Court has applied the case over the past forty years. In Turner, for example, the Court rejected efforts to cabin Jones to barring only “‘presumptively dangerous’ inmate activities.”122 The Court specifically discussed Jones as part of a line of “prisoners’ rights” cases permitting “reasonable” prison regulations to impinge on inmates’ constitutional rights123 and ultimately relied in part on Jones to fashion its general four-part framework for assessing “reasonableness” across prison regulations.124 And in Overton v. Bazzetta, 125 the Supreme Court again invoked Jones to emphasize that “freedom of association is among the rights least compatible with incarceration”126 — though it declined to draw any precise boundaries that would be helpful for determining what, if any, associational rights inmates retain within prison walls, and whether those include strikes.127 ¶Lower courts have not been as wary to draw such boundaries. Under Jones, lower federal courts have uniformly held that prisoners have no constitutionally protected right under the First Amendment to strike. One district court interpreted Jones to hold that prison officials may act to prevent such strikes whenever they have a “good faith” belief that such strikes “threaten the security of the institutions they manage.”128 Lower courts have rejected a right to strike by simply citing to or briefly discussing Jones and contending that it naturally compels such a result,129 or by drawing an explicit connection between the prohibited prison unions at issue in Jones and prison strikes, dubbing strikes to be “a species of ‘organized union activity.’”130 They have also done so by delving into the specifics of why strikes purportedly pose safety and security risks within prisons and why prison regulations barring strikes are therefore rationally related to legitimate penological goals.131 ¶ Lower courts also have justified upholding prison regulations barring strikes by explicitly or implicitly turning to the general Turner framework that Jones helped create — including by arguing that there are ready alternatives to prison strikes,132 or that such regulations are generally permissible exercises of penal authority.133 And finally, it is worth noting that lower federal courts have, in deferring to prison offi- cials’ judgments regarding security, also permitted all manner of regulations designed to punish strikers134 and aid officials in preventing strikes from occurring.135 In short, there exists little, if any, room under current constitutional case law for protecting prison strikes.

#### Incarceration disproportionately affects people of color, which causes a permanent reduction in job opportunities and quality of life. Rezal 21

Adriana Rezal [data journalism fellow with U.S. News and World Report], 21 - ("A New Report Explores Racial Disparities in America’s Incarceration Rates," US News & World Report, 10-3-21, accessed 11-3-2021, https://www.usnews.com/news/best-states/articles/2021-10-13/report-highlights-staggering-racial-disparities-in-us-incarceration-rates)//LF

A national view of **U.S. incarcerated populations** by race and ethnicity **show**s **high rates of disparity among the country's communities of color and white Americans, especially among Black communities.** While **Black Americans are on average 4.8 times more likely to be incarcerated than white Americans, in some states such as** [**New Jersey**](https://www.usnews.com/news/best-states/new-jersey)**, Black Americans can be up to 12.5 times more likely to be incarcerated than white Americans**. [Hawaii](https://www.usnews.com/news/best-states/hawaii) demonstrates the lowest differential of Black to white American imprisonment, as shown by the map below. However, Black Americans in Hawaii are still over twice as likely to be incarcerated than white residents. While Latino individuals are on average 1.3 times more likely to be incarcerated than whites in the U.S., in some states such as [Massachusetts](https://www.usnews.com/news/best-states/massachusetts), Latino populations are up to 4.1 times more likely to be incarcerated than whites. In 20 states, including Oklahoma, North Carolina and New Hampshire, the data in the report shows the likelihood of imprisonment is higher for whites compared to the Latino population. However the report emphasizes the unreliability of ethnicity data possibly contributing to an underestimation of Black and Latino American data. "An example lies in Florida, which claims that 13% of its prison population is Latinx though more than one quarter of its residents are Latinx," (a gender neutral term for 'Latino,' according to the report. "There are most assuredly more Latinx people in prison than are officially reported but the exact number is unknown." **When it comes to incarceration, the U.S. is a world leader with 1.2 million people in state prisons across the country.** According to the report, **imprisonment is** a **life-altering** event **that can create negative impacts on the individual and societal level. Individuals released** from incarceration **may have difficulty gaining employment, finding stable housing and experience reduced lifetime earnings. Additionally, high levels of incarceration within communities can result in increased crime rates and contribute to neighborhood deterioration,** according to the study. Although the U.S. remains a world leader in imprisonment, The Sentencing Project reports that nine states have been successful in decreasing their incarcerated population by more than 30% in recent years as a result of policy reforms and reduced prison admissions and lengths of stay. These states include Alaska, New Jersey, New York, Connecticut, Alabama, Rhode Island, Vermont, Hawaii and California. The report cites a number of causes for racial disparity within U.S. prisons. According to the report**, the nation's history of white supremacy over Black people created a legacy of racial subordination that impacts their criminal justice outcomes today. The report also asserts that communities of color, especially Black Americans, are negatively affected by biased policies and practices including police-citizen relations, pre-trial detention, the weight criminal history records can carry in sentencing and unequal prosecutorial charging.**

#### Prison working conditions are terrible—prisoners work in unsafe conditions and accrue thousands of dollars in debt. Eisen 20

Lauren-Brooke Eisen [director of the Brennan Center’s Justice Program where she leads the organization’s work to end mass incarceration], 20 - ("Covid-19 Highlights the Need for Prison Labor Reform," Brennan Center for Justice, 4-17-2020, accessed 11-4-2021, https://www.brennancenter.org/our-work/analysis-opinion/covid-19-highlights-need-prison-labor-reform)//ML

For decades, prisoners in American correctional facilities have worked for no wages or mere pennies an hour. As the United States attempts to reduce transmission of Covid-19, more than a dozen states are now relying on this captive labor force to manufacture personal protective equipment badly needed by healthcare workers and other frontline responders.¶ [Prisoners in Missouri](https://wgem.com/2020/03/31/missouri-governor-provides-updates-on-covid-19-response/) are currently earning between $0.30 and $0.71 an hour to produce hand sanitizer, toilet paper, and protective gowns that will be distributed across the state. In Louisiana, prisoners are [making hand sanitizer](https://www.theadvocate.com/baton_rouge/news/coronavirus/article_98081a40-74ea-11ea-b367-2774f5090b74.html) for about $0.40 an hour. And in Arkansas, where incarcerated workers are [producing](https://www.eldoradonews.com/news/2020/apr/02/state-prisoners-manufacturing-masks/) cloth masks for prisoners, correctional officers, and other government workers, their labor is entirely uncompensated.¶ This unprecedented health emergency is re-exposing how our country’s long-held practice of paying nothing or next-to-nothing for incarcerated labor, with no labor protections, is akin to modern-day slavery.¶ Prisoners are not protected by the Fair Labor Standards Act (FLSA), the federal law establishing minimum wage and overtime pay eligibility for both private sector and government workers. In 1993, a federal appeals court [held](https://casetext.com/case/harker-v-state-use-industries) that it is up to Congress, not the courts, to decide whether the FLSA applies to incarcerated workers.¶ Courts have also [ruled](https://www.theatlantic.com/business/archive/2015/09/prison-labor-in-america/406177/) that the National Labor Relations Act, which guarantees the right of private sector employees to collective bargaining, does not apply in prisoners.¶ Even worse, prisoners are excluded from the U.S. Occupational Health and Safety Administration protections that require employers to provide a safe working environment. This dehumanizing lack of protection for prison workers has long subjected them to conditions that have [endangered their physical safety](https://theintercept.com/2016/12/28/california-blames-incarcerated-workers-for-unsafe-conditions-and-amputations/).¶ Amid a health threat that [worsens in crowded environments](https://www.usatoday.com/story/news/politics/2020/04/09/coronavirus-hits-workers-inmates-jails-prisons-threatened/2968807001/), many prisoners are working without any mandated protections. Congress must amend the language of federal employment protections to explicitly extend to work behind bars.¶ Forced labor in prisons has its roots in the post-Civil War Reconstruction period, when Southern planters faced the need to pay the labor force that had long worked for free under brutal conditions to produce the economic capital of the South.¶ Though the 13th Amendment abolished “involuntary servitude,” it excused forcible labor as punishment for those convicted of crimes. As a result, Southern states codified punitive laws, known as the Black Codes, to arbitrarily criminalize the activity of their former slaves. Loitering and congregating after dark, among other innocuous activities, suddenly became criminal. Arrest and convictions bound these alleged criminals to terms of incarceration, often sentenced to unpaid labor for wealthy plantation owners.¶ In the following decades, Southern states — desperate for cheap labor and revenue — widely began leasing prisoners to local planters and Northern industrialists who took responsibility for their housing and feeding, a practice known as convict leasing.¶ Under this system, the captive labor market worked long hours in unsafe conditions, often treated as [poorly](https://www.nytimes.com/2008/04/10/books/10masl.html) as they had been as slaves. Records [approximate](https://books.google.com/books?hl=en&lr=&id=35zwA6yMbAgC&oi=fnd&pg=PP1&dq=Robert+Zieger,+%E2%80%9CFor+Jobs+and+Freedom:+Race+and+Labor+in+America+Since+1965.%E2%80%9D+&ots=EBzrbvCklq&sig=YkRKzrWlFAqE7YG00vNHgFBAPJ8#v=onepage&q=Robert%20Zieger%2C%20%E2%80%9CFor%20Jobs%20and%20Freedom%3A%20Race%20and%20Labor%20in%20America%20Since%201965.%E2%80%9D&f=false) that on an average day between 1885 and 1920, 10,000 to 20,000 prisoners — the overwhelming majority of them Black Americans — continued to toil under these insufferable circumstances.¶ In the 1930s, a [series of laws](http://www.ncpathinktank.org/pub/st206?pg=3) prohibited state prisons from using prison labor, but the federal government continued to rely on this workforce to meet the demands of the rapidly changing markets of mid-century. By 1979, Congress passed [legislation](https://www.ncjrs.gov/pdffiles1/bja/203483.pdf) allowing state corrections officials to collaborate with private industries to produce prison-made goods, birthing the modern era of prison labor. ¶ Today, [approximately 55 percent](https://www.bjs.gov/content/pub/pdf/csfcf05.pdf) of the American prison population works while serving their sentences. Prison jobs are broadly divided into two categories: prison support work — such as food preparation, laundry services, and maintenance work — and “correctional industries” jobs, in which prisoners might make license plates, sew military uniforms, or staff a call center. It is prisoners in correctional industries who are currently being deployed to help meet the nation’s need for protective gear.¶ While so many behind bars are manufacturing items the country desperately needs to combat our current health crisis, their low wages and lack of labor protections — among myriad other factors — mean they are not accorded the same benefits or recognition as other workers.¶ What’s more, the measly cents per hour that is typical compensation across often-dangerous prison jobs is not nearly enough to cover the court fees and fines, restitution, child support, and room and board expenses that most state departments of corrections deduct from prisoners’ earnings. When there is anything left, it is barely enough to pay for commissary goods such as food, hygienic products, and toiletries, let alone marked-up email services that prisoners rely on to stay in touch with their loved ones. Despite working for years, many prisoners are left with thousands of dollars in ~~crippling~~ debt by the time they complete their sentences.¶ In 2018, prisoners in dozens of facilities across the country went on strike and issued a [list of demands](https://incarceratedworkers.org/campaigns/prison-strike-2018), which included “an immediate end to prison slavery” and that prisoners be “paid the prevailing wage in their state or territory for their labor.”¶ This time of national emergency requires that everyone do their part to slow the spread of coronavirus. The significant shortage of face masks, protective gowns, and hand sanitizer that is putting the lives of our frontline workers in jeopardy necessitates bold and swift action. But if the states and [federal](https://www.bloomberg.com/news/articles/2020-04-06/federal-inmates-to-make-cloth-virus-masks-for-prisoners-guards) government are going to rely on correctional labor to manufacture this equipment, they need to improve the wages and labor protections of our incarcerated workers. To fail to do so is not far off from the devaluation and brutalization of slave labor that was ostensibly abandoned a century and a half ago.

#### Prisoners make almost no money for their labor. Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("Emancipate the FLSA: Transform the Harsh Economic Reality of Working Inmates," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML

**B.**87 In 2011, FPI's net sales were 745 million dollars and their earnings were 62 million dollars.88 Restricted to sell its products only to federal agencies, FPI's largest purchaser is the U.S. Department of Defense, which makes up 52% of it revenues. 89 The FPI use to have a mandatory source requirement for all federal agencies, but it was amended to prohibit any federal agency from purchasing FPI products or services, unless the agency determines that the products offered are the "best value". 90 So in addition to making license plates, furniture and other typical prison-made goods, thousands of federal inmates work for FPI making supplies for the U.S. military. FPI inmates who are given this assignment find themselves making anti-tank missiles, body armor, land mine sweepers, components for fighter aircrafts, and other gear for the Pentagon. 91 ¶Consequently, an inmate who works within the federal prison labor system may make a maximum of $64.00 a month (prior to any state deductions for room and board, taxes, etc., assuming an inmate works 5 days a week for 8 hours), and a maximum of $92.00 a month (subtracting 50% of the wages for the IRFP, assuming an inmate works 5 days a week for 8 hours) if he works for FPI.¶ B. State Prison Labor Systems ¶There are approximately 1,382,000 inmates in state prisons in the U.S.92 State prisoners work within varying labor systems while incarcerated. 9 3 State inmates may (1) work within the confines of a prison, where state or private entities manage the facility, sell the products produced, and receive the profits, (2) work in jobs directly benefiting prison operations by cleaning, cooking, or doing laundry, or (3) work outside of prison walls laboring for the state or private companies. 94 Over the last 30 years, at least 37 states have enacted laws permitting the use of inmate labor by private enterprise. 9 5 State inmates' wages are determined by the state in which they are incarcerated, and may be affected depending on whether the state correctional facility is certified under the Prison Industry Enhancement Certification Program. ¶1. State Prison Labor ¶ Under The Prison Industry Enhancement Certification Program ("PIE") In 1979, Congress passed the Prison Industry Enhancement Certification program ("PIE") under the Justice System Improvement Act.96 The PIE exempts state and local correction departments from the Ashurst-Sumners Act legislation, which placed restrictions on the interstate sale and transportation of prison-made goods.9 7 The specific goal of the PIE was to provide private-sector work opportunities to prisoners by certifying 50 state correctional agencies to sell prison made goods interstate and to the Federal Government (over the original $10,000 limitation). 98 Once a state agency is certified under the PIE, its corrections department may either sell prison made goods on its own, or enter into prison labor contracts with private companies to sell goods in the free market.99 ¶ In order to qualify for PIE certification, correctional agencies have to apply through the Bureau of Justice Assistance ("BJA") or the National Correctional Industries Association, pay state prisoners a prevailing wage, and meet several other statutory requirements.10 0 Paying inmate workers prevailing wages under the PIE may appear equitable on its face, but it is not. Most inmates see only 20% of their gross wages because the PIE also allows for 80% wage deductions for room and board, victim assistance, taxes, and family support.lO' While expecting convicts to defray the cost of their incarceration and victim services is reasonable, as will be seen in part x of this article, the current scheme is short sighted and unwise because, among other things, so little attention is given to reducing recidivism through prison programs and support for newly released inmates. ¶According to the Bureau of Justice Assistance, there were 37 state, and 4 county-based PIE certified correctional industry programs in the U.S. in 2011.102 These PIE programs include the management of at least 175 business partnerships with private industry. 103 In 2012, the number of PIE certifications increased to 45; these certified correctional agencies employed a total of 4,700 inmates. 104 Furthermore, the 45 certified PIE agencies generated $9,780,130 in gross salary revenues in 2012.105 A majority of those earnings went to net inmate salaries ($3,958,354), then correctional institution for room and board ($3,482,883), state and federal taxes ($989,503) victims' programs ($947,770), and the lowest amount to inmate family support ($401,620).106 Therefore, each of the 4,700 prisoners working for PIE certified programs made approximately $842.00 in 2012, which equates to $70.00 a month.¶ ¶2. State Prison Labor Without PIE Protections ¶ State correctional industries without PIE protections are prohibited from selling prison-made products interstate. 107 They also are under no federal obligation to pay working prisoners prevailing wages as required for certification under PIE.108 Depending on the facility, these state correctional agencies typically require inmates to work, and pay inmates from $0.17 to $5.35 per hour.109 There are also several state-operated correctional institutions that force prisoners to work, but pay them absolutely nothing for their labor. For example, the Georgia Department of Corrections does not pay working inmates.1 10 Once a person is sentenced to one of the Georgia's 31 state prisons, he or she will be ordered to either work jobs that directly benefit the prison, make products to be sold to government agencies, or perform city work detail jobs without getting paid a cent.11 In light of these facts, it is not surprising that on December 9, 2010, thousands of Georgia inmates staged the largest prison protest in U.S. History.ll 2 Through the use of contraband cell phones, Georgia inmates in at least seven different state prisons coordinated a nonviolent prison strike.l13 These protesting inmates had several demands, but high on their list was to be paid a living wage for work.114 "If they would start paying us, that would reduce crime behind the walls," said Mike, one of the protesting prisoners, "inmates would have the means to get hygiene [items] and food from the commissary." 15 The protest lasted approximately 5 days and unfortunately, the prisoners' demands have still not been met.116 Almost all Georgia state-prisoners are still working for free, at least three inmates have publically complained that they were brutally beaten for their involvement in the protest, and in July 2012 several Georgia prisoners went on a hunger strike to protest additional inhumane punishments stemming from the 2010 prison protest.117 ¶Finally, state prisoners labor for correctional institutions that fall under the supervision of state departments of correction, but are separate selfsustaining corporate entities. Some of the prison industries have PIE certification for all of their work programs while others certify only certain jobs under PIE. Two such institutions in the U.S. are the Georgia Correctional Industries ("GCI") and the Oregon Corrections Enterprise ("OCE").118 GCI and OCE utilize state inmate labor to produce and sell a plethora of services and products to state and local government agencies. 19 For instance, GCI employs 1,400 Georgia inmates, who manufacture garments and bedding, institutional and office furniture, cleaning chemicals, perform embroidery, screen printing, reupholstering, engraving, optical, and framing services, work in milk and meat processing plants, and on farms to produce beef and pork, and harvest fruits and vegetables, eggs, grits, and corn. 120 GCI has some work programs certified under PIE, but a majority of the employed inmates work for less than minimum wage.121 GCI boast on its website that they "maintain one of the lowest raw food costs in the nation-$1.57 per day per inmate".122 So inmates laboring in GCI food production factories and fields in the sweltering heat of the Deep South are paid roughly $31.40 a month if they are lucky (prior to state deductions and if they work 5 days a week). Approximately 1,100 of Oregon's 14,300 prisoners work for OCE and perform a variety of services for Oregon government agencies; printing, call centers, laundry service, and mailing projects, and document scanning to name a few. 123 OCE has PIE certification, but it is difficult to determine whether it applies to all of their work programs since inmates' wages still appear to be low.124 In a study conducted by University of Oregon students, three inmates at OCE reported that after working each month, they had $50.00 to send home to their families or add to phone call accounts. 125 ¶ C. Private Prison Labor Systems ¶ State governments turned to prison privatization in order to solve the problems arising from the mass incarceration of people in the U.S.126 Thus, the top two private prison corporations in the U.S., Corrections Corporation of America, Inc. ("CCA") and The GEO Group, Inc. ("GEO"), have made billions from acquiring state and federal contracts to manage prisoners. 127 CCA is the leading private prison in the U.S. for it profits from housing more than 80,000 prisoners in the U.S.128 GEO, is one of the world's largest private prison corporations with approximately 80,000 beds and 114 facilities located in the U.S., the United Kingdom, Australia, and South Africa. 129 GEO is only second to CCA in the U.S. because GEO has 56 Facilities and a bed capacity of 61,132,130 while CCA 60 facilities with a bed capacity of more than 90,000.131 ¶ It is clear that CCA and GEO deliver profits to their shareholders from housing inmates, but they also create wealth through forced prison labor. CCA maintains that inmates work in vocational jobs including carpentry, computer applications, construction and building trades, electrical, horticulture and landscaping, masonry, painting, and plumbing. 132 GEO also reports that it provides vocational training, but does not list the specific jobs that inmates perform.133 Since the PIE only applies to state correctional agencies, CCA and GEO are unable to apply directly for certification. As a result, CCA and GEO are under no obligations to pay their inmates prevailing wages. ¶It is difficult to determine how much private prisons actually pay working inmates, but there is nothing to dispute that private prisons also force able inmates to work. It is estimated that private prisons on average pay inmates 17¢ per hour for a maximum of six hours a day, with CCA paying working prisoners the most at .50¢ per hour for "highly skilled positions".134 Other sources suggest that CCA pays working inmates $1.00 a day, and at the same time charges them $5.00 a minute for telephone calls. 135 Additional reports indicate that private prisons pay an average of 93¢ to $4.73 per hour.136 ¶ Private prison companies also capitalized on the growing incarceration of undocumented workers in the U.S. by obtaining million dollar federal detention contracts to house detainees for Immigration and Customs Enforcement ("ICE"). 1 37 Like the other inmates they house, private prison companies also force immigration detainees to work. 138 CCA operates an immigration detention center in Gainesville, Georgia.139 Female detainees in this facility have complained that they are paid subminimum wages for their work and about inadequate medical and living conditions. 140

#### Low wages for prisoners create cycles of recidivism. Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("Emancipate the FLSA: Transform the Harsh Economic Reality of Working Inmates," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML>

B. Reallocate Greater Wealth To Working Prisoners and Decrease Recidivism ¶ Working for slave wages or as a slave without compensation is the harsh economic reality for millions of prisoners in the U.S. Then after succumbing to living a life as a slave for the duration of their sentence, these prisoners are released back to society, without any means of financial support from their labors. Often indigent, homeless, and unable to overcome the challenge of obtaining employment with a conviction, many former inmates reoffend.192 Moreover, for those who do secure jobs, their earnings are greatly limited by their criminal records. A recent PEW study revealed "past incarceration reduced subsequent wages by 11 percent, cut annual employment by nine weeks and reduced yearly earnings by 40 percent."1 93 As a result, U.S. recidivism rates will remain high unless former prisoners have economic resources immediately upon release. Thus, the FLSA should be emancipated from the constraints imposed, not by Congress, but by rigid and unsupported judicial interpretation that wrongly exclude working prisoners from its provisions. Free the FLSA and compensate working inmates; allow prisoners to accumulate capital while they are incarcerated, so they will have a means of support to help them rebuild their lives, and not have to commit crimes to survive. ¶ Hence, I propose the following basic guidelines in providing FLSA coverage to working inmates: (1) employment should be voluntary; those who do not wish to work must take vocational classes for their entire prison sentence, (2) working inmates should be paid at least minimum wage, (3) automatic wage deductions shall be allowed for taxes and other previous court ordered obligations only, and (4) a forced 80 percent wage deduction will be deposited into an outside interest bearing bank account, accessible only upon release. In adopting this payment scheme, the economic reality for working prisoners will be greatly improved.¶ Utilizing the total PIE quarterly statics from 2012 mentioned above in section III(B)(1)(only subtracting family costs and taxes), each of the, 4,700 inmates working in PIE programs would have received approximately $356.00 a month instead of $70.00.194 This figure represents net wages after an 80 percent deduction of $1,427.00 is transferred into an interest bearing account.1 95 Additionally, since today's prisoners serve an average of 5.2 years in prison, 196 each of the 4,700 inmates under the proposed new FLSA guidelines would have at least $3,567.50 upon his or her release if the 80% were placed in an account with an interest rate of at least a 3%. Granted, this amount may not seem significant, but it is better than expecting that a bus ticket and a knapsack of clothes will be enough to enable a person who has been incarcerated to build his life in free society. ¶

## Plan

#### Plan: The United States ought to recognize the unconditional right of incarcerated workers to strike.

## Solvency

#### The right to strike is key for prisoners hoping to reform the criminal justice system. It allows prison laborers to publicize their conditions and assert their right to dignity

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

But in order to ensure that the Constitution truly does not stop at the prison walls, courts cannot simply accept prison administrators’ fears regarding strikes at face value and instead should rigorously test their credibility and basis in fact.143 And more importantly, by over-deferring and failing to engage in any analysis of the merits of prison strikes, courts miss an important opportunity. As this Note has argued, prison strikes represent an underappreciated aspect of prison life — the means by which prisoners have, throughout the course of American history, surfaced pressing problems of our carceral state and initiated important transformations in our prison system. Therefore, it is imperative to meaningfully consider why and how such strikes merit legal protection — even if such protection appears to fly in the face of the current state of the law and to defy conventional wisdom. To that end, this Part first explores the First Amendment as one potential avenue for considering the merits of prison strikes, by presenting three critical First Amendment values contained within prison strikes,144 and it then briefly discusses other potential legal avenues for courts and scholars to consider. A. Considering the First Amendment Values of Prison Strikes The right to strike within prisons may be conceptually viewed as a composite of three separate fundamental First Amendment freedoms: the freedom to peacefully associate, the freedom of speech, and the freedom to assemble and petition for redress of grievances.145 Each is considered in turn. 1. Association. — The right to peaceful association is one that captures the right of individuals to commune with others for the expression of ideas and for effective advocacy.146 Strikes, like prison unions, represent an important means of association for prisoners — allowing them to “lay claim to a social identity as ‘workers’ . . . and in doing so generate claims to respect and solidarity.”147 This identity and solidarity can, in turn, enable inmates to engage in productive and peaceful bargains with prison officials for better conditions, higher pay, and other reform desires. Bargaining is, in many respects, already very common in prisons, “for the simple reason that [prison] administrators rarely have sufficient resources to gain complete conformity to all the rules.”148 However, such bargaining typically happens in an informal, ongoing, private process;149 in their recurrent, day-to-day contact with inmates, prison administrators use their arsenal of tools150 to “negotiate” only with select inmate leaders,151 with the central goal of maintaining “short term surface order.”152 This informal bargaining is “dysfunctional” to the long-term stability of prison institutions and “the real needs of those incarcerated within” them153 — creating hierarchical relationships154 that breed mistrust155 and leave many inmates powerless and feeling aggrieved.156 As a result, inmates often feel that they have to resort to violence to protect themselves from exploitation, express their dissatisfaction, and obtain redress.157 Alternatively, peaceful, collective prison strikes avoid these harmful consequences by allowing for “open” and “formal” negotiations between all inmates and prison staff.158 Such transparent and legitimated bargaining benefits both inmates and prisons as a whole. By initiating peaceful protests such as work stoppages, all inmates are able “to solve problems, maximize gains, articulate goals, develop alternative strategies, and deal with [administrators] without resorting to force or violence.”159 And by permitting peaceful strikes, prison administrators “provide inmates with a channel for airing grievances and gaining official response . . . giv[ing] the institution a kind of safety-valve for peaceful, rather than violent, change”160 — avoiding potentially expensive and time-consuming litigation and even helping rehabilitate inmates,161 all while deemphasizing hierarchical structures in prisons that harm institutional order.162 2. Speech. — A prison strike also represents a critical way by which inmates can express themselves.163 First, as alluded to above, a strike allows inmates to claim and communicate an identity — as more than just marginalized, ignored convicts with little to no self-determination, but instead as workers and human beings entitled to basic dignity. Such collective actions represent the “performative declaration and affirmation of rights that one does not (yet) have.”164 And, as Professor Jocelyn Simonson discusses, these strikes are collective contestations to “demand dignity, calling attention to the ways in which [prisoners] are treated as less than human and in the process reclaiming their own agency.”165 Such dignitary considerations, which courts have sought to protect under First Amendment principles, should therefore naturally extend to prisoners attempting to, through strikes, express their basic selfworth.166 Beyond representing a form of inherent, individual expression for inmates, prison strikes also represent a broader form of expression, allowing inmates to be visible to and heard by the public at large. Over the course of American history, inmates — by virtue of being locked up in isolated, impregnable penitentiaries — have largely been a silent and ignored segment of the American population.167 Through peaceful protests like the 2018 national prison strike, however, their suffering, their calls for reform, and their voices are, for the first time, directly expressed on a large scale, ringing out loudly beyond the prison walls and jumpstarting important conversations of criminal justice reform. It is critical to protect such expression; “[i]ndeed, it is from the voices of those who have been most harmed by the punitive nature of our criminal justice system that we can hear the most profound reimaginings of how the system might be truly responsive to local demands for justice and equality.”168 3. Petition for Redress. Inmates’ strikes can be seen not only as expressions of their dignity and general efforts to express their voices beyond prison walls but also as significant methods of assembly to call attention to specific grievances and seek redress from the government.169 While in theory “[t]here is no iron curtain drawn between the Constitution and the prisons of this country,”170 in practice, “prisons often escape the daily microscope focused on other American institutions such as schools, churches, and government.”171 Courts grant prison administrators wide deference not only in running day-to-day life within prisons but also in restricting press access to prisons.172 Therefore, much of the American public — already closed off from and largely indifferent to the lives of prisoners — is kept even more in the dark about prison conditions and the state of our carceral system as a whole. Prison conditions, from what has been documented, are horrendous across states. Many prisons are severely overcrowded and seriously understaffed;173 inmates routinely experience physical abuse and even death at the hands of prison guards,174 receive inadequate protection from guards, are deprived of basic necessities,175 are given substandard medical care,176 and are forced to live in squalor and tolerate extreme circumstances;177 most prisoners have minimal, if any, access, to rehabilitative or mental health services;178 and prisoners have little legal recourse, as internal prison grievance procedures are often stacked against inmates,179 and judicial deference and federal legislation have effectively shut the courthouse doors on prisoners’ civil rights claims.180 And across prisons, criminal sentencing laws not only have contributed to an unprecedented era of mass incarceration, but also have forced African Americans and people of color broadly to bear much of this burden.181 As the Marshall Project states, “[s]ociety won’t fix a prison system it can’t see”;182 peaceful prison strikes like the 2018 strike, however, draw back the “iron curtain” of prison walls, bringing to light many of the pressing issues described above. Through these strikes, inmates are able not only to express their grievances to their prison administrators, but also to “publicize their on-the-ground realities to the larger world”183 and, in turn, gain attention from and access to the political branches able to implement policy reforms.184 As recent history has shown, inmates have experienced some success by pressing their claims against the government through publicized strikes. For example, as described above, the California strikes in 2011 and 2013 generated public outcry that eventually resulted in transfor- mations to the California prison system’s solitary confinement policies.185 In Alabama, inmates’ participation in the 2016 nationwide prison strike helped prompt the Department of Justice to open an investigation into the state’s prison conditions.186 And more broadly speaking, strikes like the 2018 strike have begun to “remedy power imbalances, bring aggregate structural harms into view, and shift deeply entrenched legal and constitutional” barriers to critical prison reforms.187 B. Considering Additional Legal Avenues for Protecting Prison Strikes The foregoing analysis suggests that the First Amendment is a critical, worthwhile vehicle for considering the merits of a right to strike for prisoners. As Justice Black recognized, the importance of such analysis likely transcends prisoners themselves. He wrote: “I do not believe that it can be too often repeated that the freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish.”188 But this Note acknowledges that judicial recognition of prison strikes’ First Amendment values requires significant doctrinal change. Convincing the Supreme Court to overturn its Jones and Turner precedents, and instead to adopt a test with less deference than is currently afforded to prison administrators, is unlikely. As a result, future research is necessary to identify other potential avenues to consider the legal status and merits of prison strikes. As alluded to above, labor law presents one such promising avenue, as does state constitutional and statutory law. Drawing from the broader j jurisprudence around hunger strikes, and this area of the law’s focus on the body, may present yet another avenue to consider.

#### Incarcerated workers are uniquely vulnerable to exploitation. The right to strike is a key weapon in fighting for better conditions

Kelly 18 [Kim Kelly is a freelance journalist and organizer based in Philadelphia. Her work on labor, class, politics, and culture has appeared in the New Republic, the Washington Post, the Baffler, and Esquire, among other publications, and she is the author of FIGHT LIKE HELL, a forthcoming book of intersectional labor history. “How the Ongoing Prison Strike is Connected to the Labor Movement”. 9-4-2018. Teen Vogue. [https://www.teenvogue.com/story/labor-day-2018-how-the-ongoing-prison-strike-is-connected-to-the-labor-movement. Accessed 11-1-2021](https://www.teenvogue.com/story/labor-day-2018-how-the-ongoing-prison-strike-is-connected-to-the-labor-movement.%20Accessed%2011-1-2021); MJen]

It’s a tough time to be a worker in America. The Trump administration has [slashed important workplace safety regulations to ribbons](https://www.epi.org/publication/deregulation-year-in-review/); the economic gap between the poor and working classes and the 1% [continues to widen](https://www.theguardian.com/inequality/2018/jan/22/inequality-gap-widens-as-42-people-hold-same-wealth-as-37bn-poorest) at an alarming rate; poverty remains [rampant](https://www.economist.com/democracy-in-america/2018/03/01/poverty-in-america); and overall, union membership, which affords protection to workers throughout the country, hovered [around only 11%](https://www.bloomberg.com/news/articles/2018-01-19/union-membership-rate-in-u-s-held-at-record-low-of-10-7-in-17) for 2017. Headlines alleging worker exploitation at Silicon Valley giants like Amazon, Tesla, and Uber bombard our screens; even “progressive” media organizations swept up in [the digital media organizing wave](https://www.nytimes.com/2017/12/26/business/media/unions-digital-media.html) are struggling, as [BuzzFeed](https://www.nytimes.com/2017/12/26/business/media/unions-digital-media.html) founder Jonah Peretti has repeatedly spoken out against unionizing, while [Slate](https://splinternews.com/slate-staffers-accuse-bosses-of-new-union-busting-effor-1827238235) and [Thrillist](https://theconcourse.deadspin.com/the-dismal-thrillist-anti-union-campaign-1793157413) employees who have unionized have accused the companies of using anti-union tactics and stalling the process. And the most vulnerable worker populations—[sex workers](https://qz.com/1310338/the-us-sex-worker-crackdown-hurts-the-most-vulnerable-women/), [immigrants](https://www.theguardian.com/news/2018/mar/13/how-the-most-vulnerable-workers-are-targeted-for-sexual-abuse), and [undocumented people](https://www.pbs.org/newshour/show/low-wage-immigrant-workers-are-especially-vulnerable-to-sexual-abuse-how-can-they-say-metoo)—face increased repression from the government. There is hope, though. For centuries, a worker’s most potent weapon against exploitation from capitalism and oppression from the powers that be has been direct action: the strike. And right now, America’s prisoners are [on strike](http://prisonstrike.com/). Incarcerated workers across the nation [are standing up to protest](https://www.teenvogue.com/story/how-the-national-prison-strike-is-working-to-help-incarcerated-people-in-the-united-states) their inhumane living conditions and buck the horrific yoke of prison slavery with organized labor’s strongest weapons—solidarity and collective action. The prison strike was organized by workers both inside and outside detention facilities, spearheaded by Jailhouse Lawyers Speak (JLS), and supported by the Incarcerated Workers Organizing Committee (IWOC) and the Free Alabama Movement (FAM), and sparked by [deadly uprisings at Lee Correctional Institution in South Carolina earlier this year [that cost seven prisoners’ lives](https://www.usatoday.com/story/news/2018/04/30/prison-riots-and-killings-rising-states-slash-budgets-guards/545299002/). The strike began on August 21 and ends on September 9, dates that reflect the legacy of rebellion in American prisons: [on August 21, 1971](http://www.latimes.com/local/crime/la-me-san-quentin-six-retro-20150813-htmlstory.html), George Jackson was killed by prison guards in San Quentin, and his death was met by protests from other prisoners across the country, [culminating in the famed September 9 uprising](http://amsterdamnews.com/news/2011/sep/12/40-year-anniversary-of-the-attica-rebellion/) at the Attica Correctional Facility in upstate New York. By choosing these dates, participants in the prison strike of 2018 are drawing a direct line between their current struggle and the struggles of those who have come before, emphasizing the stark fact that [very little has changed](https://www.citylab.com/equity/2017/06/america-treatment-of-prisoners-criminal-justice/529143/) in terms of conditions or opportunities for those who are locked up and held by the state since the birth of the modern prison system. The striking prisoners of today have released a a list of ten demands. which calls for improvements to the current living conditions in prisons, increased rehabilitation programs, educational opportunities, and specific policy goals. This essentially articulates the idea of [non-reformist reforms](https://www.jacobinmag.com/2017/08/prison-abolition-reform-mass-incarceration), a central plank of prison abolition. By illuminating the barbarity of the current prison system and calling for its abolishment while advocating for an improvement in current conditions, they are—to [paraphrase](https://ordinary-times.com/shawngude/2013/02/non-reformist-reforms-defined/) French socialist André Gorz—asking not for what can be achieved within a current system, but for what should be possible. As of August 21, across 17 states (and one Canadian province), these incarcerated workers are demanding real, tangible prison reform, and the abolition of one of America’s great enduring shames—the loophole enacted by [the 13th amendment](https://www.teenvogue.com/story/13th-documentary-ava-duvernay-netflix) that decrees slavery can be used to penalize those convicted of a crime. This is where the term “prison slavery” originates, as director Ava DuVernay laid out in her groundbreaking [2016 documentary 13th](http://www.avaduvernay.com/13th/), which argues that slavery never ended — it was just repurposed by the prison industrial complex and blossomed as mass incarceration. Her documentary argued that the new American plantations don’t grow cotton, they work prison jobs churning out license plates and other cheap goods, for which prisoners are paid mere pennies on the hour—if at all. Meanwhile, **prison labor generates an estimated** [**$1 billion per year**](https://www.economist.com/united-states/2017/03/16/prison-labour-is-a-billion-dollar-industry-with-uncertain-returns-for-inmates), proving to be quite a profitable business for the private companies and corporations who benefit from prisoners’ work. Prison labor is used to manufacture a vast array of consumer goods, from [Christmas toys and blue jeans to military equipment, lingerie, and car parts](https://www.thrillist.com/gear/products-made-by-prisoners-clothing-furniture-electronics). Incarcerated people also frequently serve as a captive labor force [for prisons themselves as kitchen and maintenance workers](https://www.npr.org/2018/08/21/640630606/u-s-inmates-plan-nationwide-prison-strike-to-protest-labor-conditions), and for a variety of other services, from [shoveling snow after a Boston blizzard](https://www.boston.com/news/local-news/2015/02/17/low-on-resources-boston-turns-to-prison-labor-to-shovel-snow) to [harvesting oranges in Florida](https://nypost.com/2015/06/23/the-seven-weirdest-jobs-that-prisoners-do/). (California recently made headlines when it was revealed that it [was using prison labor](https://www.vox.com/2018/8/9/17670494/california-prison-labor-mendocino-carr-ferguson-wildfires) to fight its deadly wildfires, which it has done since the 1940s; the prisoners (which included some juvenile offenders) were reportedly paid $1 per hour plus $2 per day to risk their lives, and are [barred from becoming firefighters](https://www.usatoday.com/story/opinion/2018/08/20/californias-volunteer-inmate-firefighters-denied-jobs-after-release-column/987677002/) after their release.) Prisoners are paid very little for their work; the average wage in state prisons ranges, on average, from 14 cents to 63 cents per hour for “regular” prison jobs, and between 33 cents and $1.41 per hour for those who work for state-owned businesses, and while they are working full-time jobs, prisoners do not always have the benefit of basic labor protections, such as minimum wage, sick leave, or overtime pay. Given that the United States has the [highest incarceration rate in the world](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All), with [2.3 million people](https://www.prisonpolicy.org/reports/pie2018.html) currently behind bars, the prison industrial complex [would collapse](https://psmag.com/social-justice/taking-freedom-modern-day-slavery) were it to pay incarcerated workers the minimum wage—which creates [further incentive](https://www.newyorker.com/business/currency/making-profits-on-the-captive-prison-market) for them to keep locking people up. Many prisoners [welcome the chance to work during their incarceration](http://www.latimes.com/opinion/op-ed/la-oe-bozelko-prison-labor-20171020-story.html), because it gets them out of their cells, allows them to make purchases from commissary, and gives them the opportunity to send money home to their loved ones, but not everyone is given a choice: according to Newsweek, some prisoners in eight states—Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, and Texas—**are** [**not paid at all**](https://www.newsweek.com/prison-slavery-who-benefits-cheap-inmate-labor-1093729) for their labor in government-run facilities. Unlike most other workers, prisoners cannot simply walk off the job; they are forced to get more [creative](https://www.motherjones.com/crime-justice/2018/08/prison-strike-inmate-labor-organizers/). Participants in the strike have several options available to them, according to Mother Jones, including commissary boycotts, work stoppages, sit-ins, and hunger strikes, and reports of participation are continually coming in from different facilities. In addition, these workers also have much more to fear in terms of retaliation, and several organizers say that they have already [endured punitive measures](https://www.motherjones.com/crime-justice/2018/08/prison-strike-inmate-labor-organizers/). **Participating in a prison strike is a matter of life or death, but for prisoners seeking justice, if not freedom, there is really no other option**. There has been a huge amount of media coverage over this prison strike, a massive contrast to the last major national prison strike in 2016, which was said by some to be the [largest prison strike in American history](https://theintercept.com/2016/09/16/the-largest-prison-strike-in-u-s-history-enters-its-second-week/) and involved what one organizer estimated as roughly 20,000 incarcerated workers and across at least 20 facilities yet received little to no mainstream media coverage. The tide seems to be turning, buoyed by a number of factors, from the continuing outcry over police brutality and more visible conversations over the horrors of the prison industrial complex to the overtly racist practices of the Trump regime. More people on the outside are waking up to the terrible plight of our siblings behind the walls, but awareness isn’t enough: they need [support, solidarity, and action](https://itsgoingdown.org/prisonstrike/). It bears remembering that, above all, this strike is a human rights campaign. Ending prison slavery and supporting incarcerated workers is absolutely a labor issue, and every union and labor activist in the nation should be standing up to support their efforts. The companies who profit off of this modern day slavery have blood on their hands, just like history’s craven factory owners and coal bosses who oversaw the [deaths and degradation of previous generations](https://www.washingtonpost.com/entertainment/museums/the-american-worker-exploited-from-the-beginning/2017/11/20/7ae8fe6a-c890-11e7-b0cf-7689a9f2d84e_story.html). We need to equate monetarily supporting companies that use prison labor with crossing the picket line, and to scabbing for enslavement. The fact that **there are human beings housed in cages** who are **forced to work for slave wages** is completely unacceptable by any metric, and fixing (if not completely abolishing) this wretched system should be a priority for those who consider themselves part of the labor movement, or on the right side of history. An injury to one is an injury to all, and our fellow workers on the inside are bleeding out.

#### **Prisoners currently face massive barriers to striking – they get punished and aren’t allowed to unionize** **Kozlowska 16** [Hanna is a reporter on Quartz's investigations team. She previously worked for The New York Times as a writer for NYT Opinion and was a fellow at Foreign Policy magazine. She was also a stringer for the Times in Poland. “US prisoners are going on strike to protest a massive forced labor system”. 9-06-2016. Quartz. https://qz.com/777415/an-unprecedented-prison-strike-hopes-to-change-the-fate-of-the-900000-americans-trapped-in-an-exploitative-labor-system/. Accessed 11-1-2021; MJen]

On Friday (Sept. 9) prison inmates across the US will participate in what organizers are touting as the “largest prison strike in history,” stopping work in protest of what many call a modern version of slavery. The protest, organized across 24 states, is spearheaded by the inmate-led Free Alabama Movement (FAM) and coordinated by the Incarcerated Workers Organizing Committee (IWOC), a branch of an international labor union. Its manifesto, published online by “prisoners across the United States,” reads: This is a call to end slavery in America…To every prisoner in every state and federal institution across this land, we call on you to stop being a slave, to let the crops rot in the plantation fields, to go on strike and cease reproducing the institutions of your confinement. The strike will be held on the 45th anniversary of the Attica prison revolt, when prisoners took control of a maximum-security correctional facility near Buffalo, New York, demanding better conditions and an end to their brutal treatment. Today, nearly 900,000 US prisoners work while incarcerated. The Bureau of Prisons, which oversees all federal inmates requires that all prisoners (barring medical reasons) work. State prisoners are in the same boat; according to Eric Fink, a professor at Elon Law school, in all or nearly all US states prisoners must work. If they refuse, they can be punished with solitary confinement, revoking visitation, or other measures. Inmates receive very little pay for their labor—in federal prisons it ranges from $0.12 to $0.40 an hour. In some states, like Texas, those held at state prisons receive zero compensation. The majority of inmates work on prison maintenance and upkeep—cleaning, cooking, etc.—but approximately 80,000 do work for the outside world. Sometimes these jobs are the result of government contracts; other times, prisoners end up doing work for private companies such as Victoria’s Secret, Whole Foods or Walmart. Unlike other American workers, these prisoners are not protected by labor laws. They don’t have access to worker’s compensation, they get payed well below the minimum wage, and they cannot effectively form unions. Courts have ruled that because the relationship between prisons and inmates is not that of an employer and a worker, inmates don’t get these labor protections. According to The Nation, there is a faction among the organizers that would rather see prison labor abolished, but IWOC is pushing for inmates to unionize. “Prisoners are the most exploited labor class in this country,” says Azzurra Crispino, spokesperson for the organization. The moral case to let prisoners unionize and have the protections given to civilian workers is straightforward: forcing people to work is inhumane, as are the ridiculously low wages and often the labor conditions themselves. The economic case is much more complex. Prisons argue that paying inmates a minimum wage would bankrupt them—in fact, Alex Friedmann, an editor for Prison Legal News told The American Prospect that the criminal justice system would collapse has little potential to significantly add to the GDP, there are longer-term and broader effects to consider. Higher wages can help not only inmates, but their dependents in the outside world, who might avoid ending up on welfare having greater support. Cheap inmate labor may save money for prisons or corporations, but meaningful, decently-paid employment and job training could reduce recidivism and future crime. Ultimately, it’s the taxpayers who pay for most of the criminal justice system, and that means they are subsidizing cheap labor for big corporations instead of investing in reducing crime in the future. In addition to putting pressure on individual institutions, strike organizers are hoping to raise awareness among the public. “Nothing is preventing employers from paying prisoners a decent wage and offering benefits and after 300 years it’s pretty clear it isn’t going to happen on its own. No more than slavery was ended in this country because slave owners got enlightened,” said Paul Wright, editor of Prison Legal News and prisoner rights advocate. “Alas, there is no General Sherman coming to rescue and liberate America’s prison slaves.”

## Framework

#### The impact of structural violence cumulatively outweighs – challenging the structures that facilitate inequality is necessary

**Ansell 17** - David A. Ansell, Senior Vice President, Associate Provost for Community Health Equity, and Michael E. Kelly Professor of Medicine at Rush University Medical Center (The Death Gap: How Inequality Kills, p. 7-10)

There are many different kinds of violence. Some are obvious: punches, attacks, gunshots, explosions. These are the kinds of inter- personal violence that we tend to hear about in the news. Other kinds of violence are intimate and emotional. But the deadliest and most thoroughgoing kind of violence is woven into the fabric of American society. It exists when some groups have more access to goods, resources, and opportunities than other groups, including health and life itself. This violence delivers specific blows against particular bodies in particular neighborhoods. This unequal advantage and violence is built into the very rules that govern our society. In the absence of this violence, large numbers of Americans would be able to live fuller and longer lives. This kind of violence is called structural violence, because it is embedded in the very laws, policies, and rules that govern day-to- day life.8 It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others. This inequity of advantage is not a result of the individuals personal abilities but is built into the systems that govern society. Often it is a product of racism, gender, and income inequality. The diseases and premature mortality that Windora and many of my patients experienced were, in the words of Dr. Paul Farmer, "biological reflections of social fault lines."9 As a result of these fault lines, a disproportional burden of illness, suffering, and premature mortality falls on certain neighborhoods, like Windora's. Structural violence can overwhelm an individual's ability to live a free, unfettered, healthy life. As I ran to evaluate Windora, I knew that her stroke was caused in part by lifelong exposure to suffering, racism, and economic deprivation. Worse, the poverty of West Humboldt Park that contributed to her illness is directly and inextricably related to the massive concentration of wealth and power in other neighborhoods just miles away in Chicago's Gold Coast and suburbs. That concentration of wealth could not have occurred without laws, policies, and practices that favored some at the expense of others. Those laws, policies, and practices could not have been passed or enforced if access to political and economic power had not been concentrated in the hands of a few. Yet these political and economic structures have become so firmly entrenched (in habits, social relations, economic arrangements, institutional practices, law, and policy) that they have become part of the matrix of American society. The rules that govern day-to-day life were written to benefit a small elite at the expense of people like Windora and her family. These rules and structures are powerful destructive forces. The same structures that render life predictable, secure, comfortable, and pleasant for many destroy the lives of others like Windora through suffering, poverty, ill health, and violence. These structures are neither natural nor neutral. The results of structural violence can be very specific. In Windora's case, stroke precursors like chronic stress, poverty, and uncontrolled hypertension run rampant in neighborhoods like hers. Windora's ill- ness was caused by neither her cultural traits nor the failure of her will. Her stroke was caused in part by inequity. She is one of the lucky ones, though, because even while structural violence ravages her neighbor- hood, it also abets the concentration of expensive stroke-intervention services in certain wealthy teaching hospitals like mine. If I can get to her in time, we can still help her. Income Inequality and Life Inequality Of course, Windora is not the only person struggling on account of structural violence. Countless neighborhoods nationwide are suffering from it, and people are dying needlessly young as a result. The mag- nitude of this excess mortality is mind-boggling. In 2009 my friend Dr. Steve Whitman asked a simple question, "How many extra black people died in Chicago each year, just because they do not have the same health outcomes as white Chicagoans?" When the Chicago Sun- Times got wind of his results, it ran them on the front page in bold white letters on a black background: "health care gap kills 3200 Black Chicagoans and the Gap is Growing." The paper styled the head- line to look like the declaration of war that it should have been. In fact, we did find ourselves at war not long ago, when almost 3,000 Americans were killed. That was September 11,2001. That tragedy propelled the country to war. Yet when it comes to the premature deaths of urban Americans, no disaster area has been declared. No federal troops have been called up. No acts of Congress have been passed. Yet this disaster is even worse: those 3,200 black people were in Chicago alone, in just one year. Nationwide each year, more than 60,000 black people die prematurely because of inequality.10 While blacks suffer the most from this, it is not just an issue of racism, though racism has been a unique and powerful transmitter of violence in America for over four hundred years.11 Beyond racism, poverty and income inequality perpetuated by exploitative market capitalism are singular agents of transmission of disease and early death. As a result, there is a new and alarming pattern of declining life expectancy among white Americans as well. Deaths from drug overdoses in young white Americans ages 25 to 34 have exploded to levels not seen since the AIDS epidemic. This generation is the first since the Vietnam War era to experience higher death rates than the prior generation.12 White Americans ages 45 to 54 have experienced skyrocketing premature death rates as well, something not seen in any other developed na- tion.13 White men in some Appalachian towns live on average twenty years less than white men a half-day's drive away in the suburbs of Washington, DC. Men in McDowell County, West Virginia, can look forward to a life expectancy only slightly better than that of Haitians.14 But those statistics reflect averages, and every death from structural violence is a person. When these illnesses and deaths are occurring one at a time in neighborhoods that society has decided not to care about—neighborhoods populated by poor, black, or brown people— they seem easy to overlook, especially if you are among the fortunate few who are doing incredibly well. The tide of prosperity in America has lifted some boats while others have swamped. Paul Farmer, the physician-anthropologist who founded Partners in Health, an inter- national human rights agency, reflects on the juxtaposition of "unprecedented bounty and untold penury": "It stands to reason that as beneficiaries of growing inequality, we do not like to be reminded of misery of squalor and failure. Our popular culture provides us with no shortage of anesthesia."15 That people suffer and die prematurely because of inequality is wrong. It is wrong from an ethical perspective. It is wrong from a fair- ness perspective. And it is wrong because we have the means to fix it.

### Underview 1

#### Scholarly discourse and engagement with politics is key to effective structural reform - critique is insufficient.

**Purdy ’20 -** Jedediah S. Britton-Purdy et al, 20 - ("Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis by Jedediah S. Britton-Purdy, David Singh Grewal, Amy Kapczynski, K. Sabeel Rahman :: SSRN," 3-2-2020, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3547312)//ey/>

To embrace the possibility of democratic renewal requires rejecting the terms of the Twentieth-Century Synthesis. We believe that the legal realists—and thinkers in a much longer history of political thought—were right in believing that "the economy" is neither self-defining nor self-justifying. The emphasis in these traditions has been the right one: on power, distribution, and the need for legitimacy as the central themes in the organization of economic life. Moreover, precisely because economic ordering is a political and legal artifact, the idea of an "autonomous" economic domain has always been obscurantist and ideological, even when accepted in good faith.' Law does not and never could simply defer to such a realm. Rather, **law is perennially involved in creating and enforcing the terms of economic ordering,** most particularly through the creation and maintenance of markets. One of its most important roles, indeed, is determining who is subject to market ordering and on what terms, and who is exempted in favor of other kinds of protection or provision.' Thus the program of law, politics, and institution building often called "neoliberalism" is, and can only be, a specific theory of how to use state power, to what ends, and for whose benefit.'The **ideological work** of the Twentieth-Century Synthesis has been **to** naturalize and **embed in legal institutions from the Supreme Court to the** Antitrust Office and **W**orld **T**rade **O**rganization a specific disposition of power**.** This power represents a deployment of market ordering that produces intense and cross-cutting forms of inequality and democratic erosion. However, Twentieth-Century Synthesis theorists tend not to see this, precisely because the Synthesis makes it so hard to see (or at least so easy to overlook). If it is to succeed, **law and political economy** will also **require something beyond mere critique. It will require a positive agenda.** Many **new** and energized **voices**, from the legal academy to political candidates to movement activists, are already building in this direction,' **calling for** and giving shape to **programs for more genuine democracy that also takes seriously questions of economic** power **and racial subordination;**171 more equal distribution of resources and life chances;172 more public and shared resources and infrastructues;173 the displacement of concentrated corporate power and rooting of new forms of worker power;174 the end of mass incarceration **and broader contestation of** the long history of the criminalization and **control of poor people and people of color in building capitalism;**175 the recognition of finance and money as public infrastructures;176 the challenges posed by emerging forms of power and control arising from new technologies;177 and the need for a radical new emphasis on ecology.178 These are the materials from which a positive agenda, over time, will be built. **Political fights interact generatively with scholarly and policy debates in pointing** the way **toward a more democratic political economy.** The emergence of new grassroots movements, campaigns, and proposals seeking to deepen our democracy is no guarantee of success. But their prevalence and influence make clear the dangers and opportunities of this moment of upheaval—and highlight the stakes of building a new legal imaginary. 179 Neoliberal political economy, with its underlying commitments to efficiency, neutrality, and anti-politics, helped animate, shape, and legitimate a twentieth-century consensus that erased power, encased the market, and reinscribed racialized, economic, and gendered inequities. By contrast, **a legal imaginary of democratic political economy**, that takes seriously underlying concepts of power, equality, and democracy, **can inform a wave of** legal **thought whose critique and policy imagination can amplify and accelerate these movements for structural reform** and, if we are lucky, help remake our polity in more deeply democratic ways.

#### Reform makes revolution more likely. Rejecting it condescendingly asserts the possibility of radical change is better than the certainty of real improvement.

**Delgado ’87 -** Delgado, Richard [teaches civil rights and critical race theory at University of Alabama School of Law. He has written and co-authored numerous articles and books], “The Ethereal Scholar:  Does Critical Legal Studies Have What Minorities Want?”, Harvard Civil Rights - Civil Liberties Law Review, 1987

Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society.38 Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. 39 Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just.40 In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.41 To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to find rationality and order in the case law, and teach in an unabashedly political fashion. 42

**The** CLS **critique of piecemeal reform is** familiar, **imperialistic and wrong.** **Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand.**43 **The critique** is imperialistic in that it **tells minorities and other oppressed peoples how they should interpret events affecting them.**44 **A court order directing a housing authority to disburse funds for heating** in subsidized housing **may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm.** This may mean more to them than it does to a comfortable academic working in a warm office. **It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now**, unless there is evidence for that possibility**.** The Crits do not offer such evidence.

Indeed, some **incremental changes may bring revolutionary changes closer**, not push them further away**.** Not all **small reforms** induce complacency; some may **whet the appetite for further combat.** The welfare family may hold a tenants' union meeting in their heated living room. CLS scholars' **critique of piecemeal reform** often **misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want.**

#### Adopt a hybridizing strategy - exploiting contradictions in hegemonic discourse maintains critical distance while effectively challenging the state. Kapoor ‘08

**Kapoor, 2008** (Ilan, Associate Professor at the Faculty of Environmental Studies, York University, “The Postcolonial Politics of Development,” p. 138-139)

There are perhaps several other social movement campaigns that could be cited as examples of **a ‘hybridizing strategy’**.5 But what emerges as important from the Chipko and NBA campaigns is the way in which they **treat** laws and **policies**, institutional practices, **and ideological apparatuses as deconstructible**. That is, they refuse to take dominant authority at face value, and proceed to reveal its contingencies. Sometimes, they expose what the hegemon is trying to disavow or hide (exclusion of affected communities in project design and implementation, faulty information gathering and dissemination). Sometimes, they problematize dominant or naturalized truths (‘development = unlimited economic growth = capitalism’, ‘big is better’, ‘technology can save the environment’). In either case, by contesting, publicizing, and politicizing accepted or hidden truths, they hybridize power, challenging its smugness and triumphalism, revealing its impurities. They show power to be, literally and figuratively, a bastard. While speaking truth to power, a **hybridizing** strategy also **exploits the instabilities of power**. In part, this involves showing up and taking advantage of the equivocations of power — conflicting laws, contradictory policies, unfulfilled promises. A lot has to do here with **publicly shaming the hegemon, forcing it to** remedy injustices and **live up to stated commitments** in a more accountable and transparent manner. And, in part, **this involves** nurturing or **manipulating the splits and strains within institutions. Such maneuvering can take the form of cultivating allies**, forging alliances, or throwing doubt on prevailing orthodoxy. Note, lastly, the way in which a **hybridizing** strategy **works with the dominant discourse**. This reflects the negotiative aspect of Bhabha’s performativity. The strategy may outwit the hegemon, but it does so from the interstices of the hegemony. The master may be paralyzed, but his paralysis is induced using his own poison/medicine. It is for this reason that cultivating allies in the adversarial camp is possible: **when you speak their language and appeal to their own ethical horizons,** you are building a modicum of common ground. It is for this reason also that **the master cannot easily dismiss or crush you.** Observing his rules and **playing his game** **makes it difficult for him not to** take you seriously or **grant** you **a certain legitimacy**. The use of non-violent tactics may be crucial in this regard: state repression is easily justified against violent adversaries, but it is vulnerable to public criticism when used against non-violence. Thus, the fact that Chipko and the NBA deployed civil disobedience — pioneered, it must be pointed out, by the ‘father of the nation’ (i.e. Gandhi) — made it difficult for the state to quash them or deflect their claims.

#### Using the government as a heuristic is better pragmatically and forces us to truly investigate political structures in search of ways to improve instead of using abstract solutions for concrete impacts.

**Zannotti ’13 -** Zannotti, Laura, associate professor of Political Science at Virginia Tech., Ph.D. from the University of Washington in 2008 and joined the Purdue University faculty in 2009. “Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World”, originally published online 30 December 2013, DOI: 10.1177/0304375413512098, P. Sage Publications MC

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. **Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain** a pristine ‘‘freedom from all constraints’’ or **an immanent ideal social order. It is found** instead **in** multifarious and contingent **struggles** that are **constituted within the scripts of governmental rationalities and at the same time exceed and transform them. This approach questions oversimplifications** of the complexities **of liberal political rationalities and** of their interactions with non-liberal political players and **nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems.** International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. **Governmentality as a heuristic focuses on performing complex diagnostics of events.** It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.**’’** More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. **These alternative formulations** also **foster an ethics of political engagement,** to be continuously taken up through plural and uncertain practices, **that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’**83 **Such ethics of engagement would not await the revolution to come** or hope for a pristine ‘‘freedom’’ to be regained**. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices.** To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.

### Underview 2

#### Their disads will surely be ridiculous.

#### (A) Ethics – The state is complicit in perpetuating inequalities that are terrible for incarcerated workers. Apply a *VERY* high standard of proof to any rationalization of that policy.

#### (B) Compound Probability - Multiplied probabilities of long link chains have negligible net probabilities. This is the slippery slope fallacy.

#### (C) Causal Direction - They will say the fractional probability of a huge impact still has a large expected value, but it’s impossible to determine the direction of low-probability links. Does the butterfly flapping its wings cause the hurricane or prevent it? Disregard tiny-probability links because they don’t guide decision-making.

#### (D) Complexity – the DA presents a simplistic and deterministic narrative that fails to account for the myriad confounding factors that can disrupt or reverse the link chain of the DA. The most important of these is the probability that people will recognize the dangerous path they’re on and change course, e.g. leaders backing down during the Cuban Missile Crisis.

#### (E) Decision Gridlock – Every course of action or inaction has a negligible possibility of causing extinction. This makes it impossible to prioritize averting existential risk over all else because such risk is unavoidable. We have no choice but to prioritize REALISTIC probabilities.

# Case

## Overview

### 1AR – Case OV

#### Incarcerated people are forced to work in terrible conditions for cents an hour which creates a cycle of recidivism and structural violence. Giving incarcerated workers the unconditional right to strike is key to improving working conditions in prisons.

## Case proper

### AT Thompson:

#### This card is almost entirely about hunger strikes, obviously not the Aff.

#### This is a solvency card - it says that limited strikes succeeded in modest reforms, that's a reason to strengthen RTS.

### AT Lopez:

#### This says prisoners try to engage in strikes and their demonstrations get put down - that is the opposite of a RIGHT to strike. The parts of the card about violence are about prison riots that guards violently put down. The strikes were a non-violent *response* to the violence. Giving prisoners a peaceful avenue to exert pressure reduces the possibility of violence.

### AT Curly:

#### Cross-apply aff evidence about recidivism. We don't eliminate it, but we reduce it by ensuring prisoners have transitional finances and better work experience when they leave prison. This is just defense.

### AT Olivier:

#### This card is not about prison labor. Obviously different because of violent crackdowns by prisons.

#### This card doesn't say the strikes are illegal, only militant. That's another solvency argument FOR the aff.

#### The tag is ridiculous, card says nothing about regulating strikes.

### AT Blanc:

#### Power tagged, this doesn't say wildcat strikes are better, just that they're possible. Card is not about prisons, the obvious difference is guards will violently put down strikes and prisoners aren't as sympathetic as teachers.

### AT Gruenberg & Epstein.

#### Neither card is about prisons, and no impact in prisons.

### AT Washington

#### Fiat solves the link – the US recognizing their unconditional right to strike means that prison wardens can’t punish prisoners for striking

### AT Grabianowski 6

#### No link – there are barely any wages for incarcerated ppl to lose out on and the federal government can just pay people to do prisoners’ jobs instead of exploiting felons

### AT Reddy 21

#### Powertagged – the actual card never says that illegal strikes better are more effective than legal strikes

#### Empirics show teachers strikes and prison strikes are fundamentally different – prisoners are not only fined but also literally thrown into solitary confinement, which is much worse

### The HW Cards

#### The Serwer card

#### goes aff. It says that prisons keep on firefighters in prison, which means that it is even more important for fire-fighting prisoners to bargain for rights. It doesn’t prove that prisons fight and

#### This says prisoners try to engage in strikes and their demonstrations get put down - that is the opposite of a RIGHT to strike. The parts of the card about violence are about prison riots that guards violently put down. The strikes were a non-violent *response* to the violence. Giving prisoners a peaceful avenue to exert pressure reduces the possibility of violence.

#### Their article is from BuzzFeed which is a terrible source. Definitely don’t prefer it for straight statistics

#### Waas- prefer our cards on specificity. Their cards don’t link to incarcerated workers. AND we cite empirical examples of prisoner resistance. The issue is that prisons retaliate, and they can’t do so in the form of strikes. The aff transforms their forms of resistance to make it more effective. They want to strike bc conditions are uniquely bad.

#### Analytic- We don’t need strikes to change the balance of power. They just make tangible changes for workers. We just don’t claim to solve all of racism or structural violence, only that it improves and humanizes the conditions of prisoners. Also means no alt causes.

#### NLRB- just doesn’t apply to prisons. The text itself says that right to strike had conditions and the article goes on to say that the right WILL be limited by time, purpose, employee, employer and more.

#### Orchewa- their example is too specific. We are saying that in this unique instance, trikes are great for worker because it would be the ONLY way for them to challenge authority. The aff gives worker the protections so that they are not penalized.

#### Jabali just says that the plan won’t pass. They are extremely power tagged because the card is pro-union; it just says that the dem party isn’t doing enough to support them

#### Gardapee- this article is from a website literally advising employers on how to prevent strikes. The card doesn’t assume the plan. Under the plan, union members are protected more, so no wage loss, and the aff is way better for communication bc it creates an environment that cares about its workers.

#### Hatton- temps don’t apply to our aff.

#### Garneau- they say that strikes ARE effective when they come as a surprise, the card is power tagged bc it never actually says that strikes are not surprises. AND empirically false- the ac gives numerous examples about strikes that have achieved reform. 10-hour work days and child labor laws are the oldest example.

### The Homestead Cards

#### Berman- Union activity is on the decline now, and it’s not because of company hostilities. Union decline doesn’t answer the thesis of our aff. The card is not specific enough to actually answer the link. Our cards cite evidence that prisoners ARE striking’ they just suffer from retaliation

#### Unions ineffective

#### Eidlin- This says prisoners try to engage in strikes and their demonstrations get put down - that is the opposite of a RIGHT to strike. The parts of the card about violence are about prison riots that guards violently put down. The strikes were a non-violent *response* to the violence. Giving prisoners a peaceful avenue to exert pressure reduces the possibility of violence.

#### Eidlin- yes. We agree that we don’t solve all of capitalism, but we at least mitigate its symptoms

#### Eidlin- This card is power tagged. The card never says that affirming unions actually makes violent strikes harder. It just says that we need more unionization, which the aff does.

#### Agent spec-

#### No Link - Labor rights are legislative, not constitutional. The NLRA, the Taft-Hartley Act, The Labor Management Reporting and Disclosure Act, the Railway Labor Act all prove.

#### We meet - we say the United States is the agent of the plan. They don't say how specific we have to be. Proves their interp is infinitely regressive, meaning it can't be met and wastes limited time in the AC.

#### CI: We don't have to specify beyond the country –

#### The aff can’t win - Reading SPEC is a voter – cause sandbagging, distracts from substantive debate, skews the 1AR

FW:

#### Weighing-

#### Reverse- prefer probability.

#### Future lives aren’t a reason to prefer one impact over another bc it means any aff impact also has infinite effect it affects the children of future incarcerated people and people incarcerated for forever. Don’t let them o/w magnitude.

#### No- cognitive bias is already against structural violence. Their card ignores that and sacrifices populations. Ppl are terrified of extinction

#### We don’t prefer some groups over others, we just don’t think you should treat people as less than human for a .0001 percent chance of a da.

Fw offense:

#### No, we just draw your attention to the most invisible populations

#### No reason why our fw specifically would collapse. Anyways, Holds up in THIS PARTICULAR instance

#### The illusion da is the Delgado card. c/a it here. Saying that we should solve a problem bc things get better is paternalistic and sacrificial.

## Case – Framing

### Framing Overview – v DAs

#### Your ballot should be oriented around preventing structural violence – three reasons

#### Its normalization in society creates cognitive bias against fighting it which your ballot should reject

#### DAs are predicated on the falsification of threats – when probabilities drop low you should round down to 0 which takes out infinite extinction impacts AND it means you should assess DA internal links through a lens of skepticism

### 1AR – AT: Util Good

#### We agree with util – we disagree with the form – we think the aff is more utilitarian by providing a certain good and not creating a society willing to castigate a population to death for some improbably DA

### 1AR – AT: Consequences Good

#### We agree – their DAs aren’t actual consequences to the aff because they are so improbable

### 1AR – AT: Magnitude O/W Predictability

#### Probability is a pre-requisite, otherwise magnitude is incalculable – we’ll assert recidivism causes extinction so now we also access their framing

### 1AR – AT: Extinction O/W

#### Reject Extinction First –

#### They have no evidence for actual extinction – even if we dropped the DA humans would survive

#### Slippery slope fallacy – reading Bostrom ev could cause extinction – zero times infinity is indeterminate, so vote aff for the certain impact

No risk of circumvention – we get fiat to say that government actors (prisons) will respect the right to strike

### 1AR- AT: Brentwood right must be conditional

#### Preventing structural violence comes first under maximizing societal wellbeing—it is often ignored by governments and kills thousands of people each year

#### Don’t buy their generic arg that all rights must be conditional—make them defend a specific condition on striking. That’s key to policy education because we would actually get to debate over whether there should be limits on the right to strike

#### Even if rights should normally be conditional, they should not be in the context of the prison system because prison guards would just circumvent the right by saying that that strike does not fall under the conditional right

#### Rights can be unconditional while still only protecting certain types of actions. Ex: an unconditional right of workers to strike does not give strikers a right to hit people with their car on the way to the strike. Their Gourevitch card proves this because it says a right to strike is not a right to quit and must be a collective work stoppage.

#### You gave the example of fire in a movie theater, but in that instance, the constitution is not saying you have freedom of speech except when in a movie theater, it is saying causing violence on purpose is a not form of speech, it’s an act.

# Theory

## Spec

### AT must define strike

#### We meet – HLR ’19 defines strikes: peaceful, collective prison strikes avoid these harmful consequences by allowing for “open” and “formal” negotiations

#### Reading SPEC arguments is a voting issue – cause sandbagging, distracts from substantive debate, skews the 1AR

#### Counter-Interp – we only have to specify as far as the resolution

#### Jurisdiction – its arbitrary and anti-educational to vote on theory outside what is in the text of the rez

#### Cross-Ex Checks – we cant read a 6 minute plan text

#### no prep skew because even under their interp teams could just change the definition every round

#### no infinite abuse hold us to what we say in CX or point out that we didn’t answer the question

#### yes it’s verifiable since the judge can remember a few lines in CX and debaters will remind them throughout the round

#### the brightline is if we answer the question

#### They can read normal means evidence for DA links – solves their offense – the aff would have to provide a counter definition with less time in the round

#### Their interp means the aff can never win – if their interp is true then the neg can just say that the aff never met the burden of “delineated text”.

#### No strat skew – if we define something in the 1AR to delink you can define it in the NC/NR

#### Use reasonability – if our interp is debatable don’t vote us down

## T Nebel

* AT specific countries
* AT specific worker’s right

### LONG – 1AR – AT: Nebel T

#### Counter interpretation—the affirmative can defend that a single government recognize the unconditional right of a subset of workers to strike to become more just.

#### Indefinite articles can indicate particular instances

Dictionary.com, 20 – (dictionary.com, “a,” https://www.merriam-webster.com/dictionary/a)//usc-br/

a indefinite article \ ə, for emphasis (ˈ)ā , Canadian ˈa \ Definition of a (Entry 2 of 13) 1—used as a function word before singular nouns when the referent is unspecified a man overboard and before number collectives and some numbers a dozen 2: the same birds of a feather swords all of a length

3a—used as a function word before a singular noun followed by a restrictive modifier a man who was here yesterday b: ANY a person who is sick can't work

c—used as a function word before a mass noun to denote a particular type or instance a bronze made in ancient times

#### “A” is before government and “an” is before unconditional right. The aff is considered topical if it defends a particular subset of a government and unconditional right of workers to strike.

#### – prefer it

#### Predictability – the indefinite articles denote that the aff can defend subsets– quality of debate precedes semantics as long as it is predictable

#### b. Fairness and Real World Education- it’s impossible to be aff on this topic under the neg’s interpretation because there is no singular “unconditional right of workers” that every single country would defend; without a lit base the aff will always lose to PICs and CPs that policymakers actually do research on

#### Staleness – they result in 2 months of one aff – that’s boring

#### Nuance and bias – we teach negs to be more flexible, result in more nuanced debate that hone clash skills, and resolve biases against the aff

#### Independent Voter to reject semantics for being exclusionary- semantics make the debate hyper focused on random grammar rules that exclude non-native English speakers and people without substantive education in grammar

#### PICs – they destroy whole rez affs – we are key to prevent them

#### Reasonability – they result in limiting out every aff – if our aff, which is a predictable core topic aff, is debatable then don’t reject it for semantic purity

#### Pragmatics come before semantics – semantics collapse into pragmatics, the only reason you care about semantics is pragmatic reasons like fairness

### ---A2 Ground

#### No warrant -- & disclosure and topic lit check – stable negative prep is possible

#### Their advocacy allows for unbeatable PICs – aff should get to make more specific args because of time skew

#### Any generic disad links to a niche aff, no impact

### ---AT: Precision

#### My interpretation is more precise and reflective of the topic literature. The literature does not discuss an unconditional right of workers to strike in every single country. The literature reflects specific instances. Countries would not agree to a blanket affirmation.

#### The indefinite articles modify the rest of the resolution. The resolution doesn’t say “all countries” or “all unconditional rights of workers to strike”. That implies that there is room for the aff to specify a a government of workers right because the topic wasn’t meant for us to discuss all countries and workers rights– or else it would not have included the indefinite articles.

### ---AT: Limits

#### It’s better to under limit than to over limit—Nebel T means that there will only be one aff for 2 months

#### Destroys fairness – negs have a huge advantage because there is only one topical aff under your interp. Neg prep beats aff prep because of time skew, the fact that they can run multiple positions, uplayering, Ks, cheaty CPs, etc.

#### Functional checks – topic lit and solvency advocates – the aff clearly doesn’t violate because the right to strike for incarcerated workers is a massive debate n the topic lit

### ----Longer version of Reasonability

#### Ballots set a precedent – accepted debate theory is made up of by what judges think is reasonable or unreasonable. Your ballot on this issue moves us closer to where abusive practices will not be done.

#### In-round abuse is impossible to prove – it’s hard to tell if a single argument unbalanced a particular round, but you can judge if whether it were a general principle, it would unbalance rounds. That leads to fairer theoretical rules for debate.

### SHORT – 1AR: AT: Nebel T

#### Counter interpretation—the affirmative can defend that a single government ought recognize the right of a subset of workers to strike, if it’s implemented unconditionally.

#### Unconditional means absolute, not for everyone

Merriam-Webster - ("Definition of UNQUALIFIED," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/unqualified)//va

Definition of unconditional

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

#### Unconditional qualifies right of workers. In our plan text “Right” refers to the specific right to strike for incarcerated workers.

#### Prefer our interp--

#### Fairness and Real World Education- it’s otherwise impossible to be aff because there is no singular “unconditional right of workers” that every single country would defend; no lit base

#### PICs – they destroy whole rez affs – we are key to prevent them

#### Reasonability – they result in limiting out every aff – if our aff, which is a predictable core topic aff, is debatable then don’t reject it for semantic purity

#### On limits and ground—

#### We don’t explode - still have to be tied to the resolution

#### Their advocacy means unbeatable PICs

#### Functional checks – topic lit and solvency advocates – there isn’t a solvency advocate or lit for everything

#### On precision –

#### My interp is more precise and reflective of the topic literature. The literature reflects specific instances. Countries would not agree to a blanket affirmation.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

#### On topic education

#### Turn—our interp is better for topic education because no one talks about the unconditional right to strike in a vacuum, all scholars talk about it in the context of different countries

#### CA PICs

#### On generics

#### Our definition of the topic is better—we are the only one reading a definition card which proves that we are more predictable

#### Pragmatics come before semantics – semantics collapse into pragmatics, the only reason you care about semantics is pragmatic reasons like fairness

#### On can’t spec both

#### Specifying just 1 does not solve because if they read a whole world aff they will just PIC out of tiny countries and if we read an all worker aff they will PIC out of single types of workers like firefighters in a wildfire or emergency room nurses in a pandemic

#### On Western domination

#### The rez says that governments should recognize the unconditional right to strike in order to become more just, not that the aff would have to defend an already just government. This is the best interp of the topic because if a government was already just they would not need to change

#### 2. Turn--Our aff proves this is false—we talk about how the US is oppressing people in prison

#### 3. They are the one that says above that all democracies are just, which are disproportionately Western states

#### On TVA

#### TVA does not solve because they would run a PIC

#### The impact of incarcerated workers will be swamped by global advantages about every worker in the world

## T Just Government

### 1AR – AT: Just Gov T

#### Counter Interpretation: The affirmative must defend that in order for a government to be just they ought to recognize an unconditional right of workers to strike

#### Common Usage- The phrase “an honest person pays their debts” isn’t used to describe an already honest person paying their debts; it means that a person should pay their debts *in order to be* an honest person. Their interp departs from the norm of common usage.

#### Double bind- their definition makes it impossible to affirm. Either a country is already just and so recognizes the right to strike, which makes the Aff not inherent, or they don’t recognize the right to strike and the aff is not topical under their interpretation.

#### Topic Lit- the literature on this topic isn’t about governments that are already just- it’s about places that are unjust because there are infringements on the right to strike

#### d) Being just isn’t an either/or question – every government has both just policies and unjust policies. Their interpretation would focus the debate on meaningless questions of how just a government has to be to meet the threshold to be described as a “just government” rather than on what governments should do to become more just. This is particularly bad because it will force the Aff to rationalize unjust policies unrelated to the topic to justify that their agent counts as a “just government” notwithstanding oppressive policies.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

## T Unconditional

### 1AR – AT: Unconditional T

#### We meet—we defend all prisoners who are workers have an unconditional right to strike.

#### Counter Interpretation: The affirmative can defend a subset of a worker’s right to strike so long as it’s implemented unconditionally.

#### Unconditional means absolute, not for everyone

Merriam-Webster - ("Definition of UNQUALIFIED," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/unqualified)//va

Definition of unconditional

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

#### Unconditional qualifies right of workers. When we specify in our plan text the word right refers to the specific right to strike for incarcerated workers. Unconditional qualifies that right.

#### Adjectives modify the nouns that directly follow them

Grammarly - ("What Is an Adjective?," Adjective Usage and Examples | Grammarly, https://www.grammarly.com/blog/adjective/)//va

Adjectives are words that modify nouns. They are often called “describing words” because they give us further details about a noun, such as what it looks like (the white horse), how many there are (the three boys) or which one it is (the last house). Adjectives do not modify verbs or other adjectives. ¶

Most often, [adjectives](https://www.grammarly.com/blog/adjective/) are easy to identify in a sentence because they fall right before the nouns they modify. ¶

#### We defend an unconditional, absolute, and unqualified right for incarcerated workers to strike.

#### Prefer our interp:

#### Pragmatics precede semantics- insofar as our definition is fair and reasonable you should focus on the educational and fairness impacts of the definitions in round; semantics collapse into pragmatics, the only reason you care about semantics is pragmatic reasons like fairness

#### PICs and Fairness- Their definition makes debate impossible- in their definition any exception to “the right to strike” like firefighters in a wildfire would be a PIC and the neg would automatically win. The only way to make the debate fair and practical to debate in is to make a specific right unconditional

#### Real World Ed and Topic Lit- every single policy has a condition attached to it- there is no topic lit on an “unconditional right of workers to strike”- it’s not even a term of art. The only literature about workers rights to strike is in the context of specific instances.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

## T Workers

### 1AR – AT: Workers T

#### Counter-Interpretation: Prisoners are workers. Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("Emancipate the FLSA: Transform the Harsh Economic Reality of Working Inmates," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML

A.Federal Prison Labor Systems In 1930, the Bureau of Prisons ("BOP") was created within the Department of Justice and charged with the "management and regulation of all Federal penal and correctional institutions." 78 Originally, there were only 11 federal prisons; today there are 119 federal prisons in the U.S. that are responsible for the custody and control of approximately 218,171 offenders. 79 Approximately 81 percent of federal prisoners are housed in federal-operated facilities, while the balance is confined in privately managed or community-based facilities, and local jails. 80¶ Every inmate in the U.S. federal prison system is required to work if ~~he or she~~ is medically able. 8 1 Unlike typical employees, federal inmates work without minimum wage, overtime pay, health and safety protections, social security withholdings, or union protection. 82 The primary goals for forcing Federal inmates to work have remained consistent over the years: (1) reducing "idle hands," (2) instilling discipline, and (3) promoting prison self-sufficiency. 83 Federal inmates have the option of earning from 12¢ to 40¢ an hour working jobs within the institution (working as orderlies, plumbers, painters, or groundskeepers, or in food service or the warehouse), or earning 23¢ to $1.15 per hour working in the Federal Prison Industries ("FPI" or its trade name UNICOR)84 factories (making office furniture, electronics, textiles, solar panels, the call center solutions, laundries, printing, solar & renewable energy, and numerous industries). 85 Yet whatever option they choose, these federal inmates are forced to work for what is tantamount to slave wages, while government corporations reap the benefits. 86 Additionally, if a federal inmate chooses to work for FPI, 50% of their income goes to the Inmate Financial Responsibility Program ("IFRP"). The IFRP requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments; most fines and restitution payments go to a crime victim fund and not towards their support upon release. ¶

#### A worker is a person who works

Merriam-Webster - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

Definition of worker ¶

1a: one that [works](https://www.merriam-webster.com/dictionary/works) especially at manual or industrial labor or with a particular materiala factory worker—often used in combination ¶

b: a member of the [working](https://www.merriam-webster.com/dictionary/working) class ¶

A worker is a person who does a job to earn money

Merriam-Webster ELL Dictionary - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

**:**a person who does a particular job to earn money

**:**a person who is actively involved in a particular activity

**:**a person whose job does not involve managing other people

#### Prefer our Definition

#### Topic Lit- our definition is in the context of its legal use which is the most applicable to our use since we’re implementing a policy through the US government

#### Predictability- Our definition includes everyone who earns a wage using Meriam Webster dictionary’s definition- it’s the most inclusive and accessible

#### Morality- one of the pre-fiat advantages of the aff is that incarcerated workers are often not treated on the same human level as other people; the aff includes incarcerated people, which reduces stigma around them

#### d) generics still apply — abolition Ks and CPs, other forms of prison reform, args about strike backlash all link, you don’t have to say prisons good to negate.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

### 1AR – AT: Workers T (HW)

#### Counter-Interpretation: Prisoners are workers. Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML

A.Federal Prison Labor Systems In 1930, the Bureau of Prisons ("BOP") was created within the Department of Justice and charged with the "management and regulation of all Federal penal and correctional institutions." 78 Originally, there were only 11 federal prisons; today there are 119 federal prisons in the U.S. that are responsible for the custody and control of approximately 218,171 offenders. 79 Approximately 81 percent of federal prisoners are housed in federal-operated facilities, while the balance is confined in privately managed or community-based facilities, and local jails. 80¶ Every inmate in the U.S. federal prison system is required to work if he or she is medically able. 8 1 Unlike typical employees, federal inmates work without minimum wage, overtime pay, health and safety protections, social security withholdings, or union protection. 82 The primary goals for forcing Federal inmates to work have remained consistent over the years: (1) reducing "idle hands," (2) instilling discipline, and (3) promoting prison self-sufficiency. 83 Federal inmates have the option of earning from 12¢ to 40¢ an hour working jobs within the institution (working as orderlies, plumbers, painters, or groundskeepers, or in food service or the warehouse), or earning 23¢ to $1.15 per hour working in the Federal Prison Industries ("FPI" or its trade name UNICOR)84 factories (making office furniture, electronics, textiles, solar panels, the call center solutions, laundries, printing, solar & renewable energy, and numerous industries). 85 Yet whatever option they choose, these federal inmates are forced to work for what is tantamount to slave wages, while government corporations reap the benefits. 86 Additionally, if a federal inmate chooses to work for FPI, 50% of their income goes to the Inmate Financial Responsibility Program ("IFRP"). The IFRP requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments; most fines and restitution payments go to a crime victim fund and not towards their support upon release. ¶

#### A worker is a person who works

Merriam-Webster - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

Definition of worker ¶

1a: one that [works](https://www.merriam-webster.com/dictionary/works) especially at manual or industrial labor or with a particular materiala factory worker—often used in combination ¶

b: a member of the [working](https://www.merriam-webster.com/dictionary/working) class ¶

A worker is a person who does a job to earn money

Merriam-Webster ELL Dictionary - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

**:**a person who does a particular job to earn money

**:**a person who is actively involved in a particular activity

**:**a person whose job does not involve managing other people

#### An employer can be a public agency. 29 US Code § 203.

LII / Legal Information Institute, xx-xx-xxxx, "29 U.S. Code § 203," <https://www.law.cornell.edu/uscode/text/29/203> //marlborough jh

“[Employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1258113755-1968140718&term_occur=999&term_src=title:29:chapter:8:section:203)” includes any[person](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1907849355-1968140715&term_occur=999&term_src=title:29:chapter:8:section:203)acting directly or indirectly in the interest of an [employer](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1258113755-1968140718&term_occur=999&term_src=title:29:chapter:8:section:203) in relation to an [employee](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1193469614-1597622569&term_occur=999&term_src=) and includes a [public agency](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1610164604-1968140738&term_occur=999&term_src=title:29:chapter:8:section:203), but does not include any labor organization (other than when acting as an[employer)](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=29-USC-1258113755-1968140718&term_occur=999&term_src=title:29:chapter:8:section:203) or anyone acting in the capacity of officer or agent of such labor organization.

#### Scholars in the literature argue that incarcerated workers should be protected by labor laws

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

III. CONSIDERING A RIGHT TO PRISON STRIKES Many have critiqued the legal framework governing prisoners’ rights. For example, a number of scholars compellingly argue that employment and labor laws should cover inmates working in prisons — placing them within “the scope of protections and support gathered around the honored figure of the worker.”136 Scholars have also critiqued courts’ stringent interpretation of the Thirteenth Amendment as allowing for forced labor within prisons.137 And many scholars have roundly criticized the Jones decision, and Turner’s framework more broadly, for granting far too much deference to prison administrators and paying only lip service to prisoners’ constitutional rights. Prison law scholar Professor Sharon Dolovich, for instance, critiques both Jones and Turner for prescribing such strong deference to prison officials, who are consequently able to violate inmates’ constitutional rights simply by asserting unsupported security concerns.138

#### Prefer our Definition

#### Topic Lit- our definition is in the context of its legal use which is the most applicable to our use since we’re implementing a policy through the US government

#### Predictability- Our definition includes everyone who earns a wage using Meriam Webster dictionary’s definition- it’s the most inclusive and accessible. Our definition also has a general intent to define, it isn’t meant to define something for a specific law

#### Morality- one of the pre-fiat advantages of the aff is that incarcerated workers are often not treated on the same human level as other people; the aff includes incarcerated people, which reduces stigma around them

#### Theirs excludes any worker who isn’t in the UK – it says workers must follow the UK National Minimum Wage, but they cut the card to hide that.

#### e) 29 US Code § 152 is the Federal Labor Relations Act:

#### 1. Their definition begs the question - the current US law excludes public sector unions, but a huge part of the resolution is whether it should.

#### 2. There is no general intent to define the term employer in this statute. They only mean to define which entities the statute applies to, which is not the resolution. For example,  the text of the statute also excludes railroads because they are subject to separate legislation, not because railroads aren't actually employers under any reasonable definition.

#### f) The Fulcher card is written in a legal context + it says incarcerated people are not “typical” employees, not that they don’t count as employees

#### g) generics still apply — abolition Ks and CPs, other forms of prison reform, args about strike backlash all link, you don’t have to say prisons good to negate.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

### 1AR – AT: Workers T (Immac)

Counter Interp: Prisoners are included in the definition of workers

#### Prisoners are workers. Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML

A.Federal Prison Labor Systems In 1930, the Bureau of Prisons ("BOP") was created within the Department of Justice and charged with the "management and regulation of all Federal penal and correctional institutions." 78 Originally, there were only 11 federal prisons; today there are 119 federal prisons in the U.S. that are responsible for the custody and control of approximately 218,171 offenders. 79 Approximately 81 percent of federal prisoners are housed in federal-operated facilities, while the balance is confined in privately managed or community-based facilities, and local jails. 80¶ Every inmate in the U.S. federal prison system is required to work if he or she is medically able. 8 1 Unlike typical employees, federal inmates work without minimum wage, overtime pay, health and safety protections, social security withholdings, or union protection. 82 The primary goals for forcing Federal inmates to work have remained consistent over the years: (1) reducing "idle hands," (2) instilling discipline, and (3) promoting prison self-sufficiency. 83 Federal inmates have the option of earning from 12¢ to 40¢ an hour working jobs within the institution (working as orderlies, plumbers, painters, or groundskeepers, or in food service or the warehouse), or earning 23¢ to $1.15 per hour working in the Federal Prison Industries ("FPI" or its trade name UNICOR)84 factories (making office furniture, electronics, textiles, solar panels, the call center solutions, laundries, printing, solar & renewable energy, and numerous industries). 85 Yet whatever option they choose, these federal inmates are forced to work for what is tantamount to slave wages, while government corporations reap the benefits. 86 Additionally, if a federal inmate chooses to work for FPI, 50% of their income goes to the Inmate Financial Responsibility Program ("IFRP"). The IFRP requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments; most fines and restitution payments go to a crime victim fund and not towards their support upon release. ¶

#### A worker is a person who works

Merriam-Webster - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

Definition of worker ¶

1a: one that [works](https://www.merriam-webster.com/dictionary/works) especially at manual or industrial labor or with a particular materiala factory worker—often used in combination ¶

b: a member of the [working](https://www.merriam-webster.com/dictionary/working) class ¶

A worker is a person who does a job to earn money

Merriam-Webster ELL Dictionary - ("Definition of WORKER," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/worker)//va

**:**a person who does a particular job to earn money

**:**a person who is actively involved in a particular activity

**:**a person whose job does not involve managing other people

#### Scholars in the literature argue that incarcerated workers should be protected by labor laws

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

III. CONSIDERING A RIGHT TO PRISON STRIKES Many have critiqued the legal framework governing prisoners’ rights. For example, a number of scholars compellingly argue that employment and labor laws should cover inmates working in prisons — placing them within “the scope of protections and support gathered around the honored figure of the worker.”136 Scholars have also critiqued courts’ stringent interpretation of the Thirteenth Amendment as allowing for forced labor within prisons.137 And many scholars have roundly criticized the Jones decision, and Turner’s framework more broadly, for granting far too much deference to prison administrators and paying only lip service to prisoners’ constitutional rights. Prison law scholar Professor Sharon Dolovich, for instance, critiques both Jones and Turner for prescribing such strong deference to prison officials, who are consequently able to violate inmates’ constitutional rights simply by asserting unsupported security concerns.138

#### Prefer our Definition

#### Topic Lit- our definition is in the context of its legal use which is the most applicable to our use since we’re implementing a policy through the US government

#### Predictability- Our definition includes everyone who earns a wage using Meriam Webster dictionary’s definition- it’s the most inclusive and accessible. Our definition also has a general intent to define, it isn’t meant to define something for a specific law

#### Morality- one of the pre-fiat advantages of the aff is that incarcerated workers are often not treated on the same human level as other people; the aff includes incarcerated people, which reduces stigma around them

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

#### On limits –

#### Functional limits check – there isn’t an author for every form of labor, but there is a lot of evidence that prisoners should be included in labor laws

#### We don’t explode limits – we just include prisoners within the definition of workers. Other forms of forced labor are not included under our interp.

#### Neg prep burden non uq – different advantage areas and plans, and disclosure checks.

#### On education –

#### Our interp is better – it uses definitions from scholars who widely accept that prisoners should be included in the definition of workers.

#### We incentivize better research – you actually learn about the nuances of the topic.

#### On ground –

#### No warrant -- & disclosure and topic lit check – stable negative prep is possible

#### Any generic disad or k links to a niche aff, no impact – you can read the cap k, work k, set col, econ disad etc. You don’t have to say exploitation good.

#### TVA doesn’t solve – you’ll just PIC out of other kinds of workers, making the aff unwinnable

## T Need Queer Authors

### 1AR – AT: Queer Authors T

#### If you want to read a we meet to this shell you can read the butler card, but they will read Butler bad against you

#### CI-debaters do not have to read cards by openly queer authors in constructive speeches

#### 1.Outing disad—Gives debaters incentives to speculate about the sexuality and gender identity of their authors which is bad and does not account for the fact that there are many authors who are not out as queer

#### 2. surveillance disad—forces debaters to scour the internet to find the gender and sexuality of each of their authors

#### 3. Their interp is tokenism – just because an author is queer doesn’t mean they are an authority on the queer perspective on the topic. Caitlyn Jenner is queer but that doesn’t mean using her as an author is good.

#### 3. Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

## AT Agent/Actor Spec

### 1AR – AT: ASPEC T

#### No Link - Labor rights are legislative, not constitutional. The NLRA, the Taft-Hartley Act, The Labor Management Reporting and Disclosure Act, the Railway Labor Act all prove.

#### We meet - we say the United States is the agent of the plan. They don't say how specific we have to be. Proves their interp is infinitely regressive, meaning it can't be met and wastes limited time in the AC.

#### CI: We don't have to specify beyond the country –

#### The aff can’t win - Reading SPEC is a voter – cause sandbagging, distracts from substantive debate, skews the 1AR

#### Process counterplans are awful - they steal the whole aff and are entirely unpredictable because there are infinite procedural nuances the CP could change. Which senators vote for it, what procedures, what type of decision, what type of test case, which court etc. The aff can’t win because they can't prep for it and can't leverage the AC against it.

#### Process CPs are not key. Topic research and disclosure solve, you've debated this aff before. Numerous generics link to our aff, the Cap K, Violence PICs, Prison Labor Key DA. And the topic is NOT aff biased - NOBODY says the right should be unconditional.

## T Robots

### 1AR – AT: Debater Must Prove They Are Not a Robot

#### CI-debaters do not have to prove that they are not a robot

#### Whether our argument is read by a human or a robot, it doesn’t affect the truthfulness of the argument.

#### This argument clouds out the rest of the AC speech

#### There is no way for debaters to prove they are not robots because the most advanced robots will be programmed to bypass the testing and pass as human.

#### Use Reasonability if our interp is debatable, default to it – anything else crowds out substance and leads to judge intervention.

## T Three-Tier

### 1AR – AT: T Three-Tier

#### We meet –

#### all advocacies invoke personal experiences and our own beliefs about the topic – their definition of topical doesn’t say otherwise so err aff

#### the advocacy in our cards already reflects prisoners’ perspectives – we are the TVA

#### Counterinterpretation: the 1AC may use whatever justifications it finds most persuasive to justify the plan. Use reasonability because anything else incites a race to the bottom which crowds out substance

#### Forcing debaters to validate their arguments with personal experience forces people to reveal harmful or private experiences that they should have control over

#### We link turn pornotroping – the standard’s implication is that we shouldn’t talk about things we haven’t experienced, which harms marginalized populations because it means privileged people shouldn’t resist against the racially oppressive institutions which they benefit from – it’s not cruel optimism if the world can change, which just begs the question of aff solvency.

#### No solvency for knowledge-making – if debate only credits particular forms of knowledge-making, having us share our personal experiences won’t change our epistemic assumptions about what arguments are more persuasive

#### TVA can’t solve – either a) I don’t have experience with prison work, so I can’t read the aff, or b) they want us to act out the words of a Black prisoner which links much harder into pornotroping than the aff does

## Tricks

### 1AR - AT: Truth Testing

#### Counter-Interp – the ballot represents a normative endorsement or rejection of the plan

#### “Ought” means “should” – it’s not a moral obligation – policy affs implicitly define ought normatively

Merriam-Webster, 19 – (“Ought," http://www.learnersdictionary.com/definition/ought)

Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to.

#### This is proven by “resolved” in the resolution, which takes out their “affirm” definition since that word isn’t in the rez

Parcher 1 — Jeff Parcher, Former Director of Debate at Georgetown University, 2001 ("Re: Jeff P--Is the resolution a question?," Post to the e-Debate List, February 26, Available Online at http://www.ndtceda.com/archives/200102/ 0790.html, Accessed 09-10-2005)

> Jeff, I don't think debaters' relation to the resolution is nearly as clear as it you make it out to be in your recent posts. 1. The resolution > is not a question. It is a statement that has "resolved" on one side and a normative statement on the other separated by a colon. What > is the meaning of "resolved?" I know Bill Shanahan has made the argument that "resolved" means "reserved," in which case the > resolution doesn't require you to arrive at any certainty about the truth of the normative statement. (1) Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committtee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Don’t allow neg paradigm framing args – moots 6 minutes of 1ac offense – they have infinite prep for the 1ac but we have 4 min in round, so default to ac framing of comparative worlds

#### Prefer our interp

#### NIBs Bad: There’s an infinite number of assumptions, but the aff can’t win on them – makes being affirmative impossible because they have more avenues to victory which means this flow is an rvi

#### Topic education: Normative policies are the key internal link to policy-based research – their reliance on tricks proves our point – they can just recycle arguments topic to topic and learn nothing other than how to be a troll

#### Intuition – its key to navigating our daily lives – if their arguments seem asinine the reject hyper line-by-line drops because they justify voting on things like racism good

### Permissibility/Presumption (BASIS)

1. **Presumption and permissibility affirm  
   [A] Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation.  
   [B] Epistemics – we wouldn’t be able to start a strand of reasoning since wed have to question that reason  
   [C] Neg must garner offense through denying the truth of the rez since five dictionaries**[**[1]**](https://app.slack.com/client/T7G4EP1RS/DQ5RMKQKG#_ftn1)**define to negate as to deny the truth of. This is a jurisdictional claim.  
   [D] Trivialism – the concept of denial requires an alternative, but an alternative to trivialism is logically impossible.2. AFF theory is no RVI, Drop the debater, competing interps, under any interp aff theory is legit regardless of voters a) infinite abuse since otherwise it would be impossible to check NC abuse b) it would justify the aff never getting to read theory which is a reciprocity issue c) Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell. And, all neg interps are counter interps since the aff takes an implicit stance on every issue which means any neg theory interp requires an RVI to become offensive.**

#### 2. Permissibility and presumption don’t negate

#### a. Obligations- the aff obligation is to prove that the resolution would be a good thing, nothing else. No warrant for why the res indicates otherwise

#### b. Falsity- Statements are not more false than true. If I say that the sky is blue, you’ll likely believe me bc I made a statement about an observed condition. You don’t have to presume the aff to be true to think that it would be a good idea. We give evidence that says it is.

#### c. affirming is harder – we have three minutes to answer a seven-minute speech. It’s at least not a reason to vote neg.

#### d. no reason truth means obligation; they never define the word ought to mean obligatory

#### 2. To is also an infinitive marker. No reason the first definition is the best. Words can mean multiple things. We should choose the definition that makes the resolution coherent.

## Other

### 1AR – AT: United States

#### United States is the whole US

Collins, 20 – (https://www.collinsdictionary.com/us/dictionary/english/united-states)//usc-br/

The United States of America is the official name for the country in North America that consists of fifty states and the District of Columbia. It is bordered by Canada in the north and Mexico in the south. The form United States is also used.

### 1AR – AT: Federal

#### Federal means the USFG

Dictionary.com, 20 – (<https://www.dictionary.com/browse/federal)//usc-br/>

federal[ fed-er-uhl ]SHOW IPA

adjective

pertaining to or of the nature of a union of states under a central government distinct from the individual governments of the separate states, as in federal government; federal system.

# CPs

## PICS

### 1AR – PICs Bad

#### PICs are a voting issue – they steal the aff and base competition off of unspecified parts of the plan meaning the aff can never win because the neg can shift the debate’s goalpost – kills fairness and substantive education, especially in a topic where the aff has to guarantee an “unconditional” right – use competing interpretations because reasonability invites judge intervention and a race to the bottom

#### <Optional> PICs are legitimate if they PIC out of an explicit part of the aff, but \_\_\_\_ is not something we have to or do defend

## Condo

### 1AR – Condo Bad

#### Conditionality is a reason to drop the debater – It shifts neg strats to emphasize coverage over clash, destroys logically consistent advocacy, and exacerbates structural disparities that favor the neg – Vote aff to preserve education and fairness through dispositionality

### 1AR – Condo Bad – Medium

#### Conditionality is a reason to reject the team –

#### Shifts neg strats to emphasize coverage over clash by decreasing the number of args on each flow

#### Destroys neg advocacy skills because they don’t advocate logically consistent positions

#### Exacerbates structural disparities that favor the neg – the aff cant recover

#### Vote aff to preserve education and fairness through one dispositional advocacy

#### 

### 1AR – Condo Bad – Long

#### Conditionality is a reason to reject the team –

#### Shifts neg strats to emphasize coverage over clash by decreasing the number of args on each flow and the neg just goes for whatever is undercovered

#### Destroys neg advocacy skills because they don’t advocate logically consistent positions

#### Exacerbates structural disparities that favor the neg because the aff only has 4 minute 1AR while the neg can spend 6 minutes blowing up the least covered position in the NR – the aff cant recover

#### Vote aff to preserve education and fairness through one dispositional advocacy

## Abolish Something CP

### 1AR - AT Abolish Prison Labor

#### 1. The counterplan does not solve the aff

#### a) if incarcerated people can’t work they will not be able to earn any money in prison which increases income inequality

#### b) Prison labor reduces the chances of reoffending prisoners. Riley 08

Reilly, Amanda 08 - (View of New Zealand and Articles 6, 7 and 8 of the International Covenant on Economic, Social and Cultural Rights: How are we doing and could we do better?, https://ojs.victoria.ac.nz/LEW/article/view/1672/1515 //JK

The rationale for prisoners having the opportunity to work in prison is sensible and humane. There is a correlation between low skill levels and unemployment and criminal convictions. The last prison census (2003) revealed that 52 per cent of prisoners had no formal qualifications and only 45 per cent were in paid work before going to prison. 15 Work can assist in prisoner rehabilitation. Gaining skills and qualifications increases the chances of prisoners finding jobs following their release and thus decreases the chances of prisoners reoffending.

However, in terms of New Zealand's international human rights obligations there is reason to be concerned about the implementation of prison employment schemes. Prison labour is not free labour. 16 While participation in prison employment schemes in New Zealand is ostensibly voluntary the fact remains that individuals are incarcerated and so the nature of that consent must be questioned. 17 And the risk of exploitation cannot be denied particularly when prisoners are made available to the private sector. 18 Thus far discussion here has focused on Article 6 of Convention on Economic, social and cultural rights and the requirement that employment should be freely chosen. However ILO Convention (No. 29) Concerning Forced Labour 1938 is also here relevant. This Convention, in fact, permits forced labour for prisoners in some circumstances but only when the work is carried out ''under the supervision and control of a public authority and that the said person is not hired or placed at the disposal of private individuals, companies or associations." 19 However, in New Zealand some of the work that prisoners do is carried out for the private sector. For example prisoners have been reported to be working as fruit pickers in the Hawkes Bay, 20 assembling photocopiers for Cannon21 and making pre-cast concrete blocks for a private development.22 If the rationale for prison labour is that the work is to facilitate rehabilitation, then prisoners should only engage in work that will genuinely provide rehabilitation. It has to be questioned whether activities such as fruit picking which is essentially unskilled labour, the performance of which does not provide an opportunity to obtain a qualification, fits this criteria. It is also important that vigilance is exerted to ensure the prison work is genuinely freely chosen and that refusal to work is not punished, for example, by loss of privileges or loss of the chance or early release.23 This conclusion is in line with the ILO observation that if privatized prison labour is seen as positive this can only be so if "marketable skills are imparted and prisoners engage in such employment and training on an entirely voluntary basis. " 24

#### b) With reform, prison labor is an essential part of reducing recidivism and increasing employment for recently incarcerated people Gomez ‘18

Lopez, German. “America's Prisoners Are Going on Strike in at Least 17 States.” Vox, Vox, 17 Aug. 2018, https://www.vox.com/2018/8/17/17664048/national-prison-strike-2018.

Prison officials and other advocates argue, however, that prison labor can help inmates gain much-needed real-world working experience. Some research has backed this up: A [study](http://www.bop.gov/resources/research_projects/published_reports/recidivism/oreprprep_cmq.pdf) of federal prisoners found inmates who took part in UNICOR, the federal prison work program, were 24 percent less likely to reoffend and 14 percent more likely to be employed a year after their release. And a [study](http://www.nationalcia.org/wp-content/uploads/Pride-Research-2005.pdf) of a Florida program found significant increases in employment after release, but no changes in inmates’ likelihood to reoffend. These studies aren’t definitive proof, because they have serious selection bias issues. It’s difficult to know whether the inmates participating in prison labor programs are those who are already less likely to reoffend and more likely to get and keep a job after prison — since they’re able and, in some cases, volunteering to work while they’re incarcerated. Some studies try to control for this, but it can never be fully ruled out. There’s also a moral argument against prison labor as it’s done today: Even if prison work helps some inmates, that doesn’t justify paying prisoners pennies or nothing at all. Under this view, if the prison work programs are beneficial, spending on them should be increased so everyone can participate and get more pay for their work. Of course, these are also people in prison — a place they are in as punishment for their crimes. So why do they deserve to be paid a higher wage? Sawari countered that these inmates are still often the primary breadwinners for their families and expected to meet some financial obligations even before their release. “Prisoners do like having the opportunity to earn, because they do have to support themselves financially in a lot of ways,” Sawari said. “Prisoners have to provide for their health care, their dental care. They have to buy food if they want to eat outside the three times a day most prisons serve. … They have to buy clothes like jackets and boots, hygiene products, cosmetics, books, study materials, paper, tape, scissors. Any little thing they need, they have to buy that. So they want to be able to.” Prison officials say they couldn’t afford to pay inmates more. They point out that there are many extra costs tied to prison labor — such as the chance of lockdowns, security needs, and the costs of inmates’ housing, food, and health care. As California Department of Corrections and Rehabilitation spokesperson Jeffrey Callison told me, “The per capita cost of one inmate in our prison system now exceeds $80,000.” Those are expenses employers in the free world don’t typically have to carry. But for many inmates, the poor pay still feels unfair. So they’re protesting for three weeks.

### 1AR – AT: Abolish Prisons CP

#### Timeframe solvency deficit – abolishing prisons requires restructuring society from the ground up through education, solving poverty, and welfare - it will take decades or centuries while incarcerated workers face injustice on the daily.

#### Abolition is bad – opens the floodgates to racial hate crimes, corporate fraud and environmental destruction.

#### The CP doesn’t work – does the CP agree to release mass murderers currently in prison? Prioritize prison reform which is actually feasible and better

#### Perm – do both. Two net-benefits –

#### 1 – Tying reforms to abolition is key to alleviate current carceral violence.

Heiner 03, Brady, graduated from Brown University with a B.A. in Modem Culture and Media, with a focus in Marxist studies. His writing appears in States of Confinement and the feminist journal Differences, Commentary: Social Death and the Relationship Between Abolition and Reform, Social Justice Vol. 30, No. 2 (2003)

However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitive one. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of tsose on the inside – those for whom these immediate struggles are of utmost urgency.2 A properly radical/abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outside of the prison, and, more generally, between the local and the global.

#### 2 – a carceral system is inevitable and there’s no alt blueprint, so activist efforts should be targeted around reformation to make the prison obsolete

Lancaster 2017 Roger, professor of anthropology and cultural studies at George Mason University and author of Sex Panic and the Punitive State, How to End Mass Incarceration, Jacobin, 8/18, https://www.jacobinmag.com/2017/08/mass-incarceration-prison-abolition-policing

But this, too, misstates history. By the time American abolitionism got fully underway in the 1830s, much of Europe and parts of Latin American had already partially or wholly abolished slavery. The Haitian Revolution had dealt the institution a major blow, and slavery was imploding in parts of the Caribbean. A world without slavery was scarcely unthinkable. The same cannot be said of prisons: all signs suggest that the public — and not only in the United States — believes that prisons are legitimate. Abolitionist arguments usually gesture at restorative justice, imagining that some sorts of community institutions will oversee non-penal forms of restitution. But here, we are very far out on a limb. Such models might more or less work in small-scale, face-to-face indigenous or religious communities. But, in modern cities, it is implausible to think that families, kinship networks, neighborhood organizations, and the like can adjudicate reconciliation in a fair, consistent manner. In short, abolitionism promises a heaven-on-earth that will never come to pass. What we really need to do is fight for measures that have already proven humane, effective, and consistent with social and criminal justice. Consider Finland. In the 1950s, it had high crime rates and a punitive penal system with high incarceration rates and terrible prison conditions. In these regards Finland then was much like the United States today. After decades of humanitarian and social-democratic reforms, the country now has less than one-tenth the rate of incarceration as the United States. Its prisons resemble dormitories with high-quality health care, counseling services, and educational opportunities. Not coincidentally, its prison system does not breed anger, resentment, and recidivism. Finland’s system aligns with that of other Nordic and Northern European nations, all of whom remained continuously on the path of reform. There, small-scale penal institutions are insulated from public opinion, with its periodic rages against lawbreakers, and prioritize genuine criminological expertise. They have expressly rehabilitative aims, working not only to punish but also to repair the person and restore him to society. Penalties top out at around twenty years, consistent with the finding that longer sentences have neither a rehabilitative nor a deterring effect. Many Scandinavian prisons have no walls and allow prisoners to leave during the day for jobs or shopping. Bedrooms have windows, not bars. Kitchens and common areas resemble Ikea displays. Rather than call for the complete abolition of prisons — a policy unlikely to win broad public support — the American left should fight to introduce these conditions into our penal system. We should strive not for pie-in-the-sky imaginings but for working models already achieved in Scandinavian and other social democracies. We should demand dramatically better prison conditions, the release of nonviolent first offenders under other forms of supervision, discretionary parole for violent offenders who provide evidence of rehabilitation, decriminalization of simple drug possession, and a broad revision of sentencing laws. Such demands would attract support from a number of prominent social movements, creating a strong base from which we can begin to build a stronger, universal safety net. Institutions become “obsolete” only when more effective and more progressive alternatives become available. The poorhouse disappeared when its functions were replaced by social security, public assistance, health care clinics, and mental and psychiatric hospitals. We see no such emergent institutions on the horizon today that might render prisons a thing of the past. What we see instead are examples of criminal justice systems that have continued reforming, modulating, humanizing, shrinking, and decentralizing the functions of the prison. Creating just such a correctional system, based on genuinely rehabilitative goals consistent with our view of social justice, should be a main task of socialists today.

## Agent CP

### 1AR – AT: Congress CP

#### 1. Perm: Do the counterplan. Congress is normal means. Labor rights are legislative, not constitutional. The NLRA, the Taft-Hartley Act, The Labor Management Reporting and Disclosure Act, the Railway Labor Act all prove. All of those acts recognize new rights.

#### 2. Merriam Webster defines “recognize”:

“Recognize.” Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/recognize. Accessed 7 Nov. 2021. AT

I didn't recognize you at first with your new haircut.

I can always recognize him from far away by/from the way he walks.

They recognized the odor at once.

2: to accept or be aware that (something) is true or exists

It's important to recognize [=be aware of] your own faults.

They started talking and quickly recognized [=realized] how much they had in common.

3: to accept and approve of (something) as having legal or official authority

The U.S. government has now recognized the newly formed country.

They refused to recognize the treaty.

#### 3. We colloquially use the word recognize in this way to mark when governments recognize a moral right by codifying it into law.

#### 4. Prefer to their LII Card. This card has no general intent to define. "Fundamental rights" are a term of art in 14th amendment jurisprudence. This is about the court recognizing implied rights under the due process clause, not saying that's the ONLY way to recognize rights. If that were true, the Bill of Rights wouldn't be a legit source of rights. Don't let them say legal definitions are better. They're only better if they are talking about the term in the right context, but if they are not then the definition is literally irrelevant.

#### 5. Prefer to their Maltz Card. This card is miscut - it is talking about the limits on the powers granted to Congress by Section 5 of the 14th amendment, again not talking about limits on all of congress's power to recognize rights.

#### 6. There are literally ZERO affs under their interp - make them read a solvency advocate for the argument that the Supreme Court should recognize an UNCONDITIONAL right to strike as part of the 14th Amendment.

#### 7. Perm - Do both. If congress passes the plan, that means it had Republican support to get past the filibuster. That gives Roberts political cover, so the perm shields the link to the DA. Perm gets better solvency because there is legal certainty that Congress's recognition won't get overturned by the courts.

#### 8. If you buy that the court is the agent of the aff, drop them for reading an agent counterplan.

#### a. Object fiat is bad for education because it destroys real world decision making. You can’t just make a problem go away in the real world

#### b. It decks fairness – the neg can just fiat away any problem addressed by the aff

#### c. It diminishes clash – the neg doesn’t have to propose a real solution to a problem.

## Consult CP

### 1AR – AT: Consult ICJ CP

1. **Conditionality is a reason to drop the debater – It shifts neg strats to emphasize coverage over clash, destroys logically consistent advocacy, and exacerbates structural disparities that favor the neg – Vote aff to preserve education and fairness through dispositionality**

#### Doesn’t solve as well as the aff; doesn’t say unconditional which means it could be abused

#### Plan flaw – States can’t request advisory opinions, so the ICJ would not respond to a request from the US because it has no jurisdiction.

ICJ ND – International Court of Justice, “How the Court Works,” Accessed 11/8/21. <https://www.icj-cij.org/en/how-the-court-works> AT

Advisory proceedings before the Court are only open to five organs of the United Nations and 16 specialized agencies of the United Nations family or affiliated organizations.¶ The United Nations General Assembly and Security Council may request advisory opinions on “any legal question”. Other United Nations organs and specialized agencies which have been authorized to seek advisory opinions can only do so with respect to “legal questions arising within the scope of their activities”.

#### Timeframe solvency deficit – ICJ opinions take along time.

ICJ ND – International Court of Justice, “How the Court Works,” Accessed 11/8/21. <https://www.icj-cij.org/en/how-the-court-works> AT

When it receives a request for an advisory opinion the Court must assemble all the facts, and is thus empowered to hold written and oral proceedings, similar to those in contentious cases. In theory, the Court may do without such proceedings, but it has never dispensed with them entirely.¶ A few days after the request has been filed, the Court draws up a list of the States and international organizations that are likely to be able to furnish information on the question before the Court. Such States are not in the same position as parties to contentious proceedings: their representatives before the Court are not known as agents, and their participation in the advisory proceedings does not render the Court’s opinion binding upon them. Usually the States listed are the member States of the organization requesting the opinion. Any State not consulted by the Court may ask to be.¶ It is rare, however, for the ICJ to allow international organizations other than the one that requested the opinion to participate in advisory proceedings. The only non-governmental international organizations that has ever been authorized by the ICJ to furnish information did not in the end do so (International Status of South West Africa). The Court has rejected all such requests by private parties.¶ The written proceedings are shorter than in contentious proceedings between States, and the rules governing them are relatively flexible. Participants may file written statements, which sometimes form the object of written comments by other participants. The written statements and comments are regarded as confidential, but are generally made available to the public at the beginning of the oral proceedings. States are then usually invited to make oral statements at public sittings.¶ Advisory proceedings conclude with the delivery of the advisory opinion at a public sitting.¶ Such opinions are essentially advisory; in other words, unlike the Court’s judgments, they are not binding. The requesting organ, agency or organization remains free to give effect to the opinion as it sees fit, or not to do so at all. However, certain instruments or regulations provide that an advisory opinion by the Court does have binding force (e.g., the conventions on the privileges and immunities of the United Nations).¶ Nevertheless, the Court's advisory opinions are associated with its authority and prestige, and a decision by the organ or agency concerned to endorses an opinion is as it were sanctioned by international law.

#### Solvency deficit – they might say no. Says the ILO supports the r2s, but there is no warrant for why the ICJ will support the IL

#### Consult CPs are a voting issue for deterrence - If the neg is able to fiat any specific mechanism they want into existence, there’s no limits for their ground – means a) we can never predict what they’re going to say, which leads to worse debates because there’s never enough prep, b) We can never generate carded answers because people don’t write about who we should ask, but about the plan itself, and c) there won’t be solvency deficits so forcing the aff to debate themselves is uneducational and unfair

### 1AR – AT: Consult Black Ppl CP

#### Perm do the CP – Black scholarship in the AC (Fulcher) proves we already consulted and that at least there is no NB

#### Doesn’t solve aff – if Black people say no, thousands of people of color across the US will continue to have to suffer under functional slave labor in prisons

#### Turn: Saying we should consult an entire race is problematic because different Black people have different political views – means that the CP requires essentializing Black people’s opinions on the plan, which necessitates racial stereotyping

#### Plan flaw – consultation can’t be binding if Black people have different views on the plan

#### Consult CPs are a voting issue for deterrence - If the neg is able to fiat any specific mechanism they want into existence, there’s no limits for their ground – means a) we can never predict what they’re going to say, which leads to worse debates because there’s never enough prep, b) We can never generate carded answers because people don’t write about who we should ask, but about the plan itself, and c) there won’t be solvency deficits so forcing the aff to debate themselves is uneducational and unfair

## Firefighters PIC

### 1AR – AT: Firefighters PIC

#### Turn - incarcerated firefighters deserve the right to strike – their labor conditions are the most coercive

Nicole Goodkind, 18 - ("California inmates risking their lives to fight wildfires say it's a "cruel joke" but better than prison," Newsweek, 8-17-2018, <https://www.newsweek.com/california-wildfires-inmates-fires-prison-1077929)//v>

As long as California's record-breaking wildfires rage, heroic men and women fight the flames on the frontlines. Firefighters in California work 24-hour shifts while wielding heavy equipment in blistering hot, life-threatening conditions. Stress levels are high, but cool-headed, strategic thinking is essential when one small misstep can result in the loss of human lives. ¶ In exchange for their efforts, firefighters typically make about [$75,000 plus benefits](https://www.bls.gov/oes/current/oes332011.htm) each year. But a group of 3,400 wildfire-fighting inmates from the California Department of Corrections and Rehabilitation are risking their lives for just $2 per day and an extra $1 per hour when fighting an active fire. ¶ "It's a cruel joke," said Deirdre Wilson, a former inmate who served in the Puerta La Cruz fire camp between 2004 and 2005. "You're volunteering to put your life on the line, but you're not really volunteering—the system evolved out of a system of slavery where we commodify human bodies and function off of their labor." ¶ Wilson, currently the program coordinator for Project Rebound at California State University, Fullerton, said she signed up for the fire program because she saw it as a way to reduce her sentence and was desperate to return to her children. "The camps were much nicer than regular prison, there are better facilities and you're not locked in a room," she said. "It was a lot more freedom and we ate much better." ¶ Wilson was initially sentenced to seven years for her involvement with a Marin County "family cult" that was connected to the starvation death of a 19-month-old boy, but was released after three years and seven months. ¶ Her views on the fire camps, she explained, are complicated. While inmates are proud of their work there and grateful for a break from the confinement of most prisons, "the whole situation is a massive power dynamic which doesn't mix with safety," she explained. "People don't want to go back to regular prison so they might not disclose when they have an injury or when a captain is being abusive." ¶ And though the California Department of Corrections and Rehabilitation is quick to applaud the heroic feats of their inmates, they don't mind taking advantage of their good intentions, she alleged. "What makes it clear that their primary objective is just cheap labor is that there is no transitional program for people leaving," she explained. "If the goal were to develop these skills, they would help them turn their training into real careers, but there's a disconnect." ¶ Dennis Dumas, who served at the inmate fire camp in Norco, California, between 2005 and 2007 told Newsweek that the prison system needs serious rehabilitation and career counseling reform. "They're not training inmates to be productive in society and take responsibility for what they've done. The California Department of Corrections is worried about money instead of implementing the right tools," he said. ¶ Still, Dumas said the firefighting program is one of the best programs the Department of Corrections has. "It's sought after in the institution, there are a ton of privileges [such as] additional visits," he explained. The pay is fair when you factor in the average per capita cost to house and feed an inmate in the California system, he added. ¶ It costs the California Department of Corrections and Rehabilitation $81,458 each year to house and care for each inmate, according to press secretary Vicky Waters. ¶ "Everyone is happy to be out there, they're happy they get the pay increase and they're happy to be fed and clothed, it's all covered for them," said Dumas. "But I think that the reward for the work completed and risks taken needs to translate to a clear employment path, not money given to inmates who haven't proven themselves in society." ¶ Most firefighters in California are required to become licensed emergency medical technicians (EMTs), but convicted felons are [typically barred](https://www.economist.com/united-states/2017/10/26/preventing-ex-convicts-from-working-is-silly) from receiving the qualification, meaning they can't join Cal Fire when they leave prison. ¶ Dumas was charged with second-degree burglary and robbery and sentenced to three years In prison in 2005. As soon as he was processed, he explained, he was approached by correctional officials who asked him to join the fire camp. "You can decline it but I didn't even know what it was," he said. ¶ At camp, Dumas underwent a series of rigorous tests and training, and eventually worked his way into a leadership role as head sawyer, the head of a chainsaw crew. "I've been flown into fires on helicopters, risked and almost lost my life more than once and was even part of rescues that involved car accidents, not fires," he said. ¶ But despite his dedication, Dumas claims he was forced to leave the camp and return to the confines of prison because of a safety disagreement with his civilian fire captain. "I almost died in a fire and was upset with the civilian captain for his negligence that put us in a very bad situation," he told Newsweek "He guided us into a dangerous fire and separated us from our crew. Our backpacks melted from the heat, and there was no light for hours."¶ "These are very dangerous jobs," Jordan Barab, former deputy assistant secretary of the Occupational Safety and Health Administration, [told Newsweek](https://www.newsweek.com/california-wildfires-inmates-prisoners-firefighters-1061905) last week. "Anytime you see prisoners doing work, they don't have the same kind of job security or right to complain about unsafe conditions. They can't quit or go work for different jobs. They either do the job as they're told to do it or they go back to regular prison. This is a captive group of workers being asked to put their lives on the line." ¶ Over recent weeks, six California firefighters have died fighting blazes in Northern California. [At least five California inmate firefighters](https://www.thedailybeast.com/the-inmates-fighting-californias-deadly-fires) have died in the line of duty during the program's 40-year history. ¶ After two years in the fire camp, Dumas, who now runs a successful fitness company in the Bay Area, was sent to the maximum security California Correctional Institute in Tehachapi, California, where he says his indirect involvement in a riot led to a year in administrative segregation and solitary confinement. The prison system needs a lot of reform, he explained, but the wildfire camps are not the most pressing matter. ¶ For family members, though, it can be an agonizing experience. Wanda Coleman's son, Adrian Sanders, is currently serving out his five-year sentence at a fire camp, and despite his reassurances, she worries about his safety. "He has told me that they hear when a firefighter dies over their radio, and he's trying to be safe but I worry so much about him," she said. ¶ Coleman lives in Los Angeles, but her son is far north in Weott, California. "It's too far to visit him," she explained. "I would have to take a plane, and then when they're shipped out, you never know when they're going to be, they don't know when they're leaving, they just get calls in the middle of the night. It reminds me of the military." ¶ Sanders, though, feels fulfilled by his work at the camp, and has lost 25 pounds during training, said Coleman. But she still wishes that more people would notice that her son is risking his life to help Californians for no reward. "No one says anything about them, they're heroes," she said. "They don't get the credit and they work so hard." ¶

#### There’s almost a year until next fire season – plenty of time for them to make a deal AND for vax mandate conflicts to blow over

#### They want to deter strikes by firing people – that leads to a more permanent reduction in the labor force – turns the CP

#### Most firefighters are volunteers so can’t strike

#### No link – we don’t get rid of the firefighter program, we just give them the right to strike so incarcerated workers can demand higher wages. The PIC allows exploitative labor to continue.

#### The PIC doesn’t solve the aff – C/A Kelly from the AC – the firefighters program is a uniquely exploitative system.

## Hate Strike PIC

### 1AR – AT: Hate Strike PIC

#### No solvency---the CP will get circumvented---prison guards will just say that every strike by incarcerated workers is a hate strike by pointing to gang members participating in the strike because there is limited information about strikes outside of the prison

#### No net benefit—their only evidence is about hate strikes in the 1940s, and have no evidence about modern prison strikes

#### The oppression of people of color that would occur from circumventing the plan outweighs the small risk of a hate strike in prison.

## NRLB CP

### 1AR – AT: NRLB CP

#### Solvency deficit: NRLB doesn’t have statutory authority to implement an unconditional right to strike – also without the support of the wider government there will still be state and private prisons that crack down on strikes.

#### The NLRB has the power to investigate into cases that violate existing laws but not the power to grant the right to strike.

#### Meriam Webster Dictionary, no date https://www.merriam-webster.com/legal/National%20Labor%20Relations%20Board

Legal Definition of National Labor Relations Board

independent government agency charged with preventing or remedying unfair labor practices by private sector employers and unions. As official administrator of the nation's principal labor law, the National Labor Relations (Wagner) Act, the NLRB has authority to investigate charges of unfair labor practices, issue complaints, prosecute cases before board members and an administrative law judge, pursue injunction proceedings, obtain compliance with board orders and court judgments, and conduct secret-ballot elections among employees to determine whether or not they desire to be represented by a labor union in bargaining with employers about their wages, hours, and working conditions. The NLRB can act only when it is formally requested to do so. Individuals, employers, or unions may initiate cases by filing charges of unfair labor practices or petitions for employee representation elections with the board field offices serving the area in which the case arises.

#### Perm do the CP: the NRLB is a governmental agency that is part of the Federal Government, the NRLB is just the mechanism or process by which the AC plan is enacted. The perm also shields the link to the DA because if the NRLB enacts the plan there is no risk of governmental backlash.

#### The NLRB is part of the US government

#### Meriam Webster Dictionary, no date https://www.merriam-webster.com/legal/National%20Labor%20Relations%20Board

Legal Definition of National Labor Relations Board

independent government agency charged with preventing or remedying unfair labor practices by private sector employers and unions. As official administrator of the nation's principal labor law, the National Labor Relations (Wagner) Act, the NLRB has authority to investigate charges of unfair labor practices, issue complaints, prosecute cases before board members and an administrative law judge, pursue injunction proceedings, obtain compliance with board orders and court judgments, and conduct secret-ballot elections among employees to determine whether or not they desire to be represented by a labor union in bargaining with employers about their wages, hours, and working conditions. The NLRB can act only when it is formally requested to do so. Individuals, employers, or unions may initiate cases by filing charges of unfair labor practices or petitions for employee representation elections with the board field offices serving the area in which the case arises.

#### Perm do both: Both the NRLB and Congress should enact the plan – it makes it seem extra legitimate which encourages prisoners to strike and affirms the protection of the R2S

#### A2 Estreicher: If it’s so under the radar prisoners won’t hear about it and won’t feel like there is sufficient public/governmental protection of the right to strike so they won’t strike

#### Also this card is from 2015 – doesn’t consider the explosion in polarization that has happened since the 2016 election – conservative outlets will use any policy to paint Biden as a radical

## Police Unions PIC

### 1AR – AT: Police Unions PIC

#### Perm do both – the government doesn’t hire people in prison to be police. Means that there’s no link to the NB.

{PIC’s bad too if you have time}

## Prison Reform/Minimum Wage CP

### 1AR – AT: General Reform CP

#### Perm do both – shields the link to NB by \_\_\_\_\_\_\_\_

#### (if they rehighlight the Fulcher card) The minimum wage isn’t specified for the neg, which means it will still be much lower than the workers deserve.

#### Doesn’t solve prison strikes against poor living conditions

#### Power dynamic solvency deficit – if workers can’t strike they can’t surpass the power dynamic - prison supervisors have no incentive to listen to term which means the CP doesn’t solve for future abuse

### 1AR – AT: Harker Reform CP

#### Perm do both – give incarcerated workers the unconditional right to strike and ban the forms of incarcerated labor specified in the CP.

#### The CP alone doesn’t solve the aff –

#### Minimum wage doesn’t solve – the minimum wage is too low, so incarcerated workers need a right to strike to raise wages to market value

#### Living conditions – in prison, work and life are combined – incarcerated workers can use the right to strike to improve living conditions, not just working conditions. The California strikes that led to changes in solitary confinement policies prove.

### 1ar – AT: Minimum Wage CP

#### Perm do both—give prisoners a minimum wage and give them a right to strike

#### The CP alone doesn’t solve the aff –

#### Minimum wage doesn’t solve – the minimum wage is too low, so incarcerated workers need a right to strike to raise wages to market value

#### Living conditions – in prison, work and life are combined – incarcerated workers can use the right to strike to improve living conditions, not just working conditions. The California strikes that led to changes in solitary confinement policies prove.

#### Gets circumvented—if they have to pay minimum wage, they will just massively inflate the prices of phone calls, ramen etc to make up for it

## SCR-69 CP

### 1AR - AT: SCR-69 CP

#### Perm do both – shields the link to the NB because \_\_\_\_\_\_\_\_\_\_\_

#### Doesn’t solve for poor working conditions and exploitative hours. Even if prison workers have higher wages, without the ability to strike they can be forced to work unreasonable hours and in dangerous conditions without any ability to respond.

#### Another massive solvency deficit – SCR-69 just says “expresses” the legislatures support for fair wages, it doesn’t include any structural changes so it can’t solve the AC

#### Also doesn’t allow workers to gain visibility via striking, so the larger abuses of the criminal justice system will remain standing while posturing as reformed

## Violent Strikes PIC

### 1AR – AT: Violent Strikes PIC

#### 1. Perm do the CP – the CP is the aff — by definition, strikes must be nonviolent Marton 18

Janos Marton [State Campaigns Manager, ACLU Campaign for Smart Justice], 18 - ("The Nationwide Prison Strike: Why It’s Happening and What It Means for Ending Mass Incarceration," American Civil Liberties Union, 8-21-2018, accessed 10-27-2021, https://www.aclu.org/blog/smart-justice/mass-incarceration/nationwide-prison-strike-why-its-happening-and-what-it-means)//ML

On Tuesday, these incarcerated leaders and their partners are launching a “[Nationwide Prison Strike](https://incarceratedworkers.org/campaigns/prison-strike-2018)” to raise awareness of not only the horrific conditions throughout the American prison system but the broader injustices that have led to our current system of [mass incarceration](https://www.aclu.org/issues/smart-justice) — from racist police practices to unjust sentencing laws to the lack of support people experience when they come home from prison.¶ The Nationwide Prison Strike, scheduled to last from Aug. 21 to Sept. 9, is centered around 10 specific [policy demands](https://incarceratedworkers.org/campaigns/prison-strike-2018). These demands include significantly reducing the number of people in jail and prison, improving prison conditions, properly funding rehabilitation, and addressing racism throughout the criminal justice system.¶ None of the demands, taken individually, is new to the criminal justice movement. Many organizations, including the ACLU, have fought against the rise of [mass incarceration](https://www.aclu.org/issues/smart-justice/prosecutorial-reform) and the horrendous conditions of [American prisons](https://www.aclu.org/issues/prisoners-rights). Yet this may be the first occasion in which incarcerated leaders have coordinated nationally to list their specific policy agenda to end the system that has imprisoned them.¶ The strike’s organizers are emphasizing Demand #10, also known as the [#Right2Vote](http://sawarimi.org/right-2-vote-campaign) campaign, a demand that all American citizens of voting age — including all people in jail, prison, or on parole — have the right to vote. In an early planning call, one organizer noted that the right to vote was the right from which all other rights flowed and stressed the need for people outside of prison to support this change. Presently, only Maine and Vermont permit all incarcerated and formerly incarcerated citizens the right to vote.¶ The term “strike” itself refers to incarcerated people across the country engaging in various types of nonviolent disobedience within the prison system, including not reporting to their workstations, from Aug. 21 to Sept. 9. This tactic is closely tied with a demand that prison labor be properly compensated, in contrast to what one of the organizers calls “[slave labor](https://shadowproof.com/2018/08/16/im-for-disruption-interview-with-prison-strike-organizer-from-jailhouse-lawyers-speak/),” referencing the 13th Amendment to the U.S. Constitution, which abolished slavery but carved out an exception for people who have been convicted of criminal offenses.

#### 2. The CP doesn’t solve the aff – legal precedent means prison guards determine what counts as violent, and they see all prison strikes as such.

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

In light of Jones, it is unlikely that the Supreme Court would, if the question came before it, recognize inmates’ First Amendment right to strike. Although the case concerned the specific issue of prison unions, the Jones Court’s holding was, in its methodology and reasoning, farreaching — (1) providing prison administrators with wide latitude to curtail any inmate collective activity that, in their “reasonable” judgment, threatened institutional order and security119 and, as a result, (2) appearing to severely curtail inmates’ First Amendment rights.120 The Court’s broad deference and narrow First Amendment view should therefore naturally be expected to extend to prison strikes and other forms of collective protest, about which prison officials have consistently offered similar safety concerns and which they have uniformly sought to ban,121 and which Jones specifically acknowledged as a possible unwelcome outcome of allowing prisoners to unionize. ¶ That Jones likely prevents any constitutional protection for prison strikes — and therefore liberally protects prison regulations banning strike activities — is reinforced by how the Supreme Court has applied the case over the past forty years. In Turner, for example, the Court rejected efforts to cabin Jones to barring only “‘presumptively dangerous’ inmate activities.”122 The Court specifically discussed Jones as part of a line of “prisoners’ rights” cases permitting “reasonable” prison regulations to impinge on inmates’ constitutional rights123 and ultimately relied in part on Jones to fashion its general four-part framework for assessing “reasonableness” across prison regulations.124 And in Overton v. Bazzetta, 125 the Supreme Court again invoked Jones to emphasize that “freedom of association is among the rights least compatible with incarceration”126 — though it declined to draw any precise boundaries that would be helpful for determining what, if any, associational rights inmates retain within prison walls, and whether those include strikes.127 ¶Lower courts have not been as wary to draw such boundaries. Under Jones, lower federal courts have uniformly held that prisoners have no constitutionally protected right under the First Amendment to strike. One district court interpreted Jones to hold that prison officials may act to prevent such strikes whenever they have a “good faith” belief that such strikes “threaten the security of the institutions they manage.”128 Lower courts have rejected a right to strike by simply citing to or briefly discussing Jones and contending that it naturally compels such a result,129 or by drawing an explicit connection between the prohibited prison unions at issue in Jones and prison strikes, dubbing strikes to be “a species of ‘organized union activity.’”130 They have also done so by delving into the specifics of why strikes purportedly pose safety and security risks within prisons and why prison regulations barring strikes are therefore rationally related to legitimate penological goals.131 ¶

#### A2 Abolish Private Prisons

#### 1.perm do both—this gives incarcerated workers the right to strike while abolishing private prisons which shields the link to the disad

#### 2. solvency deficits

#### a) doesn’t give prisoners the right to strike in state and federal prisons, which still pay their workers near zero and force people to work in terrible conditions

## Word PIC

### 1AR – AT: General Word PIC

#### Interpretation: The negative may not run a word PIC.

Standards:

#### 1. Ground: They coopt 100% of AC offense, both discursively and post-fiat. The aff can’t even leverage its discourse from other parts of the flow to weigh against the PIC offense. They are perfectly entitled to critique the representations in the AC framework, they just aren’t entitled to adopt the entire AC advocacy while doing so. This leaves the Aff nothing to leverage against Neg offense on any layer of the debate.

#### A. This is key to fairness, if the aff can’t claim offense there is simply no way to win.

#### B. This solves their education arguments because they can make all the same arguments without the abusive advocacy.

#### 2. Topical debate. Rather than focusing on whether to the plan, the entire debate shifts to just one word.

#### 3. Predictability—the neg could PIC out of any word in the entirety of their aff because their PIC is not even grounded in the text of the plan

### 1AR – AT: Struc Vio Word PIC

#### The term structural violence is good and widely used. Lee 19

Bandy X. Lee [n [American](https://en.wikipedia.org/wiki/United_States) [psychiatrist](https://en.wikipedia.org/wiki/Psychiatrist) whose scholarly work includes the writing of a comprehensive textbook on violence] 19- ("Structural Violence," 2019, accessed 11-6-2021, https://onlinelibrary.wiley.com/doi/pdf/10.1002/9781119240716.ch7)//ML

Structural violence, though mostly hidden and unrecognized, is a concept important enough in any study of violence to warrant a full chapter in this volume, even though it is not a field of study in its own right. In light of its scope, importance, and implications—in causing other forms of violence, we may even argue that it is a central concept. Structural violence refers to the avoidable limitations that society places on groups of people that constrain them from meeting their basic needs and achieving the quality of life that would otherwise be possible. These limitations, which can be political, economic, religious, cultural, or legal in nature, usually originate in institutions that exercise power over particular subjects. Because these limitations are embedded in social structures that operate normatively, people tend to overlook them as nothing more than ordinary difficulties that they encounter in the course of their daily lives. For example, many people desperately need education, healthcare, political power, or legal assistance but are unable to access them easily due to restrictions in the existing social order.¶ Unlike more visible and obvious forms of violence, where a person or a group of persons physically harms someone, structural violence occurs through economically, politically, or culturally driven processes that work together in such a way as to limit victims from achieving full quality of life (Gupta, 2012). At first glance, structural violence may seem a misnomer, for inequality and injustice are characteristics within very stable social structures where there is little overt disruption, but persistent and insidious damage results. For example, if someone dies of tuberculosis, autoimmune deficiency syndrome (AIDS), or another curable disease in the modern world, where advanced medications exist but are not accessible to them, then that is a form of structural violence (Ho, 2007). We classify it as a form of violence because these deaths are preventable and only occur because of disparities in distribution of health care among different strata or regions. The harm is structural because it is a product of institutions and other structures; it is violent because it causes injury and death. It is human violence because these are human decisions and not natural occurrences, and because it is correctable and preventable through human agency (Winter and Leighton, 2001). ¶7 Structural Violence A key aspect of structural violence is that it is often subtle, invisible, and accepted as a matter of course; even more difficult than detecting it is assigning culpability for it, since the actors are often impossible to identify, hidden as they are behind anonymous institutions or long disappeared while the violence continues. There are no concrete operators directly attacking others, as when one person kills another. However, if we took into account the victim’s and not just the perpetrator’s perspective, structural violence has similar effects as behavioral violence, including death (Morgan et al., 2014). Structural violence, in fact, is by far the most lethal form of violence as well as the most potent cause of other forms of violence (Butchart & Engström, 2002). The magnitude of damage warrants calling it violence rather than simply social injustice or oppression. The excess rates of death and disability resulting from the social and economic structures of our society—that is, its division into rich and poor, powerful and weak, and superior and inferior—are measurable using life expectancy data, as we will see later in this chapter. Calculations show that between 10 and 20 million deaths per year can be attributed to structural violence (Høivik, 1977), more than ten times the number due to suicide, homicide, and warfare combined. The numbers are even greater now, and the Commission on Social Determinants of Health of the World Health Organization (WHO, 2008) has declared that social injustice is killing people on a grand scale. ¶

#### Interpretation: The negative may not run a word PIC.

Standards:

#### 1. Ground: They coopt 100% of AC offense, both discursively and post-fiat. The aff can’t even leverage its discourse from other parts of the flow to weigh against the PIC offense. They are perfectly entitled to critique the representations in the AC framework, they just aren’t entitled to adopt the entire AC advocacy while doing so. This leaves the Aff nothing to leverage against Neg offense on any layer of the debate.

#### A. This is key to fairness, if the aff can’t claim offense there is simply no way to win.

#### B. This solves their education arguments because they can make all the same arguments without the abusive advocacy.

#### 2. Topical debate. Rather than focusing on whether to the plan, the entire debate shifts to just one word.

#### 3. Predictability—the neg could PIC out of any word in the entirety of their aff because their PIC is not even grounded in the text of the plan

## AT Strake Jesuit ZD looting CP

#### No link - they’re not looting – they’re asking for a ballot. There’s no transfer of property if you win a ballot. Winning a debate round is NOT looting, it’s incomparable and offensive to suggest that it is.

#### This CP is politically irresponsible because it invalidates the danger that looting entails in order to make a statement.

## Discriminaiton PIC

#### No link – their card doesn’t talk about prisons, there is zero evidence that racist strikes happen more frequently in the world of the aff.

#### A large proportion of prisoners are are POC – no warrant as to why the DA happens.

#### Solvency Deficits

#### prisons will just say that all strikes are demands for discrimination so the PIC can’t solve.

#### Since many prisoners are POC, people who run prisons will say that their demands for better conditions are discriminatory.

## Apprenticeship CP

#### Perm do both – give incarcerated workers the right to strike and increase funding for the apprenticeship program

#### Solvency Deficits

#### Visibility – prison strikes reveal the exploitative prison conditions to the public. The CP prevents incarcerated people from showing the country all the the horrible prison conditions, so the CP prevents further reform.

#### Even if prisoners get paid minimum wage, it doesn’t solve – the minimum wage is too low, so incarcerated workers need a right to strike to raise wages to market value

#### Living conditions – in prison, work and life are combined – incarcerated workers can use the right to strike to improve living conditions, not just working conditions. The California strikes that led to changes in solitary confinement policies prove.

# DAs

## Backlash Against Unions DA

### 1AR – AT: Union Backlash DA

#### Non-unique – prison unions are already not allowed in the status quo

#### Fiat solves link – this DA is a circumvention argument – weakening unions would weaken the unconditional right to strike – durable fiat is good because it allows the aff to defend politically unpopular policies

#### Don’t need prison unions to solve the AC – Harvard Law Review 19 cites examples of successful prison strikes that occurred despite a lack of organized prison unions

#### Normal means doesn’t entail circumvention, it just means that the law is implemented through normal means. There is no unconditional right to strike for any group in the US, it’s a stronger version of existing strike laws.

## Brentwood contentions

### AT right to strike should not be unconditional

#### No link—our aff only gives incarcerated workers the unconditional right to strike, not medical workers, essential workers or people in the military

#### Even if they argue that some essential workers are incarcerated, there is no impact because they make up a tiny percent of all essential workers

#### Striking is the best method for incarcerated workers to make demands. They are paid cents an hour and work in terribly unsafe conditions and strikes are able to force the government to improve their conditions and generate larger movements to change prison conditions

### AT Right to Strike Harms Workers

#### Strikes work-- our Harvard Law Review card on solvency says that CA strikes led to changes to the solitary confinement system and a strike in Alabama got the DOJ to investigate prison conditions. Prefer our ev on specificity---all of their ev is about medical workers which is very different from incarcerated workers

#### Their Semuels card proves that an unconditional right to strike is key---if the right is unconditional employers would not be able to hire strike breakers

#### The right to strike will be enforced—strikes will be able to sue if their rights are violated. Independently, we should focus on whether the plan is a good idea instead of whether it will be implemented or not because that is key to learning about the resolution

#### Turn—the aff increases protections for workers because they will be able to effectively strike for worker protections

## Econ DA

### 1AR – AT: General Econ DA

#### Multiple thumpers – low supply chains, Striketober

#### No link—they have no ev that says that prison labor key to stopping recessions

#### Prison labor is not key to the US economy

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### Decline doesn’t cause war—only our evidence has predictive capacity and robust data analysis.

Clary 15 (Christopher Clary, Ph.D. in Political Science at MIT, M.A. in National Security Affairs from US Navy Postgrad Schoo, “Economic Stress and International Cooperation: Evidence from International Relations”, Research Paper No. 2015-8)

Assessment of Economic Downturns

Together these analyses provide evidence to affirm or reject several of the hypotheses presented above. First, regarding the primary hypothesis, there is considerable evidence that states experiencing recent economic downturns are systematically more likely to terminate their rivalry than states undergoing periods of economic normalcy. For dyads where neither rival is experiencing an economic downturn with all other variables set at their medians, there is an approximate 3 percent chance of rivalry termination in any given year. For dyads where one rival is experiencing an economic downturn, that risk increases to approximately 5 percent per year. And for dyads where both rivals are experiencing economic troubles, the risk is approximately 7 percent per year. Further, there is evidence that including the presence or absence of economic recessions in rival states improves model fit, meaning a model that includes recessions better predicts rivalry outcomes than one that excludes it. This improvement in model fit is shown not only with a higher likelihood-ratio test statistic (p<0.015 that the model with recessions is equivalent to a restricted model that does not include recessions), but also in substantially improved Akaike and Bayesian Information Criteria, tests that penalize models for additional parameters.79 Additional Robustness Checks I tested the inclusion of a number of other variables that might confound these results, even if they do not represent a major alternative theoretical explanation. I controlled for the wealth of both rival states as measured by their per capita gross domestic product. I controlled for whether either rival state had experienced a war in the recent past (employing three-, five-, and ten-year windows after the war concluded). As an alternative to the systemic shocks proposed by Goertz and Diehl, I created a dummy variable for the period of the Cold War (testing both 1989 and 1991 end dates). None of these alternative measurements or specifications altered my core substantive or statistical results.Conclusion This essay has asked whether there is evidence that suggests a broad pattern linking economic difficulties to rivalry termination. There is. Economic downturns are associated with greater likelihood of rivalry termination across more than one hundred post-war rivalries, even when controlling for all major alternative explanations and a battery of other possible confounding variables. These results are substantively meaningful and statistically robust.

### 1AR – AT: Homestead Econ DA

**1.** **COVID is a thumper – we’ve been through extreme econ downturn and we haven’t had nuke wars which proves the DA is nonunique and nonsense**

**2.** **Multiple thumpers – low supply chains, Striketober**

**3.** **Evidence is from 2010 and we still haven’t gone extinct**

**4.** **Not a brink impact – they have to prove the aff uniquely causes extinction which they HAVEN’T – NONE of their cards are unique to incarcerated workers**

#### Prison labor is not key to the US economy

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

## Inflation DA

### 1AR – AT: Inflation DA

#### 1. No link—incarcerated workers are only a small percent of the total population so increasing their wages is not enough to trigger the link

#### 2. aff outweighs—massively decreasing human rights abuses for prisoners outweighs a small increase in inflation

#### Best models prove inflation’s low and transitory

Mark Hulbert 10-26, Regular Contributor to Barron’s, Author of Hulbert Ratings, “These Economists Aren’t Worried About Inflation. Here’s Why.”, Barron’s, 10/26/2021, <https://www.barrons.com/articles/inflation-economists-51635264860?mod=hp_LATEST&tesla=y> [typo corrected]

The consumer price index is likely to rise next year by about 3%—and perhaps even less.

If so, of course, inflation in 2022 could be much less the[n] 5.4% rate at which the CPI has risen over the past 12 months.

This rosy projection comes from the inflation models that have the best historical track records, according to a new study.

Focusing on the models with the best track records would seem to be an obvious approach to the debate over whether inflation’s recent spike is transitory. But surprisingly few commentators have done so. Many appear to have instead based their projections on little more than intuitions and hunches, picking and choosing among the myriad pieces of available economic data and anecdotal evidence to find what supports their prior beliefs.

Their approach, in effect, is: “Here’s the conclusion on which I will base my facts.”

The new study that instead focuses on historical track records is written by two economists at the Cleveland Federal Reserve Bank, Randal Verbrugge and Saeed Zaman. Their study is entitled “Whose Inflation Expectations Best Predict Inflation”? (Note that the conclusions of their study are theirs, they write, “and not necessarily those of the Federal Reserve Bank of Cleveland or the Board of Governors of the Federal Reserve System.”)

After studying a number of competing models, the economists found that the models based on the forecasts of “professional economists and businesses have tended to provide more accurate predictions of future inflation than the [models based on] expectations of households and of financial market participants.”

That’s good news because households are among those who currently believe that inflation’s recent spike will be more than transitory. Consider the University of Michigan’s Survey of Consumers, which finds that consumers on average expect the CPI to rise 4.7% over the coming year. That’s only slightly below the 5.4% rate at which the CPI has risen over the trailing year.

#### It’ll stabilize at 2%

Dr. Tyler Cowen 10-28, Professor of Economics at George Mason University, Ph.D in Economics from Harvard University, “Three Reasons Inflation Isn’t Here to Stay”, Bloomberg Opinion, 10/28/2021, https://www.bloombergquint.com/gadfly/inflation-isn-t-here-to-stay-and-here-are-three-reasons-why

With inflation reports coming in so high, it’s getting harder to defend my membership on “Team Transitory.” Yet I remain committed to the view that higher inflation is, in fact, transitory: After a few years of above-average price inflation, prices will return to a steady state of about 2% annual growth, as has mostly been the case since the early 1990s.

The case for Team Transitory is not about whether the next pending inflation numbers will come in high or low. Instead it consists of the following two propositions:

The Federal Reserve can control the rate of price inflation.

The Federal Reserve does not want inflation to be very high.

The first claim seems obviously true. Central banks aimed for rates of price inflation at 2% or slightly below for many years. They achieved them regularly — even though, after the Great Recession, some academics insisted that the Western economies were stuck in liquidity traps.

But central banks have many policy instruments at their disposal, including the management of expectations, and it is usually a mistake to bet against them. And the implication of a liquidity trap is that the Fed cannot increase the rate of inflation in deflationary times, not that the Fed cannot reduce it in inflationary times.

If there is a reason to take issue with Team Transitory, it is with the second claim. That the Fed wants to reduce inflation is true in the abstract, but the political price of doing so may be too high. After all, bringing down price inflation requires the Fed to engage in contractionary monetary policy, which runs the risk of a recession. Contractionary monetary policy lowers aggregate demand, and in a world of sticky wages and prices this can lead to lower output and employment, as indeed it did in the early 1980s.

The key question, then, is whether the Fed, at current margins, is more concerned with fighting inflation or lowering the chance of a recession. Admittedly there is uncertainty about the answer to this question, as there should be, but still I end up on Team Transitory.

One way to view the Fed is as an independent institution with a mandate (half of a dual mandate) to maintain stable prices. Chair Jerome Powell has made this goal more flexible, by instituting “average inflation targeting,” and this policy does give the Fed some leeway in deciding when the rate of price inflation should fall. But it doesn’t grant the Fed license to allow 5% annual inflation for the next five or 10 years. If the Fed broke with its mandate, it would lose much of its credibility. So from a policy and institutional standpoint, it is in the Fed’s interest to control inflation.

An alternative way to view the Fed is as a political entity, motivated by self-preservation or a desire to help the incumbent Democratic Party. Putting aside whether this is true, voters correctly perceive higher inflation as lowering their living standards. A marginal rise in unemployment might affect 5% of the electorate, and may disproportionately affect low-skilled individuals, who are also less likely to vote. In contrast, inflation affects all voters, and most of them hate it. So even a cynical calculus also suggests the Fed will bring down inflation rates.

Perhaps most important, there is the market’s perspective — and the market expects the Fed to bring down inflation rates. As I write, the 10-year Treasury yield is 1.64%. That yield has been rising, but it hardly seems to predict hyperinflation, or even 5% inflation for the next 10 years. The most negative piece of evidence so far is from the TIPS market, which is predicting inflation of about 3% over the next five years.

You might be wondering whether “the market” understands inflation and the Fed. Well, investors are obsessed with the Fed and study it closely. When I encounter Team Transitory skeptics, I ask them: “What is it that you understand about the Fed that the broader market does not?” I have yet to receive a compelling answer.

In contrast, the case for “Team Permanent” relies on a series of unlikely events: The Senate is unable or unwilling to confirm new candidates to the Fed’s Board of Governors (there are currently two open seats, plus the chair and vice-chair positions). Meanwhile, a political crisis strikes the White House, say perhaps President Joe Biden falls ill, and it does not offer any new candidates. There is then a power vacuum at the Fed, which is less able to take decisive action. In such a world, all bets would be off. But for now — in consideration of the Fed’s institutional and political incentives, as well as the market forecast — I am sticking with Team Transitory.

#### Inflation is under control

Simon Kennedy 21, Executive Editor for Economics at Bloomberg News, Degree in Economics and Journalism from the City University of London and Concordia University, “The Global Economy Is Shrugging Off the Delta Variant, For Now”, Bloomberg News, 8/11/2021, https://www.bloomberg.com/graphics/global-economic-recovery-q3-nowcast/

As for inflation, some worry its rebound from the recession will prove long-lasting, limiting the scope for central bankers to maintain stimulus and distracting them from their focus on healing labor markets and the broader economy.

But the Bloomberg Economics nowcast models suggest some room for confidence:

- In the U.S., summer readings for the consumer price index pushed past 5% year on year — way outside the Federal Reserve’s comfort zone. The nowcast suggests pressures are set to peak and begin edging down in the third quarter.

- The euro-area — further behind in the recovery but with the pace of growth still accelerating — is expected to see inflation picking up, but not to such elevated levels as those seen in the U.S.

- In Japan, price gains in the third quarter are expected to flatline at 0.1% — a reminder that after temporary frictions from reopening have dissipated, the more serious problem for the world’s central bankers may still be not too much inflation but too little.

Chart, line chart

Description automatically generated

For the world’s biggest central banks, a recovery on track and inflation risks passing means they will be in no hurry to make major moves.

Even as interest rates stay on hold, though, officials are starting to shift other pillars of economic support.

Inflation low now

Rockeman 9/14 – Olivia Rockeman, economics reporter for Bloomberg, “US consumer price growth cools in August, smallest gain in seven months,” 9/14/21, https://www.business-standard.com/article/international/us-consumer-price-growth-cools-in-august-smallest-gain-in-seven-months-121091401152\_1.html

Prices paid by U.S. consumers rose in August by less than forecast, posting the smallest gain in seven months and suggesting that some of the upward pressure on inflation is beginning to wane.

The consumer price index increased 0.3% from July, according to Labor Department data released Tuesday. Compared with a year ago, the CPI rose 5.3%. Excluding the volatile food and energy components, so-called core inflation climbed 0.1% from the prior month, the smallest gain since February.

Economists in a Bloomberg survey called for a 0.4% increase in the overall CPI from the prior month and a 5.3% gain from a year earlier, based on the median estimates.

Treasuries pared declines following the data, while the dollar fell and S&P 500 futures rose.

Faced with mounting cost pressures as a result of materials shortages, transportation bottlenecks and hiring difficulties, businesses have been boosting prices for consumer goods and services. While price spikes associated with the economy’s reopening are beginning to abate, tenuous supply chains could linger well into 2022 and keep inflation elevated.

A Federal Reserve Bank of New York survey showed Monday that consumers expect inflation at 4% over the next three years, the highest in data back to mid-2013.

The CPI data precede next week’s Federal Open Market Committee meeting, where Fed officials will debate how and when to begin tapering asset purchases. Fed Chair Jerome Powell said last month that the central bank could begin reducing its monthly bond purchases this year, but didn’t give a specific time line.

#### The Fed thinks that current short-term inflation will moderate over the longer term – their opinion is what matters for our link

Derby 9/13 – Michael S. Derby, Federal Reserve reporter for the Wall Street Journal, “Inflation Expectations Continue to Climb, New York Fed Survey Shows,” 9/13/21, https://www.wsj.com/articles/new-york-fed-survey-shows-inflation-expectations-at-record-highs-in-august-11631545200

The rise in price pressures has been driven largely by supply disruptions tied to the economic reopening process. Fed officials have flagged that most of the biggest gains in inflation have happened in parts of the economy most affected by the pandemic.

Central bankers, who have maintaining price stability as an official goal, still largely say they believe that price pressures will moderate over time as imbalances get resolved. “It’s going to take some time,” but the disruption causing the inflation jump should abate and “that’ll help the inflation measures move back down,” Cleveland Fed leader Loretta Mester told reporters on Friday.

Fed officials also base their confidence that inflation will moderate on what many of them see as relatively stable long-term inflation expectations. Fed officials have long believed that expectations about the future of price dynamics exert a powerful influence on where inflation stands now, but the central bankers don’t have a uniform way of measuring the issue. At the same time, data have shown that the public generally overestimates where inflation is relative to what the government data say.

In an interview last week, Federal Reserve Bank of Atlanta President Raphael Bostic said he is looking to see if “businesses and families are starting to make decisions, taking on board these higher levels of inflation as something that is potentially more permanent. If those sorts of behavioral changes start to play out, then that’s something I’ll have to take on board” when thinking about where monetary policy needs to be set.

“Fortunately we have not seen that in terms of long run inflation expectations-—there’s been a little movement in the short run side, but since that hasn’t necessarily, or to this date, bled into the longer run, I’m, I’m inclined to mainly look through it,” and retain confidence price pressures will moderate over time, Mr. Bostic said.

#### Powell and the Fed think that current inflation is short-term and transitory

Saphir 8/27 – Ann Saphir, Reuters reporter covering the Federal Reserve and the US economy, “Why Fed's Powell still thinks high inflation is 'temporary',” 8/27/21, https://www.reuters.com/business/why-fed-chair-powell-still-thinks-high-inflation-is-temporary-2021-08-27/

Federal Reserve Chair Jerome Powell on Friday pushed back against concerns that swiftly rising prices could become an enduring feature of the economy, forcing the U.S. central bank to raise interest rates and cut short the recovery.

While recent inflation readings are "a cause for concern," Powell told the Kansas City Fed's annual Jackson Hole economic symposium, responding to what he sees as likely to be a temporary trend by tightening monetary policy could be a "particularly harmful" mistake. read more

It was a provocative case to stake out at a time when inflation is sapping consumer sentiment and emerging as a political hot potato just as President Joe Biden weighs whether to appoint Powell to a second term as Fed chief.

Powell's decision to build the case for why inflation isn't a worry - rather than sketch out what could go wrong - drew praise from advocates of the year-old policy framework he championed that emphasizes the Fed's full employment goal and rejects the kind of preemptive inflation-fighting rate hikes that were the stock-in-trade of the Fed in its previous incarnations.

It also sparked criticism from those less sanguine about the risks, with Harvard University's Jason Furman, who was a former senior economic aide in the Obama administration, saying that Powell was "failing to take seriously any arguments on the other side."

And, of course, it comes as Fed officials themselves fully join their own internal debate about when to start backing away from the emergency measures implemented to shield the economy from the disruptions - still ongoing to some degree - of the COVID-19 pandemic.

A number of Powell's fellow central bankers have begun pushing for the Fed's asset purchases to be quickly wound down as the first leg of that process.

Indeed, Powell used his speech on Friday to acknowledge that, at least as of last month's policy meeting, he was in favor of the Fed starting to reduce its $120 billion in monthly asset purchases this year, with inflation already meeting the bar to do so, and further progress on the employment front expected.

But to raise interest rates the Fed has said the economy must meet a more stringent test, including not only maximum employment but also inflation that has reached and looks on track to exceed 2% for some time. Though some other Fed policymakers have said they believe inflation is already averaging that elusive target, Powell remained uncommitted.

"Time will tell whether we have reached 2% on a sustainable basis," Powell said.

The personal consumption expenditures (PCE) price index excluding the volatile food and energy components, which is a key measure of inflation, rose 3.6% in the 12 months through July, data on Friday showed. On a monthly basis, the gain was the smallest in five months. read more

Here's Powell's five-point rundown on why he's not perturbed:

1) IT'S NOT BROAD-BASED

Inflation so far is coming from sharply higher prices in a limited number of sectors, particularly in goods and services hit hardest by the coronavirus pandemic and for which demand is now fast recovering as the economy reopens.

2) BIGGEST SURGES ALREADY RECEDING

Prices of cars and other durable goods are now stabilizing or dropping after skyrocketing in the summer. "It seems unlikely that durables inflation will continue to contribute importantly over time to overall inflation," Powell said.

3) NO THREAT FROM WAGES SO FAR

Wages are rising, but not faster than productivity gains or inflation in a way that could lead to an upward spiral. "We will continue to monitor this carefully," he said.

4) INFLATION EXPECTATIONS ANCHORED

The market-based and survey-based measures that the Fed looks at indicate that inflation expectations have made a "welcome" return to levels more consistent with its inflation goal but have not risen as fast as actual inflation, "suggesting households, businesses and market participants also believe that current high inflation readings are likely to prove transitory," Powell said.

#### Inflation is limited and slowing down now

Stein 8/13 – Jeff Stein, economics reporter for the Washington Post, “Biden shifts pitch for economic plans as GOP escalates attacks over high prices,” 8/13/21, https://www.washingtonpost.com/us-policy/2021/08/13/biden-inflation-gop-prices/

The irony of the shift in strategy is that it comes at a time when some economic indicators suggest the pace of inflation may be cooling down — a trend Biden pointed to Wednesday.

Prices are still up markedly from their lows in the pandemic’s early months, as the president’s stimulus and economic reopening lead to a surge in demand. Data released this week by the Bureau of Labor Statistics showed prices rose 5.4 percent in July compared with a year ago. Groceries have been inching higher for well over a year. Just from June to July, the cost of meats, poultry, fish and eggs climbed 1.5 percent. On Wednesday, the national average for a gallon of gas hit $3.19, a new high for the year, according to AAA.

But the month-to-month data may show signs of a cool-down: Prices overall rose 0.5 percent in July compared with June. Used-car prices jumped 10.5 percent in June compared with May. But in July, they grew only 0.2 percent compared with June.

The Federal Reserve and the White House expect prices may keep climbing, as long as consumer demand rebounds faster than supply chains can catch up. Their prediction is that as supply backlogs have time to clear, inflation will settle back down closer to the Fed’s 2 percent annual target, perhaps next year.

But that message is increasingly difficult to stomach for households facing rising grocery bills, rent or airline tickets right now. Persistent shortages of semiconductors have squeezed the market for used cars and trucks, sending prices soaring 41.7 percent compared with last year.

Republicans say the price increases are already hurting too many families and their pocketbooks. They have criticized Biden’s sprawling spending agenda for heating up the economy recklessly, pointing first to the $1.9 trillion stimulus plan passed in March and now to the $3.5 trillion budget plan moving through the Senate.

One of the measures watched closely by the Fed is not suggesting baked-in expectations for widespread, long-term price increases. But another survey of consumer expectations, released by the Federal Reserve Bank of New York, shows that households expect prices will stay high — well above the Fed’s 2 percent target — into next year.

## Lexington Time Travel

### AT: Lexington Time Travel

#### I am from the year 2060 and a different timeline in which the judge voted neg. The Armageddon happens much faster within the next five hours. Don’t accept random claims with no real evidence because either side can make random assertions and they have no reason to prefer their claim over any other to have a clearer understanding of the situation.

#### Their card says that although time travel is possible, one could never move backward in time. It calls time travel to the past science fiction. THEIR card means that the claim they are making is impossible.

#### They say that the reason they survived the apocalypse was because they’re different but have no warrant for how they could survive a full-out nuclear conflict.

#### The weighing arguments:

#### Number one is nonsensical. Don’t vote on it if you can’t understand what they are saying. Epistemic modesty goes aff. The definition is acknowledging that you don’t know everything, which the neg doesn’t do because they claim to have a full understanding of the future

#### The future doesn’t always have more knowledge than the past. A senior, for example, is more likely to be out of touch, despite having more experience. A future perspective makes the truth of the moment difficult to see, and the situation is more complex than a history textbook. AND the argument is predicated on the truth of their claim, which is false.

#### They haven’t proved that our sense of value doesn’t exist, so we should get to weigh case. Futuristic mindset is good thing bc it allows us to consider possible chains of events. Rejecting any answers would meant that they could assert anything and win for it, and no one would ever have to consider the validity of the claim.

## Oil Spill DA

### 1AR – AT: Oil Spill DA

#### Incarcerated labor can still be used – it just would have to be amply compensated and incarcerated workers would be protected – to advocate that incarcerated workers should be virtually sacrificed in these scenarios is heinous and reinforces the dehumanizing mindset and structural violence the aff pushes back against.

#### Kutz says incarcerated workers are part of contingency plans because they are low cost, not that low wages are essential to them doing work. Of course the state uses the people who are virtual slaves. Our argument is not to ban prison labor but to give prisoners the right to improve their working conditions.

#### There is high unemployment right now – if these spills etc. occur the government can also shift to non-incarcerated workers easily so there is a low risk of things like fires etc. running rampant just because of an insufficient number of incarcerated workers

#### Independent reason to reject the disad – it’s unethical. They say we should use slave labor to clean up oil spills just because it’s cheap. Prioritize structural violence over their scnearios.

#### No IL to the impact – oil spills happen worldwide but the aff is only the US. No reason why US oil spills uniquely cause climate change.

#### No climate change impact – they miscut the card. It says spills lead to warming insofar as oil is spilled into the air through pollution.

#### Scrutinize their ev – every part of their card that talks about an existential threat says that warming causes that threat. It never says oil spills are existential

#### The US is one of the wealthiest countries in the world – don’t let them say that paying incarcerated workers decent wages will be the thing that bankrupts the government

## Politics DA

### 1AR – AT: Court Politics DA

#### No Link - Labor rights are legislative, not constitutional. The NLRA, the Taft-Hartley Act, The Labor Management Reporting and Disclosure Act, the Railway Labor Act all prove.

#### No Link - There is no test case, the aff couldn't be fiated if Courts were the actor which would make it impossible to win.

#### No Internal Link - None of their cards say one word about labor or the right to strike. Assign zero-probability to this DA.

#### No link - if we fiat court action the decision would be unanimous or an unusual configuration, means Roberts doesn't expend any political capital.

#### No link to extinction - abortion will remain legal in many states even without Roe, as well as other countries, they can conduct the disease research.

### 1AR – AT: Reconciliation (Westwood)

#### Non-unique - Their own card says that Sinema won’t vote for the Reconciliation Bill now and is already mad about the Pro Act

#### Turn—Sinema will be less likely to vote against reconciliation if it includes the aff instead of proact because the aff is less pro union

#### The aff outweighs---Aff key to prevent dehumanisation of incarcerated workers – that’s Harvard Law Review 19.

#### Build Back Better’s climate proposal is good, but isn’t enough to solve climate change

Denise Chow, 21 - ("A 'historic investment': Climate activists applaud Biden's $555B proposal for clean energy," No Publication, 10-29-2021, https://news.yahoo.com/biden-scaled-down-spending-bill-224347934.html)/AK

Many climate activists are applauding the $1.75 trillion spending bill unveiled Thursday by President Joe Biden, a move that experts say will be crucial to staving off the worst effects of global warming and building a more livable future. Biden’s proposed framework includes $555 billion in clean energy investments, incentives and tax credits that would help the country meet its goal of reducing greenhouse gas emissions by at least 50 percent by 2030. If passed, environmental experts said it’s the type of legislation that could create much-needed momentum to slash pollution levels and address the climate crisis in the United States and on the global stage. The proposal also backs up promises that Biden campaigned on, making climate change a sizable focus of his administration’s biggest spending bill. “This would be an absolutely historic investment in clean energy and environmental justice — both of which are essential for climate progress,” said Abigail Dillen, president of Earthjustice, a nonprofit environmental law group based in San Francisco. “A package that makes all those investments at a scale that will be transformative over the next eight years is incredible.” The new framework comes after prolonged negotiations between the White House and two moderate Democratic senators, Joe Manchin of West Virginia and Krysten Sinema of Arizona, who opposed key parts of Biden’s original “Build Back Better” plan. Some environmental advocates had hoped for an even larger climate package. “The Build Back Better Framework announced by the White House today doesn’t go far enough to address the economic and climate crises facing our generation,” Cristina Tzintzún Ramirez, president of NextGen America, a progressive advocacy nonprofit started by billionaire and former Democratic presidential candidate Tom Steyer, said in a news release. “A few moderate Democrats negotiated against the best interest of the American people, forcing the rest of their party to renege on essential promises.” Biden on Thursday urged Congress to pass the proposal, saying that the investments will “truly transform this nation.” Earlier this year, the Senate passed a nearly $1 trillion infrastructure bill with robust bipartisan support, but the House has yet to vote on that measure, citing the need for parallel action on the social safety net portion of Biden’s agenda. The bill’s timing is crucial as Biden is set to meet with other world leaders in Scotland next week for the United Nations Climate Change Conference, where countries are expected to negotiate and set forth targets to reduce emissions in line with the goals of the Paris Agreement. Stalled negotiations had generated concern among environmentalists around the world that Biden could show up to the conference empty-handed, leaving little incentive for other countries to offer their own aggressive plans to cut carbon emissions. Sam Ricketts, co-founder and co-director of the climate advocacy group Evergreen Action, said lawmakers should feel increased urgency to pass the revamped Build Back Better act, but added that the proposal itself should benefit Biden by demonstrating to other nations that the U.S. is actively working to achieve its emissions targets. “This will show the global community that America really is an ally and can be a leader in driving forward global climate efforts,” Ricketts said. “It shows that after four years of President Trump’s outright climate denial, the U.S. government is moving with leadership against this global crisis.” The proposed climate bill will also give the U.S. stronger footing in Scotland during negotiations with other top emitters, including China. “The Biden administration will have more leverage to push other countries to make strong commitments,” said Danielle Arostegui, a senior climate analyst at the Environmental Defense Fund. “We can show that we’re putting our money where our mouth is.” The bill would significantly boost investments in renewable energy, including for solar and wind power, and would provide clean energy tax credits and an electric vehicle tax credit that would lower the cost of an electric vehicle by up to $12,500 per middle-class family, according to the White House. The framework also prioritizes environmental justice by earmarking 40 percent of the overall benefits of investment for disadvantaged communities. The plan would fund the electrification of ports, in addition to electrifying bus and truck fleets, and would provide grants to communities that are disproportionately affected by climate change and economic injustice. “This marks a new beginning in the fight against injustice in this country, and a long-overdue boost to the communities that have struggled with the toxic legacy of environmental pollution and systemic racism,” officials with the Equitable and Just National Climate Platform, a consortium of climate change and environmental justice advocates, said in a statement. Dan Lashof, U.S. director of the World Resources Institute, a Washington-based research nonprofit group, said the legislation could bring the country significantly closer to meeting its emissions goals, but added that there is still ground to make up. The White House said the bill will reduce greenhouse gas emissions by 1 billion tons by 2030, but Lashof said a total of 2 billion tons of emissions need to be cut to reach Biden’s target by the end of the decade. Still, he said these types of investments could spur other developments in the private sector, or at the state and local level, which could make up the difference. “It’s important to recognize that this is a huge amount of progress,” Lashof said. “This bill together with the infrastructure bill really does lay the foundation for meeting the 2030 target. It’s all moving in the right direction.” The legislation would create a 300,000-member environmental workforce, known as the Civilian Climate Corps. The program is designed to provide opportunities for people to learn skills and trades as the country transitions to a “greener” economy. The proposal also includes grants and loans for rural communities to deploy renewable energy technologies and will bolster state and local efforts to electrify buildings, migrate to clean transportation and electric buses and help communities build protections against extreme weather and other climate-fueled disasters. “When folks hear tax credits, they tend to think of only utilities and wind and solar power, which of course are hugely important,” Dillen said. “But this is a holistic package that accelerates clean energy across every sector of the economy.”

#### No extinction from warming – no tipping points and intervening actors

Sebastian Farquhar 17 – leads the Global Priorities Project (GPP) at the Centre for Effective Altruism, et al., 2017, “Existential Risk: Diplomacy and Governance,” https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

The most likely levels of global warming are very unlikely to cause human extinction.15 The existential risks of climate change instead stem from tail risk climate change – the low probability of extreme levels of warming – and interaction with other sources of risk. It is impossible to say with confidence at what point global warming would become severe enough to pose an existential threat. Research has suggested that warming of 11-12°C would render most of the planet uninhabitable,16 and would completely devastate agriculture.17 This would pose an extreme threat to human civilisation as we know it.18 Warming of around 7°C or more could potentially produce conflict and instability on such a scale that the indirect effects could be an existential risk, although it is extremely uncertain how likely such scenarios are.19 Moreover, the timescales over which such changes might happen could mean that humanity is able to adapt enough to avoid extinction in even very extreme scenarios. The probability of these levels of warming depends on eventual greenhouse gas concentrations. According to some experts, unless strong action is taken soon by major emitters, it is likely that we will pursue a medium-high emissions pathway.20 If we do, the chance of extreme warming is highly uncertain but appears non-negligible. Current concentrations of greenhouse gases are higher than they have been for hundreds of thousands of years,21 which means that there are significant unknown unknowns about how the climate system will respond. Particularly concerning is the risk of positive feedback loops, such as the release of vast amounts of methane from melting of the arctic permafrost, which would cause rapid and disastrous warming.22 The economists Gernot Wagner and Martin Weitzman have used IPCC figures (which do not include modelling of feedback loops such as those from melting permafrost) to estimate that if we continue to pursue a medium-high emissions pathway, the probability of eventual warming of 6°C is around 10%,23 and of 10°C is around 3%.24 These estimates are of course highly uncertain. It is likely that the world will take action against climate change once it begins to impose large costs on human society, long before there is warming of 10°C. Unfortunately, there is significant inertia in the climate system: there is a 25 to 50 year lag between CO2 emissions and eventual warming,25 and it is expected that 40% of the peak concentration of CO2 will remain in the atmosphere 1,000 years after the peak is reached.26 Consequently, it is impossible to reduce temperatures quickly by reducing CO2 emissions. If the world does start to face costly warming, the international community will therefore face strong incentives to find other ways to reduce global temperatures.

#### Manchin will support reconciliation

Alexander Bolton, 11-9, 21, The Hill, Manchin sees his power grow, https://thehill.com/homenews/senate/580647-manchin-sees-his-power-grow

Even when Democrats set a $3.5 trillion spending target for the reconciliation package in the budget resolution, Kessler thought “this is going to end up at $2 trillion” because of resistance from Manchin and other centrists. But Democratic strategists think Manchin will eventually sign onto the reconciliation package, though it may not be until the week of Thanksgiving when the Congressional Budget Office is expected to provide an official cost estimate for the bill, or later. Steve **White, the director of the Affiliated Construction Trades Foundation** in Charleston, West Virginia, **said “the idea somehow that he doesn’t want the second bill, I think, is wrong.”** “I think he doesn’t want all of the second bill. Half of the second bill is a lot,” he added of the reconciliation bill. “I’m looking forward to what it looks like and I think there will be a lot of good stuff for West Virginia

### 1AR – AT: General Politics DA

#### Aff key to prevent dehumanisation of incarcerated workers – that’s Harvard Law Review 19.

#### Aff outweighs – they don’t have specific ev saying that prison strikes will lead to (whatever their impact is)

#### PC fails and doing more benefits the agenda

Waldman 20 – Paul Waldman, opinion writer for the Plum Line blog, “Joe Biden has to move fast,” 12/3/20, The Washington Post, https://www.washingtonpost.com/opinions/2020/12/02/joe-biden-has-move-fast/

Once you realize that the public is neither aware of nor particularly concerned about process questions, you can stop worrying about whether Republicans will squawk at this appointment or that executive order — because they’ll squawk no matter what you do. If it’s a good idea and you think the results will be good, then just do it. As quickly and comprehensively as possible.

As David Roberts of Vox observes: In 2009, Obama and his aides made the mistake of thinking that their major initiatives had to be rolled out one at a time in sequence, because he had a finite store of “political capital” that had to be spent carefully. But political capital is not something that exists apart from any particular issue; it isn’t a special sauce that has to be poured on a policy in order to make it palatable.

And with the parties as polarized and unified as they are, political capital has become all but meaningless. There may have been a time when a popular president possessed so much capital that a senator from the opposition party would feel compelled to support him on part of that president’s agenda, but that time is long gone. There is no account Biden can draw on to turn Republican “no” votes into “yes.”

So setting up a series of high-profile policy battles may be the opposite of what Biden should do. The unfortunate fact is that he may not have the opportunity to do much in the way of big legislation on health care or climate change or anything else, and if he has only executive power to work with, it makes it all the more urgent to move quickly.

Which means getting staff in place immediately and then unleashing them. The Revolving Door Project argues that Biden should give as much authority as possible to the agencies to let them dismantle their particular corners of the Trump legacy on their own, because the task “simply will not happen if approached sequentially or micromanaged” by a White House staff with limited bandwidth.

That means moving on every policy area all at once. There’s nothing to be gained by putting off any part of Biden’s agenda. Whatever he can do given the limits of his power, he should do as soon as possible, in a flood of policymaking.

#### 4a. There is widespread support for criminal justice reform – empirically proven.

**ACLU 17** [The American Civil Liberties Union is a nonprofit organization founded in 1920. The ACLU works in the courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States. “91 Percent of Americans Support Criminal Justice Reform, ACLU Polling Finds”. 11-16-2017. American Civil Liberties Union. <https://www.aclu.org/press-releases/91-percent-americans-support-criminal-justice-reform-aclu-polling-finds>. Accessed 11-5-2021; MJen]

WASHINGTON — The American Civil Liberties Union Campaign for Smart Justice released **new public opinion polling today that shows consensus support for criminal justice reform across the ideological and political spectrum.** The research, conducted by Benenson Strategy Group between October 5 and October 11, included 1,003 telephone interviews with Americans across the US. Forty-one percent of participants identified as conservative, 31 percent as liberal, and 23 percent as moderate. Respondents were asked about their views on the size of the prison system, mandatory minimums, whether incarceration makes communities safer, how to respond to mental illness and drug addiction within the context of the criminal justice system and including in circumstances involving violence, and what types of policy positions voters seek from their elected officials. The poll shows a remarkable level of agreement between Americans of varying political parties and demographics. Key findings include: 91 percent of Americans say that the criminal justice system has problems that need fixing. 71 percent say it is important to reduce the prison population in America, including 87 percent of Democrats, 67 percent of Independents, and 57 percent of Republicans — including 52 percent of Trump voters. 2 in 3 Americans (68 percent) would be more likely to vote for an elected official if the candidate supported reducing the prison population and using the savings to reinvest in drug treatment and mental health programs, including 65 percent of Trump voters. 72 percent of Americans would be more likely to vote for an elected official who supports eliminating mandatory minimum laws. 84 percent of Americans believe that people with mental health disabilities belong in mental health programs instead of prison. 71 percent of Americans agree that incarceration is often counterproductive to public safety, since “sending someone to prison for a long sentence increases the chances that he or she will commit another crime when they get out because prison doesn’t do a good job of rehabilitating problems like drug addiction and mental illness.” This includes 68 percent of Republicans and 65 percent of Trump voters. The majority of Americans recognize racial bias in the criminal justice system — only one in three agree that Black people are treated fairly by the criminal justice system. “Americans reject President Trump’s 1990s-era tough-on-crime approach and overwhelmingly believe in a different and smarter approach,” said Udi Ofer, deputy national political director and Campaign for Smart Justice director at the ACLU. “Our poll demonstrates near-consensus support for criminal justice reform, including reducing the prison population, reinvesting in rehabilitation and treatment, and eliminating policies like mandatory minimums. Americans believe that resources should be shifted from incarceration to rehabilitation. Americans also believe that racism in policing, prosecution, and sentencing drive inequities in the criminal justice system. “The data is clear — when it comes to criminal justice, Americans want reform and rehabilitation, and reject President Trump’s outdated political playbook. Trump and Sessions are out of touch with what voters want, including in their own party.” The poll also asked Americans about their views on how the criminal justice system should respond to offenses involving violence. 61 percent of Americans believe that people who have committed crimes involving violence can turn their lives around. 61 percent of Americans also believe that people who suffer from drug addiction and commit serious crimes don’t belong in prison but should be in rehabilitation programs where they can receive treatment. And a large majority of Americans (87 percent) believe that when people with mental health disabilities commit crimes that involve violence they should be sent to mental health programs where they can receive treatment from professionals.

#### 4b. Public support increases political capital

**Lance Lambert, 10-26**, 21, Fortune, Biden’s year-one disapproval rating is sky-high, historically speaking, https://fortune.com/2021/10/26/biden-disapproval-rating-clinton-bush-trump/

**When it comes to presidential politics, no metric is more closely watched than the sitting president’s approval rating. The more Americans who back the president, the more political capital that the commander-in-chief wields**. But once it drops off, it rarely bounces all the way back.

#### No vote switching --- ideology, party affiliation and commitments overwhelm

Edwards 16 – George C. Edwards III, Distinguished Professor of Political Science and Jordan Chair in Presidential Studies at Texas A&M, 2016, “The Potential of Presidential Leadership”, Study Done for the White House Transition Project

The best evidence is that presidential persuasion is effective only at the margins of congressional decision making. Presidential legislative leadership operates in an environment largely beyond the president’s control and must compete with other, more stable factors that affect voting in Congress in addition to party. These include ideology, personal views and commitments on specific policies, and the interests of constituencies. By the time a president tries to exercise influence on a vote, most members of Congress have made up their minds on the basis of these other factors.

### 1AR – AT: Harker Infra + Reconciliation

#### No link—their card is about minimum wage increases, and says nothing about labor protections

#### Manchin supports labor protections

Timothy Gardner [reuters journalist], 21 - ("Senator Manchin throws support behind U.S. labor reform bill," Reuters, 4-19-2021, accessed 11-6-2021, https://www.reuters.com/business/legal/senator-manchin-throws-support-behind-us-labor-reform-bill-2021-04-19/)//ML

WASHINGTON, April 19 (Reuters) - U.S. Senator Joe Manchin said on Monday he supports a sweeping labor reform bill, giving the legislation some momentum after it passed in the House last month.¶ The West Virginia Democrat said the Protecting the Right to Organize Act, or PRO Act, would level the playing field for unions and he was looking forward to working with a bipartisan group of legislators to pass it. He made the announcement at a virtual National Press Club event with Cecil Roberts, the president of the United Mine Workers of America (UMWA) union.¶ The bill, introduced in February by Democratic Senator Patty Murray and supported by President Joe Biden, would bolster collective bargaining rights, allow unions to collect dues from non-members covered by their contracts, and establish penalties for corporations that violate workers' rights, among other measures.

#### 3. nonunique—the infrastructure bill has already passed

#### 4. Cross apply Harvard Law Review 19 – the public supports prisoners on strike – empirically proven by Alabama.

#### 5. No extinction from warming – no tipping points and intervening actors

Sebastian Farquhar 17 – leads the Global Priorities Project (GPP) at the Centre for Effective Altruism, et al., 2017, “Existential Risk: Diplomacy and Governance,” https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

The most likely levels of global warming are very unlikely to cause human extinction.15 The existential risks of climate change instead stem from tail risk climate change – the low probability of extreme levels of warming – and interaction with other sources of risk. It is impossible to say with confidence at what point global warming would become severe enough to pose an existential threat. Research has suggested that warming of 11-12°C would render most of the planet uninhabitable,16 and would completely devastate agriculture.17 This would pose an extreme threat to human civilisation as we know it.18 Warming of around 7°C or more could potentially produce conflict and instability on such a scale that the indirect effects could be an existential risk, although it is extremely uncertain how likely such scenarios are.19 Moreover, the timescales over which such changes might happen could mean that humanity is able to adapt enough to avoid extinction in even very extreme scenarios. The probability of these levels of warming depends on eventual greenhouse gas concentrations. According to some experts, unless strong action is taken soon by major emitters, it is likely that we will pursue a medium-high emissions pathway.20 If we do, the chance of extreme warming is highly uncertain but appears non-negligible. Current concentrations of greenhouse gases are higher than they have been for hundreds of thousands of years,21 which means that there are significant unknown unknowns about how the climate system will respond. Particularly concerning is the risk of positive feedback loops, such as the release of vast amounts of methane from melting of the arctic permafrost, which would cause rapid and disastrous warming.22 The economists Gernot Wagner and Martin Weitzman have used IPCC figures (which do not include modelling of feedback loops such as those from melting permafrost) to estimate that if we continue to pursue a medium-high emissions pathway, the probability of eventual warming of 6°C is around 10%,23 and of 10°C is around 3%.24 These estimates are of course highly uncertain. It is likely that the world will take action against climate change once it begins to impose large costs on human society, long before there is warming of 10°C. Unfortunately, there is significant inertia in the climate system: there is a 25 to 50 year lag between CO2 emissions and eventual warming,25 and it is expected that 40% of the peak concentration of CO2 will remain in the atmosphere 1,000 years after the peak is reached.26 Consequently, it is impossible to reduce temperatures quickly by reducing CO2 emissions. If the world does start to face costly warming, the international community will therefore face strong incentives to find other ways to reduce global temperatures.

#### Build Back Better’s climate proposal is good, but isn’t enough to solve climate change

Denise Chow, 21 - ("A 'historic investment': Climate activists applaud Biden's $555B proposal for clean energy," No Publication, 10-29-2021, https://news.yahoo.com/biden-scaled-down-spending-bill-224347934.html)/AK

Many climate activists are applauding the $1.75 trillion spending bill unveiled Thursday by President Joe Biden, a move that experts say will be crucial to staving off the worst effects of global warming and building a more livable future. Biden’s proposed framework includes $555 billion in clean energy investments, incentives and tax credits that would help the country meet its goal of reducing greenhouse gas emissions by at least 50 percent by 2030. If passed, environmental experts said it’s the type of legislation that could create much-needed momentum to slash pollution levels and address the climate crisis in the United States and on the global stage. The proposal also backs up promises that Biden campaigned on, making climate change a sizable focus of his administration’s biggest spending bill. “This would be an absolutely historic investment in clean energy and environmental justice — both of which are essential for climate progress,” said Abigail Dillen, president of Earthjustice, a nonprofit environmental law group based in San Francisco. “A package that makes all those investments at a scale that will be transformative over the next eight years is incredible.” The new framework comes after prolonged negotiations between the White House and two moderate Democratic senators, Joe Manchin of West Virginia and Krysten Sinema of Arizona, who opposed key parts of Biden’s original “Build Back Better” plan. Some environmental advocates had hoped for an even larger climate package. “The Build Back Better Framework announced by the White House today doesn’t go far enough to address the economic and climate crises facing our generation,” Cristina Tzintzún Ramirez, president of NextGen America, a progressive advocacy nonprofit started by billionaire and former Democratic presidential candidate Tom Steyer, said in a news release. “A few moderate Democrats negotiated against the best interest of the American people, forcing the rest of their party to renege on essential promises.” Biden on Thursday urged Congress to pass the proposal, saying that the investments will “truly transform this nation.” Earlier this year, the Senate passed a nearly $1 trillion infrastructure bill with robust bipartisan support, but the House has yet to vote on that measure, citing the need for parallel action on the social safety net portion of Biden’s agenda. The bill’s timing is crucial as Biden is set to meet with other world leaders in Scotland next week for the United Nations Climate Change Conference, where countries are expected to negotiate and set forth targets to reduce emissions in line with the goals of the Paris Agreement. Stalled negotiations had generated concern among environmentalists around the world that Biden could show up to the conference empty-handed, leaving little incentive for other countries to offer their own aggressive plans to cut carbon emissions. Sam Ricketts, co-founder and co-director of the climate advocacy group Evergreen Action, said lawmakers should feel increased urgency to pass the revamped Build Back Better act, but added that the proposal itself should benefit Biden by demonstrating to other nations that the U.S. is actively working to achieve its emissions targets. “This will show the global community that America really is an ally and can be a leader in driving forward global climate efforts,” Ricketts said. “It shows that after four years of President Trump’s outright climate denial, the U.S. government is moving with leadership against this global crisis.” The proposed climate bill will also give the U.S. stronger footing in Scotland during negotiations with other top emitters, including China. “The Biden administration will have more leverage to push other countries to make strong commitments,” said Danielle Arostegui, a senior climate analyst at the Environmental Defense Fund. “We can show that we’re putting our money where our mouth is.” The bill would significantly boost investments in renewable energy, including for solar and wind power, and would provide clean energy tax credits and an electric vehicle tax credit that would lower the cost of an electric vehicle by up to $12,500 per middle-class family, according to the White House. The framework also prioritizes environmental justice by earmarking 40 percent of the overall benefits of investment for disadvantaged communities. The plan would fund the electrification of ports, in addition to electrifying bus and truck fleets, and would provide grants to communities that are disproportionately affected by climate change and economic injustice. “This marks a new beginning in the fight against injustice in this country, and a long-overdue boost to the communities that have struggled with the toxic legacy of environmental pollution and systemic racism,” officials with the Equitable and Just National Climate Platform, a consortium of climate change and environmental justice advocates, said in a statement. Dan Lashof, U.S. director of the World Resources Institute, a Washington-based research nonprofit group, said the legislation could bring the country significantly closer to meeting its emissions goals, but added that there is still ground to make up. The White House said the bill will reduce greenhouse gas emissions by 1 billion tons by 2030, but Lashof said a total of 2 billion tons of emissions need to be cut to reach Biden’s target by the end of the decade. Still, he said these types of investments could spur other developments in the private sector, or at the state and local level, which could make up the difference. “It’s important to recognize that this is a huge amount of progress,” Lashof said. “This bill together with the infrastructure bill really does lay the foundation for meeting the 2030 target. It’s all moving in the right direction.” The legislation would create a 300,000-member environmental workforce, known as the Civilian Climate Corps. The program is designed to provide opportunities for people to learn skills and trades as the country transitions to a “greener” economy. The proposal also includes grants and loans for rural communities to deploy renewable energy technologies and will bolster state and local efforts to electrify buildings, migrate to clean transportation and electric buses and help communities build protections against extreme weather and other climate-fueled disasters. “When folks hear tax credits, they tend to think of only utilities and wind and solar power, which of course are hugely important,” Dillen said. “But this is a holistic package that accelerates clean energy across every sector of the economy.”

### 1AR – AT: San Mateo FTPA DA

#### The bill won’t pass in the squo—there will not be any filibuster reform. Prefer our ev—their card is from a month ago. Reuters 11/20

Reuter, 21 - ("Key Democrat Unlikely to Budge on Filibuster Reform," US News World Report, 11-20-2021, accessed 11-21-2021, https://www.usnews.com/news/us/articles/2021-11-20/key-democrat-unlikely-to-budge-on-filibuster-reform-washington-post)//ML

WASHINGTON (Reuters) - Democratic U.S. Senator Kyrsten Sinema, a key centrist who is often a holdout on major elements of President Joe Biden's agenda, reiterated she does not support modifying or eliminating the filibuster to ease the passage of voting rights legislation, she said in an interview with the Washington Post.¶ Sinema, who is a co-sponsor of Democratic voting rights bills aimed at prohibiting racial discrimination and ensuring ballot access, told the newspaper that she continues to oppose efforts by fellow Democrats to eliminate the filibuster, a Senate rule that requires a 60-vote supermajority to pass most legislation.¶ “My opinion is that legislation that is crafted together, in a bipartisan way, is the legislation that’s most likely to pass and stand the test of time. And I would certainly encourage my colleagues to use that effort to move forward,” she told the Post.¶ She also brushed off the possibility of supporting an exception to the filibuster to enable passage of voting rights legislation, saying she was not sure it is a viable option.¶ Senate Majority Leader Chuck Schumer had hinted at a change in Senate rules earlier this month to circumvent the filibuster, at least for some legislation.¶ "That caveat — ‘if it would even work’ — is the right question to ask,” Sinema, who rarely gives interviews, told the Post.¶ Senate Democrats earlier this month failed to advance voting rights legislation for the fourth time this year due to overwhelming Republican opposition, raising potential ramifications for the 2022 congressional and 2024 presidential elections.

#### Their impact scenario says democracies are good, not that the US needs to become more democratic, which is their internal link. No UQ – US is already democratic.

#### Manchin supports labor protections

Timothy Gardner [reuters journalist], 21 - ("Senator Manchin throws support behind U.S. labor reform bill," Reuters, 4-19-2021, accessed 11-6-2021, https://www.reuters.com/business/legal/senator-manchin-throws-support-behind-us-labor-reform-bill-2021-04-19/)//ML

WASHINGTON, April 19 (Reuters) - U.S. Senator Joe Manchin said on Monday he supports a sweeping labor reform bill, giving the legislation some momentum after it passed in the House last month.¶ The West Virginia Democrat said the Protecting the Right to Organize Act, or PRO Act, would level the playing field for unions and he was looking forward to working with a bipartisan group of legislators to pass it. He made the announcement at a virtual National Press Club event with Cecil Roberts, the president of the United Mine Workers of America (UMWA) union.¶ The bill, introduced in February by Democratic Senator Patty Murray and supported by President Joe Biden, would bolster collective bargaining rights, allow unions to collect dues from non-members covered by their contracts, and establish penalties for corporations that violate workers' rights, among other measures.

#### The aff outweighs---Aff key to prevent dehumanisation of incarcerated workers – that’s Harvard Law Review 19.

### 1AR – AT: Pine View BBB/Social Spending DA

#### Turn – we increase political capital because we strengthen unions.

#### They have no evidence that union division would weaken BIDEN’S political capital – their Kerrissey and Schofer card is only about the union’s political capital.

### ---Agenda Setting Link

#### They can easily reschedule to meet deadlines

Yackee 3 SUSAN WEBB YACKEE, Robert Wood Johnson Foundation Scholar at The UNIVERSITY OF MICHIGAN - “Punctuating the Congressional Agenda: Strategic Scheduling by House and Senate Leaders” - Political Research Quarterly, Vol. 56, No. 2, June – #CutWithRJ - obtained via J-Stor database

Research on party leaders in Congress often points to the leadership's role in overcoming a collective action prob- lem by organizing members under a common party plat- form and providing mechanisms to accomplish the party's agenda. One prominent theory from this research tradition is the Conditional Party Government theory (Rohde 1991; Aldrich 1995; Aldrich and Rohde 2000; Aldrich and Rohde 2001).3 This theory predicts that under certain conditions House leaders deliberately use rules and scheduling techniques to make progress on their political party's agenda, thereby increasing their members' likelihood of reelection. Cox and McCubbins (1993) also emphasize the importance of party record as an election advantage or disability. They suggest that ... party records often can be changed in way that affect the vast majority of party members' reelection probabilities in the same way (either helping all or hurting all)" (1993: 112).

Both research lines predict that party leaders, as agents of their members, will use the powers of their offices to make progress on the party's legislative agenda in order to increase the reelection advantage of their party's members. Many scholars have found that one power, the scheduling power, can be a particularly important tool for congressional leaders to influence legislative outcomes. For exam- ple, Sinclair (1994) and Dion and Huber (1996, 1997) find evidence that strategic scheduling exists in their work on the use of restrictive rules by majority party leaders. Work by Cox and McCubbins (1993: 243-48) ties the power of scheduling more directly to the use of deadlines in the House. They write that the agenda setting power of the Speaker of the House is most concentrated when time is scarce and argue that the Speaker can threaten only to take up bills on the floor that fit his or her preferences during periods before deadlines. The work of Sinclair (2000), Oleszek (2001), Evans and Oleszek (2000) and others however, calls attention to the institutional differences between House and Senate leaders concerning scheduling. Their research suggests that the Senate's rule concerning the filibuster, its use of unanimous consent agreements, and the lack of an equivalent to the House Rules Committee con- strains the ability of Senate leaders to use scheduling to the majority party's advantage.

#### Double bind – either fiat is immediate and there’s no tradeoff or normal means is after their scenario

Moore 15 [Carter Moore is a former Congressional aide and Federal employee, 2-23-2015 https://www.quora.com/How-long-does-it-take-to-pass-a-bill-in-the-US]

Michael’s answer is correct: Trying to quantify how long it takes for a bill to become law glosses over all the reasons why some bills take longer to pass than others. However, just to provide some numbers for OP and anybody who's interested, here are some key stats from the previous Congress:

5,884 bills were introduced in the House and 3,020 introduced in the Senate.

857 House bills received Committee hearings, as did 377 Senate bills, meaning 86 percent of bills die after being introduced.

By the end of the Congress, only 296 Public Laws had been enacted. Granted some of these bills included the text of several bills, but if we were to assume 1 law = 1 bill, then that would mean 96.7 percent of bills introduced in the previous Congress did not become laws.

Getting to the question: How long did it take for those bills to get passed into law? Pulling data from Congress.gov (Advanced Search > 113th Congress > "billStatus:"Became Law" > Sort by "Date of Introduction-Oldest to Newest"), I got:

Average: 263.57 days

Median: 215 days

Minimum: 1 day (1 - H.J.Res.131: "Making further continuing appropriations for fiscal year 2015, and for other purposes," a government shutdown stopgap)

Maximum: 712 (3 - two Post Office namings and the template for the "Cromnibus")

### ---Dem Unity Link

#### Unity and floor time links thumped- unemployment and judicial confirmations

Marianne Levine & Sarah Ferris, 5-24-2021, "Dems sweat a summer pileup of big votes on Biden’s agenda," Politico, https://www.politico.com/news/2021/05/24/democrats-brace-for-heated-legislative-summer-490184

Before summer’s end, Democrats also must determine the fate of pandemic-related unemployment benefits, with an extra $300 per week in federal jobless benefits set to expire Sept. 6. It’s likely to be a divisive issue, even among Democrats, with moderates and liberals at odds over whether to extend the aid as vaccinations increase, but the nation continues to see troubling economic indicators. Republicans aren’t expected to support an extension, arguing that the benefits discourage returning to work.

Schumer cautioned his caucus at an in-person lunch last month that Democrats don’t have the luxury of time, given the tight legislative calendar and the need for the Senate to keep confirming Biden’s nominees. While the Senate has confirmed nearly all of Biden’s Cabinet picks, the chamber is soon expected to ramp up its pace of judicial confirmations, further bogging down the floor schedule.

### ---Biden PC

#### Non-unique: Biden has no PC.

Miranda Devine 11/10, Australian columnist for the Sydney Morning Herald, B.S. in Mathematics from Macquarie University, M.S. in Journalism from Northwestern University, “A President doesn't lie about good policy,” The Daily Telegraph, 11/10/21, Lexis

But the $4 trillion social welfare bill Biden tried to link to it is hostage to the Democrats' wafer thin majority and dwindling political capital.

As energy prices soar, heading into a forecast bitter winter, Biden is talking about shutting down another gas pipeline from Michigan to Canada, to the dismay of everyone except hardcore progressives in his party.

And to cap it all off, the Democrats copped a shellacking in elections across the country which are seen as a harbinger of the mid-term races next year when Republicans expect to take back the House and the Senate and leave Biden as a lame duck - if he lasts so long.

So, it's fair to say things haven't been going well for the President ­lately.

In fact, voters have already had enough of him, 10 months into his presidency. A new USA Today/Suffolk University poll asked voters to name the single most important thing for Biden to do in the next year.

The top response was "Resign or Retire".

Ouch.

His approval rating in that poll has dropped to 38 per cent, amid concerns about inflation, the economy and ­illegal migration. The only consolation is that Kamala Harris, his cackling Vice President, is even more unpopular, at 28 per cent, so no one is speaking seriously of a palace coup, despite Biden's woes.

Even though nearly two-thirds of Americans say they don't want him to run for a second term in 2024, he seems oddly insouciant about the ­parlous state he is in, even bantering on Monday with a basketball team owner about running for a second term, when he will be 82.

While hip pocket issues are uppermost on voter minds, the border crisis is a running sore that his administration has resorted to lies and trickery to hide it.

### ---PC Link---Winners Win

#### Winners win---legislative success snowballs.

Phil Mattingly 11/9, senior White House correspondent at CNN, “Biden wanted to remind Democrats what it was like to win. Now he's aiming to capitalize on that momentum.,” CNN, 11-9-2021, https://www.cnn.com/2021/11/09/politics/joe-biden-infrastructure-bill-momentum/index.html

When President Joe Biden worked the phones for hours late into Friday night to push through his massive infrastructure bill, what he really wanted was to show Democrats what it felt like to win.

After months of missed deadlines, simmering distrust and political fallout, White House officials now hope success can breed success.

The victory came at a critical moment for a party and a President mired in months of internecine legislative warfare that had largely overshadowed the actual policies in question. Getting the $1.2 trillion package over the line is viewed by the White House and its Democratic allies as a moment where some trust -- however fragile -- has been established between the party's different factions, giving Democrats the chance to finally turn the corner.

"It helps when you succeed on something and everybody sees and figures out what it feels like to win and get something done," a senior administration official said. "It creates momentum."

"Momentum" is hardly a scientific concept, and there aren't any misconceptions inside the West Wing about the complicated high-wire act required in the weeks ahead to clinch the $2 trillion economic and climate package that makes up the second piece of Biden's domestic agenda, officials say.

But the hours of frenzied Friday night negotiations, in close coordination with House Speaker Nancy Pelosi, led to something that has been missing throughout weeks of fits and starts, missed deadlines and delicate balancing act between moderates and progressives: An outcome.

Biden is planning to capitalize on that victory by inviting scores of lawmakers to the White House for a formal signing ceremony next week, officials say. It's the type of event where eager members of Congress angle for a photo-op or signing pen -- something that has remained out of reach on Biden's central agenda items until now.

In isolation, it doesn't resolve the existing policy divides facing Democrats on both sides of Pennsylvania Avenue on the second piece of Biden's agenda. But it does give lawmakers, who for months have clashed over the direction of the bills, something to celebrate -- and sell back home.

"Now comes the hard part," one House Democrat told CNN early Saturday morning.

It was a sentiment largely echoed by more than a dozen participants in the process throughout the weekend. But if the need to reconcile a series of policy thickets remains, there is a sense that the party dynamics may have, in fact, shifted in the frenzied final late-night hours that cleared the way to pass Biden's $1.2 trillion infrastructure proposal.

"You see that whatever the things that are dividing you or separating you, it helps to clarify that actually we agree on a hell of a lot more," the official said.

That process, arduous and painful as it may have been -- both politically and in terms of the caucus dynamics -- finally led to a breakthrough. Now that breakthrough needs to translate into action on the broader and more transformational economic and climate package.

That's exactly what White House officials are banking on.

"It ain't over yet as they say the old expression goes, but I feel good," Biden told reporters on Monday after an event celebrating the defending NBA Champion Milwaukee Bucks. "I think people have realized, are beginning to realize it's important to get it done."

Biden draws a line in the sand

The agreement drove the players leading those clashes together to reach a deal, culminating in a massive piece of legislation passing the House. In a party driven -- in the words of one House Democrat -- "not by mistrust, but by no trust," it was an important development.

It also came at a critical moment for Biden, with his poll numbers sitting at their lowest point of his first year in office and just days after Democrats emerged from an election night that saw their nominee for governor in Virginia -- a state Biden won by 10 points just one year ago -- lose.

"I think the one message that came across was: Get something done," Biden told reporters of the role in the Virginia governor's race in the outcome. "It's time to get something done. "

Biden, who for weeks took quiet criticism from House Democrats for not publicly drawing a harder line on what he wanted, pivoted hard to do exactly that during those final hours -- something Pelosi explicitly called for, people involved told CNN.

But reaching that point was a progression, officials said, developed over months of negotiations, private conversations, blown deadlines, intraparty recriminations and -- in some cases -- what many Democrats viewed as missed opportunities.

It was, for better or worse, all part of the process for a new administration and congressional Democrats adjusting to full control in Washington for the first time in decade.

"It's getting to know a lot of these people, to build trust," Biden told reporters the day after the bill passed. "Because everything I say I'm going to try to do, I will try to do. And I think that's also part of the process."

A Senate veteran learns more about the House

Biden's point is a window into the last several months, where a 36-year veteran of the Senate -- who often makes clear in private settings his view that he has an innate sense for Capitol Hill -- faced his own learning curve, particularly in the House.

The party dynamics have shifted, with progressives carrying not just a voice, but the votes to dictate what will or won't advance. Many came to office in the four years after Biden left Washington. Even more had never served in the majority with a Democratic president.

Exacerbating it all were the barest of majorities in the House and Senate, making Biden's ambitious policy agenda -- which progressives overwhelmingly supported -- even more complicated to advance.

Biden has sought to reintroduce himself to the dynamics by hosting scores of lawmakers in the Oval Office, crowding lawmakers onto couches and hearing them out over the course of dozens of meetings since taking office. While each meeting usually has an officially stated purpose, they have served more generally as get-to-know-you sessions, during which Biden is able to gain greater insight into each member's particular needs.

For many, it is their first visit to the White House; Biden's predecessor Donald Trump did not habitually invite Democrats to meet with him. They often leave with White House-baked chocolate chip cookies or, more recently, specially commissioned ice cream bars bearing Biden's presidential seal.

A lightning-fast, at least by congressional standards, win on Biden's $1.9 trillion Covid-19 relief proposal in his first few months in office was -- to a degree -- misleading.

The urgency mattered, with the country still mired in the worst of the pandemic. Democrats were exceedingly careful not to undercut their new president -- or their new Senate majority.

The path on his $3 trillion, dual-pronged domestic agenda has been significantly less seamless.

Even for the self-professed "congenital optimist" in the Oval Office, navigating the divides has proved frustrating in recent weeks as his negotiators and Democratic leaders sought to thread the needle through compromises and self-imposed deadlines, to no avail.

"We have to develop the will, and develop the will means putting aside personal agenda," Rep. Jim Clyburn, the House Democratic whip form South Carolina and a close Biden ally, said on "Fox News Sunday." "That to me has been a problem for us."

It also takes a recognition that any single member can create a new problem to resolve. Those problems appeared to perpetually win the day -- until late Friday night.

"This, in terms of degree of difficulty is very, very high," the official said. "Which makes succeeding all the more satisfying and fulfilling."

Working the phones

Still, the plans for that victory were quickly thrown off track Friday morning by a small group of House moderates who refused to move forward without a full Congressional Budget Office accounting of whether the second package would be financed.

With that off the table for at least a week and maybe longer, Pelosi shifted course.

The decision to move the infrastructure bill without the second proposal, pitched by members of the Congressional Black Caucus and moved on by Pelosi, initially ran into the same progressive roadblock that had sidetracked the prior two deadlines.

But unlike those moments -- when Biden was regularly on the phone with members but cautious not to corner or jam any member -- the President went all in to find a path forward, according to people familiar with the calls.

He and his team worked in close coordination with Pelosi on who to call and what to float as potential options to reconcile the differences. The two spoke by phone four times, with Pelosi giving Biden names of lawmakers to call and working closely with his top negotiators as they worked through the process of laying the groundwork to move forward.

Biden made calls to moderate members. He made calls to progressive members. He talked to most of Pelosi's leadership team over the course of the day.

It wasn't immediately effective. Biden was explicitly told "no" in a call with at least one progressive -- Rep. Pramila Jayapl, the chair of the Congressional Progressive Caucus -- sources said. Jayapal initially rejected the effort publicly as well.

In a conference call with dozens of progressives, there was palpable frustration on Biden's part when the reticence to move forward on infrastructure without the second proposal was made clear, according to participants.

An official acknowledged that some of the conversations "were a little bumpy" and not everyone was on board at the beginning. But the decision was made to continue to press forward.

The result -- after hours of calls, negotiations, an official statement from Biden -- was progressive and moderate leaders coming together to craft statements committing to move forward on the economic and climate package once the CBO score was in hand.

#### READ THESE ONLY IF YOU HAVE TIME

#### Winners win

Paul Kane 21, Senior Congressional Correspondent and Columnist at the Washington Post, “Day-to-day, Biden’s Agenda Looks Rocky. But Congressional Democrats Say Things Are Far Rosier If You Take The Long View.”, Washington Post, 7/24/2021, https://www.washingtonpost.com/powerpost/biden-agenda-democrats-congress/2021/07/24/83b776be-ebc0-11eb-ba5d-55d3b5ffcaf1\_story.html

There is, so far at least, little fear that Democrats are spreading themselves too thin by eschewing the traditional practice of focusing on a handful of domestic policy issues in the first two years of an administration. “Political momentum and political capital is like a muscle. The more you exercise it, the more of it you have. It is not like a finite resource that you can run out of if you spend too much of it. What happens is that if we do a lot of positive things, then we’ve got more political clout to do even more positive things,” Sen. Brian Schatz (D-Hawaii) said.

#### Winners win for Biden- Stimulus proves

Ed Kilgore, 3-15-2021, "Biden Builds Popularity by Focusing on COVID Relief Plan," Intelligencer, https://nymag.com/intelligencer/2021/03/biden-builds-popularity-by-focusing-on-covid-relief-plan.html

But even within the narrow parameters set by increased partisanship, there are some interesting variations. Obama’s initial policy salvo was an economic stimulus package that, despite its “bipartisan” character, was less popular than Obama himself, according to a CNN survey at the time. Trump began his presidency with two immigration gestures (announcing initial construction of a southern border wall, and banning travel into the U.S. by citizens of Islamic countries) that were not very popular generally but elicited positive reactions from Trump’s base. Biden has focused almost exclusively on a COVID-19 relief and stimulus package, which is significantly more popular than he is.

So despite perceptions that Biden is gambling political capital by promoting a large and ideologically liberal piece of legislation via the partisan budget reconciliation vehicle, the better way to understand it is that the 46th president is building political capital by so exclusively concentrating on doing something popular.

#### PC fails and doing more benefits the agenda

Waldman 20 – Paul Waldman, opinion writer for the Plum Line blog, “Joe Biden has to move fast,” 12/3/20, The Washington Post, https://www.washingtonpost.com/opinions/2020/12/02/joe-biden-has-move-fast/

Once you realize that the public is neither aware of nor particularly concerned about process questions, you can stop worrying about whether Republicans will squawk at this appointment or that executive order — because they’ll squawk no matter what you do. If it’s a good idea and you think the results will be good, then just do it. As quickly and comprehensively as possible.

As David Roberts of Vox observes: In 2009, Obama and his aides made the mistake of thinking that their major initiatives had to be rolled out one at a time in sequence, because he had a finite store of “political capital” that had to be spent carefully. But political capital is not something that exists apart from any particular issue; it isn’t a special sauce that has to be poured on a policy in order to make it palatable.

And with the parties as polarized and unified as they are, political capital has become all but meaningless. There may have been a time when a popular president possessed so much capital that a senator from the opposition party would feel compelled to support him on part of that president’s agenda, but that time is long gone. There is no account Biden can draw on to turn Republican “no” votes into “yes.”

So setting up a series of high-profile policy battles may be the opposite of what Biden should do. The unfortunate fact is that he may not have the opportunity to do much in the way of big legislation on health care or climate change or anything else, and if he has only executive power to work with, it makes it all the more urgent to move quickly.

Which means getting staff in place immediately and then unleashing them. The Revolving Door Project argues that Biden should give as much authority as possible to the agencies to let them dismantle their particular corners of the Trump legacy on their own, because the task “simply will not happen if approached sequentially or micromanaged” by a White House staff with limited bandwidth.

That means moving on every policy area all at once. There’s nothing to be gained by putting off any part of Biden’s agenda. Whatever he can do given the limits of his power, he should do as soon as possible, in a flood of policymaking.

### ---OLD PC Fails

#### Political capital fails

Waldman 12/2. Paul Waldman Columnist covering politics for WaPo’s Plumline blog. “Joe Biden has to move fast” December 2, 2020. WaPo. <https://www.washingtonpost.com/opinions/2020/12/02/joe-biden-has-move-fast/>

Once you realize that the public is neither aware of nor particularly concerned about process questions, you can stop worrying about whether Republicans will squawk at this appointment or that executive order — because they’ll squawk no matter what you do. If it’s a good idea and you think the results will be good, then just do it. As quickly and comprehensively as possible. As David Roberts of Vox observes: In 2009, **Obama and his aides made the mistake of thinking that** their major initiatives had to be rolled out one at a time in sequence, because he had a finite store of “political capital” that had to be spent carefully. But **political capital is not something that exists apart from any particular issue**; it isn’t a special sauce that has to be poured on a policy in order to make it palatable. And **with the parties as polarized and unified as they are, political capital has become all but meaningless. There may have been a time when a popular president possessed so much capital that a senator from the opposition party would feel compelled to support him on part of that president’s agenda, but that time is long gone. There is no account Biden can draw on to turn Republican “no” votes into “yes.”**

#### No vote switching --- ideology, party affiliation and commitments overwhelm

Edwards 16 – George C. Edwards III, Distinguished Professor of Political Science and Jordan Chair in Presidential Studies at Texas A&M, 2016, “The Potential of Presidential Leadership”, Study Done for the White House Transition Project

The best evidence is that presidential persuasion is effective only at the margins of congressional decision making. Presidential legislative leadership operates in an environment largely beyond the president’s control and must compete with other, more stable factors that affect voting in Congress in addition to party. These include ideology, personal views and commitments on specific policies, and the interests of constituencies. By the time a president tries to exercise influence on a vote, most members of Congress have made up their minds on the basis of these other factors.

#### Outcomes are unaffected by other bills

Beutler 13 [Brian Beutler, Salon staff writer, 9/9/13, GOP’s massive new lie: The truth about Obama’s second term , www.salon.com/2013/09/09/syria\_wont\_derail\_obamas\_second\_term\_house\_republicans\_will/

Political reporters have a weakness for narratives, and the narrative of a weakened president is irresistible. Moreover, members of Congress will feed that narrative. Even Democrats. If you’re Nancy Pelosi or Harry Reid, a great way to pad your vote count is to plead to your caucus that if the resolution fails, Obama will become a lame duck a year earlier than he ought to.¶ This pitch is both morally and factually incorrect.¶ Let’s assume that absent a divisive, losing debate over striking Syria, Obama would have real potential to accomplish meaningful things before the end of his presidency. An immigration bill, say. It would be perverse for members to accede to acts of war they’d otherwise oppose to salvage an unrelated issue like immigration reform. The moral argument here is the same one that made the “death panel” charge so offensive — making the country’s health systems affordable is a praiseworthy goal, but that doesn’t make killing old people OK.¶ But the good news for Democratic whips on Capitol Hill is that they don’t need to engage in this kind of manipulation. If the Syria vote goes down, the gloom and doom tales of Obama’s losing gamble will be false.¶ To the extent that Congress has the will to do anything other than vote on an authorization to strike Syria, the outcome of that vote is disconnected from those other issues. If House Republican leaders believe they and their party have an interest in passing immigration reform or any other issue, they’ll do it no matter how the Syria vote comes down.¶ The same moral argument works in reverse. If Republicans think an immigration bill should become law, it’s wrong of them to block it because of hard feelings, just as it’s wrong for John Boehner to kill legislation he supports in the abstract for member management purposes, or the self-interest of his own speakership.¶ Whether the vote to bomb Syria passes or fails, I expect some Republicans will cite it as a key reason when other unrelated issues fizzle. But they’ll be lying. The fight over Syria — like the fights over funding the government and increasing the debt limit — will provide useful cover to Republicans who have already resolved themselves against supporting immigration reform, or a farm bill, or a budget deal, or anything else.¶ Which brings us to the more depressing point. The idea that Obama will make himself an early lame duck if Congress rejects his request to bomb Syria is more easily belied by the fact that Congress probably isn’t going to do anything else anyhow.¶ Syria won’t derail Obama’s second term — Republicans will. As New York magazine’s Dan Amira put it, “After losing Syria vote, Obama’s chances of passing agenda through Congress would go from about 0% to approximately 0%. #hugesetback.” That’s an extremely wry way of conveying a depressing truism: Syria won’t derail Obama’s second term — House Republicans will.

#### Ideology is mostly likely to determine outcome

Edwards 3 – George C. Edwards, Distinguished Professor of Political Science at Texas A&M University and Former Director of the Center for Presidential Studies, “Riding High in the Polls: George W. Bush and Public Opinion”, [www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF](http://www.clas.ufl.edu/users/rconley/conferencepapers/Edwards.PDF)

Passing legislation was even more difficult on the divisive domestic issues that remained on Congress’s agenda, including health care, environmental protection, energy, the economy, the faith-based initiative, corporate malfeasance, judicial nominees, and taxes. The politics of the war on terrorism did not fundamentally alter the consideration of these issues, which continued to divide the public and their representatives in Congress as they had before. The inevitable differences between the parties emerged predictably, exacerbated by the narrow majorities in each chamber and the jockeying for advantage in the midterm elections. Bipartisanship in one arena (the war on terrorism) does not necessarily carry over in another. As the parties in Congress have become more homogeneous over time and as the number of competitive seats has shrunk, especially in the House, the differences between the parties have increased. The opposition party is not very fertile ground for presidents on most issues – even during wartime. Thus, the president failed to obtain many of his priority items in 2002, including making the 2001 tax cuts permanent and passing his fiscal stimulus program, a robust faith-based initiative, and drilling rights in the Artic National Wildlife Reserve. No progress was made on partially privatizing Social Security, banning cloning and certain kinds of abortion, and passing private-school tax credits, and the president experienced plenty of frustration on obtaining confirmation of his judicial appointees. He also had to sign a farm bill that was much more costly than he wanted. In December 2001, the president concluded quiet negotiations with the Democrats led by Senator Edward Kennedy and signed a bill on education reform. The president was able to claim a victory on one of his priority issues, even though he had to give up many of the most controversial elements of his original proposal. It is significant that to accomplish even this much, the president chose to stay private rather than go public. The modest impact of Bush’s approval is not surprising. The president’s public support must compete for influence with other, more stable factors that affect voting in Congress, including ideology, party, personal views and commitments on specific policies, and constituency interests. Although constituency interests may seem to overlap with presidential approval, they should be viewed as distinct. It is quite possible for constituents to approve of the president but oppose him on particular policies, and it is opinions on these policies that will ring most loudly in congressional ears. Members of Congress are unlikely to vote against the clear interests of their constituents or the firm tenets of their ideology solely in deference to a widely supported chief executive.

### ---NEW PC Fails

#### Political context, not capital explains passage. True for Biden---empirics and polarization prove.

Ryan Telingator 21, B.A. in Political Science and Government from Bowdoin University, "When is Change Possible? Presidential Power as Shaped by Political Context, Constitutional Tools, and Legislative Skills", 5/20/2021, https://digitalcommons.bowdoin.edu/honorsprojects/258/

My research does not support Greenstein’s theory. Instead, my findings align more closely with those of George Edwards in At the Margins, where he argues that the “national preoccupation with the chief executive is misplaced,” and that presidential power is, in fact, limited in the Constitution’s “purposefully inefficient system in which the founding fathers’ handiwork in decentralizing power defeats even the most capable leaders.”50

Instead of focusing on legislative skills as a source of presidential influence, Edwards argues that party support and public support are more important. Legislative skills are only critical for “members of Congress who remain open to change after other influences have had their impact.”51 In a time as polarized as today, where very few members of Congress are “open to chang[ing]” their vote, these skills play a minor role in legislative negotiations. Similar assertions are made in another book by Edwards, Predicting the Presidency. He argues that exploiting existing opportunities (consolidating existing party and public support) is much more important for presidential success than creating opportunities (convincing legislators to change their vote vis a vis legislative skills).52

Both Lyndon Johnson and Ronald Reagan are remembered for their exemplary political skills. The Johnson Treatment, a legislating strategy in which Johnson used his imposing 6’4”, 240-pound figure – literally physically and verbally bullying, cajoling, lobbying, and threatening – to get what he wanted out of people,53 remains infamous in presidential political literature. Similarly, Ronald Reagan, “The Great Communicator,” is still revered for his oratorial prestige. Although these legislative skills were useful in passing the pieces of legislation outlined in the case studies – Johnson gaining support from southern Democrats on the EOA and Reagan compellingly speaking in favor of the ERTA – they proved impotent in political contexts not conducive to change. After Vietnam for Johnson and after the passage of the ERTA for Reagan (in conjunction with the recession in 1982), the presidents’ policy windows closed. Their renowned legislative skills could not overcome an inopportune political context.

The case studies thus demonstrate the value of skills at the margins, but also exemplify their unsubstantial influence as the major factor driving policy. Again, the research suggests that political context is the most important factor in legislative change.

5.4 Applying Lessons to the Present: Predicting Biden’s Success

With an understanding that the political context largely drives a president’s potential for change, with skills helping on the margins, it is important to assess the 2021 political climate in order make an informed prediction about Biden’s prospects.

#### Biden sucks at using PC. The narrative is totally discredited.

Rick Moran 9-16, Pundit Reporting on DC Politics, “Biden Looking More Incompetent Everyday,” Newstex, 9/16/2021, Lexis

When he was elected, Joe Biden was seen by his supporters as a seasoned professional politician, someone who knew Washington, knew how government worked, and knew Congress well enough to break the logjam on the Hill and get things done.

At least, that's how Biden was sold to the American public.

Not surprisingly, that's not the way things have worked out. Biden has made a bunch of rookie mistakes — unforced errors on the economy, Afghanistan, and now vaccine mandates — that threaten to derail his party and presidency and bury the Democrats in a Republican landslide in 2022.

Josh Kraushaar,National Journal Daily's[2]Senior National Political Columnist, believes that a lack of internal dissent in the White House has resulted in a political operation caught flat-footed when their rosy scenarios on the economy and the pandemic failed to materialize.

Biden and his people believed the $1.9 trillion stimulus bill and its $1400 individual payment that was rammed through Congress using the reconciliation process would be enormously popular. Whatever short-term advantage gained by the president was lost by the resulting inflation that has wiped out wage gains by workers.

They saw polls telling them a retreat from Afghanistan would be very popular. While most Americans agreed with Biden on leaving, he catastrophically botched the retreat, leading to the worst moments of his presidency.

Now Biden has imposed a vaccine mandate on 80 million working Americans, threatening their livelihoods if they don't get jabbed. It depends onhow the question[3]is asked, but a majority of Americansgenerally support[4]the vaccine mandate.

But where Biden and his team saw a slam dunk, the majority is narrow and could change at any time.

...

The opposition seems to be growing stronger. It is another case where Biden sees a narrow margin as a major consensus that he is having trouble selling.

#### Ideology matters, not capital

Matthew Dickinson 9, Professor of Political Science at Middlebury College and Former Professor at Harvard University, “Sotomayor, Obama, and Presidential Power”, Presidential Power: A NonPartisan Analysis of Presidential Politics, 5-26, http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Soto Biden PC fails

The Intercept, 11-5-2021, "Deconstructed: Biden Should Look to Obama’s Mistakes," Intercept, <https://theintercept.com/2021/11/05/deconstructed-biden-build-back-better-obama/>

What do you think it is about Democrats that they can’t move that quickly? And they can’t move as efficiently as Republicans? Because it’s not as if the tax code is necessarily simpler? It was still a monster of a piece of legislation.

DS: Oh sure. I think part of it is a lack of presidential leadership. Look, we saw this with the ACA, the Affordable Care Act. Obama essentially delegated responsibility for the details of the bill to Congress. Now, obviously, constitutionally, that’s what Congress does.

But the point is, is that Obama very clearly said: Listen, I’m going to wait for the Max Baucus-run Senate Finance Committee and the House Ways and Means Committee to come up with a bill; I’ll lay out a couple of principles, and they can duke it out, and they can weigh in every now and again.

That’s much different than what we saw with, for instance, Donald Trump and his tax cuts, or George Bush and those tax cuts. The White House had a plan, they had a specific set of plans, and they rammed it through Congress. Now, here’s got to be a middle ground there somewhere. But the point is that it’s the same thing that’s happened with Biden, and the current reconciliation bill. Biden, in a certain sense, where is he? What is he doing? Why hasn’t the White House been much more on the ball about a specific set of proposals, going to different states to campaign for it? None of that has happened.

And the one that kind of blows my mind, although I’m no longer surprised by this kind of thing: OK, you can argue, West Virginia, Biden lost it. He doesn’t have as much political capital in a state like that. He won Arizona. He has a lot of leverage to use in a place like Arizona, with somebody like Kyrsten Sinema. That leverage in my view, I don’t see any evidence that that’s even been used.

So again, it comes back to: If your entire attitude is a conflict aversion with your own party; if you’re trying to somehow appease your corporate donors, and tell voters you’re solving the problems created by your corporate donors, and you have a hands-off attitude about how to actually get an agenda passed, then you end up with what we have now — a morass that’s going on for weeks and weeks and months of capitulations and surrenders.

And, not surprisingly, that ends up not being all that popular. Joe Biden, by one estimate, is at the lowest approval rating of any president in modern history at this time in his presidency. You can try to blame all sorts of external forces for that. But I think usually the most simple explanation is the correct one. And the most simple explanation is: He and his White House have spent months generating headlines, surrendering on the most popular policies that people want.

#### PC is fake.

Roberts 20 [David Roberts, writer about energy and climate change @ Vox. 12-1-2020, "Joe Biden should do everything at once," Vox, accessed 7-12-2021, https://www.vox.com/policy-and-politics/21724758/biden-transition-trump-polarized-climate-change-health-immigration] //BY \*\*\*edited for gendered language

Two-party partisan politics really is a zero-sum game

The theme of these stories is that Democrats relied on clever sequencing over and over again, imagining some amount of political capital (“credibility”) that they could ~~husband~~ [gather] and spend strategically to get assistance across the aisle, at every juncture underestimating the ferocity and unanimity of Republican opposition. They kept behaving as though they would find good-faith negotiating partners, as though they were still in the postwar American era of relatively low (or at least manageable) polarization.

What too few of them realized was that they were already in a new era of near-total polarization, with the population sorted into like-minded enclaves, a bifurcated media ecosystem nurturing stacked (and diametrically opposed) “mega-identities,” and voters motivated primarily by “negative partisanship,” which is to say, hatred of the other side.

A fully polarized two-party system really is a zero-sum game. Any victories or gains by one side come at the other side’s expense, even if the victory secures shared goals. The rational course for the party out of power is to fight with full intensity against everything, always, and that’s what Republicans did under Obama. With scarcely any exceptions, from 2010 through 2020, they pushed in every case for maximal partisan advantage, no matter the stakes or possible cost.

mayor as his nominee.

#### PC fails, probably backfires.

Nyhan ’21 [Brendan; March 19; Government Professor at Dartmouth University, interviewed by Brooke Gladstone; New York Public Radio, “Joe Biden and The Green Lantern Theory of The Presidency,” <https://www.wnycstudios.org/podcasts/otm/segments/joe-biden-and-green-lantern-theory-presidency-on-the-media>]

BROOKE GLADSTONE But according to Brendan Nyhan, a professor of government at Dartmouth College and the man who coined the term "the Green Lantern theory of the presidency," the idea overstates the power of the executive. He says that even when there's a will, there may not be a way.

BRENDAN NYHAN My understanding is the Green Lantern Corps have a ring whose powers are limited only by the wearer's willpower. Matt Iglesias is a blogger, he originally applied that idea to geopolitics. He was criticizing conservatives who said the failures of U.S. foreign policy in the post 9/11 era were attributable to a lack of will. And I saw that same idea as being applicable to domestic politics too, where the president's powers are actually quite limited.

BROOKE GLADSTONE And so all this brings us to the criticism currently directed at Joe Biden. Many progressives are upset by the failure to include the 15 dollar minimum wage, and argued that Biden could have done more to convince Democratic senators like Joe Manchin of West Virginia and Kyrsten Sinema of Arizona who voted against it. David Sirota wrote in The Guardian, he's a former speechwriter for Bernie Sanders, the famous example from Lyndon B. Johnson's fight for Medicare as proof that a tough president can strong arm members of Congress into adopting his goals.

BRENDAN NYHAN Yeah, I think that LBJ arm twisting myth has been a major contributor to Green Lantern style discourse around the president. That the president can, through the kind of cajoling described in these famous accounts, bring numerous votes to his side in Congress. It's very difficult for the president to move votes in Congress. Ask Barack Obama for most of his time in office. Ask Donald Trump, ask any occupant of the White House. LBJ came into office with huge Democratic majorities. Joe Biden has a margin of zero votes in the Senate. Joe Manchin represents a state where almost 70 percent of people voted for Donald Trump. I'm not sure what arm twisting could cause him to vote against his political interests. The Democrats are an anchor around his neck politically. Withdrawing their support from him is not some kind of a threat. It probably helps him.

BROOKE GLADSTONE Getting back to LBJ, you say that he is one of two main illustrations that would seem to support the Green Lantern theory. The other president is Ronald Reagan.

BRENDAN NYHAN Rather than LBJ style arm twisting. Activists say that the president could marshal public opinion, if they only made the case publicly, they could win over the public to their side and therefore rally Congress to support their priorities. This was a recurring theme in the Obama years because he was a quite skilled orator. The evidence, however, suggests that presidential speechmaking is often ineffective. Ronald Reagan wrote in his own diaries when he was president that his case for aid to the Contras in Latin America failed to rally support, and reportedly he was even told by his own pollster that the public comments he was offering on behalf of the cause were actually making it harder for him by rallying opposition. And that's the dilemma that presidents face. David Frum, the conservative commentator, has argued that one of the most effective communication strategies of the early Biden administration has been how little he has talked. Precisely because it avoids making him the focal point of a conversation, given that presidents are so polarizing in our current era. So, again, the idea here is it's not a case of the president failing to deploy their public communication powers, it's that those public communication powers are highly overrated. Once the president gets the issues where they don't have the votes, sometimes they will try. Barack Obama campaigned quite extensively on behalf of gun control and renewed those efforts after high profile mass shootings. But it was fruitless. He would campaign on behalf of it because maybe it could help move the needle, but it never was enough to successfully enact the legislation the administration was proposing.

### Bills

### ---BBB

#### Biden’s PC passes it.

Easley ’11-6 [Jason; 2021; managing editor, White House Press Pool and a Congressional correspondent; PoliticusUSA, “Biden Shows America What a Real President Who Gets Things Done Looks Like,” https://www.politicususa.com/2021/11/06/biden-shows-america-what-a-real-president-who-gets-things-done-looks-like.html]

In a display of total confidence, President Biden was asked what gives him the confidence Congress will pass Build Back Better. He said, “me.”

Video:

Tweet omitted.

The President was asked, “Mr. President, have you gotten assurances from moderate Democrats in the House and Senate that they are going to vote for your Build Back Better plan now that what they really wanted, the infrastructure bill, has passed.

President Biden answered, “You know I’m not going to answer that question for you because I’m not going to get into who or what made what commitments to me. I don’t negotiate in public, but I feel confident that we will have enough votes to pass the Build Back Better plan.

When he was asked, “What gives you that confidence? “

Biden responded, “Me.”

This is what a confident president who gets things done sounds like. Donald Trump turned infrastructure week into a national joke by being unable to deliver for the American people, as he continued to promise and promise, but nothing ever happened.

Biden is reminding America of what a real president can do when they know how to use their power and platform.

Trump talked the talk, but President Biden and the Democrats delivered action and results.

### ---debt ceiling

#### Debt ceiling was already passed. Grayer and Egan 10-12:

Annie Grayer and Matt Egan {CNN reporters}, 21 - ("House approves debt ceiling extension through early December," CNN, 10-12-2021, https://www.cnn.com/2021/10/12/politics/house-vote-debt-ceiling-extension/index.html)//marlborough-wr/

(CNN)The House of Representatives approved an extension of the nation's debt limit through early December after [the Senate passed the stopgap](https://www.cnn.com/2021/10/07/politics/debt-ceiling-deal-senate-vote/index.html)measure last week in a bid to avert a catastrophic default and economic disaster. ¶ Now that the Democratic-controlled House has passed the short-term extension, it is cleared for President Joe Biden's signature.

### ---filibuster

#### Biden won’t push to abolish the filibuster and there is no support to do so

Stephen Collinson, 9-3, 21, CNN, Supreme Court and Joe Manchin tighten Biden’s political straitjacket, https://www.cnn.com/2021/09/03/politics/biden-supreme-court-abortion-joe-manchin/index.html

The President has issued stirring and even angry demands for action on voting rights and abortion rights. But a **50-50 Senate and a new conservative Supreme Court majority severely limit his options — unless he is prepared to embrace the political earthquakes of abolishing** Senate f**ilibuster**obstruction rules and enlarging the nation’s top bench, **which he has neither the political majorities nor personal inclination to do,** to the fury of progressives.

### ---Abortion

#### Abortion rights bill can’t pass the Senate

Stephen Collinson, 9-3, 21, CNN, Supreme Court and Joe Manchin tighten Biden’s political straitjacket, https://www.cnn.com/2021/09/03/politics/biden-supreme-court-abortion-joe-manchin/index.html

House Speaker Nancy **Pelosi vowed to bring up a measure guaranteeing equal access to abortion** as soon as the chamber returns from recess next week. She said the Texas law is “the most extreme, dangerous abortion ban in half a century, and its purpose is to destroy Roe v. Wade.” B**ut there are nowhere near the 60 votes needed in the Senate to pass such a major piece of legislation that almost all Republicans would oppose.**To overcome that barrier, Democrats would have to vote by a simple majority to change the filibuster. But Manchin, several other Democratic senators and even Biden himself have balked at such a step, partly due to fears about how a future unfettered Republican Senate and White House could swiftly remake America — perhaps in the image of anti-abortion, pro-gun Texas.

### ---court packing

#### No political support for court-packing

Stephen Collinson, 9-3, 21, CNN, Supreme Court and Joe Manchin tighten Biden’s political straitjacket, https://www.cnn.com/2021/09/03/politics/biden-supreme-court-abortion-joe-manchin/index.html

**Another option** backed by many progressives during last year’s election **campaign was a scheme to simply expand the Supreme Court** to counter what Democrats see as at least two illicit Republican appointments. **Biden,** a Washington institutionalist, whose entire political project relies on forging national unity through bipartisan measures like his infrastructure bill**, has shown little interest in such a step that would ignite a political firestorm**. Biden did form a commission to advise him on court reform. But it was widely seen as a way of side-stepping demands by the Democratic left for court packing.

### ---voting rights bill

#### Nonunique—democrats will not be able to pass the John Lewis Voting Rights Act in the squo. Cillizza 8/25

Chris Cillizza {Cnn Editor-At-Large], 21 - ("Analysis: Why the John Lewis Voting Rights Act is already doomed in the Senate," CNN, 8-25-2021, accessed 9-3-2021, https://www.cnn.com/2021/08/25/politics/john-lewis-voting-rights-senate/index.html)//ML

(CNN)The John Lewis Voting Rights Advancement Act, legislation that would strengthen the federal government's role in overseeing election law changes that could disenfranchise minority groups, [passed the House on Tuesday](https://www.cnn.com/2021/08/24/politics/john-lewis-voting-rights-advancements-act-house/index.html) -- a victory for Democrats who believe it is a necessary response to the erosion of election protections by the Supreme Court in recent years.¶ The problem? It's not going to become law or even come up for debate in the Senate -- despite the fact that Democrats hold the majority in the chamber. And that's because of Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona.¶ See, Manchin and Sinema both oppose the elimination of the legislative [filibuster](https://www.cnn.com/interactive/2021/05/politics/filibuster-senate-explained/). Which means that the the measure would need to secure 60 votes in order to end unlimited debate in the Senate and come up for a final vote. And that just isn't going to happen.¶ In an [op-ed](https://www.wvgazettemail.com/opinion/op_ed_commentaries/joe-manchin-why-im-voting-against-the-for-the-people-act/article_c7eb2551-a500-5f77-aa37-2e42d0af870f.html) in June, Manchin not only made clear that he opposed the For the People Act, a broader series of election reforms, but also would not vote to end the filibuster over voting rights legislation.¶ "The right to vote is fundamental to our American democracy and protecting that right should not be about party or politics," Manchin wrote. "Least of all, protecting this right, which is a value I share, should never be done in a partisan manner." He later added in that same piece: "I will not vote to weaken or eliminate the filibuster."¶ Later that same month, [Sinema wrote an op-ed](https://www.washingtonpost.com/opinions/2021/06/21/kyrsten-sinema-filibuster-for-the-people-act/) of her own -- this one in The Washington Post -- making clear why she opposed getting rid of the legislative filibuster for any reason. "My support for retaining the 60-vote threshold is not based on the importance of any particular policy," she wrote. "It is based on what is best for our democracy. The filibuster compels moderation and helps protect the country from wild swings between opposing policy poles."¶ And assuming that both Manchin and Sinema stick to their positions, the John Lewis Act will never become law. Democrats can't change the Senate rules to abolish the legislative filibuster unless all 50 of their senators (and the two independents who caucus with them) support such a rule change. And, for the foreseeable future, they have only 48 votes.¶ The whole thing is likely to play out this way:¶ 1. Senate Majority Leader Chuck Schumer will make clear that passing the law is of critical important to protecting the sanctity of the vote, leaning on moderate Republicans to join Democrats on a cloture vote that would lead to a final up-or-down choice on the legislation¶ 2. A handful -- maybe! -- of Senate Republicans will side with Schumer. At the moment, by the way, only Republican Sen. Lisa Murkowski of Alaska has said she supports the John Lewis Voting Rights Advancement Act. The chances 10 Republicans cross the aisle to join with all 50 Democrats? Roughly 0%.¶ 3. Schumer will go to Manchin and Sinema -- as will every Capitol Hill reporter -- and ask them if they are willing to carve out an exception for this voting rights measure. They will say "no," arguing that you can't open Pandora's box and then quickly shut it again (On that point, they are 100% right).¶ 4. The John Lewis Voting Rights Advancement Act will be, legislatively speaking, done.¶ This almost-certain dead end is a striking contrast to the rapid-fire series of bills making it more difficult to vote that have moved through Republican-controlled legislatures since the 2020 election. By mid-July, the Brennan Center for Justice, a liberal leaning organization that tracks voting laws, said that [18 states had enacted 30 new laws that make it harder to vote](https://www.cnn.com/2021/07/22/politics/voting-restrictions-state-laws/index.html).

### --- infrastructure/budget reconciliation bill

#### The impact is empirically false – even 5 week shutdowns didn’t lead to cyberattacks

Healey 13 Jason, Director of the Cyber Statecraft Initiative at the Atlantic Council, "No, Cyberwarfare Isn't as Dangerous as Nuclear War", 3/20, [www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us](http://www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us)

America does not face an existential cyberthreat today, despite recent warnings. Our cybervulnerabilities are undoubtedly grave and the threats we face are severe but far from comparable to nuclear war. ¶ The most recent alarms come in a Defense Science Board report on how to make military cybersystems more resilient against advanced threats (in short, Russia or China). It warned that the "cyber threat is serious, with potential consequences similar in some ways to the nuclear threat of the Cold War." Such fears were also expressed by Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, in 2011. He called cyber "The single biggest existential threat that's out there" because "cyber actually more than theoretically, can attack our infrastructure, our financial systems."¶ While it is true that cyber attacks might do these things, it is also true they have not only never happened but are far more difficult to accomplish than mainstream thinking believes. The consequences from cyber threats may be similar in some ways to nuclear, as the Science Board concluded, but mostly, they are incredibly dissimilar. ¶ Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. A study of the 25-year history of cyber conflict, by the Atlantic Council and Cyber Conflict Studies Association, has shown a similar dynamic where the impact of disruptive cyberattacks has been consistently overestimated. ¶ Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. No attacks, so far, have been both widespread and persistent. There have been no authenticated cases of anyone dying from a cyber attack. Any widespread disruptions, even the 2007 disruption against Estonia, have been short-lived causing no significant GDP loss. ¶ Moreover, as with conflict in other domains, cyberattacks can take down many targets but keeping them down over time in the face of determined defenses has so far been out of the range of all but the most dangerous adversaries such as Russia and China. Of course, if the United States is in a conflict with those nations, cyber will be the least important of the existential threats policymakers should be worrying about. Plutonium trumps bytes in a shooting war.¶ This is not all good news. Policymakers have recognized the problems since at least 1998 with little significant progress. Worse, the threats and vulnerabilities are getting steadily more worrying. Still, experts have been warning of a cyber Pearl Harbor for 20 of the 70 years since the actual Pearl Harbor. ¶ The transfer of U.S. trade secrets through Chinese cyber espionage could someday accumulate into an existential threat. But it doesn't seem so seem just yet, with only handwaving estimates of annual losses of 0.1 to 0.5 percent to the total U.S. GDP of around $15 trillion. That's bad, but it doesn't add up to an existential crisis or "economic cyberwar."

#### Manchin just killed the $3.5 trillion bill; proves thumpers come first, at the very least, Sinema makes it worse

Manu Raja, 9-2, 1, <https://www.cnn.com/2021/09/02/politics/joe-manchin-reconciliation-pause/index.html>, Manchin upends Democrats’ push to enact Biden’s agenda this month, calling for ‘pause’ on $3.5 trillion bill

Sen. Joe **Manchin, the most pivotal Democratic swing vote in the Senate, threw a major wrench in his party’**s carefully crafted **plans to pass a massive $3.5 trillion bil**l by month’s end, ***demanding they take a “strategic pause***” before considering a sweeping bill to implement much of President Joe Biden’s agenda. Manchin, who has long been skeptical of the staggering price tag, made clear Thursday that he’s also opposed to the timeframe Democratic leaders had been charting out for months, a position that now threatens both the larger Democratic-only proposal but also the $1.2 trillion infrastructure bill that passed the Senate earlier this summer In a strongly worded op-ed published in the Wall Street Journal on Thursday, the moderate senator called on fellow Democrats to “hit a strategic pause on the budget-reconciliation legislation,” referring to the bill that can be approved in the Senate by just a simple majority — meaning all 50 members of the Senate Democratic Caucus have to support the bill or it will collapse since all 50 Republicans are expected to oppose it “Instead of rushing to spend trillions on new government programs and additional stimulus funding, Congress should hit a strategic pause on the budget-reconciliation legislation,” he wrote in the op-ed. “A pause is warranted because it will provide more clarity on the trajectory of the pandemic, and it will allow us to determine whether inflation is transitory or not. He added: “While some have suggested this reconciliation legislation must be passed now believe that making budgetary decisions under artificial political deadlines never leads to good policy or sound decisions. I have always said if I can’t explain it, I can’t vote for it, and I can’t explain why my Democratic colleagues are rushing to spend $3.5 trillion. **Manchin says he cannot agree to the $3.5 trillion plan “or anywhere near that level of additional spending” without fully assessing the effects on the economy** Democratic leaders have set September 15 for a deadline to put together their reconciliation bill, and already House committees have begun taking action on their individual pieces of the larger proposal. House Speaker Nancy Pelosi has warned her colleagues she will not move on the $1.2 trillion infrastructure bill — which was approved 69-30 in the Senate last month — until the Senate passes the larger Democratic deal first But Pelosi was forced to make a deal with her moderate Democratic members last month to assure them that the Senate’s infrastructure bill would come to the House floor by September 27. Many House liberals have warned that they won’t support the bipartisan infrastructure bill unless the Senate first approves the Democrat-only reconciliation proposal So if Pelosi and Senate Majority Leader Chuck Schumer can’t satisfy the competing wings of their caucuses, Democrats fear the whole effort could implode.The massive bill would include measures such as funding to combat climate change, paid family and medical leave, expanding the child tax credit — and would be funded in part through tax hikes on corporations and high-income earners. But Manchin isn’t the only senator who could throw a wrinkle in the process. Sen. Kyrsten **Sinema, a moderate Democrat from Arizona, also said in the past she doesn’t support the large price tag.** “Proceedings in the US House will have no impact on Kyrsten’s views about what is best for our country — including the fact that she will not support a budget reconciliation bill that costs $3.5 trillion,” her spokesperson John LaBombard told CNN last month. Her office did not respond to a request for comment Thursday.

#### Thumper – abortion bill

Jennifer Bendery, 9-2, 21, Huffington Post, Nancy Pelosi Announces Vote On Bill To Codify Roe v. Wade, https://www.huffpost.com/entry/nancy-pelosi-abortion-rights\_n\_6130eeeae4b05f53eda4b24b

House Speaker Nancy **Pelos**i (D-Calif**.) announced** Thursday that **she plans to bring up legislation that would codify Roe v. Wade**, the landmark Supreme Court decision that protects the right to choose to have an abortion, as soon as the House returns from recess this month. **“Upon our return**, the House will bring up Congresswoman Judy Chu’s Women’s Health Protection Act to enshrine into law reproductive health care for all women across America,” Pelosi said in a statement. Her announcement comes a day after the U.S. Supreme Court allowed an extreme Texas law to go into effect that criminalizes abortion at six weeks and deputizes citizens to enforce the ban. The House speaker railed against the Supreme Court’s decision, saying its “cowardly, dark-of-night decision” to let the Texas law take effect “delivers catastrophe to women in Texas, particularly women of color and women from low-income communities.” “Every woman, everywhere has the constitutional right to basic health care.  SB8 is the most extreme, dangerous abortion ban in half a century, and its purpose is to destroy Roe v. Wade, and even refuses to make exceptions for cases of rape and incest,” Pelosi said. “This ban necessitates codifying Roe v. Wade.” The House **is** currently **scheduled** to come back into session on**Sept. 20**.

#### Democratic unity needed for $3.5 trillion stimulus passage

Tony Romm, 8-31, 21, <https://www.msn.com/en-us/news/politics/corporate-america-launches-massive-lobbying-blitz-to-kill-key-parts-of-democrats-e2-80-99-2435-trillion-economic-plan/ar-AANWrMg>, Corporate America launches massive lobbying blitz to kill key parts of Democrats’ $3.5 trillion economic plan

**The flurry of well-funded political activity only adds to the challenges facing Biden and his congressional allies as they seek to move one of his signature economic initiatives swiftly through Congress using a process known as reconciliation. The maneuver allows Democrats in the Senate to bypass a likely Republican filibuster and pass legislation with a simple majority**But **Democrats’ strategy can work only if the party’s narrow majority stays united at a time when they have *few votes to spare*. The task is likely to be toug**h, not least because of the overwhelming corporate lobbying barrage that awaits them.Prospect of massive infrastructure package unleashes lobbying bonanza in Washington The raft of lobbying arrives as lawmakers begin to translate Biden’s broader economic vision into legislation. Democratic leaders have said their reconciliation measure can expand Medicare coverage, offer universal prekindergarten, provide new help to low-income families, and invest substantial sums toward fighting climate change Hoping to give Biden a win, **Democrats** have aimed to send the package to his desk as soon as September. Their race **to enact legislation has set off a mad dash on Capitol Hill, a process that is sure to test the president’s political influence — and the durability of Democrats’ narrow, potent and fractious majorities in both chambers of Congress.**

#### Infrastructure bill not enough to solve climate change, need reconciliation bill

Rachel Frazin, 11-9, 21, Climate advocates skeptical of bipartisan infrastructure bill amid Biden victory lap, https://thehill.com/policy/energy-environment/580630-climate-advocates-skeptical-of-bipartisan-infrastructure-bill-amid

**The** $1.2 trillion **bipartisan infrastructure bill is getting a lukewarm reception from climate advocat**es, some of whom say passage of the measure has cost Democrats some leverage when it comes to further advancing a social spending package expected to deliver major climate benefits. Despite the Biden administration’s victory lap following the House vote on Friday to pass the infrastructure bill after weeks of wrangling, advocates said they plan to put pressure on lawmakers to pass the $1.75 trillion social spending package quickly. “To tout this bill as a climate victory is... just a lie,” said John Paul Mejia, a spokesperson for the Sunrise Movement, referring to the bipartisan bill. “**Not only does this bill include in it some harmful provisions, it also doesn’t meet the full scope and scale of the climate crisis as much as the reconciliation bill would**.” Mejia said he believes that progressive Democrats are now in a worse spot leverage-wise than they were before when they vowed during negotiations to not support the infrastructure bill, also known as the bipartisan infrastructure framework (BIF), without voting on the spending package first. “Voting on the BIF first has put us in a more vulnerable position to have our biggest priorities skewed and gutted by corporate Democrats and the cronies of the fossil fuel industry,” he said. Despite the criticism from green groups**, the** bipartisan **legislation does have key climate provisions that include efforts to clean up transportation such as building out an electric vehicle charging network, investments in public transportation, and funds for electric buses and ferries.** It also has funding for electric grid modernization, something proponents say will promote renewable energy and serve as a foundation as the country moves toward electric vehicles and appliances. The bill also invests in clean water through removal and replacement of lead pipes and cleaning up toxic substances — the “forever chemicals” known by their acronym PFAS. Lead exposure has been linked to brain damage — particularly in children — while PFAS have been tied to health impacts includign cancer and immune system problems. It also provides funding for resilience to climate impacts like wildfires and flooding as well as provisions to clean up contaminated sites and abandoned mines and oil wells. “It’s going to make significant, historic strides to take on the climate crisis,” President Biden said in a speech after Friday’s passage of the bill. But some advocates say the bill does not go far enough and called on lawmakers to quickly pass what is known as the Build Back Better Act, which includes a bulk of other climate-centered provisions. That legislation contains actions like tax credits for clean energy and electric vehicles, and a program aimed at reducing methane emissions from oil and gas production. It also contains additional environmental provisions like additional funding for lead pipe removal, repealing drilling in an Alaska wildlife refuge and a ban on drilling in the Eastern Gulf of Mexico and off the Atlantic and Pacific coasts. **“The bipartisan infrastructure bill fails to meaningfully address the climate crisis or advance environmental justice,** which is why, next week, the House must pass the Build Back Better Act’s historic suite of climate investments,” said Ben Beachy, director of the Sierra Club's Living Economy Program. He pointed to an October analysis which found that the bipartisan bill would only have a “nominal” impact on lowering the country’s greenhouse gas emissions if it’s enacted without the Democrat-only package. Builders Capital Recap – October 2021 SPONSORED CONTENT Builders Capital Recap – October 2021 BY BUILDER'S CAPITAL Green groups have also criticized certain provisions of the bipartisan bill that they say do more harm than good. These include measures that undermine environmental reviews in favor of speedier infrastructure permitting, could bolster an Alaska liquified natural gas project and fund buses that run on “alternative fuels,” which can include natural gas. However, the passage of the bipartisan infrastructure bill did come with a promise that could bolster the Democrat-only legislation, which lawmakers are still working on getting across the finish line. **Five House moderates pledged to support the reconciliation bill in a vote next week** if its congressional cost estimate is consistent with a White House analysis. But that still leaves out Sen. Joe Manchin (D-W.Va.) who has expressed “concerns” about the social and climate spending bill. While some expressed concern about where the climate and social spending package currently stands, others expressed more optimism. Elizabeth Gore, the Environmental Defense Fund’s senior vice president for political affairs, said she believes that all sides are working in “good faith.” “Passing the BIF, sending it to the president, that’s a big step forward. I think there’s good faith on all sides,” Gore said. **“I don’t have concerns that this is going to be an exit ramp for moderate Democrats; I think that this is going to continue to move forward and may even give us some momentum,” s**he added. Advocates also said they’ll continue to apply pressure to get the reconciliation bill across the finish line as soon as possible. Both the House and Senate chambers are out this week. “What we’re going to see over the next few days is an incredible amount of public engagement and constituents reaching out to their members and pushing them to pass this really popular bill and that’s going to continue to include Joe Manchin,” said Lena Moffitt, campaigns director for the environmental group Evergreen.

### ---midterms

#### Biden’s poll number tanking, ensuring GOP success in the midterms

Chris Zivilla, 9-2, 21, CNN, This poll number will send Democrats into a panic, https://www.cnn.com/2021/09/02/politics/biden-approval-midterms-democrats/index.html

**The single biggest indicator of how the 2022 midterm elections will go for the two parties is how the public thinks about** President Joe **Biden.**Which, ugh, if you are a Democratic candidate looking toward trying to win a race in a swing district or state come that November The latest bad news on that front came Thursday in a new NPR/PBS NewsHour/Marist poll. **Biden’s approval in the survey slid all the way to 43%,** a drop of 6 points in a single month. His **disapproval, not surprisingly shot up 7 points to 51%**Those numbers for Biden — and Democrats — are bad. Obviously. But there’s another number buried in that question that should worry them even more. And it’s this: **41% of people said they strongly disapprove of the job Biden is doing, while just 19% strongly approve of how he is handling his job as president. What that number suggests is that there is a major passion gap between the two party bases. Democrats like Biden — some even love him. But Republicans HATE him, with 82% saying they strongly disapprove of how he is doing the job. That sort of energy disparity between the two party bases is, if history is any guide, a recipe for disaster for Democratic candidates for Congress.**This, from Gallup’s Jeffrey Jones, is illustrative of that — ahem — point: “In Gallup’s polling history, presidents with job approval ratings below 50% have seen their party lose 37 House seats, on average, in midterm elections. That compares with an average loss of 14 seats when presidents had approval ratings above 50%. **Recent history affirms that trend. With his approval ratings in the low 40s (at best) then-President Donald Trump’s Republican Party got thumped in the 2018 midterms. Republicans lost 40 House seats — and their majority.**The Point: The best news for Biden and his party is that it’s September 2021, not September 2022. If his job approval numbers in a year’s time are anywhere near where they are today, Democrats will likely be facing a wave perched to come crashing down on them on Election Day.

#### Biden can get Manchin on board

Kevin Liptak & Kate Sullivan 11/2, Liptak is a reporter covering the White House, Kate is from CNN White House, “Biden says he can convince Manchin to vote for his sweeping agenda: 'I believe that Joe will be there'”, <https://www.cnn.com/2021/11/02/politics/senator-joe-manchin-joe-biden-legislative-text/index.html>, November 2nd, 2021

President Joe Biden said Tuesday he's confident Sen. Joe Manchin will support his sweeping climate and social spending bill after the West Virginia Democrat publicly raised doubts about the plan.

"I believe that Joe will be there," Biden said during a concluding news conference at the United Nations climate summit in Glasgow, Scotland.

"He will vote for this if we have in this proposal what he has anticipated, and that is looking at the fine print and the detail of what comes out of the House in terms of the actual legislative initiatives," Biden said.

Biden cast Manchin's reticence at publicly supporting the package as a desire to ensure the final bill meets his expectations, which Biden said it would.

"Joe is looking for the precise detail to make sure nothing got slipped in terms of the way in which the legislation got written," he said.

Manchin, whose vote is critical to the bill's passage in the Senate, raised concerns about the bill's accounting during a news conference on Monday. His objections were largely shrugged off by Democrats, who are pushing forward with a plan to vote on that bill and an accompanying infrastructure bill.

### ---pandemic preparedness

#### Biden pushing necessary funding for pandemic preparedness

Mike Debonis, 9-2, 21, <https://www.washingtonpost.com/politics/reconciliation-pandemic-funding/2021/09/02/327a1272-0bf8-11ec-aea1-42a8138f132a_story.html>, White House joins push to beef up pandemic prevention funding amid worries Congress will shortchange the effort

**The fight to prevent the next pandemic is underway on Capitol** Hill even as the coronavirus continues to ravage the nation, **with the Biden administration joining** a quiet but **consequential battle to secure tens of billions of dollar**s in funding **aimed at readying vaccines, tests, treatments and surveillance for future global health threats**. While the amount of funding in play pales next to the overall scale of the planned $3.5 trillion economic package that Democrats hope to push through Congress in the coming week, advocates are arguing that the stakes are high: **Without at least $30 billion of federal investment, they say, the nation could be left vulnerable to a devastating repeat of the covid crisis, or worse.** But a budget blueprint adopted by Congress last month envisions delivering only a fraction of that total — less than $10 billion — which some are warning would squander an important opportunity while Washington and the world are focused on the threat posed by pandemics. House passes $3.5 trillion budget plan, aims to vote on infrastructure package by late September **The White House in recent days has circulated a memo to key congressional leaders arguing for the pending bill to provide at least $15 billion in pandemic prevention funding**— dollars that might have to be diverted from other administration priorities. Even **that amount**, the memo says, **would** only provide a “**jump-start” to an estimated $65 billion effort needed in the coming decade to prepare vaccines, therapies and tests that can be quickly scaled to blunt emerging disease threats.** Among those pushing for even more is Tom Daschle, the former Senate majority leader, whose office was targeted in a 2001 anthrax terrorist attack and later joined the Bipartisan Commission on Biodefense, which created a road map for federal pandemic prevention investments. In an interview, Daschle said he was “fearful” that lawmakers would soon move past the covid crisis without taking the necessary steps to prepare for the next global threat.“Right after the anthrax attack, everyone’s attention was focused on, how do we better prepare ourselves? And we made a commitment then that we somehow have now forgotten,” he said. “We know for certain there will be another pandemic. And shame on us if we haven’t been better prepared for the next one after learning such hard lessons in this one. **The White House memo, dated Aug. 26, lays out an ambitious program of research, development and industrial preparation that would enable the approval of effective vaccines against any virus within 100 days and enough production of that vaccine to inoculate the world within 200 days**. The program also aims to create new drugs that could be effective against any virus family, develop new tests that can be easily adapted to particular viruses and new monitoring networks to catch pathogens before they spread widely. In justifying the $65 billion cost, the memo notes that future pandemics could be far worse, far more frequent and cost the U.S. economy even more than the estimated $16 trillion impact from covid-19. “Modest investments in pandemic preparedness should not be viewed as a cost, but instead as providing a large return on investment,” the document says, noting that $10 billion in annualized spending is a fraction of the federal government’s spending on traditional national security items. **The battle is expected to come to a head in the coming days ahead of a Sept. 13** meeting of the House Energy and Commerce Committee, which will decide how much pandemic preparedness funding to include in its $486 billion spending allotment. While even the pandemic funding would only be a small portion of that, the panel is also tasked with funding major health care and climate programs that are expected to account for the vast bulk of its spending. With the amendment process expected to be tightly controlled by House and Senate leaders, it could be difficult to force significant changes after that committee finalizes its portion of the bill. A spokeswoman for the committee did not respond to requests for comment Thursday. **A White House official**, who spoke on the condition of anonymity to describe internal discussions, **confirmed the memo’s veracity and said the administration is “working to lay out the urgent resources and other needs to ensure that we are protected against upcoming threats.”** The Senate Health, Education, Labor and Pensions Committee is also engaged in the discussions, congressional aides said, and its chairwoman, Sen. Patty Murray (D-Wash.), has long supported additional spending on pandemic preparedness. Asked about this issue in July, Murray said she was looking for the highest number possible but added “we have a lot on our plate. Since then, she has made several statements in support of robust preparedness funding, and her spokeswoman, Helen Hare, said Thursday **that Murray “is working closely with the House and White House to align around the strongest possible investment** in the Build Back Better budget.” Other senators, including Sen. Elizabeth Warren (D-Mass.), have also pressed for significantly more funding. The Biden administration eyed $30 billion for pandemic preparedness funding in initial policy proposals released earlier this year. But under outlines embedded in the budget blueprint that congressional Democrats assembled and adopted last month, only about $5 billion was ultimately set aside. The reduction was a consequence of divisions inside the Democratic ranks on how expansive the catchall economic bill ought to be. Because it is being written to take advantage of special budgetary procedures that can allow Democrats to avoid a Republican filibuster, many of the fiscal parameters have to be sketched out in advance While many Democrats favored $6 trillion in spending or more, Senate centrists pushed that top-line figure down to $3.5 trillion, and some Democrats are insisting it needs to be reduced further still. Rather than cut entire programs from the bill, Senate Budget Committee Chairman Bernie Sanders (I-Vt.) and fellow leaders opted instead to maintain the vast majority of programs proposed by Biden, but reduce them by delaying their implementation or sunsetting their funding. Bernie Sanders lost his fight to be president. But now he’s written a budget that could secure his legacy.  “There are a lot of competing interests, all of them are important, and we’re just going to have to do our best to prioritize,” Sanders said in late July, as his committee assembled the budget blueprint. “Obviously, it goes without saying, we want to be a hell of a lot better prepared for future pandemics than we were for this one.”Gabriel Bankman-Fried — executive director of Guarding Against Pandemics, a nonprofit that has pushed for significant new funding — said it would be a mistake to treat the pandemic preparedness funding as just another minor line item in the sprawling bill that can be bargained down and returned to later. Spending to prevent a future pandemic is among the most popular provision of the Democrat’s vast bill, he said, citing his own group’s polling, and he added that the White House memo makes it clear that the increased spending is justified. And, like Daschle, Bankman-Fried said simply passing a small down payment and leaving future Congresses to fill in the gaps would be a recipe for disappointment or worse. “Every time there’s been a new outbreak — Zika, H1N1, SARS, MERS — there’s been a flurry of investment targeted at just that outbreak, and then that investment fades. We fail to make the systemic changes we need to be better prepared, and we fail to think broadly about preparing for threats other than the one we just experienced,” he said. “**You have a small political window to make that happen before everyone kind of moves on.”**

### ---climate change legislation

#### Stimulus/build back better includes fossil fuel subsidy cuts

Michael Schnell, 8-30, 21, Democrats call on House leadership to use spending plan to repeal fossil fuel subsidies, <https://thehill.com/homenews/house/570046-democrats-call-on-house-leadership-to-repeal-fossil-fuel-subsidies-in-biden>

**A group of more than 50 Democrats is calling on** Speaker Nancy **Pelosi** (D-Calif.) and House Majority Leader Steny Hoyer (D-Md.) **to include a repeal of fossil fuel subsidies in the party’s multitrillion-dollar infrastructure package.**The group, led by Reps. Carolyn Maloney (D-N.Y.) and Ro Khanna (D-Calif.), penned a letter to the Democratic leaders Monday asking that the repeal of fossil fuel subsidies be included in Democrats’ Build Back Better Act because they do not bolster U.S. energy independence or create new jobs. “Fossil fuel subsidies should be repealed because, instead of enhancing American energy independence or creating jobs, they simply enhance the profits of fossil fuel companies,” the lawmakers wrote. “We should not fall for the industry myth that these subsidies are necessary for good job creation,” they later added They specifically targeted subsidies that are only given to the oil and gas industries, including “the deduction for intangible drilling costs, corporate tax exemption for fossil fuel master limited partnerships (MLPs), percentage depletion, and the dual capacity taxpayer deduction for royalty payments to foreign governments on fossil fuels. The **Democrats also argued that repealing subsidies for the oil and gas industries would help “advance racial justice**,” writing that “Black and Brown communities are disproportionately affected by fossil fuel pollution.” They wrote **Black people are affected by pollution from harmful particles at a rate that is 54 percent higher than the overall population because of “the proximity of petrochemical and related facilities to their homes and neighborhood**s.” The letter also argued that fossil fuel-related jobs are “dangerous,” contending that “Fracking workers are experiencing toxic radiological exposure.” For these reasons, we implore you to include the repeal of fossil fuel subsidies in the Build Back Better Act,” the lawmakers wrote **The idea of repealing fossil fuel subsidies has been a chief priority among Democrats** this year Senate Majority Leader Charles **Schumer** (D-N.Y.) last week **said the bipartisan infrastructure bill and Democrats’ reconciliation spending package would help reduce U.S. carbon emissions by 45 percent by the end of the decade compared to levels recorded in 2005.**Part of that decrease, 3.5 percent, was attributed to “fossil fuel subsidies repeal,” according to a graphic breaking down the 45 percent decrease. President **Biden’s budget proposal has also called for eliminating tax provisions that benefit the fossil fuel industry**, a move that is projected to generate $35 billion over the course of a decade. Specifically, the administration is looking to dismiss benefits received by the fossil fuel industry for enhanced oil recovery, a procedure of extraction that allows companies to get fuel they otherwise would not be able to access and another for “intangible” costs such as wages, repairs, supplies and other costs that are necessary for oil and gas drilling.

### ---drug pricing

#### The bill doesn’t pass in the squo – Sinema and Manchin oppose it. Barrón-López 9/19

Laura BarrÓN-LÓPez, 9-19-2021, "Sinema tells White House she’s opposed to current prescription drug plan," POLITICO, <https://www.politico.com/news/2021/09/19/kyrsten-sinema-biden-drug-pricing-prescription-plan-512907> Accessed 10/9/2021 || JH

The White House has a new headache as it struggles to get its multitrillion-dollar party-line spending bill passed: Sen. Kyrsten Sinema's objections to drug pricing reforms that are already struggling to make it through the House. The Arizona Democrat is opposed to the current prescription drug pricing proposals in both the House and Senate bills, two sources familiar with her thinking said. They added that, at this point, she also doesn’t support a pared-back alternative being pitched by House Democratic centrists that would limit the drugs subject to Medicare negotiation. Sinema met with President Joe Biden on Sept. 15 to discuss the social spending package, in which party leaders hope to include the Medicare prescription drug pricing proposal. Sinema has made her resistance to the current House prescription drug negotiation proposal clear to the White House, according to one of the sources, but it’s unclear if she’s completely immovable. Both she and Sen. Joe Manchin (D-W.Va.), who met with the president the same day, delivered what one source described as a sobering message for the White House about the fate of the reconciliation bill and its $3.5 trillion price tag, which they both say is too high. The social spending plan is designed to pass without GOP votes through budget reconciliation, meaning that Biden will need to win all 50 Senate Democratic votes to secure its passage. “As she committed, Kyrsten is working directly in good faith with her colleagues and President Biden on the proposed budget reconciliation package,” said John LaBombard, a Sinema spokesperson, who declined to discuss the prescription drug measure. “Given the size and scope of the proposal, while those discussions are ongoing we are not offering detailed comment on any one proposed piece of the package.” Sinema’s concerns about the prescription drug component combined with Manchin’s more publicly stated opposition to the current reconciliation bill cast significant doubt on Biden’s ability to get the votes to pass his signature domestic initiative. Biden and Manchin left their Wednesday meeting in a stalemate, according to two sources briefed on the conversation. The West Virginia Democrat said he couldn’t support a $3.5 trillion package, a [detail first reported by Axios.](https://www.axios.com/scoop-biden-bombs-manchin-b2b4acbd-24d0-40a3-ba6f-c0509e0e0224.html) But the disagreements between the two went beyond that. When discussing the size of the bill, Biden cited the need to win progressive votes as well, implying that any significant modifications could cost him support on the left. Manchin also pressed Biden about moving the Senate-passed bipartisan infrastructure bill first as they figured out an agreement on the reconciliation package, according to the two sources. Biden said it was a no-go, telling Manchin the infrastructure bill couldn’t advance further without some commitment from Manchin to move forward on reconciliation. Manchin didn’t offer that commitment, the two sources said, describing the back-and-forth as respectful but direct. Sam Runyon, a spokesperson for Manchin said, “Senator Manchin does not disclose the details of his private meetings.” Though both Manchin and Sinema have made clear, publicly and privately, that they are willing to negotiate on the party-line social spending proposal, their opposition to the current version has irritated fellow Democrats who see a unique opportunity to muscle through major domestic legislation. The reconciliation bill would boost child care, paid family leave and expand Medicare while spending potentially historic sums to combat climate change. “The last two miles of the marathon are always the toughest, but there remains strong conviction and unity to finish this thing and do something historic,” said John Podesta, former counselor to President Barack Obama and one of the most prominent advocates for aggressive climate action through the reconciliation bill. “I think the real question is how big, not whether.” The drug price negotiation changes that Sinema is coming out against are a major component of the bill’s envisioned financing. Democrats are counting on them to raise as much as $700 billion over 10 years to pay for the party-line bill’s ambitious programs. Axing it could imperil the [health care reform](https://www.politico.com/news/2021/09/08/democrats-medicare-spending-510456) components in the social spending plan, such as a proposal from Sen. Bernie Sanders (I-Vt.), and supported by Biden, that would expand Medicare coverage to hearing, dental and vision. The prescription-drug pricing measure is also one of the biggest elements championed by the White House. In speeches this summer, Biden highlighted the proposal as popular across the electorate. “The President, his Cabinet, and White House senior staff are continuously engaged in discussions with a wide spectrum of members about the Build Back Better agenda,” said Andrew Bates, a White House spokesperson. “And good progress is being made. We urgently need to cut taxes for working families and reduce the cost of prescription drugs, education, health care, child care, and care for older Americans; and pay for it by restoring fairness to our tax code.” Sinema ranks as one of Congress’ leading recipients of pharmaceutical industry donations, according to an analysis by [Kaiser Health News](https://khn.org/news/a-senator-from-arizona-emerges-as-a-pharma-favorite/). The Arizona Senator is not the only Democrat expressing concerns with the party’s approach to drug negotiation. A trio of centrist House lawmakers [voted against the](https://www.politico.com/news/2021/09/15/centrist-democrats-drug-pricing-511955) measure in the Energy and Commerce Committee this week and a fourth voted against it in the Ways and Means Committee. Rep. Kathleen Rice (D-N.Y.) was one of those centrists. In a letter sent to the Alliance for Retired Americans advocacy group two days after the vote, the congresswoman said she supported “the goals” of the Democratic bill to allow Medicare to negotiate lower drug prices. Unlike her past votes in favor of it, however, Rice wrote, her committee vote was not on a “clean, stand-alone bill.” “Instead, the H.R. 3 drug pricing language was being used as a tool to offset the cost of a $3.5 trillion reconciliation bill,” Rice wrote in the letter, obtained by POLITICO. “That bill has no chance to become a law, as Democrats in the Senate have stated that a bill with such a price tag will not have the votes to pass in their chamber.” Rice’s office did not respond to a request for comment. Democratic leadership is under a tight, self-imposed deadline to resolve these differences. House leaders have promised to hold a vote on the Senate infrastructure bill by Sept. 27, which is designed to happen in tandem with the reconciliation package. But with [progressives threatening to withhold their votes](https://www.politico.com/news/2021/09/17/liberals-progressives-democrat-agenda-512621) if the party-line package remains uncertain, it’s unclear if the infrastructure bill can pass. Centrists in the House and Senate expect the total $3.5 trillion price tag for the package to shrink. They’re also unhappy with the pace set by the White House and Democratic leaders. “The way we're moving this along so quickly puts the House in a position where individual members of the House really won't be involved in making the choices about what we fund,” said Rep. Scott Peters (D-Calif.), one of the four House Democrats to vote against the prescription drug pricing measure considered in two committees this week. “The bipartisan bill took five and a half months; we're trying to do a bigger bill — a 3 1/2 trillion-dollar bill — in five weeks.” Peters argued his proposal was better suited to win widespread support. It would limit the number of drugs that Medicare would be able to negotiate over, provide a $50 monthly cap on insulin costs, and generate lower out-of-pocket costs for seniors most in need. But progressives have lambasted the centrists for seeking major changes to a critical pillar of the package, saying it is both less ambitious and threatens all of the other health care reforms. “There should be some accountability mechanisms here against people who step out of line at this juncture on such a core issue that nets 80 to 90 percent approval in a lot of these districts,” said Faiz Shakir, a political adviser to Sanders. “All three of these candidates should get primary challenges.” Peters responded that he’ll “focus on the campaign next year. Right now, we’re focused on lowering prescription drug prices.”

### ---grid

#### Won’t solve cyber or infrastructure failure

David R Baker & Keith Laing, 5-24-2021, "Three Disasters Show Gaps in $1.7 Trillion Infrastructure Plan," Bloomberg, https://www.bloomberg.com/news/articles/2021-05-24/three-disasters-show-gaps-in-1-7-trillion-infrastructure-plan

Three times this year, major pieces of U.S. infrastructure have failed: first the Texas power grid, then the East Coast’s main gasoline pipeline, then a freeway bridge over the Mississippi River. The crises disrupted businesses and lives, cost billions and left more than 150 Texans dead.

President Joe Biden’s $1.7 trillion infrastructure package wouldn’t necessarily have prevented any of those failures.

It wouldn’t have stopped the hackers who shut down the Colonial Pipeline for days, closing gas stations across the Southeast. While the hack may push the federal government to enforce pipelines’ cybersecurity, the administration bill is silent on that issue.

Tennessee officials could have applied under Biden’s plan for funding to repair Memphis’s Hernando De Soto Bridge, where the discovery of a cracked and almost-severed steel beam last week closed the Mississippi to barge traffic. But inspections failed to register the damage, even though it’s visible in drone footage from 2019.

As for Texas, the White House says part of the administration plan could help weatherproof the electrical grid. But it’s unclear whether that funding would extend to power plants and gas pipelines that malfunctioned during February’s brutal cold snap, plunging millions into darkness. The companies that own those plants and pipes had ignored previous warnings to weatherize, deeming the work too costly.

The recent failures illustrate just how many ways the patchwork systems can break. Experts say they also illustrate a long-running flaw in the way the U.S. thinks about and pays for infrastructure: The country focuses more on building new things rather than maintaining what it has.

Much of the current debate in Washington has hinged on what actually counts as infrastructure in Biden’s plan: Child-care centers? High-speed internet? But the arguments overlook the fact that neither public officials nor the invisible hand of the market has kept our existing steel and concrete intact.

“We are not lacking financial resources here in the United States, in the slightest, to make the investments we need to avert many if not most of the most extreme infrastructure consequences,” said Adie Tomer, a fellow at the Brookings Institution. “All three of those examples are ones where we had the resources to avoid failures. It’s prioritization.”

#### No blackouts.

Larson 18 Selena Larson, Cyber threat intelligence analyst at Dragos, Inc. [Threats to Electric Grid are Real; Widespread Blackouts are Not, 8-6-2018, https://dragos.com/blog/industry-news/threats-to-electric-grid-are-real-widespread-blackouts-are-not/]

The US electric grid is not about to go down. Though it’s understandable if someone believed that. Over the last few weeks, numerous media reports suggest state-backed hackers have infiltrated the US electric grid and are capable of manipulating the flow of electricity on a grand scale and cause chaos. Threats against industrial sectors including electric utilities, oil and gas, and manufacturing are growing, and it’s reasonable for people to be concerned. But to say hackers have invaded the US electric grid and are prepared to cause blackouts is false. The initial reporting stemmed from a public Department of Homeland Security (DHS) presentation in July on Russian hacking activity targeting US electric utilities. This presentation contained previously-reported information on a group known as Dragonfly by Symantec and which Dragos associates to activity labeled DYMALLOY and ALLANITE. These groups focus on information gathering from industrial control system (ICS) networks and have not demonstrated disruptive or damaging capabilities. While some news reports cite 2015 and 2016 blackouts in Ukraine as evidence of hackers’ disruptive capabilities, DYMALLOY nor ALLANITE were involved in those incidents and it is inaccurate to suggest the DHS’s public presentation and those destructive behaviors are linked. Adversaries have not placed “cyber implants” into the electric grid to cause blackouts; but they are infiltrating business networks – and in some cases, ICS networks – in an effort to steal information and intelligence to potentially gain access to operational systems. Overall, the activity is concerning and represents the prerequisites towards a potential future disruptive event – but evidence to date does not support the claim that such an attack is imminent. The US electric grid is resilient and segmented, and although it makes an interesting plot to an action movie, one or two strains of malware targeting operational networks would not cause widespread blackouts. A destructive incident at one site would require highly-tailored tools and operations and would not effectively scale. Essentially, localized impacts are possible, and asset owners and operators should work to defend their networks from intrusions such as those described by DHS. But scaling up from isolated events to widespread impacts is highly unlikely.

#### No impact even without electricity

Bradley 16 (ArthurPh.D., author of the Handbook to Practical Disaster Preparedness for the Family, 3rd Edition, Prepper’s Instruction Manual: 50 Steps to Prepare for any Disaster, Disaster Preparedness for EMP Attacks and Solar Storms (Expanded Edition), and the Frontier Justice (The Survivalist Book 1)," <https://thesurvivalmom.com/long-term-blackout-nuclear-meltdown/)>

Emergency systems Nuclear plants obviously require electricity to operate their cooling pumps, not to mention their control systems. That power is normally tapped off of the electricity that the reactor generates. If the plant is offline, the power is provided by the electrical grid. But what happens when the grid itself goes down? The short answer is that large on-site diesel generators automatically activate to provide electricity. And if those should fail, portable diesel generators, which are also on-site, can be connected. Recent standardization has also ensured that generators can be swapped between plants without the need to retrofit connectors. There are also a couple of additional emergency systems that can be used specifically to cool the reactor. These include the turbine-driven-auxiliary-feedwater pump, which uses steam generated by the reactor to power a cooling turbine. The pump requires an operator, but it runs completely without electricity. This system, however, is meant only for emergency cooling of the reactor during those critical first few days when the fuel rod assemblies are being brought down in temperature, not for long-term cooling. And finally, in the worst case, most plants have a method of bringing in river or ocean water to flood the reactor. This typically damages the cooling system, but again, it helps to cool and cover the reactor core should all else fail. Unlike in other countries, permission from the federal government is not required to flood the reactor. Worst-case power-loss scenario With backup systems to the backup systems, it would seem that there’s nothing to worry about, right? Under all but the direst of circumstances, I think that assessment is correct. However, one could imagine a scenario in which the grid was lost and the diesel generators ran out of fuel. Speaking of fuel, how much is actually stored onsite? It depends on the plant, but at the Watts Bar Nuclear Plant, for example, there is enough fuel to run the emergency diesel generators for at least 42 days. I say at least because it would depend on exactly what was being powered. Once the reactor was cooled down, a much smaller system, known as the Residual Heat Removal System, would be all that was required to keep the fuel assemblies cool, both in the reactor and the spent fuel rods pool. The generators and onsite fuel supply could power that smaller cooling system for significantly longer than if they were powering the larger reactor cooling system. Even if we assumed a worst case of 42 days, it’s hard to imagine a scenario in which that would not be enough time to bring in additional fuel either by land, water, or air. Nonetheless, let’s push the question a little further. What would happen in the unlikely event that the diesel fuel was exhausted? Even with the reactor having been successfully cooled, the biggest risk would continue to be overheating of the fuel rod assemblies, both in the reactor and the spent fuel rods pool. Without circulation, the heat from the fuel rod assemblies could boil the surrounding water, resulting in steam. In turn, the water levels would drop, ultimately exposing the fuel rods to air. Once exposed to air, their temperatures would rise but not to the levels that would melt the zirconium cladding. Thankfully, that means that meltdown would not occur. The steam might well carry radioactive contaminants into the air, but there would be no release of hydrogen and, thus, no subsequent explosions. The situation would certainly be dangerous to surrounding communities, but it wouldn’t be the nuclear Armageddon that many people worry about.

## Private Prisons DA

### 1AR – AT: Private Prisons DA

#### Private prisons are profitable due to an exploitation of felons’ labor. cummings 20

andré douglas pond cummings [Professor of Law, University of Arkansas at Little Rock William H. Bowen School of Law], 20 - (Abolishing Private Prisons: A Constitutional and Moral Imperative, "No Publication, 6-18-2020, accessed 11-5-2021, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3630058> //JK

The creation of this private prison corporation ushered in a new carceral era where the traditional government function of adjudicating crime, punishment, and imprisonment became intertwined with the corporate governance principles and goals of profit maximization for shareholders; executive compensation based on profits and share price; forward-looking statements forecasting more robust prison populations; and increased profit levels built almost solely on human misery and degradation. In 1985, Professor Ira Robbins testified to the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice that U.S. jurisdictions considering contracting with private entities for incarceration services should proceed cautiously because there may be serious constitutional and pragmatic concerns with such an arrangement. He penned a law review article further delineating reasons to approach private incarceration with caution and served as the reporter for the American Bar Association’s (ABA) Task Force on Privatization of Corrections. That Resolution was adopted at the February 1990 Midyear Meeting as 115B and “urg[ed] that jurisdictions considering authorization of contracts with private corporations or other private entities . . . do so with extreme caution . . . .” The Resolution further recognized that “the imposition and implementation of a sentence of incarceration for a criminal offense is a core function of government . . . and there is a strong public interest in having prison and jail systems in which lines of accountability are clear.” Despite passage of Resolution 115B in 1990, government reliance on private incarceration has since increased approximately sixteen-fold. Private prison corporation directors, executives, managers, and their hired lobbyists currently work doggedly diligently to increase shareholder profits by: (1) influencing carceral policy so that larger numbers of U.S. residents face incarceration; (2) exploiting individuals locked up through private prison labor contracts; (3) lobbying elected government officials to privatize entire state and federal prison systems and increase prison populations; (4) diminishing the quality of food and degree of safety for prisoners in order to cut costs at privately run facilities; (5) drafting legislation and lobbying elected legislators for passage of draconian sentencing guidelines including three-strikes and you’re out, mandatory minimums, and illegal immigration detention legislation; (6) bribing judges to fill private prison facilities with children on questionable charges; (7) requiring governments and municipalities that contract for their services to maintain capacity in their private prison facilities at 90% or in some contracts 100%; and (8) building new prisons despite no government contract or inmates to fill them.

#### Turn—focusing solely on private prisons makes people ignore the horrific conditions in public prisons and reinforces structural violence

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### No link---the aff is bad for private prisons---Private prisons rely on poor conditions and low wages to maintain profitability, in the world of the AFF they will collapse due to strikes and increased wages Gotsch and Basti, 18

Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons, Kara Gotsch and Vinay Basti, August 02, 2018 https://www.sentencingproject.org/publications/capitalizing-on-mass-incarceration-u-s-growth-in-private-prisons/

Prison privatization has prospered because of claims that for-profit facilities are more cost efficient at providing services than publicly-run institutions. The evidence does not support this assertion. In 1996, the U.S. General Accounting Office (GAO) looked at four state-funded studies and one commissioned by the federal government assessing the cost benefits of private prisons. The outcomes of the research varied, leading the authors to conclude that “…these studies do not offer substantial evidence that savings have occurred.”22) Similar conclusions were reached in a 2009 meta-analysis by researchers at the University of Utah that looked at eight cost comparison studies resulting in vastly different conclusions. The analysis led the researchers to state, “…prison privatization provides neither a clear advantage nor disadvantage compared to publicly managed prisons” and that “…cost savings from privatization are not guaranteed.”23) Many of these findings have been replicated in individual states. In Ohio, state officials have contended that private facilities regularly meet or surpass the legal requirement of containing costs at least five percent below a state-run equivalent. However, a report by the nonpartisan Policy Matters Ohio criticized the state’s measurements for comparing privately operated prisons to hypothetical public facilities, exaggerating overhead and staff costs for public prisons, and failing to account for the higher proportion of prisoners in public institutions requiring expensive high-level security. Accounting for these factors greatly reduced if not completely diminished the purported advantages of private prisons.24) In Arizona, which also has cost-saving requirements for private prisons, research conducted by the state’s Department of Corrections in 2010 found that the state had not saved money by contracting out minimum security beds, and that more money is actually spent on private medium security beds than would be spent in a publicly operated institution.25) Quality and Safety Concerns Private prison companies face a challenge in reducing costs and offering services necessary to maintaining safety in prisons while also generating a profit for shareholders. The primary approach to controlling spending is by maintaining lower levels of staff benefits and salary than publicly-run facilities. Labor costs normally account for 60 to 70 percent of annual operating budgets. Such savings, though, risk compromising safety and security within prisons.

## Stock Market DA

### AT: Stock Market DA

#### The aff massively o/ws. The prison industry doesn’t actually produce very many goods. Jobs in prisons are mostly about prison maintencence.

#### Their link card is a study about a linen company in the 80s, and the introduction that they are reading from goes on to say that their findings were not consistent

#### Multiple thumpers – low supply chains, Striketober

#### No link—they have no ev that says that prison labor key to preventing stock market crash.

#### Prison labor is not key to the US economy

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### Decline doesn’t cause war—only our evidence has predictive capacity and robust data analysis.

Clary 15 (Christopher Clary, Ph.D. in Political Science at MIT, M.A. in National Security Affairs from US Navy Postgrad Schoo, “Economic Stress and International Cooperation: Evidence from International Relations”, Research Paper No. 2015-8)

Assessment of Economic Downturns

Together these analyses provide evidence to affirm or reject several of the hypotheses presented above. First, regarding the primary hypothesis, there is considerable evidence that states experiencing recent economic downturns are systematically more likely to terminate their rivalry than states undergoing periods of economic normalcy. For dyads where neither rival is experiencing an economic downturn with all other variables set at their medians, there is an approximate 3 percent chance of rivalry termination in any given year. For dyads where one rival is experiencing an economic downturn, that risk increases to approximately 5 percent per year. And for dyads where both rivals are experiencing economic troubles, the risk is approximately 7 percent per year. Further, there is evidence that including the presence or absence of economic recessions in rival states improves model fit, meaning a model that includes recessions better predicts rivalry outcomes than one that excludes it. This improvement in model fit is shown not only with a higher likelihood-ratio test statistic (p<0.015 that the model with recessions is equivalent to a restricted model that does not include recessions), but also in substantially improved Akaike and Bayesian Information Criteria, tests that penalize models for additional parameters.79 Additional Robustness Checks I tested the inclusion of a number of other variables that might confound these results, even if they do not represent a major alternative theoretical explanation. I controlled for the wealth of both rival states as measured by their per capita gross domestic product. I controlled for whether either rival state had experienced a war in the recent past (employing three-, five-, and ten-year windows after the war concluded). As an alternative to the systemic shocks proposed by Goertz and Diehl, I created a dummy variable for the period of the Cold War (testing both 1989 and 1991 end dates). None of these alternative measurements or specifications altered my core substantive or statistical results.Conclusion This essay has asked whether there is evidence that suggests a broad pattern linking economic difficulties to rivalry termination. There is. Economic downturns are associated with greater likelihood of rivalry termination across more than one hundred post-war rivalries, even when controlling for all major alternative explanations and a battery of other possible confounding variables. These results are substantively meaningful and statistically robust.

#### Their link card is a study about a linen company in the 80s, and the introduction that they are reading from goes on to say that their findings were not consistent

#### Nonunique- the stock market is already falling and will continue to.

Jacob **Sonenshine, 21** - ("3 Reasons the Stock Market Will Keep Falling," No Publication, 9-30-2021, 12-3-2021https://www.barrons.com/articles/stocks-fall-bonds-fed-taper-51632935186)//AW

The stock market eked out small gains Wednesday after an awful Tuesday. But there is probably more pain ahead: Forecasts for corporate profits are likely to fall, while bond yields may well increase. All that means the market looks calmer than it probably should. The S&P 500 rose 0.2% Wednesday after dropping 2% on Tuesday—the biggest percentage decline since May 12—as the yield on 10-year Treasury debt continued to surge. Higher bond yields are a negative for stocks because they make future profits less valuable in current terms. For the moment, the 10-year yield has stopped rising, sitting at 1.53%, in line with Tuesday’s closing level, but that and the gain in stocks could amount to a head fake. Indeed, the S&P 500 was down 0.4% Thursday morning. But bond yields are likely not done rising. Since 2011, when the yield on 10- year U.S. government debt has fallen to 1.5%, it has risen from there, barring times when economic shocks have rattled the market, according to DataTrek Research. Earlier this year, the yield did fall below that level, but it has now risen back to it, and this time the surge looks sustainable. That’s because the Federal Reserve last week more or less confirmed that it will soon start tapering, or scaling back, the vast bond-buying program it launched to support the economy as lockdowns slashed growth last year. If less money moves into bonds, their prices likely would fall, boosting yields. “The current move has a lot more going for it: Fed bond purchase tapering is coming,” wrote Nicholas Colas, a DataTrek co-founder. Colas sees the yield hitting 1.75% soon. That makes sense. Not only was that the yield’s 2021 high, but it also brings the real yield—the nominal yield minus the long-term expected inflation rate—closer to positive. Currently, 10-year debt yields less than the rate of expected inflation, a fairly rare occurrence historically. At the same time, expectations for corporate earnings, a key determinant of how much investors are willing to pay for stocks, are becoming less upbeat. Problems in the supply chain are making it hard for companies to meet demand, while higher costs for materials and labor are eating into profit margins. Over the four weeks ended Monday, analysts’ expectations for aggregate third-quarter earnings at S&P 500 companies have declined by 0.8%, according to Morgan Stanley . Analysts “are in fact cutting numbers for Q3,” Colas said. “That will likely continue until companies start to report next month.” The risks to bond yields and earnings make it look like more volatility is on the way. The Cboe Volatility Index (ticker: VIX), a measure of expected volatility, sits at 22.7, but since the pandemic-induced bear market in 2020, the market hasn’t reached its low point for a given correction until the VIX rises to least 28, according to DataTrek. Last week’s market pullback sent the VIX to almost 26, while the S&P 500 fell to 0.5% below its current level. Risks are still materializing. Stock prices still may not fully reflect the danger.

#### Predictions overestimate the chance of a crash.

James **Brumley, 21** - ("4 Reasons Not To Worry About a Stock Market Crash," Motley Fool, 9-19-2021, 12-3-2021https://www.fool.com/investing/2021/09/19/4-reasons-not-to-worry-about-a-stock-market-crash/)//AW

Pullbacks are common, and offers chances for investors who have planned ahead to make smart purchases. Trying to predict either beginning or the end of a crash is not only difficult, it can also lead to expensive errors in judgment. Motley Fool Issues Rare “All In” Buy Alert Will the market crash, or won't it? It's a question many investors are asking themselves now that the market's hinting that it may not be as resilient as it has been since March of last year. The S&P 500 (SNPINDEX:^GSPC) is only down a little more than 2% from its early September highs, but things feel different about this lull. Not only is this usually a tough time of year for the market, but a couple of indices (and some individual stocks) are starting to trade under key levels that technical analysts have been eying for a while. When those lines in the sand are crossed, they don't change long-term fundamentals, but those events can certainly signal -- and even start -- steep sell-offs. The thing is, even if a major correction is in the cards, don't sweat it. Here are four specific reasons why you don't need to panic. 1. Corrections and bear markets happen, but they've never been permanent in the U.S. Just since the rebound from 2008's subprime mortgage meltdown and subsequent bear market, the S&P 500 has fallen by at least 10% (from high to low) 11 different times. The index has also tumbled by more than 20% from peak to trough twice during that time frame -- bear markets in their own right by the most common definition of what constitutes one. That's more or less the same pace and rate of corrections the market experienced prior to 2008, going back nearly 100 years to the crash of 1929. The number of these big declines that didn't eventually get wiped away with rebounds back to pre-crash peaks and beyond? Zero. Nada. Zilch. Some of Wall Street's plunges have taken longer than others to unwind, but thus far, every single one has been followed eventually by a run-up to new record highs. For better or worse, corrections are the market's way of reassessing what investors are willing to pay for stocks relative to their risks. The underlying drivers of economic growth have never really gone away though, and the ability to benefit from that growth is ultimately what stock investments are meant to offer investors. 2. Crashes are impossible to predict accurately anyway There's a famous quote from economist Paul Samuelson: "The stock market has predicted nine of the past five recessions." That quip has since become an overused cliche, but it's informative all the same. Investors tend to anticipate a great number of negative situations that never come to pass, missing out on opportunities as a result

#### Right to strike is good for the economy. Myall ‘19

James Myall [James is MECEP’s lead on the inclusive economy, including research on labor issues, gender and racial equity, and health care policy. James conducts research and impact analyses, writes educational materials, and collaborates with partners. He is skilled in data collection, research, and statistical and policy analysis. He studied public policy and management at the University of Southern Maine and holds a master’s degree in ancient history and archaeology from the University of St. Andrews in Scotland.], 4-17-2019, "Right to strike would level the playing field for public workers, with benefits for all of us," MECEP, <https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/> accessed 10/19/2021 //Marlborough JH

The right of workers to organize and bargain with their employer benefits all Mainers. Collective bargaining leads to better wages, safer workplaces, and a fairer and more robust economy for everyone — not just union members. The right to strike is critical to collective organizing and bargaining. Without it, Maine’s public employees are unable to negotiate on a level playing field. ¶Maine’s Legislature is considering a bill that would give public-sector workers the right to strike. MECEP supports the legislation, and is urging legislators to enact it. ¶The right to strike would enable fairer negotiations between public workers and the government. All of us have reason to support that outcome. Research shows that union negotiations set the bar for working conditions with other employers. And as the largest employer in Maine, the state’s treatment of its workers has a big impact on working conditions in the private sector. ¶Unions support a fairer economy. Periods of high union membership are associated with lower levels of income inequality, both nationally and in Maine. Strong unions, including public-sector unions, have a critical role to play in rebuilding a strong middle class. ¶Unions help combat inequities within work places. Women and people of color in unions face less wage discrimination than those in nonunion workplaces. On average, wages for nonunionized white women in Maine are 18 percent less than of those of white men. Among unionized workers, that inequality shrinks to just 9 percent. Similarly, women of color earn 26 percent less than men in nonunionized jobs; for unionized women of color, the wage gap shrinks to 17 percent.[[i]](https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/" \l "_edn1) ¶All of us have a stake in the success of collective bargaining. But a union without the right to strike loses much of its negotiating power. The right to withdraw your labor is the foundation of collective worker action. When state employees or teachers are sitting across the negotiating table from their employers, how much leverage do they really have when they can be made to work without a contract? It’s like negotiating the price of a car when the salesman knows you’re going to have to buy it — whatever the final price is. ¶Research confirms that public-sector unions are less effective without the right to strike. Public employees with a right to strike earn between 2 percent and 5 percent more than those without it.[[ii]](https://www.mecep.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/" \l "_edn2) While that’s a meaningful increase for those workers, it also should assuage any fears that a right to strike would lead to excessive pay increases or employees abusing their new right. ¶LD 900, “An Act to Expand the Rights of Public Employees Under the Maine Labor Laws,” ensures that Maine’s public-sector workers will have the same collective bargaining rights as other employees in Maine. The bill would strengthen the ability of Maine’s public-sector workers to negotiate, resulting in higher wagers, a more level playing field, and a fairer economy for all of us.

## Trade DA

### 1AR – AT: Trade DA

#### No link---prison unions are not anti free trade, they are just focused on increasing wages or prisoners and making prisons less terrible

#### No link—unions in prisons do not exist now and will be grassroots movements

#### No spillover—prison economy not key to US global trade

#### Prison labor is not key to the US economy

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### Protectionism is high now and global growth is resilient.

David Lin 18, Kitco News, 6-11-2018, "Tariffs And Protectionism Can't Stop Globalization And Economic Growth", http://www.kitco.com/news/2018-06-11/Tariffs-And-Protectionism-Can-t-Stop-Globalization-And-Economic-Growth.html -- CR

Despite growing populism and protectionist policies emerging from several major countries, globalization is still alive and strong. In a panel discussion featuring prominent political and economic figures at the International Economic Forum of the Americas in Montreal, the topic of trade wars and their impact on global growth was debated, with the panelists concluding that globalization prevails and takes on many forms. Global financial markets have seen relatively little volatility despite heightened geopolitical tensions, owing greatly to the economic stability that international connectiveness has brought, said Jane Buchan, CEO of PAAMCO. “What we see a lot of these days is a lot of individual reaction, for example, Italian bonds,” Buchan said. Italian bonds yields saw the biggest single-day surge on record on May 29th as political turmoil escalated in the country. Safe-have assets like gold rallied in response, but volatility subsided shortly after following a forming of an Italian coalition, bringing political stability and reassuring financial markets. Buchan added that investors can best hedge against knee-jerk reactions in markets by spreading capital across many asset classes. “Diversification is the only free lunch,” she said. Ibukun Awosika, chairman of the First Bank of Nigeria, said that the in today’s world, the concept of globalization extends beyond merely trade and touches on how individual citizens are inherently engrained in a “global” culture. “I think the place to start from is, first and foremost, how does a citizen of the world now see the world? Because it is becoming increasingly difficult to define a citizen of the country,” Awosika said. The first woman ever to be appointed chairman of the First Bank of Nigeria noted that due to the ease at which citizens connect with each other through technology, it is nearly impossible to stem the spread of globalization unless governments forcefully oppress and “isolate” their citizens.

## Unions Bad DA

### 1AR – AT: Unions Bad DA

#### No link – none of their cards are prison-union specific – prison unions are fundamentally different than other unions and don’t link to the impact turn because \_\_\_\_\_\_\_

#### Turn: Prison unions good – it’s the only alternative to functional slave labor, which massively outweighs

## Vaccine Mandate DA

### 1AR – AT: Vaccine Mandate DA

1. **Literally their first Jones 9/29 card disproves the DA, it says that** “Given the choice between joblessness and getting a potentially lifesaving vaccine shot, many people are choosing the latter — even if begrudgingly” even if getting the vaccine is unpopular, people are choosing to get vaccinated or remaining jobless, even if that’s remaining jobless via striking

#### Their Milheiser 7/30 card doesn’t suggest that current laws are what is preventing strikes, it actually says that actually collective bargaining is one the things that can prevent workers from being fired for refusing vaccine mandates.

#### Workers are already preparing to use strikes, clearly there aren’t labor laws preventing them from striking in the status quo

#### Workers resisting the vaccine mandates are overreported and workers protesting low wages and poor conditions are often misrepresented as protesting the vaccine Schuhrke ’21

Schuhrke , Jeff. “No, the Strike Wave Is Not about Vaccine Mandates.” October 28, 2021. In These Times, https://inthesetimes.com/article/striketober-vaccine-mandates-strike-john-deere-kelloggs-covid-labor.

The United States has seen a [noticeable uptick](https://time.com/6105109/workers-strike-unemployment/) in the number of strikes by fed-up workers at companies like [Kellogg’s](https://inthesetimes.com/article/kelloggs-workers-strike-two-tiered-workplace-inequality) and [John Deere](https://inthesetimes.com/article/john-deere-strike-shareholders-workers-contract)—a phenomenon many have called ​“[Striketober](https://inthesetimes.com/article/striketober-right-to-strike-nlrb-legal-john-deere).” As a result, the U.S. labor movement is getting an unusual amount of attention. But because of the corporate media’s often spotty or ideologically slanted coverage of workers’ struggles, combined with the fact that only a small minority of Americans have any personal experience with unions, there appears to be some confusion among the general public over what Striketober is really about. A troubling number of Americans seem to have the false impression that tens of thousands of underpaid and overworked employees are going on strike in order to resist Covid-19 vaccine mandates — when they are actually walking off the job to win decent raises, equitable pay structures and relief from mandatory overtime. Some of this confusion was on display last week as HuffPost labor reporter Dave Jamieson [appeared on C‑SPAN](https://www.c-span.org/video/?515524-3/washington-journal-dave-jamieson-discusses-us-worker-strikes) to discuss the current wave of strikes. When host John McArdle opened the phone lines for viewers to call up, the vaccine-specific questions started to roll in. “I wanted to know how much the vaccine mandates are playing in these strikes? What is the role of the vaccine mandate?” asked the first caller, a woman from South Carolina. About fifteen minutes later, another caller from Kentucky asked, ​“Do you think this vaccine is causing most of the strikes?” In response, Jamieson patiently explained that, ​“the vaccine is essentially a non-issue in these strikes we are seeing.” “As someone who’s been following these strikes closely, I was a little surprised by the assumption that vaccines might be at the center of this,” Jamieson told In These Times. ​“But I probably shouldn’t have been. There’s been outsized media coverage of workers defying vaccine requirements, even though they seem to be quite a small share of the workforce.” Indeed, since this summer there have been [numerous](https://www.usatoday.com/story/sports/2021/10/01/nba-nfl-nhl-and-mlb-players-unions-oppose-vaccine-mandates-but-why/5937631001/?gnt-cfr=1) [news](https://apnews.com/article/joe-biden-police-oregon-coronavirus-pandemic-workers-rights-05ff3bd3325fb47f90061b1cc8e339a1) [reports](https://www.nbcnews.com/business/business-news/labor-unions-key-democratic-ally-lukewarm-biden-vaccine-mandate-n1278962) about unions ​“opposing” vaccine mandates, and [many](https://www.nytimes.com/2021/09/26/nyregion/health-workers-vaccination.html) [similar](https://www.npr.org/2021/09/18/1037975289/unvaccinated-covid-19-vaccine-refuse-nurses-heath-care-workers) [stories](https://www.nytimes.com/2021/10/24/nyregion/new-york-workers-refuse-vaccine.html) about individual workers who would rather get fired than be vaccinated. But in reality, employers across the country are [reporting](https://www.washingtonpost.com/politics/2021/09/29/evidence-is-building-vaccine-mandates-work-well/) that 90 to 100 percent of their workforces are complying with vaccine mandates. And then there’s media coverage that collapses the distinction between workers walking off the job to demand better working conditions and resistance to vaccine mandates, such as this [CNN story](https://www.cnn.com/2021/10/16/politics/workers-strike-covid-vaccine-what-matters/index.html) titled, ​“Here comes the anti-vaccine requirement solidarity movement,” which spends dozens of paragraphs recounting opposition to mandates before stating that the recent strikes have actually not been over such objections. At the end of September, Fox News published a story [falsely claiming](https://www.foxnews.com/us/pandemic-heroes-vaccine-mandates-healthcare-police) that healthcare workers at Valley Health in Winchester, Va., went on strike over their employer’s vaccine mandate, when in fact only a small number of workers [protested](https://www.washingtonpost.com/local/covid-vaccine-mandate-hospitals-virginia/2021/10/01/b7976d16-21ff-11ec-8200-5e3fd4c49f5e_story.html) the requirement, rather than taking part in an official or large-scale walk out. Much of the media hype about supposed union opposition to the mandates stems from general misunderstandings about the nature of collective bargaining. Unions that have asserted their right to bargain with employers over the implementation of vaccine mandates have inaccurately been accused of opposing the mandates altogether. Reacting to [news](https://mobile.twitter.com/shanedkavanaugh/status/1432868639372316673) that public sector unions in Portland, Oregon were demanding to negotiate implementation of the vaccine mandate, journalist James Surowiecki [tweeted](https://mobile.twitter.com/JamesSurowiecki/status/1432870383292723201): ​“Organized labor has been on the wrong side of the vaccine issue almost across the board.” “Maybe some unions have been captured by the cranks in their ranks,” Washington Post columnist Catherine Rampell [opined](https://www.washingtonpost.com/opinions/2021/07/29/unions-shouldnt-stand-way-vaccine-mandates/) in response to unions wanting to negotiate vaccine mandates. ​“If ​‘Big Labor’ obstructs this effort, it will fail not only its own members, but also the many admirers and political allies it worked so hard to win over,” she warned. But as the Economic Policy Institute’s Dave Kamper [explained](https://www.epi.org/blog/bargaining-over-covid-19-vaccine-requirements-doesnt-mean-unions-oppose-mandates-epis-dave-kamper-provides-a-twitter-reality-check/), ​“Demanding to negotiate the impact of something isn’t the same as refusing to do it, or even being opposed to it.” Unions seeking to bargain over vaccine mandates want to determine specific policies like whether workers can use paid sick time to get vaccinated, what they will be expected to show as proof of vaccination and whether those working remotely will also need to be vaccinated. “Even when an employer offers something unmistakably good to employees…unions still can, will, and SHOULD demand to negotiate it, get it down in writing, formally agree to it,” Kamper wrote. ​“At its very heart, collective bargaining isn’t about money. It’s about power. It’s about WHO DECIDES. The principle of collective bargaining is the boss is not and should not be the unilateral decision maker. That’s what a demand to negotiate means.” Indeed, the United Food and Commercial Workers (UFCW) and Tyson Foods recently hammered out an agreement on implementation of the mandate, and [now report](https://www.ufcw.org/press-releases/ufcw-tyson-96-worker-vaccination-rate-after-union-and-company-negotiate-vaccine-mandate-and-first-national-paid-sick-leave-for-meatpacking-workers/) that 96 percent of the company’s workers have been vaccinated, exemplifying that negotiating over vaccine mandates does not mean opposition to them. “Working together, the UFCW and Tyson set a new standard with this vaccine mandate and have proved what’s possible when we listen to workers and negotiate the implementation of vaccination mandates fairly and responsibly,” said UFCW International President Marc Perrone. Meanwhile, it is true that some unions have been extremely vocal and adamant in their total opposition to vaccine mandates — but these are almost entirely right-wing [police unions](https://wgntv.com/news/coronavirus/catanzara-asking-cops-defying-vaccine-mandate-to-appear-at-cpd-headquarters-in-latest-bid-to-force-citys-hand/) like Chicago’s Fraternal Order of Police Lodge 7, which are already [pariahs](https://inthesetimes.com/article/police-union-contracts-lobbying-block-reform-violence-black-lives-matter) [to](https://inthesetimes.com/article/union-afl-cio-writers-guild-disaffiliate-police-unions-wgae) [many](https://labornotes.org/blogs/2020/07/why-and-how-seiu-members-are-calling-our-union-expel-cops) in the labor movement. Importantly, while these police unions may be holding protests and making noise, they are not on strike and are therefore completely unconnected to the current wave of work stoppages. “I think people are conflating the labor strife they see with these highly politicized mandates,” Jamieson said. ​“Unfortunately, that can overshadow the important labor story that’s unfolding: workers finding their leverage and demanding a better deal.”

# Ks

## Abolition K

### 1AR – AT: Abolition K

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### Perm – do both. Three net-benefits –

#### 1 – Tying reforms to abolition is key to alleviate current carceral violence.

Heiner 03, Brady, graduated from Brown University with a B.A. in Modem Culture and Media, with a focus in Marxist studies. His writing appears in States of Confinement and the feminist journal Differences, Commentary: Social Death and the Relationship Between Abolition and Reform, Social Justice Vol. 30, No. 2 (2003)

However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitive one. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of tsose on the inside – those for whom these immediate struggles are of utmost urgency.2 A properly radical/abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outside of the prison, and, more generally, between the local and the global.

#### 2– Timeframe solvency deficit – abolishing prisons requires restructuring society from the ground up through education, solving poverty, and welfare - it will take decades or centuries while incarcerated workers face injustice on the daily.

#### 3- a carceral system is inevitable and there’s no alt blueprint, so activist efforts should be targeted around reformation to make the prison obsolete

Lancaster 2017 Roger, professor of anthropology and cultural studies at George Mason University and author of Sex Panic and the Punitive State, How to End Mass Incarceration, Jacobin, 8/18, https://www.jacobinmag.com/2017/08/mass-incarceration-prison-abolition-policing

But this, too, misstates history. By the time American abolitionism got fully underway in the 1830s, much of Europe and parts of Latin American had already partially or wholly abolished slavery. The Haitian Revolution had dealt the institution a major blow, and slavery was imploding in parts of the Caribbean. A world without slavery was scarcely unthinkable. The same cannot be said of prisons: all signs suggest that the public — and not only in the United States — believes that prisons are legitimate. Abolitionist arguments usually gesture at restorative justice, imagining that some sorts of community institutions will oversee non-penal forms of restitution. But here, we are very far out on a limb. Such models might more or less work in small-scale, face-to-face indigenous or religious communities. But, in modern cities, it is implausible to think that families, kinship networks, neighborhood organizations, and the like can adjudicate reconciliation in a fair, consistent manner. In short, abolitionism promises a heaven-on-earth that will never come to pass. What we really need to do is fight for measures that have already proven humane, effective, and consistent with social and criminal justice. Consider Finland. In the 1950s, it had high crime rates and a punitive penal system with high incarceration rates and terrible prison conditions. In these regards Finland then was much like the United States today. After decades of humanitarian and social-democratic reforms, the country now has less than one-tenth the rate of incarceration as the United States. Its prisons resemble dormitories with high-quality health care, counseling services, and educational opportunities. Not coincidentally, its prison system does not breed anger, resentment, and recidivism. Finland’s system aligns with that of other Nordic and Northern European nations, all of whom remained continuously on the path of reform. There, small-scale penal institutions are insulated from public opinion, with its periodic rages against lawbreakers, and prioritize genuine criminological expertise. They have expressly rehabilitative aims, working not only to punish but also to repair the person and restore him to society. Penalties top out at around twenty years, consistent with the finding that longer sentences have neither a rehabilitative nor a deterring effect. Many Scandinavian prisons have no walls and allow prisoners to leave during the day for jobs or shopping. Bedrooms have windows, not bars. Kitchens and common areas resemble Ikea displays. Rather than call for the complete abolition of prisons — a policy unlikely to win broad public support — the American left should fight to introduce these conditions into our penal system. We should strive not for pie-in-the-sky imaginings but for working models already achieved in Scandinavian and other social democracies. We should demand dramatically better prison conditions, the release of nonviolent first offenders under other forms of supervision, discretionary parole for violent offenders who provide evidence of rehabilitation, decriminalization of simple drug possession, and a broad revision of sentencing laws. Such demands would attract support from a number of prominent social movements, creating a strong base from which we can begin to build a stronger, universal safety net. Institutions become “obsolete” only when more effective and more progressive alternatives become available. The poorhouse disappeared when its functions were replaced by social security, public assistance, health care clinics, and mental and psychiatric hospitals. We see no such emergent institutions on the horizon today that might render prisons a thing of the past. What we see instead are examples of criminal justice systems that have continued reforming, modulating, humanizing, shrinking, and decentralizing the functions of the prison. Creating just such a correctional system, based on genuinely rehabilitative goals consistent with our view of social justice, should be a main task of socialists today.

#### Abolition is bad – opens the floodgates to racial hate crimes, pedophiles, corporate fraud and environmental destruction

Utopian fiat and floating PIKs are a voter – unfair – steals the 1AC and moots 1AR offense – anti-educational – sacrifices clash and in-depth comparison for cheap shots.

#### Tactical reform works – Fair Sentencing Act, Drugs Minus Two reform, US v. Booker, and declining prison populations, all proves the CJS is moving more progressive over time.

#### Even if they are correct, the aff still outweighs

Delgado, 87 - Richard [Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change]. "The ethereal scholar: Does critical legal studies have what minorities want." Harv. CR-CLL Rev. 22 (1987): 301. JS.

The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. 43 The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them.44 A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small re- forms induce complacency; some may whet the appetite for further combat.

## Afropess K

### 1AR – AT: Afropess K

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

AT: Starting point - Their ROB makes it impossible for the aff to win because there’s no such thing as an ideologically pure subject position. If we have to purge ourselves of any problematic assumptions before taking action, we will never take action because there’s no way to be certain our thinking is free from ideological bias. This allows squo oppression to continue indefinitely.

#### Hold the K to have a high standard of proof - even a 1% risk that the k is not true means you should vote aff because doing nothing condemns incarcerated workers to terrible living conditions

#### Perm do the aff and <insert alt> - this strategy is able to apply their theory to our critique of the prison system – any link is subsumed by the massive potential for liberation provided by the aff

#### Perm do the aff and the alt in every other instance—either a) the alt will be able to resolve the residual links from the aff, or b) the alt is too weak to solve

#### On ontology

#### Ontology is wrong

#### We are not saying that we live in a postracial world, but that no singular ontology can explain the world. Past reforms have been able to materially improve the lives of Black people. A Phillip Randolph threatened a March on Washington to get FDR to desegregate war production jobs, the 1965 Voting Rights Act increased the number of Black people who could vote, Black lives matter has helped pass legislation to decrease police violence, reformers have made Reparations and defunding the police more politically tangible.

#### race is dynamic and ever shifting in politics rather than a structure that was predetermined – numerous examples of how conceptions of Blackness have changed in response to policy prove – and even if they’re right – you should reject psychoanalytic frameworks as a justification for inaction as it homogenizes Black experience and displaces pragmatic practices to resist the material manifestations of antiblackness.

#### [can skip if you do not have enough time] Fatalism DA. Their arguments are reductionist. Ontology and transhistorical racism don’t pre-determine institutional victories. Segregation, Jim Crow and slavery are all historically specific moments. Yes, racism exists today but paying attention to the way it’s changed and previous political successes are critical to preventing fatalism.

**Reed 18** Adolph Reed -- professor of political science at the University of Pennsylvania. *The Baffler*, The Trouble With Uplift. How black politics succumbed to the siren song of the racial voice, No. 41

The politics thus advanced is **profoundly race-reductionist**, discounting the value of both political agency and the broad pursuit of political alliances within a polity **held to be intractably and irredeemably devoted to white supremacy**. **This fatalistic outlook** works seamlessly to reinforce the status of racial voices who emphasize the interests and concerns of a **singular** racial collectivity. Central to these pundits’ message is the assertion that blacks have it worse, **in every socio-cultural context** that might be adduced. This refrain is also consistent in two important ways with the reigning ideology of neoliberal equality. First, the insistence that disparities of racial access to power are the most meaningful forms of inequality strongly reinforces the neoliberal view that inequalities generated by capitalist market forces are **natural and lie beyond the scope of intervention.** And second, **if American racism is an intractable, transhistorical force**—indeed, **an ontological one**, as Ta-Nehisi Coates has characterized it—**then it lies beyond structural political intervention**. In other words, Coates and other race-firsters diminish the significance of the **legislative and other institutional victories** won since Emancipation, leaving us with only **exhortations to individual conversion** and repentance as a program. This is why, for example, Coates and other proponents of reparations seem **unconcerned** with the **strategic** problem of piecing together the kind of **interracial popular support necessary to actually prevail** on the issue. Such problems do not exist for them because the role of the representative black leader or **voice is precisely to function as an alternative to political action**. Instead, the order of the day is typically to perform racial authenticity in a way that doubles as an appeal for moral recognition from those with the power to bestow it. **Winning anything politically—policies or changes in power relations—is not the point.** That is why the jeremiads offered by contemporary racial voices so commonly boil down to calls for “conversations about race” or equally vapid abstractions like “**racial reckoning” or “coming to terms with” a history defined by racism.** The black leadership role was always at best an accommodation to disfranchisement, going back to its first modern incarnation with Booker T. Washington and his cohort of racial advocates. It is a politics of elite transaction. That is not in itself necessarily a bad thing—President Franklin D. Roosevelt’s “black cabinet,” or Federal Council of Negro Affairs, advised him on matters related to black Americans. But unlike today’s freelance racial voices, they were administration functionaries, and most had standing in racial advocacy, education, labor, and government institutions prior to joining the “cabinet.” The backdoor dealings between King and Johnson during the Selma campaign that DuVernay found too messy to include in her portrait of King’s heroic persona were also part of mundane political maneuvering, the inside-outside game of institutional politics. King and the SCLC, like FDR’s black cabinet, had constituencies that underwrote their standing as representatives of racial interest—which in turn **gave them leverage to make political demands and pursue policy agendas.** A. Philip Randolph used the March on Washington Movement to pressure President Roosevelt in 1941 to issue “Executive Order 8802,” prohibiting racial discrimination in the national defense industry. Randolph, Bayard Rustin, the Negro American Labor Council, and others organized the 1963 March on Washington as part of an **inside-outside strategy** to build support for a jobs program and passage of the 1964 Civil Rights Act. All this painstaking political effort could not be farther from the careerist pursuits of contemporary racial voices, whose standing depends entirely on the favor of powerful opinion-shaping elites in corporate media and elsewhere. Thus, for example, Touré Neblett and others in MSNBC’s stable were unceremoniously expunged from the lineup of talking heads when the network reconfigured its marketing priorities. More dramatically, Melissa Harris-Perry, apparently believing that her viewing audience gave her leverage, openly rebuffed the network’s demand to reorient her program to fit in with its election coverage. In short order, she and her program vanished without a trace from its schedule. Such incidents, and scores of others like them, make it indelibly clear where the lines of authority run when it comes to winning elite-media recognition as a black voice. For Their Own Good The race voices I’ve discussed express a particular class perspective among black Americans, one that harmonizes with left-neoliberal notions of justice and equality. That harmony may help explain why those racial voices—like the black political class in general—are so intent on disparaging the social-democratic politics associated with Bernie Sanders, even though a 2017 Harvard-Harris survey found that Sanders was far more popular with African Americans than with any other demographic category except declared Democrats. He boasted a 73 percent favorable rating among black voters—higher than his approval numbers among Hispanics, Asian-Americans, and considerably higher than those for whites or even 18-34 year-olds. This disjunction between popular opinion and the priorities of the black chattering class underscores the extent to which the racial programs and priorities advanced by those recognized black voices remain much as they were in the Age of Washington. Now as then, we have a leadership stratum dedicated to the class-skewed pursuit of “managerial authority over the nation’s Negro problem.” And the net effect of this top-down model of black discourse is to tether a politics of racial representation to the ruling-class agendas that generate and intensify inequality and insecurity for working people across American society, including among the ranks of black Americans. Black Clintonites, like Congressmen John Lewis (D-GA), James Clyburn (D-SC) and Cedric Richmond (D-LA), all clearly displayed this commitment during the 2016 Democratic primaries when they attacked Sanders as “irresponsible” in calling for non-commodified public goods in education, health care, and other areas. Richmond’s rebuke was especially telling in that he couched it in terms of his role as chair of the Congressional Black Caucus and the group’s “responsibility to make sure to know that young people know that” a social-democratic agenda is “too good to be true.” Richmond’s invocation of civic instruction for the young may be revealing in another way. Lurking beneath that piety is the deeply sedimented common sense of underclass ideology, which posits a population mired in pathologies and hemmed in by an overwhelming racism, and the corollary of interventions aiming to enhance capabilities for individual mobility. (It is, indeed, this same tacit rhetoric of permanent crisis that fuels the notion that black young people must be raised on a diet of inspirational movies.) This vision of unyielding black pathology is yet another testament to the harmony of antiracist and neoliberal ideologies—and it, too, harks directly back to the origins of the black leadership caste at the dawn of the last century. Washington and Du Bois, together with Garvey and other prominent racial nationalists, envisioned their core constituency as a politically mute black population in need of tutelage from their ruling-class-backed leaders. Touré F. Reed persuasively argues that the mildly updated version of this vision now serves as an essential cornerstone of the new black professional-managerial class politics. Underclass mythology grounds professional-class claims to race leadership, while providing the **normative foundation of uplift programs directed toward enhancing self-esteem** rather than the material redistribution of wealth and income. Exhortations to celebrate and demand accolades, career opportunities, and material accumulation for black celebrities and rich people—e.g., box office receipts for black filmmakers or contracts and prestigious appointments for other well-positioned black people—as a racial politics are consistent with the sporadic eruptions of “Buy Black” campaigns since the 1920s and 1930s. Such efforts stood out in stark contrast to more working-class based “Don’t Buy Where You Can’t Work” campaigns that demanded employment opportunities in establishments serving black neighborhoods. Like “Buy Black” campaigns, which seem to have risen again from the tomb of petit-bourgeois wishful thinking, projections of successes for the rich and famous as generic racial victories depend on a sleight-of-hand that treats benefits for any black person as benefits for all black people. This brings to mind comedian Chris Rock’s quip that he went to his mailbox every day for two weeks after the not guilty verdict in the O.J. Simpson murder trial looking for his “O. J. prize,” only to be disappointed. At times, this tendency to absorb the plural into the singular can be strikingly crude and transparently self-interested. The torrent of hostility directed at Rachel Dolezal for having represented herself as black rested on groundless—sometimes entirely made up—claims that she had appropriated jobs, awards, and other honorifics intended for blacks. In addition to the annual contretemps over whether blacks win enough of the most prestigious Oscars, recent racial controversies in the art world illustrate how easily the narrowest guild concerns can masquerade as burning matters of racial justice. The Brooklyn Museum’s hiring of a white person as consulting curator of African art sparked objections that the hire perpetuated “pervasive structures of white supremacy in the art field.” The 2017 furor over the Whitney Biennial’s display of Dana Schutz’s “Open Casket”—inspired by the infamous 1955 photograph of Emmett Till’s brutalized body—reduced to a question of ownership of “black suffering,” or more accurately, of the right to represent and materially benefit from the representation of black suffering. The protesters’ objection, as Walter Benn Michaels put it succinctly, was that “black pain belongs to black artists.” It’s worth noting that one of the leading critics of the painting and its display was Hannah Black, who contended that “non-black people must accept that they will never embody and cannot understand” the gesture Till’s mother, Mamie, made in insisting on an open-casket funeral. Black, who not only called for the painting to be removed from display, but also offered an “urgent recommendation” that it be destroyed, is a Briton who lives in Berlin. From a different standard of cultural proprietorship, one might argue that Schutz, as an American, has a stronger claim than Black to interpret the Till story. After all, the segregationist Southern order and the struggle against that order, which gave Till’s fate its broader social and political significance, **were historically specific moments** of a distinctively American experience. In fact, most claims of cultural ownership and charges of appropriation are bogus. While sometimes they provide an instrumental basis for tortious claims, as in pursuit of restitution for Nazi and other imperialists’ looting of artifacts, more often they posit a dead-end conflation of **fixed and impermeable racial identity** with cultural expression. As Michaels has argued for more than twenty-five years, the discourse of cultural ownership stems from the pluralist mindset that treats “culture” as a key marker of social groups and thereby inscribes it as racial essentialism.¶ In order to legitimate what Michaels describes as “racial rent-seeking,” a curiously inflexible brand of race-first neoliberalism has taken root in American political discourse, proposing a trickle-down model of racial progress, anchored in the mysticism of organic black community. Against this exoticized backdrop, neoliberal race leaders stage the beguiling fantasy that individual “entrepreneurialism” is the key path to rising above one’s circumstances—i.e., the standard American social myth that obscures the deeper need to combat systemic inequalities. The most tragic, and pathetic, expressions of this faith are the versions of the “gospel of prosperity,” which fuse pop **self-realization psychology** and a barely recognizable Christianity to exploit desperation and the desire for life with dignity and respect among their black-majority congregations. The false hopes of the prosperity gospel encourage already vulnerable people to fall prey to all sorts of destructive get-rich-quick schemes; they are the “sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions” channeled through a market-idolatrous Protestant psychobabble. Black ministers and other proponents of entrepreneurialist ideology as racial uplift also played a largely unrecognized role in pushing subprime mortgages, and even payday loans, in black communities. The racial trickle-down success myth is partly a vestige of an earlier era, during which individual black attainments could be seen as testaments to the race’s capacities—and a refutation of the white-sanctioned view of black people as generally inferior. Even then, however, this model of black uplift was enmeshed in the race theory of the time—notably the belief that a race’s capacities were indicated by the accomplishments of its “best” individuals—and it was always inflected with the class perspectives of those who saw themselves as such individuals. The class legacies of this foundational moment in modern black politics may well contribute to the firm insistence among today’s “black voices” **that slavery and Jim Crow mark the transcendent truth of black Americans’ experience** in the United States—and that **an irreducible racism is the source of all manifest racial inequality**. That diagnosis certainly masks class asymmetries among black Americans’ circumstances as well as in the remedies proposed to improve them. Nevertheless, we continue to indulge the politically wrong-headed, **counterproductive**, and even reactionary features of the “**representative black voice” industry** in whatever remains of our contemporary public sphere. And we never reckon with the truly disturbing presumption that any black person who can gain access to the public microphone and performs familiar rituals of “blackness” should be recognized as expressing significant racial truths and deserves our attention. This presumption rests on the unexamined premise that blacks share a common, singular mind that is at once **radically unknowable to non-blacks** and readily downloaded by any random individual setting up shop as a racial voice. And despite what all of our age’s many heroic narratives of individualist race-first triumph may suggest to the casual viewer, **that premise is the essence of racism**.

#### Even if they’re right about ontology, pessimism and the aff aren’t mutually exclusive – 1% risk ontology is wrong means they are violent totalization which recreates antiblackness

**Shulman, 12-7-17** – (George, Professor @ NYU, “Afro pessimism,” Critical Exchange, Contemporary Political Theory, pp 1–33, Springer)

Against seduction by narrative, Afro-pessimist structuralism is presented as the essential and all-controlling truth of black experience; it gives off the scent of the ascetic ideal not only because it disavows its own fictionality as an optic, genre, or organizing fantasy, but also because of its categorical juxtaposition of friend and enemy, its heroized but abstract radicalism, and its dismissal of any other position as a demeaned form of solace. Especially if we credit the truth to which Afro-Pessimism bears witness, including the likelihood of white resistance to or disavowal of its validity, we may well feel pressured to assent to it. We are pressed by the form or logic of the argument, which signifies any doubt or question as objectionable whiteness or pathetic black acquiescence. As a white man trying to make this argument, I am struggling to articulate both its crucial truth, and my sense, politically and theoretically, that it should be presented or inflected otherwise, with different affective tonality and political bearing. For on the one hand, it seems to me that ‘‘social death’’ is totalized as the truth that must be faced **without consolation**, while on the other hand, the only valid response is depicted as revolutionary (perhaps violent) refusal. We are driven toward **helplessness and despair** by an annihilating structure that seems impossible to change, but also, if we ask, what can be done, we receive images of revolutionary suicide. The systematic character of critique offers a clarity that is appealing; we also may be tempted by the appearance of **heroic radicalism** – and by an unavowed solace we may derive from the form of ‘‘election’’ it offers. But we may be better served by questioning the either-or structure of exceptionality, which juxtaposes social death in/as the ordinary to metaphors of radical refusal. By that structure, Schmitt distinguished ordinary existence as deadening repetition, and miracle as the decision to take exception to it; for Wilderson and Sexton ‘‘life’’ thus seems to require the decisive, unequivocal ‘‘event’’ of overcoming an ordinary life ruled – indeed emptied out, negated, or literally killed – by inescapably gripping social death. But what kind of life or politics is this? Might the ‘‘fact’’ or ‘‘lived experience’’ of blackness as social death be metabolized, transfigured, resisted, or dramatized in other ways? Rather than radically juxtapose awful truth and demeaned consolation, could we rework the relationship of critique and repair? Or is the impossibility of repair in its usual senses – because only a revolution would be truly reparative – the necessary assumption for rightly seeing the conditions of black agency? Rather than respond to their critique by asking, what radical action could possibly suffice to change this world, could we ask instead, what is already being done?8 If we grasp the truth signified by a ‘‘political ontology of anti-blackness,’’ we should and will doubt the sufficiency of civil rights and coalition politics, **but couldn’t we still value** rhizomatic **practices of protest,** prosaic **efforts at legal redress or self-defense**, **local experiments in counter-sovereignty**, forms of black nationalism, or diasporic cultural politics that poeticize black creativity? These are ongoing all around us, but virtually unremarked by Wilderson or Sexton, who focus on the unbearable truth disavowed by most whites, and whose radical implications are evaded by many blacks. But we should not demonize this focus as simply a fault, either.9 In addition, if I focus on the ‘‘lived truth’’ (the affective bearing and prosaic meaning, not the referential accuracy) of Afro-Pessimism as an organizing optic, I recall how Nietzsche focused on the rancor we must feel over our inability to will backward, and by focusing on our resentment, he foregrounded our affective orientation toward our suffering and its injustice. In this spirit, in turn, Eve Sedgwick (2003, 2007) used Melanie Klein’s contrast of paranoid and reparative positions to ‘‘analyze’’ the ‘‘hermeneutic of suspicion’’ in critical and queer theorizing, in ways that may help us creatively engage Afro-pessimism. On the one hand, anti-blackness and homophobia manifest paranoid splitting, as desire and aggression – what Phillip Roth tellingly calls ‘‘human stain’’ – are projected into objects rather than acknowledged. Through what Eric Lott called ‘‘love and theft’’ (unintentionally echoing Klein’s ‘‘envy and gratitude’’ toward the mother), the enfranchised and normal enact a paranoid structure that produces demonized objects but that also loves – and so cannibalizes- what it repudiates. On the other hand, Sedgwick argued, queer theory itself inhabits a ‘‘paranoid position’’ by a systemic explanation that ‘‘anticipates’’ injury and humiliation, precludes surprise, polarizes friend and enemy, and denies value to reparative action. Might theoretical and political practice repair rather than repeat the aggressive splitting, disavowal, and longing for innocence (or purity) that characterizes the object of critique? In regard to white supremacy, can we devise what New Lefties called prefigurative practices, to anticipate and embody in our means the revolutionary ends we posit? Of course, Sedgwick is often read in a ‘‘paranoid’’ way, as if she posed an either-or between the paranoid and reparative positions, partly because at moments she herself does this splitting. But a truly ‘‘reparative’’ view of paranoid theory or radical politics would have to value and sustain ambivalence, a tension between the hermeneutic of suspicion and quest for deep truth that characterizes ‘‘critique,’’ and a generosity that seeks and welcomes possibility, in the form of unexpected changes, actions, attunements. If anti-blackness is a paranoid onto-theology in Klein’s sense, what would a reparative alternative feel like and do? Like Lacan’s psychoanalytic theory, Wilderson and Sexton place blackness in the position of the unconscious – and in the position of maternity. Under the bar, these signify abjection, excess, and nonsense, the threatening non-being against which subjectivity, rationality, and the human is defined in phobic, violent ways. But they do not affirm let alone explore the life made by people positioned ‘‘in the hold,’’ under the bar – and because they are positioned there. No more than Lacan on maternity do they substantialize blackness as a heritage to retrieve or an identity to make and assert. But critical negativity, focused on social death and invested in the paradoxical purity of asceticism, risks becoming death-like; moreover, radical politics fails unless it bears witness to life against death. What this might mean once appeared in feminist theories that risked exploring the ubiquitous but disavowed meanings of maternity, whether as the creative genius of the ‘‘semiotic’’ juxtaposed to the symbolic, or as an ethic of care contrasted with Kantian autonomy. In that feminist spirit, Spillers in fact discerned opportunity hidden in conditions of social death: because enslaved women were reduced to ‘‘flesh’’ and denied the status of gender, she argued, their children inherit the chance to do gender and kinship otherwise (Spillers, 1987). In the essay Sexton quotes, she also says: ‘‘Men of the black diaspora are the only men who had the opportunity to understand something about the female [and vice versa] that no other community’’ could. Indeed, ‘‘I used to think that black culture was on the verge of creating…a kind of democratic form…in relationship to being human. That people did whatever work was to be done, whether ‘men’s work’ or ‘women’s work’’’ (Spillers et al., 2007). Spillers never makes an ethnic claim about blackness, but she does show catastrophe and positionality conferring ‘‘intramural’’ gifts, as well as an art and politics that disturb what Jacques Rancie`re calls the partition of the sensible. In turn, Fred Moten uses her feminism to create an exemplary agon with AfroPessimism. On the one hand, he endorses its fealty to Fanon’s basic insight: ‘‘he fully accepts the definition of himself as pathological as it is imposed by a world that knows itself through that imposition…This affirmation…is a willing or willingness to pay whatever social costs accrue to being black, to inhabiting blackness, to living black social life under the shadow of social death.’’ But on the other hand, just as ‘‘blackness is not reducible to its social costs,’’ so ‘‘there is a relation between nothing and something or…between death and life.’’ If ‘‘pessimism’’ allows us to ‘‘discern that we are nothing,’’ he calls ‘‘optimism’’ the recognition that ‘‘nothing is not absence…Poverty in the world is manifest in poetic access to what it is of the other world that remains unheard, unnoted, unrecognized in this one. [Whatever] you call these resources…it remains to consider precisely what is it that the ones who have nothing have…or to which they have access? What comes of it?’’ Here, social death does not preclude agency; agency means occupying ‘‘nothingness itself in its fullness,’’ and identifying with those ‘‘who have nothing and who, in having nothing, have everything’’ (Moten, 2013). In encouraging us to look and ask what this everything might be, Moten honors the radical idiom relating Jesus, William Blake, and young Karl Marx, the dionysian Christianity of Norman O. Brown, the messianism of Walter Benjamin, the aesthetic of John Coltrane. In this dark time, it seems crucial to bear witness against violent repetition and against all the structural reasons we should anticipate it, but it seems as crucial to model a politics that struggles against death by remembering the aporetic and excessive, the improvisatory and the unexpected, as elements of our democratic faith.

#### AT psychoanalysis [if K focuses on pyschoanalysis]

**Turn - psychologizing racial identity undercuts liberation. It justifies surveillance and anti-black tropes that fuel anti-black violence.**

**Ricks 12** Omar, Feminist Wire, “White Rage, Black Obama, Reflections on the DNC: Part 2,” 10-27, http://thefeministwire.com/2012/10/white-rage-black-obama/

This increased interest in Black psyches is not new, but it is a consequence of Obama’s presidency that is unlikely to turn out well for Black people or Black freedom struggle. And in this election year, we can really see why. The ease with which this interest is discussed really showcases both our utility as America’s neo-slaves and the ongoing utility of our emotions. Not only does the figure of the “angry Black man” remain a central one in the collective white psyche of the US slave estate. But **the psyches of all Black people have also become specimens under the gaze of the collective (white) unconscious.** That is why to see so many Black liberals chime right in with the white liberal interest, without really raising the level of conversation, is really disconcerting. It’s actually kinda jacked up. This moment of attention to Black anger is not generally occurring among those who claim to be interested in our mental health. Those people, if their interest in our mental health is genuine, might be radicalized once they realized how toxic America itself is to Black health of any kind. But during these debates, most of the interest in the “angry Black man” has been among those who root for the figure of the “angry Black man” as a kind of political sports commodity or video game icon.

**Psychoanalytic concepts have been thoroughly debunked. They are either non-falsifiable or patently false. Libinal economy cannot be our best theory of race. Mootz ‘00**

Mootz III, Francis J. [Dean of McGeorge School of Law, Professor of Law, J.D., Duke University School of Law A.M., Philosophy, Duke University Graduate School B.A., History, University of Notre Dame ]"Psychotherapeutic practice as a model for postmodern legal theory." Yale JL & Human. 12 (2000): 299. [ellipses in original] MC

Freudian psychoanalysis increasingly is the target of blistering criticism from a wide variety of commentators." In a recent review, Frederick Crews reports that ¶independent studies have begun to converge toward a verdict **...** thatthere is literally nothing to be said, scientifically or therapeutically, to the advantage of the entire Freudian system or any of its component dogmas. **...** [A]nalysisas a wholeremains powerless.., and understandably so,because a thoroughgoing epistemological critique, based on commonly acknowledged standards of evidence and logic decertifies every distinctively psychoanalytic proposition.¶ 5 The most telling criticism of Freud's psychoanalytic theory is that it has proven no more effective in producing therapeutic benefits than have other forms of psychotherapy. Critics draw the obvious conclusion that the benefits (if any) of psychotherapy are neither explained nor facilitated by psychoanalytic theories. Although Freudian psychoanalytic theory purports to provide a truthful account of the operations of the psyche and the causes for mental disturbances, critics argue that psychoanalytic theory mayprove in the end tobe nothing more than fancy verbiage that tends to obscure whatever healing effects psychotherapeutic dialogue may have.¶ Freudian psychoanalysis failed because it could not make good on its claim to be a rigorous and empirical science. Although Freud's mystique is premised on a widespread belief that psychoanalysis was a profound innovation made possible by his genius, Freud claimed only that he was extending the scientific research of his day within the organizing context of a biological model of the human mind. Freud's adherents created the embarrassing cult of personality and the myth of a self-validating psychoanalytic method only after Freud's empirical claims could not withstand critical scrutiny in accordance with the scientific methodology demanded by his metapsychology 9 The record is clear that Freud believed that psychoanalysis would take its place among the sciences and that his clinical work provided empirical confirmation of his theories. This belief now appears to be completely unfounded and indefensible. ¶ Freud's quest for a scientifically grounded psychotherapy was not amateurish or naive. Although Freud viewed his "metapsychology as a set of directives for constructing a scientific psychology," ' Patricia Kitcher makes a persuasive case that he was not a blind dogmatist who refused to adjust his metapsychology in the face of contradictory evidence." Freud's commitment to the scientific method, coupled with his creative vision, led him to construct a comprehensive and integrative metapsychology that drew from a number of scientific disciplines in an impressive and persuasive manner. 62 However, the natural and social sciences upon which he built his derivative and interdisciplinary approach developed too rapidly and unpredictably for him to respond. 63 As developments in biology quickly undermined Freud's theory, he "began to look to linguistics and especially to anthropology as more hopeful sources of support," ' but this strategy later in his career proved equally nsuccessful. 65 The scientific justification claimed by Freudliterallyeroded when the knowledge base underlying his theory collapsed, leaving his disciples with the impossible task of defending a theory whose presuppositions no longer were plausible according to their own criteria of validation.'

## Anarchy K (Millard North)

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### 2.Perm do both— materially changing the legal system is key to overthrowing capitalism and amplifies criticisms of the system. That’s 1AC Purdy

#### Their Baker 19 card proves the perm—it says that workers going on strike foments anti cap movements

Zoe Baker ‘19

The anarchist critique of seizing state power is often caricatured as being based on an abstract moral opposition to the state that ignores the harsh realities we are currently facing. Upon carefully reading historical anarchist authors, however, one discovers that the real reason why they argued that revolutionaries should not seize existing state power was because it was impractical for achieving their goals.

These practical arguments were grounded in their understanding of society. Anarchists held that society was constituted by human beings with particular forms of consciousness engaging in activity — exercising capacities to satisfy motivational drives — and in so doing simultaneously transforming themselves and the world around them. For example, when workers go on strike a number of fundamental transformations can occur. Workers can develop their capacities by learning to engage in direct action and self-direct their lives; acquire new motivational drives such as the desire to stand up to their boss or become a dues paying member of a union; and transform their forms of consciousness, by which I mean the particular ways in which they experience, conceptualise and understand the world, such as coming to view their boss as a class enemy or realising that to improve their situation they have to collectively organise with other workers. Through engaging in such activity workers not only transform themselves but also develop new social relations. They form bonds of mutual support and solidarity with fellow workers while they transform the social conditions under which they live, such as earning better wages or making their boss afraid of them. This is often called the theory of praxis or practice and it is one of the many theoretical commitments that anarchists and Marx have in common.

For anarchists one of the main consequences of the theory of practice was that there is an inherent connection between means and ends. The end goal of anarchism — free or libertarian communism — is a stateless classless society in which workers collectively own the means of production and self-manage their workplaces and communities through councils in which everyone has a vote and a direct say in the decisions that affect them. These councils would coordinate action over large areas by associating together into a decentralised system of regional, national and international federations in which as many decisions as possible were made by the local councils themselves. This would be achieved through regular congresses at a regional, national and international level which would be attended by instantly recallable mandated delegates that councils elected to represent them. Crucially, delegates would not be granted the power to make decisions independently and impose them on others. Decision making power would remain in the hands of the council who had elected them.

Such a society would be reproduced over time by human beings engaging in these forms of activity and in so doing continuously creating and re-creating both communist social relations and themselves as people with the right kinds of capacities, drives and forms of consciousness for a communist society. For example, under communism workers within their local councils would make decisions through a system of direct democracy in which every member has a vote. Through participating in these local councils they would not only make decisions but also reproduce themselves as people who are able to and want to make decisions in this manner, such as being able to effectively take minutes, formulate proposals that people will support and make sure that a small minority of people do not do all the talking in meetings.

People who want to and are able to reproduce a communist society will not magically come into existence. A communist society can only emerge through a social revolution that abolishes capitalism and therefore will have to be created by the people who presently live under capitalism. Given this, in order to achieve a communist society the majority of the population has to engage in activities during the struggle against capitalism itself that transform them into people who want to and are able to self-direct their lives and their community through local councils and federations of councils. If this does not happen, then communism will not be created. This is because for communism to exist real people must establish and reproduce it day after day through their own activity.

Revolutionaries therefore have to use means that are constituted by forms of practice that will actually transform individuals into the kinds of people who will be able to and want to create the end goal of communism. If revolutionaries make the mistake of using the wrong or inappropriate means then they will produce people who will create a different society to one they initially intended

#### 3.Turn—the aff gives prisoners the power to fight against inhumane working conditions which takes away power from the bourgeoise

#### 4.Turn: aff is anti-capitalist, it increases the power of workers through giving them the unlimited right to strike so they can challenge the bourgeoisie.

**Kerrissey 15** “Collective Labor Rights and Income Inequality.” American Sociological Review 80, no. 3 (2015): 626–53. <http://www.jstor.org/stable/44289582>. AK

Class-based collective actors are central to understanding income inequality in industrialized democracies. Strong working-class organizational power, usually measured as union density, reduces inequality (Brady et al. 2013; Jacobs and Myers 2014; Western and Rosenfeld 2011). Moreover, the share of the national income that goes to labor relative to capital increases when workers' relative bargaining power is strong (Kristai 2010; Lin and Tomaskovic-Devey 2013). Scholars in the power resource tradition argue that class- based collective actors affect the distributive process at two points: directly through reducing pre-tax and transfer income inequality (market mechanisms) and indirectly through supporting state policies that bolster taxes and transfers (political mechanisms). Through markets, unions directly reduce inequality by securing better wages and benefits for large groups of workers (Bradley et al. 2003; Western and Rosenfeld 2011). Unions' ability to raise wages for substantial numbers of workers is partially affected by the existenence of centralized bargaining structures (Kristai and Cohen 2007; Wallerstein 1999; but see Scheve and Stasavage 2009). However, even in decen- tralized contexts, like the United States, unions have had some success in raising wages for non-union workers through the threat of union- ization (Freeman and Medoff 1984). Although unions typically aim to increase wages, then- ability to do so varies. For instance, beginning in the 1940s in the United States, unions had high density and were relatively successful in increasing wages across entire industries (Free- man and Medoff 1984). As union density fell at the end of the twentieth century, strikes declined and were less effective in achieving higher wages (Rhomberg 2012; Rosenfeld 2006). Moreover, the rise of financialization in the United States has shifted power away from workers and resulted in increased inequality (Lin and Tomaskovic-Devey 2013). However, even in this weak position, workers are less impoverished in highly unionized states (Brady et al. 2013). Worker organizations also affect inequal- ity through political processes. Labor movements often support left parties and rally around policies that redistribute income. Unions influence elections and policies by mobilizing members to vote, protest, and work on political campaigns (Kerrissey and Schofer 2013; Norris 2002; Wood 2000). Through this collective political action, worker organizations aligned with social- democratic parties have been able to shift the relative bargaining power from capital toward labor (Bradley et al. 2003; Esping- Andersen 1985; Korpi 1989; Kristai 2010).

#### 5. Timeframe net benefit- the perm achieves material change while we work toward [their alt] – they condemn people to short term suffering from terrible prison conditions. That’s Delgato

## Cap K

### 1AR – AT: Cap K

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### 2.Perm do both— materially changing the legal system is key to overthrowing capitalism and amplifies criticisms of the system. That’s 1AC Purdy

#### 3.Turn—the aff gives prisoners the power to fight against inhumane working conditions which takes away power from the bourgeoise

#### 4.Turn: aff is anti-capitalist, it increases the power of workers through giving them the unlimited right to strike so they can challenge the bourgeoisie.

**Kerrissey 15** “Collective Labor Rights and Income Inequality.” American Sociological Review 80, no. 3 (2015): 626–53. <http://www.jstor.org/stable/44289582>. AK

Class-based collective actors are central to understanding income inequality in industrialized democracies. Strong working-class organizational power, usually measured as union density, reduces inequality (Brady et al. 2013; Jacobs and Myers 2014; Western and Rosenfeld 2011). Moreover, the share of the national income that goes to labor relative to capital increases when workers' relative bargaining power is strong (Kristai 2010; Lin and Tomaskovic-Devey 2013). Scholars in the power resource tradition argue that class- based collective actors affect the distributive process at two points: directly through reducing pre-tax and transfer income inequality (market mechanisms) and indirectly through supporting state policies that bolster taxes and transfers (political mechanisms). Through markets, unions directly reduce inequality by securing better wages and benefits for large groups of workers (Bradley et al. 2003; Western and Rosenfeld 2011). Unions' ability to raise wages for substantial numbers of workers is partially affected by the existenence of centralized bargaining structures (Kristai and Cohen 2007; Wallerstein 1999; but see Scheve and Stasavage 2009). However, even in decen- tralized contexts, like the United States, unions have had some success in raising wages for non-union workers through the threat of union- ization (Freeman and Medoff 1984). Although unions typically aim to increase wages, then- ability to do so varies. For instance, beginning in the 1940s in the United States, unions had high density and were relatively successful in increasing wages across entire industries (Free- man and Medoff 1984). As union density fell at the end of the twentieth century, strikes declined and were less effective in achieving higher wages (Rhomberg 2012; Rosenfeld 2006). Moreover, the rise of financialization in the United States has shifted power away from workers and resulted in increased inequality (Lin and Tomaskovic-Devey 2013). However, even in this weak position, workers are less impoverished in highly unionized states (Brady et al. 2013). Worker organizations also affect inequal- ity through political processes. Labor movements often support left parties and rally around policies that redistribute income. Unions influence elections and policies by mobilizing members to vote, protest, and work on political campaigns (Kerrissey and Schofer 2013; Norris 2002; Wood 2000). Through this collective political action, worker organizations aligned with social- democratic parties have been able to shift the relative bargaining power from capital toward labor (Bradley et al. 2003; Esping- Andersen 1985; Korpi 1989; Kristai 2010).

#### 5. Timeframe net benefit- the perm achieves material change while we work toward [their alt] – they condemn people to short term suffering from terrible prison conditions

Delgado 9 (Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat.

### ---Climate Impact Turn

#### Only way to solve climate is to use the tools available within capitalism on the way to socialist transformation.

Aronoff & Denvir 8/25 [Kate, staff writer at the New Republic, writing fellow at In These Times, Daniel, visiting fellow in International and Public Affairs at Brown Univ, “Capitalism Can’t Fix the Climate Crisis,” Jacobin, 08/25/21, <https://jacobinmag.com/2021/08/capitalism-climate-crisis-global-green-new-deal-clean-energy-fossil-fuel-industry>, accessed 08/26/21, JCR]

DD: You write: “My argument in this book is not that capitalism has to end before the world can deal with the climate crisis. Dismantling a centuries-old system of production and distribution, and building a carbon-neutral and worker-owned alternative, is almost certainly not going to happen within the small window of time the world has to avert runaway disaster. The private sector will be a major part of the transition off of fossil fuels. Some people will get rich, and some unseemly actors will be involved. Capitalist production will build solar panels, wind turbines, and electric trains. But whether we deal with climate change or not can’t be held hostage to executives’ ability to turn a profit. To handle this crisis, capitalism will have to be replaced as society’s operating system, setting out goals other than the boundless accumulation of private wealth.” This argument provoked a bit of controversy in the audience a few years back in Chicago when we discussed it on a panel at the Socialism Conference. Both of us would love to live in a socialist world, and we’ve got to continue to fight for one. But why do you think that it’s important for people to understand that we need to deal with climate change before we win an entirely new mode of production? What’s entailed by the conclusion that we need to pursue radical social-democratic reforms on the road to socialism? Is this a theory of how radical social-democratic reforms can lead to socialism? Is it just a reality that the fast-ticking climate clock imposes on us? Or is it some of both? KA: It’s a reality. If the climate crisis were playing out over the course of two hundred, three hundred, or a thousand years, one could have an interesting theoretical debate about whether we should change the system we have and tweak it slightly in order to take on the crisis, or whether we should create an entirely new mode of production and build up a workaround alternative. Unfortunately, we just don’t have that time. The Intergovernmental Panel on Climate Change [IPCC] outlined in its 2018 report on 1.5 degrees Celsius that we had roughly twelve years. That is now nine years in which to rapidly decarbonize the global economy, which is an enormous challenge. In order to meet that ever-shrinking twelve-year window, we have to use the productive system in which we live — which is not my ideal situation, but then again, neither is global warming.

### AT HW Links

#### Dimick card

#### Not in the context of prisoners—better to give prisoners right because that is what is denied by the state

#### It is good for the state to be enforcing the aff—prison guards have so much power over prisoners that state intervention is key

#### No ev that there is a large difference in support for labor—there is only a tiny disad to the aff

#### Link 2

#### 1.right to strike is sufficient to solve—prisoners can sue if they are prohibited from using their ability to strike

## 1AR- AT: Cap K (HW new)

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.--- Their ROB of deconstructing the AC is a PERFECT example of a self serving ROB bc it is impossible for the aff to win.

#### 2.Perm do both— materially changing the legal system is key to overthrowing capitalism and amplifies criticisms of the system. That’s 1AC Purdy

#### 3.Turn—the aff gives prisoners the power to fight against inhumane working conditions which takes away power from the bourgeoise

#### 4.Turn: aff is anti-capitalist, it increases the power of workers through giving them the unlimited right to strike so they can challenge the bourgeoisie.

**Kerrissey 15** “Collective Labor Rights and Income Inequality.” American Sociological Review 80, no. 3 (2015): 626–53. <http://www.jstor.org/stable/44289582>. AK

Class-based collective actors are central to understanding income inequality in industrialized democracies. Strong working-class organizational power, usually measured as union density, reduces inequality (Brady et al. 2013; Jacobs and Myers 2014; Western and Rosenfeld 2011). Moreover, the share of the national income that goes to labor relative to capital increases when workers' relative bargaining power is strong (Kristai 2010; Lin and Tomaskovic-Devey 2013). Scholars in the power resource tradition argue that class- based collective actors affect the distributive process at two points: directly through reducing pre-tax and transfer income inequality (market mechanisms) and indirectly through supporting state policies that bolster taxes and transfers (political mechanisms). Through markets, unions directly reduce inequality by securing better wages and benefits for large groups of workers (Bradley et al. 2003; Western and Rosenfeld 2011). Unions' ability to raise wages for substantial numbers of workers is partially affected by the existenence of centralized bargaining structures (Kristai and Cohen 2007; Wallerstein 1999; but see Scheve and Stasavage 2009). However, even in decen- tralized contexts, like the United States, unions have had some success in raising wages for non-union workers through the threat of union- ization (Freeman and Medoff 1984). Although unions typically aim to increase wages, then- ability to do so varies. For instance, beginning in the 1940s in the United States, unions had high density and were relatively successful in increasing wages across entire industries (Free- man and Medoff 1984). As union density fell at the end of the twentieth century, strikes declined and were less effective in achieving higher wages (Rhomberg 2012; Rosenfeld 2006). Moreover, the rise of financialization in the United States has shifted power away from workers and resulted in increased inequality (Lin and Tomaskovic-Devey 2013). However, even in this weak position, workers are less impoverished in highly unionized states (Brady et al. 2013). Worker organizations also affect inequal- ity through political processes. Labor movements often support left parties and rally around policies that redistribute income. Unions influence elections and policies by mobilizing members to vote, protest, and work on political campaigns (Kerrissey and Schofer 2013; Norris 2002; Wood 2000). Through this collective political action, worker organizations aligned with social- democratic parties have been able to shift the relative bargaining power from capital toward labor (Bradley et al. 2003; Esping- Andersen 1985; Korpi 1989; Kristai 2010).

#### 5. Timeframe net benefit- the perm achieves material change while we work toward [their alt] – they condemn people to short term suffering from terrible prison conditions

Delgado 9 (Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat.

### AT Feldman:

#### This card is not about prisons- no link to the aff

#### Arg that unions privatize and dehumanize is empirically false, unions are good for representation and a powerful force for pro social policy AND they help democracy

#### Union decline has resulted in decreasing class consciousness not increasing class consciousness--empirically denied, this card is from 27 years ago

#### We don’t need unions to do the aff because that puts a condition in “unconditional” – we support any strikes like general strikes, sympathy strikes and wildcat strikes

### AT: Ertel

#### Their card focuses on private prisons bad- thats not the aff, the aff says prison labor bad

#### Prisoners aren’t a large part of the us population, this is a link of omission, we would also agree with pro labor policies more broadly

#### Focus on the pic is a distraction own evidence contradicts that – this card is A PERM CARD—it says to FOCUS on the prison industrial complex

#### HW reads Green, Marlborough Reads Yellow:

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### c/a Delgado--- focusing on the small things are k2 revolution—there’s also no reason we can’t do both.

### AT: Katsanis

#### Their card is not specific, they say criminal justice reform consensus but the aff is not part of the cjrs—the aff is more radical than any politicians are currently proposing. Instead, believe Deglado- prison reform is key, they say it will legitimize prisons, the perm solves this link

#### This card links hard into our arg that they are treating prison populations as disposable-- that those people should suffer in quasi slavery until the revolution comes, that is morally REPUGNANT AND IRRESPONSIBLE.

### AT: Gilbert

#### they link to their own K, the prison re-industrial complex re-inscribes prisons

### AT: Alt

#### Their card talks about how communists organizing can lead to revolution, empirically denied, there has been communist organizing in the us for over a century, the revolution is not coming--- in the meantime while we wait for the revolution to happen, prisoners are working as quasi slaves—PERM SOLVES

### AT Catonsville Links

#### 1. Crepon and Bez isn’t about the aff- they don’t discuss an unconditional right to strike. The aff means the right can’t be circumvented by the state.

#### 7. On Standing – reject this argument. We say that incarcerated people having a job is good insofar as it provides them with means once they get released. Extend Fulcher from the AC – low wages lead to recidivism and poverty. The neg justifies poverty for their idea of a revolution.

#### 8. Overton window shift is nonunique – 4 years of Trump’s presidency shifted the center far to the right. Delgado proves their argument false – don’t let people suffer in the name of revolution.

## Crip Pess K

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative---it’s predictable because it’s grounded in the resolution---solves infinite regression and ensures meaningful clash.

#### Perm do both— The law uniquely perpetuates ableism so it must be a focus. Mor ‘06

Mor, Sagit [Senior Lecturer at the University of Haifa Law Faculty, and the director of the Law and Health LL.M. Program at the Haifa Law Faculty]. "Between charity, welfare, and warfare: A disability legal studies analysis of privilege and neglect in Israeli disability policy." *Yale JL & Human.* 18 (2006): 63. CL

The move to the social and the political also implicates the law in various ways. Focusing on the place of law in that scheme of power exposes ableism as a legalized system: a system of stated and unstated norms that have been codified into legal arrangements, whether by addressing people with disabilities or by ignoring them. Consequently, the profound and distinctive power of law to generate disablement, to exclude, and to confine, by defining rights, entitlements, and duties, is revealed. By legalizing ableism the law becomes constitutive of disability in itself. At the same time, that shift can also lead to a greater explicit mobilization of the law to redress the wrongs of the past, to become an apparatus of change, a source of hope, and a tool in reconstructing society.27

#### Perm:  Do the aff and do the alt in every other situation. either A) the alt is strong enough to overcome the massive residual links and one small link won’t cause the impacts, or B) the alt isn’t strong enough to overcome the residual links, so the impacts are non-unique.

### ---AT fiat bad

1. Fiat good - Fiat is key to developing ideals that you need as a citizen – saying that reform is ismposible so we should never practice it is fatalism
2. Non uQ - They are also practicing fiat bc they are positing a world where the agents of the aff embrace the alt – they are imagining what a world would look like where debaters did that – that’s fiat

### AT links

#### No link—the aff does not embrace futurism---the aff is focused on improving the lives of people who are living in prison right now, not prevent a future extinction scenario.

### At alt

#### The 1NC notion of “cripping” is privileged academia and papers over the specifics of disability – these politics are argued in the status quo because those materially suffering are SILENCED. That guts alt solvency> 1AC unleashes better disability politics. Sherry ‘13

Sherry, Mark. [brain injury survivor, spent the last 20 years advocating for brain injury survivors and victims of disability hate crimes, and Associate Professor of Sociology at The University of Toledo] “Crip Politics? Just ... No.” *The Feminist Wire*, 21 Nov. 2013, thefeministwire.com/2013/11/crip-politics-just-no/. CL

For a privileged (usually White) disabled academic, calling oneself a “crip” might seem radical, if not trendy. But using such a term in the context of the safety of academia masks enormous embodied, classed, gendered, sexualized, racialized privilege. ¶ This sense of using the term “crip” to mask privilege has struck me since I first heard the term in Robert McRuer’s book *Crip Theory* (2006). Realizing he was the only representative of queer studies and disability studies at an AIDS conference, he decided to “come out crip.” McRuer states “I came out as HIV-positive. I’m not, as far as I know, HIV-positive” (p.53). ¶ It would have been far more powerful and ethical for McRuer to bring disabled people and those with AIDS alongside him to the meeting and to ensure that they had a place at the table. Or he could have organized a boycott of the meeting, given its exclusionary nature. But that would not have placed so much emphasis on “crip” as a performative practice. It would have demanded honesty, openness, respect, dialogue, and a recognition of privilege. ¶ Privilege – that’s what the discussion of “crip” politics is always missing. It’s what so many academics have, and so few disabled people actually experience. Being disabled is always fraught with danger. There is an ever-present danger of unemployment, poverty, social isolation, prejudice, violence, abuse, and hate crime. There is the difficulty of dealing with social welfare agencies and government bureaucracies, which exhaust and dehumanize you. Even if you get the disability pension, there is the ever-present threat of neoliberal cutbacks, or changes to social security policies that might see you lose your pension. People may spy on you to see if (they think) you are “truly disabled.” ¶ While many people will share their life stories, their hardships, triumphs, and tribulations with researchers, very few would speak with someone who told them, at the outset, “I write about crip politics.” This shows a massive disparity between the newly-emerging language of disability studies in the U.S., and the lived experiences of disabled people. ¶ The British social model has been criticized at length for its simplistic impairment/disability divide. People’s lived experiences, their identities, and their embodiment are far too complex for such a simple binary. But what has been forgotten, in the rush to move away from the British model, is that these concepts came from a deep engagement with disabled people. It was a disability organization which came up with the impairment/disability divide: the Union of the Physically Impaired Against Segregation. ¶ U.S. disability studies has no such community bulwark against which to measure its key concepts and terms. If a concept in disability studies – such as “crip” theory – can gain such wide usage in the academy alongside such disparagement in the community, there is a need to change the academy. McRuer is right – nondisabled people can choose to call themselves “crip.” Doing so is a performative act; and disabled people usually lack the social resources to control what their nondisabled peers do. ¶ But claiming a “crip” identity as a nondisabled person is not a sign of being “radical.” It is a sign of being out of touch, of being privileged and feeling empowered to claim other people’s experiences as your own. This could be avoided if disability studies in the U.S. worked in closer partnership with a wide variety of disabled people in the community. ¶ That is not to deny that some disabled people do actively call themselves “crip.” But a genuine engagement with the wide representation of disabled people in the community – those affected by blindness, deafness, learning disabilities, intellectual impairments, neurodiversity, brain injuries, and psychiatric symptoms – would show that very few disabled people in this setting identify themselves as “crip.” ¶ So if the term alienates so many of the people it is supposed to represent, what is its attraction? Partly, there is academic trendiness: new lingo is always seen as a sign of intellectual growth. It’s also a second-wave phenomenon: the basic premise of disability studies (that disabled people have different experiences which are often ignored, sidelined, or excluded) has been fairly well established. Second-generation theorists want to develop new concepts, explore new fields, and challenge the canons of the first wave. ¶ This is fine to a certain degree, but this particular form of identity politics is deeply problematic. It is inherently rooted in physicalism. Physical impairments are simply one among many; there is no justification for prioritizing a term associated with their embodiment and their politics as opposed to any other. The discursive links between “crip” and “cripple” are dense and difficult; but that connection could be widely made and would alienate people who do not have physical impairments. It would be akin to imposing a “survivor” discourse on all disabled people – it may work for some people, such as brain injury survivors, cancer survivors, and psychiatric system survivors – but it would not resonate with others, such as people with congenital impairments, sensory impairments, neurodiverse people, and so on. There is no ethical justification for imposing this mode of representation on people with quite dissimilar bodies, minds, senses, and experiences. ¶ People with physical impairments have long been at the top of the disability hierarchy. It is through their advocacy and political power that the universal sign for accessibility includes the image of a wheelchair. This pedagogical move – to center disability theorizing around a problematic notion most closely associated physical impairment – is equally disempowering for the vast majority of disabled people, who do not have physical impairments. It is important to remember, however, that it is not all people with physical impairments who have dominated the politics and representation of disability. Far from it. Once again, it has been a question of privilege. While male wheelchair users dominated (at least the early stages) the independent living movement, the concerns of disabled women (particularly around abuse, domestic violence, rape, sexual assault, and hate crimes) have been far less prominent on the disability movement’s agenda. The concerns of people of color who are wheelchair users (concerns which include police brutality, safe and affordable public housing, opposition to government economic policies which create ghettos) are still barely acknowledged in either the disability movement or disability studies. ¶ The promise of the disability movement is one that should excite everyone with a passion for social justice and equality – it involves valuing human diversity in all its myriad forms, seeing the interconnections between us all, working to reduce the barriers that unfairly limit the rights of some people, and creating a world where everyone can access and utilize society’s resources. ¶ But that promise will not be possible if disability studies, or disability advocates, attach themselves to a discourse that so many disabled people find alienating, even oppressive. “Crip” politics may be a trendy terminology among privileged academics right now, but disabled people cannot afford the luxury of gambling on jargonistic fads to secure themselves social justice. ¶ “Cripistemologies” may be appealing for academics who are interested in the power of a performative utterance and the viability of transgression. But imposing such an epistemological framework on disabled people is the height of disrespect. They don’t agree with it; they don’t want it; they (generally) find it oppressive or offensive.

#### Turn: The only thing we have to fear is fear itself -- lack of a strong sense of collective self-efficacy is the biggest obstacle to mobilizing efforts and marshaling resources necessary to solve pressing global problems. Bandura ‘98

Bandura, Albert, “Personal and collective efficacy in human adaptation and change”, Advances in Psychological Science: Social, personal, and cultural aspects, 1998.

The psychological barriers created by beliefs of collective powerlessness are more demoralizing, and debilitating than are external impediments. The less people bring their influence to bear on conditions that affect their lives the more control they relinquish to others. People who have high collective efficacy will mobilize their efforts and resources to surmount the obstacles to the changes they seek. But those convinced of their collective powerlessness will cease trying, even though changes are attainable through perseverant collective effort. As a society, we enjoy the benefits left by those before us who collectively fought inhumanities and worked for social reforms that permit a better life. Our own collective efficacy will, in turn, shape how future generations will live their lives. The times call for social initiative that build people’s sense of collective efficacy to influence conditions that shape their lives and that of future generations.

#### Turn: Pessimism stunts our collective capacity to deal with social problems and only helps the right. Rowan ‘15

Rowan, Rory, “Extinction as usual?: Geo-social futures and left optimism”, e-flux journal, May-August 2015.

The problem with pessimism from a political perspective is that it is not very conducive to forging collectives around shared projects and common struggles. Indeed, this may be the point – to let hot air out of inflated dreams – but a pessimistic sensibility seems more likely to cultivate politically debilitating affects, such as melancholic paralysis and resignation in the face of existing forms of power, or even to fuel fears. However unintentionally, pessimism can tacitly legitimate the lessons of individualized quietude taught by conservatives who tell us that the “small, happy life” offers deliverance from the dangerous delusion of collective transformation.35 Just as blind optimism risks lubricating existing forms of power, an equally blind pessimism risks stunting the collective capacities required to oppose them.

## Deleuze K

### 1AR – AT: Deleuze K

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### Perm do both---we can both dismantle the face and give incarcerated workers the right to strike---but doing the at alone will condemn millions of people to terrible oppression in prisons

#### Politics is good—legal reform can materially change people’s lives and can also push for further scholarly critique. That’s 1ac purdy

1. **Deleuze’s alternative model of politics fails and leads to authoritarian oppression.**

**Barbrook 98** (Richard, coordinator of the Hypermedia Research Centre at the University of Westminster, 8/27, http://amsterdam.nettime.org/Lists-Archives/nettime-l-9808/msg00091.html)

Techno-nomad TJs are attracted by the uncompromising theoretical radicalism expressed by Deleuze and Guattari. However, far from succumbing to an outside conspiracy, Frequence Libre imploded because of the particular New Left politics which inspired A Thousand Plateaus and the other sacred texts. Unwilling to connect abstract theory with its practical application, the techno-nomads cannot see how **Deleuze and Guattari's celebration of direct democracy was simultaneously a justification for intellectual elitism.** This elitism was no accident. Because of their very different life experiences, many young people in the sixties experienced a pronounced 'generation gap' between themselves and their parents. Feeling so isolated, **they believed that society could only be changed by a revolutionary vanguard composed of themselves and their comrades. This is why many young radicals simultaneously believed in two contradictory concepts. First, the revolution would create mass participation in running society. Second, the revolution could only be organised by a committed minority.**<14> The New Left militants were reliving an old problem in a new form. Back in the 1790s, Robespierre had argued that the democratic republic could only be created by a revolutionary dictatorship. During the 1917 Russian revolution**, Lenin had advocated direct democracy while simultaneously instituting the totalitarian rule of the Bolsheviks.** As their 'free radio' experience showed, **Deleuze and Guattari never escaped from this fundamental contradiction of revolutionary politics. The absence of the Leninist party did not prevent the continuation of vanguard politics**. As in other social movements, Fr=E9quence Libre was dominated by a few charismatic individuals: the holy prophets of the anarcho-communist revolution.<15> **In Deleuze and Guattari's writings, this deep authoritarianism found its theoretical expression in their methodology: semiotic structuralism.** Despite rejecting its 'wooden language', **the two philosophers never really abandoned Stalinism in theory.** Above all, they retained its most fundamental premise: **the minds of the majority of the population were controlled by bourgeois ideologies.<**16> During the sixties, this elitist theory was updated through the addition of Lacanian structuralism by Louis Althusser, the chief philosopher of the French Communist party.<17> For Deleuze and Guattari, Althusser had explained why only a revolutionary minority supported the New Left. Brainwashed by the semiotic 'machinic assemblages' of the family, media, language and psychoanalysis, most people supposedly desired fascism rather than anarcho-communism. This authoritarian methodology clearly contradicted the libertarian rhetoric within Deleuze and Guattari's writings. Yet, as the rappers who wanted to make a show for Frequence Libre discovered, Deleuzoguattarian anarcho-communism even included the censorship of music. By adopting an Althusserian analysis, Deleuze and Guattari were tacitly privileging their own role as intellectuals: the producers of semiotic systems. **Just like their Stalinist elders, the two philosophers believed that only the vanguard of intellectuals had the right to lead the masses - without any formal consent from them** - in the fight against capitalism.

#### AT links—

#### The absence of the state does not prevent hierarchy and violence—collapsed states prove

#### The state making you legible is good—they provide you heath and social violence

#### Their links are to the squo—our aff makes the state better

#### Turn--Legal change creates an impetus from more legal change and does not ignore the history of structural violence. This is uniquely true with our aff, which says that the right to strike gives incarcerated workers more power to fight for further legal change

#### Their link is paternalistic and wrong—the only people who can ignore current material suffering are those who are so privileged that they don’t have to experience it

#### Try or die for the aff---legal change is the only way to prevent current violence from continuing

#### At lib phil link

#### No link—we don’t have a specific statnce on moral phil

#### AT alt

#### Even if identities should be contingent, that does not mean that we should not construct an identity for the purpose of politics so their philosophy can’t address oppression

#### Their alt does not solve the ROB—there is still education in the world of the alt

#### Turn—their alt is worse because if no one can be recognized in collective groups that will privilege those who are already the most privledge—this is the same logic used by people who say society should be “colorblind’

#### The alt doesn’t change realist framework that controls state structures — their heuristic exacerbates war and structural violence

de Araujo 14 — Marcelo de Araujo (professor for Ethics at Universidade do Estado do Rio de Janeiro), “Moral Enhancement and Political Realism,” Journal of Evolution and Technology 24(2): 29-43)

Some moral enhancement theorists argue that a society of morally enhanced individuals would be in a better position to cope with important problems that humankind is likely to face in the future such as, for instance, the threats posed by climate change, grand scale terrorist attacks, or the risk of catastrophic wars. The assumption here is quite simple: our inability to cope successfully with these problems stems mainly from a sort of deficit in human beings’ moral motivation. If human beings were morally better – if we had enhanced moral dispositions – there would be fewer wars, less terrorism, and more willingness to save our environment. Although simple and attractive, this assumption is, as I intend to show, false. At the root of threats to the survival of humankind in the future is not a deficit in our moral dispositions, but the endurance of an old political arrangement that prevents the pursuit of shared goals on a collective basis. The political arrangement I have in mind here is the international system of states. In my analysis of the political implications of moral enhancement, I intend to concentrate my attention only on the supposition that we could avoid major wars in the future by making individuals morally better. I do not intend to discuss the threats posed by climate change, or by terrorism, although some human enhancement theorists also seek to cover these topics. I will explain, in the course of my analysis, a conceptual distinction between “human nature realism” and “structural realism,” well-known in the field of international relations theory. Thomas Douglas seems to have been among the first to explore the idea of “moral enhancement” as a new form of human enhancement. He certainly helped to kick off the current phase of the debate. In a paper published in 2008, Douglas suggests that in the “future people might use biomedical technology to morally enhance themselves.” Douglas characterizes moral enhancement in terms of the acquisition of “morally better motives” (Douglas 2008, 229). Mark Walker, in a paper published in 2009, suggests a similar idea. He characterizes moral enhancement in terms of improved moral dispositions or “genetic virtues”: The Genetic Virtue Program (GVP) is a proposal for influencing our moral nature through biology, that is, it is an alternate yet complementary means by which ethics and ethicists might contribute to the task of making our lives and world a better place. The basic idea is simple enough: genes influence human behavior, so altering the genes of individuals may alter the influence genes exert on behavior. (Walker 2009, 27–28) Walker does not argue in favor of any specific moral theory, such as, for instance, virtue ethics. Whether one endorses a deontological or a utilitarian approach to ethics, he argues, the concept of virtue is relevant to the extent that virtues motivate us either to do the right thing or to maximize the good (Walker 2009, 35). Moral enhancement theory, however, does not reduce the ethical debate to the problem of moral dispositions. Morality also concerns, to a large extent, questions about reasons for action. And moral enhancement, most certainly, will not improve our moral beliefs; neither could it be used to settle moral disagreements. This seems to have led some authors to criticize the moral enhancement idea on the ground that it neglects the cognitive side of our moral behavior. Robert Sparrow, for instance, argues that, from a Kantian point of view, moral enhancement would have to provide us with better moral beliefs rather than enhanced moral motivation (Sparrow 2014, 25; see also Agar 2010, 74). Yet, it seems to me that this objection misses the point of the moral enhancement idea. Many people, across different countries, already share moral beliefs relating, for instance, to the wrongness of harming or killing other people arbitrarily, or to the moral requirement to help people in need. They may share moral beliefs while not sharing the same reasons for these beliefs, or perhaps even not being able to articulate the beliefs in the conceptual framework of a moral theory (Blackford 2010, 83). But although they share some moral beliefs, in some circumstances they may lack the appropriate motivation to act accordingly. Moral enhancement, thus, aims at improving moral motivation, and leaves open the question as to how to improve our moral judgments. In a recent paper, published in The Journal of Medical Ethics, neuroscientist Molly Crockett reports the state of the art in the still very embryonic field of moral enhancement. She points out, for example, that the selective serotonin reuptake inhibitor (SSRI) citalopram seems to increase harm aversion. There is, moreover, some evidence that this substance may be effective in the treatment of specific types of aggressive behavior. Like Douglas, Crockett emphasizes that moral enhancement should aim at individuals’ moral motives (Crockett 2014; see also Spence 2008; Terbeck et al. 2013). Another substance that is frequently mentioned in the moral enhancement literature is oxytocin. Some studies suggest that willingness to cooperate with other people,and to trust unknown prospective cooperators, may be enhanced by an increase in the levels of oxytocin in the organism (Zak 2008, 2011; Zak and Kugler 2011; Persson and Savulescu 2012, 118–119). Oxytocin has also been reported to be “associated with the subjective experience of empathy” (Zak 2011, 55; Zak and Kugler 2011, 144). The question I would like to examine now concerns the supposition that moral enhancement – comprehended in these terms and assuming for the sake of argument that, some day, it might become effective and safe – may also help us in coping with the threat of devastating wars in the future. The assumption that there is a relationship between, on the one hand, threats to the survival of humankind and, on the other, a sort of “deficit” in our moral dispositions is clearly made by some moral enhancements theorists. Douglas, for instance, argues that “according to many plausible theories, some of the world’s most important problems — such as developing world poverty, climate change and war — can be attributed to these moral deficits” (2008, 230). Walker, in a similar vein, writes about the possibility of “using biotechnology to alter our biological natures in an effort to reduce evil in the world” (2009, 29). And Julian Savulescu and Ingmar Persson go as far as to defend the “the need for moral enhancement” of humankind in a series of articles, and in a book published in 2012. One of the reasons Savulescu and Persson advance for the moral enhancement of humankind is that our moral dispositions seem to have remained basically unchanged over the last millennia (Persson and Savulescu 2012, 2). These dispositions have proved thus far quite useful for the survival of human beings as a species. They have enabled us to cooperate with each other in the collective production of things such as food, shelter, tools, and farming. They have also played a crucial role in the creation and refinement of a variety of human institutions such as settlements, villages, and laws. Although the possibility of free-riding has never been fully eradicated, the benefits provided by cooperation have largely exceeded the disadvantages of our having to deal with occasional uncooperative or untrustworthy individuals (Persson and Savulescu 2012, 39). The problem, however, is that the same dispositions that have enabled human beings in the past to engage in the collective production of so many artifacts and institutions now seem powerless in the face of the human capacity to destroy other human beings on a grand scale, or perhaps even to annihilate the entire human species. There is, according to Savulescu and Persson, a “mismatch” between our cognitive faculties and our evolved moral attitudes: “[…] as we have repeatedly stressed, owing to the progress of science, the range of our powers of action has widely outgrown the range of our spontaneous moral attitudes, and created a dangerous mismatch” (Persson and Savulescu 2012, 103; see also Persson and Savulescu 2010, 660; Persson and Savulescu 2011b; DeGrazie 2012, 2; Rakić 2014, 2). This worry about the mismatch between, on the one hand, the modern technological capacity to destroy and, on the other, our limited moral commitments is not new. The political philosopher Hans Morgenthau, best known for his defense of political realism, called attention to the same problem nearly fifty years ago. In the wake of the first successful tests with thermonuclear bombs, conducted by the USA and the former Soviet Union, Morgenthau referred to the “contrast” between the technological progress of our age and our feeble moral attitudes as one of the most disturbing dilemmas of our time: The first dilemma consists in the contrast between the technological unification of the world and the parochial moral commitments and political institutions of the age. Moral commitments and political institutions, dating from an age which modern technology has left behind, have not kept pace with technological achievements and, hence, are incapable of controlling their destructive potentialities. (Morgenthau 1962, 174) Moral enhancement theorists and political realists like Morgenthau, therefore, share the thesis that our natural moral dispositions are not strong enough to prevent human beings from endangering their own existence as a species. But they differ as to the best way out of this quandary: moral enhancement theorists argue for the re-engineering of our moral dispositions, whereas Morgenthau accepted the immutability of human nature and argued, instead, for the re-engineering of world politics. Both positions, as I intend to show, are wrong in assuming that the “dilemma” results from the weakness of our spontaneous moral dispositions in the face of the unprecedented technological achievements of our time. On the other hand, both positions are correct in recognizing the real possibility of global catastrophes resulting from the malevolent use of, for instance, biotechnology or nuclear capabilities. The supposition that individuals’ unwillingness to cooperate with each other, even when they would be better-off by choosing to cooperate, results from a sort of deficit of dispositions such as altruism, empathy, and benevolence has been at the core of some important political theories. This idea is an important assumption in the works of early modern political realists such as Machiavelli and Thomas Hobbes. It was also later endorsed by some well-known authors writing about the origins of war in the first half of the twentieth century. It was then believed, as Sigmund Freud suggested in a text from 1932, that the main cause of wars is a human tendency to “hatred and destruction” (in German: ein Trieb zum Hassen und Vernichtung). Freud went as far as to suggest that human beings have an ingrained “inclination” to “aggression” and “destruction” (Aggressionstrieb, Aggressionsneigung, and Destruktionstrieb), and that this inclination has a “good biological basis” (biologisch wohl begründet) (Freud 1999, 20–24; see also Freud 1950; Forbes 1984; Pick 1993, 211–227; Medoff 2009). The attempt to employ Freud’s conception of human nature in understanding international relations has recently been resumed, for instance by Kurt Jacobsen in a paper entitled “Why Freud Matters: Psychoanalysis and International Relations Revisited,” published in 2013. Morgenthau himself was deeply influenced by Freud’s speculations on the origins of war.1 Early in the 1930s, Morgenthau wrote an essay called “On the Origin of the Political from the Nature of Human Beings” (Über die Herkunft des Politischen aus dem Wesen des Menschen), which contains several references to Freud’s theory about the human propensity to aggression.2 Morgenthau’s most influential book, Politics among Nations: The Struggle for Power and Peace, first published in 1948 and then successively revised and edited, is still considered a landmark work in the tradition of political realism. According to Morgenthau, politics is governed by laws that have their origin in human nature: “Political realism believes that politics, like society in general, is governed by objective laws that have their roots in human nature” (Morgenthau 2006, 4). Just like human enhancement theorists, Morgenthau also takes for granted that human nature has not changed over recent millennia: “Human nature, in which the laws of politics have their roots, has not changed since the classical philosophies of China, India, and Greece endeavored to discover these laws” (Morgenthau 2006, 4). And since, for Morgenthau, human nature prompts human beings to act selfishly, rather than cooperatively, political leaders will sometimes favor conflict over cooperation, unless some superior power compels them to act otherwise. Now, this is exactly what happens in the domain of international relations. For in the international sphere there is not a supranational institution with the real power to prevent states from pursuing means of self-defense. The acquisition of means of self-defense, however, is frequently perceived by other states as a threat to their own security. This leads to the security dilemma and the possibility of war. As Morgenthau put the problem in an article published in 1967: “The actions of states are determined not by moral principles and legal commitments but by considerations of interest and power” (1967, 3). Because Morgenthau and early modern political philosophers such as Machiavelli and Hobbes defended political realism on the grounds provided by a specific conception human nature, their version of political realism has been frequently called “human nature realism.” The literature on human nature realism has become quite extensive (Speer 1968; Booth 1991; Freyberg-Inan 2003; Kaufman 2006; Molloy 2006, 82–85; Craig 2007; Scheuerman 2007, 2010, 2012; Schuett 2007; Neascu 2009; Behr 2010, 210–225; Brown 2011; Jütersonke 2012). It is not my intention here to present a fully-fledged account of the tradition of human nature realism, but rather to emphasize the extent to which some moral enhancement theorists, in their description of some of the gloomy scenarios humankind is likely to face in the future, implicitly endorse this kind of political realism. Indeed, like human nature realists, moral enhancement theorists assume that human nature has not changed over the last millennia, and that violence and lack of cooperation in the international sphere result chiefly from human nature’s limited inclination to pursue morally desirable goals. One may, of course, criticize the human enhancement project by rejecting the assumption that conflict and violence in the international domain should be explained by means of a theory about human nature. In a reply to Savulescu and Persson, Sparrow correctly argues that “structural issues,” rather than human nature, constitute the main factor underlying political conflicts (Sparrow 2014, 29). But he does not explain what exactly these “structural issues” are, as I intend to do later. Sparrow is right in rejecting the human nature theory underlying the human enhancement project. But this underlying assumption, in my view, is not trivially false or simply “ludicrous,” as he suggests. Human nature realism has been implicitly or explicitly endorsed by leading political philosophers ever since Thucydides speculated on the origins of war in antiquity (Freyberg-Inan 2003, 23–36). True, it might be objected that “human nature realism,” as it was defended by Morgenthau and earlier political philosophers, relied upon a metaphysical or psychoanalytical conception of human nature, a conception that, actually, did not have the support of any serious scientific investigation (Smith 1983, 167). Yet, over the last few years there has been much empirical research in fields such as developmental psychology and evolutionary biology that apparently gives some support to the realist claim. Some of these studies suggest that an inclination to aggression and conflict has its origins in our evolutionary history. This idea, then, has recently led some authors to resume “human nature realism” on new foundations, devoid of the metaphysical assumptions of the early realists, and entirely grounded in empirical research. Indeed, some recent works in the field of international relations theory already seek to call attention to evolutionary biology as a possible new start for political realism. This point is clearly made, for instance, by Bradley Thayer, who published in 2004 a book called Darwin and International Relations: On the Evolutionary Origins of War and Ethnic Conflict. And in a paper published in 2000, he affirms the following: Evolutionary theory provides a stronger foundation for realism because it is based on science, not on theology or metaphysics. I use the theory to explain two human traits: egoism and domination. I submit that the egoistic and dominating behavior of individuals, which is commonly described as “realist,” is a product of the evolutionary process. I focus on these two traits because they are critical components of any realist argument in explaining international politics. (Thayer 2000, 125; see also Thayer 2004) Thayer basically argues that a tendency to egoism and domination stems from human evolutionary history. The predominance of conflict and competition in the domain of international politics, he argues, is a reflex of dispositions that can now be proved to be part of our evolved human nature in a way that Morgenthau and other earlier political philosophers could not have established in their own time. Now, what some moral enhancement theorists propose is a direct intervention in our “evolved limited moral psychology” as a means to make us “fit” to cope with some possible devastating consequences from the predominance of conflict and competition in the domain of international politics (Persson and Savulescu 2010, 664). Moral enhancement theorists comprehend the nature of war and conflicts, especially those conflicts that humankind is likely to face in the future, as the result of human beings’ limited moral motivations. Compared to supporters of human nature realism, however, moral enhancement theorists are less skeptical about the prospect of our taming human beings’ proclivity to do evil. For our knowledge in fields such as neurology and pharmacology does already enable us to enhance people’s performance in a variety of activities, and there seems to be no reason to assume it will not enable us to enhance people morally in the future. But the question, of course, is whether moral enhancement will also improve the prospect of our coping successfully with some major threats to the survival of humankind, as Savulescu and Persson propose, or to reduce evil in the world, as proposed by Walker. V. The point to which I would next like to call attention is that “human nature realism” – which is implicitly presupposed by some moral enhancement theorists – has been much criticized over the last decades within the tradition of political realism itself. “Structural realism,” unlike “human nature realism,” does not seek to derive a theory about conflicts and violence in the context of international relations from a theory of the moral shortcomings of human nature. Structural realism was originally proposed by Kenneth Waltz in Man, the State and War, published in 1959, and then later in another book called Theory of International Politics, published in 1979. In both works, Waltz seeks to avoid committing himself to any specific conception of human nature (Waltz 2001, x–xi). Waltz’s thesis is that the thrust of the political realism doctrine can be retained without our having to commit ourselves to any theory about the shortcomings of human nature. What is relevant for our understanding of international politics is, instead, our understanding of the “structure” of the international system of states (Waltz 1986). John Mearsheimer, too, is an important contemporary advocate of political realism. Although he seeks to distance himself from some ideas defended by Waltz, he also rejects human nature realism and, like Waltz, refers to himself as a supporter of “structural realism” (Mearsheimer 2001, 20). One of the basic tenets of political realism (whether “human nature realism” or “structural realism”) is, first, that the states are the main, if not the only, relevant actors in the context of international relations; and second, that states compete for power in the international arena. Moral considerations in international affairs, according to realists, are secondary when set against the state’s primary goal, namely its own security and survival. But while human nature realists such as Morgenthau explain the struggle for power as a result of human beings’ natural inclinations, structural realists like Waltz and Mearsheimer argue that conflicts in the international arena do not stem from human nature, but from the very “structure” of the international system of states (Mearsheimer 2001, 18). According to Waltz and Mearsheimer, it is this structure that compels individuals to act as they do in the domain of international affairs. And one distinguishing feature of the international system of states is its “anarchical structure,” i.e. the lack of a central government analogous to the central governments that exist in the context of domestic politics. It means that each individual state is responsible for its own integrity and survival. In the absence of a superior authority, over and above the power of each sovereign state, political leaders often feel compelled to favor security over morality, even if, all other things being considered, they would naturally be more inclined to trust and to cooperate with political leaders of other states. On the other hand, when political leaders do trust and cooperate with other states, it is not necessarily their benevolent nature that motivates them to be cooperative and trustworthy, but, again, it is the structure of the system of states that compels them. The concept of human nature, as we can see, does not play a decisive role here. Because Waltz and Mearsheimer depart from “human nature realism,” their version of political realism has also sometimes been called “neo-realism” (Booth 1991, 533). Thus, even if human beings turn out to become morally enhanced in the future, humankind may still have to face the same scary scenarios described by some moral enhancement theorists. This is likely to happen if, indeed, human beings remain compelled to cooperate within the present structure of the system of states. Consider, for instance, the incident with a Norwegian weather rocket in January 1995. Russian radars detected a missile that was initially suspected of being on its way to reach Moscow in five minutes. All levels of Russian military defense were immediately put on alert for a possible imminent attack and massive retaliation. It is reported that for the first time in history a Russian president had before him, ready to be used, the “nuclear briefcase” from which the permission to launch nuclear weapons is issued. And that happened when the Cold War was already supposed to be over! In the event, it was realized that the rocket was leaving Russian territory and Boris Yeltsin did not have to enter the history books as the man who started the third world war by mistake (Cirincione 2008, 382).3 But under the crushing pressure of having to decide in such a short time, and on the basis of unreliable information, whether or not to retaliate, even a morally enhanced Yeltsin might have given orders to launch a devastating nuclear response – and that in spite of strong moral dispositions to the contrary. Writing for The Guardian on the basis of recently declassified documents, Rupert Myers reports further incidents similar to the one of 1995. He suggests that as more states strive to acquire nuclear capability, the danger of a major nuclear accident is likely to increase (Myers 2014). What has to be changed, therefore, is not human moral dispositions, but the very structure of the political international system of states within which we currently live. As far as major threats to the survival of humankind are concerned, moral enhancement might play an important role in the future only to the extent that it will help humankind to change the structure of the system of states. While moral enhancement may possibly have desirable results in some areas of human cooperation that do not badly threaten our security – such as donating food, medicine, and money to poorer countries – it will not motivate political leaders to dismantle their nuclear weapons. Neither will it deter other political leaders from pursuing nuclear capability, at any rate not as long as the structure of international politics compels them to see prospective cooperators in the present as possible enemies in the future. The idea of a “structure” should not be understood here in metaphysical terms, as though it mysteriously existed in a transcendent world and had the magical power of determining leaders’ decisions in this world. The word “structure” denotes merely a political arrangement in which there are no powerful law-enforcing institutions. And in the absence of the kind of security that law-enforcing institutions have the force to create, political leaders will often fail to cooperate, and occasionally engage in conflicts and wars, in those areas that are critical to their security and survival. Given the structure of international politics and the basic goal of survival, this is likely to continue to happen, even if, in the future, political leaders become less egoistic and power-seeking through moral enhancement. On the other hand, since the structure of the international system of states is itself another human institution, there is no reason to suppose that it cannot ever be changed. If people become morally enhanced in the future they may possibly feel more strongly motivated to change the structure of the system of states, or perhaps even feel inclined to abolish it altogether. In my view, however, addressing major threats to the survival of humankind in the future by means of bioengineering is unlikely to yield the expected results, so long as moral enhancement is pursued within the present framework of the international system of states.

## Legalism K

### 1AR – AT: Legalism K

#### 1. Weigh the aff versus the kritik – anything else moots the AC which is the only speech we have to develop our arguments.

#### 2. The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### 3. Extend the Purdy card – our attempts at structural reform are necessary. Their critique can’t solve.

#### 4. Perm do the aff and directly endorse militancy - this strategy is able to apply their theory to our critique of the prison system – any link is subsumed by the massive potential for liberation provided by the aff. Extend Delgado – reform makes revolution more likely. The aff makes the alt more likely to succeed.

#### 5. Perm the aff and the alt in all other instances – it’s a double bind – either the alt can overcome residual links to the aff or the alt will never solve. Especially true since none of their ev is specific to incarcerated workers.

#### 6. Disad to the alt: it reproduces the idea that prisons must be violent, making prison conditions worse – with the perception of more violence, authorities will more severely punish incarcerated people.

#### 7. their alt card isn’t about prisoners- don’t let them pretend that they actually care about incarcerated workers

#### 8. no link: the aff doesn’t limit the types of strike available to incarcerated workers, we just say that their ability to strike should not be restricted

#### 9. Unconditional means absolute.

Merriam-Webster - ("Definition of UNQUALIFIED," No Publication, xx-xx-xxxx, https://www.merriam-webster.com/dictionary/unqualified)//va

Definition of unconditional

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

#### no link: none of their cards are written in the context of an *unconditional* right to strike. Strikers can’t be punished under the aff – if they were, the right would not be unconditional.

#### 10. The impact to the K is non UQ for incarcerated workers – extend the Kozlowska evidence- they already face punishment for striking

#### 10. Turn: empirics prove the success of peaceful strikes in prisons. Extend the Harvard Law Review Card – the California and Alabama strikes led to material changes to improve prison conditions.

#### 11. Solvency Deficits:

#### a. violent strikes are more likely to get taken down and stopped, so the alt leads to no material change

#### b. public perception goes down- leads to more harmful stereotypes against prisoners and makes being hired after even harder, leading to worse quality of life

#### c. if strikes turn violent in prisons, people will just be put in solitary confinement – that’s Kozlowska. Only the aff ensures that a strike can even happen.

## Psychoanalysis K

### Short 1ar v Psychoanalysis

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### Politics is good—legal reform can materially change people’s lives and can also push for further scholarly critique. That’s 1ac purdy

#### The aff outweighs—it stops millions of people from having to live in terrible prison conditions. If their alt can’t solve for material violence, don’t vote for it

### ---AT alt

#### Perm Doublebind: Embrace the lack in every instance except the aff. if the alt can’t overcome the tiny link to the K of us using the state it wouldn’t be able to solve anyway, if it can overcome this tiny link then vote for the perm.

#### Perm do both -- can integrate K’s insights and the 1AC

Daniel Tutt 13, Interviewing Todd McGowan, October 27, “Enjoying What We Don’t Have: Interview with Philosopher Todd McGowan”, http://danieltutt.com/2013/10/27/enjoying-what-we-dont-have-interview-with-philosopher-todd-mcgowan/

DT. It seems to me that a frequent critique of psychoanalysis and politics is that in its inability, and perhaps unwillingness to propose concrete policy reforms or political projects, it falls back on a notion that everyone should just undergo analysis. Do you think that a political project that is informed by psychoanalytic teachings implies that we should all undergo analysis? You write in your book for instance that fantasy is a crucial point for facilitating a sort of un-bonding process from the larger capitalist mode of subjectivity. What do you see as the role of analysis and political emancipatory work?¶ TM. I will alienate many of my analyst friends with this response, but I have no political investment at all in psychoanalytic practice. I’ve undergone some analysis myself. However, I don’t believe that everyone undergoing psychoanalysis would change much at all politically. What is important about psychoanalysis to me is its theoretical intervention, its discovery of the death drive and the role that fantasy plays in our psyche. This is the great advance. And political struggle can integrate these theoretical insights without any help from actual psychoanalysis. What allows one to disinvest in the capitalist mode of subjectivity is not, in my view, the psychoanalytic session. Instead it is the confrontation with a mode of enjoyment that ceases to provide the satisfaction that it promises. This prompts one to think about alternatives. Obviously, not everyone can become a theorist, but in a sense, everyone already is a theorist. We theorize our enjoyment when we think through our day and plan out where we’re going to do. Even watching a television show requires an elaborate theoretical exercise. Making this theorizing evident and thus arousing an interest in theory is to me much more important than having a lot of people undergo psychoanalysis. In response to your question about the universalization of psychoanalytic practice, I have more faith in a universalization of psychoanalytic theory.

#### Embracing the lack is bad—shuts down political mobilization

### ---Psychoanalysis bad

**Psychoanalytic concepts have been thoroughly debunked. They are either non-falsifiable or patently falseMootz ‘00**

Mootz III, Francis J. [Dean of McGeorge School of Law, Professor of Law, J.D., Duke University School of Law A.M., Philosophy, Duke University Graduate School B.A., History, University of Notre Dame ]"Psychotherapeutic practice as a model for postmodern legal theory." Yale JL & Human. 12 (2000): 299. [ellipses in original] MC

Freudian psychoanalysis increasingly is the target of blistering criticism from a wide variety of commentators." In a recent review, Frederick Crews reports that ¶independent studies have begun to converge toward a verdict **...** thatthere is literally nothing to be said, scientifically or therapeutically, to the advantage of the entire Freudian system or any of its component dogmas. **...** [A]nalysisas a wholeremains powerless.., and understandably so,because a thoroughgoing epistemological critique, based on commonly acknowledged standards of evidence and logic decertifies every distinctively psychoanalytic proposition.¶ 5 The most telling criticism of Freud's psychoanalytic theory is that it has proven no more effective in producing therapeutic benefits than have other forms of psychotherapy. Critics draw the obvious conclusion that the benefits (if any) of psychotherapy are neither explained nor facilitated by psychoanalytic theories. Although Freudian psychoanalytic theory purports to provide a truthful account of the operations of the psyche and the causes for mental disturbances, critics argue that psychoanalytic theory mayprove in the end tobe nothing more than fancy verbiage that tends to obscure whatever healing effects psychotherapeutic dialogue may have.¶ Freudian psychoanalysis failed because it could not make good on its claim to be a rigorous and empirical science. Although Freud's mystique is premised on a widespread belief that psychoanalysis was a profound innovation made possible by his genius, Freud claimed only that he was extending the scientific research of his day within the organizing context of a biological model of the human mind. Freud's adherents created the embarrassing cult of personality and the myth of a self-validating psychoanalytic method only after Freud's empirical claims could not withstand critical scrutiny in accordance with the scientific methodology demanded by his metapsychology 9 The record is clear that Freud believed that psychoanalysis would take its place among the sciences and that his clinical work provided empirical confirmation of his theories. This belief now appears to be completely unfounded and indefensible. ¶ Freud's quest for a scientifically grounded psychotherapy was not amateurish or naive. Although Freud viewed his "metapsychology as a set of directives for constructing a scientific psychology," ' Patricia Kitcher makes a persuasive case that he was not a blind dogmatist who refused to adjust his metapsychology in the face of contradictory evidence." Freud's commitment to the scientific method, coupled with his creative vision, led him to construct a comprehensive and integrative metapsychology that drew from a number of scientific disciplines in an impressive and persuasive manner. 62 However, the natural and social sciences upon which he built his derivative and interdisciplinary approach developed too rapidly and unpredictably for him to respond. 63 As developments in biology quickly undermined Freud's theory, he "began to look to linguistics and especially to anthropology as more hopeful sources of support," ' but this strategy later in his career proved equally nsuccessful. 65 The scientific justification claimed by Freudliterallyeroded when the knowledge base underlying his theory collapsed, leaving his disciples with the impossible task of defending a theory whose presuppositions no longer were plausible according to their own criteria of validation.'

**No monolithic libidinal economy. Humans have internal conflicts which prevents desire and drives from being.**

**Johnston 5**, Adrian, Philosophy Professor @ University of New Mexico, Time Driven: Metapsychology and the Splitting of the Drive, Northwestern University Press, Jul 27, 2005, pg. 340-341

In terms of the basic framework of metapsychology, Freud delineates two fundamental types of conflict disturbing yet organizing mental life—the conflict between drives and reality (as, most notably, the struggle In-tween the id and civilization) and the conflict between the drives themselves in la the story of Eros against the Todrstrieb). In both cases, the individual tends to be portrayed as the **overdetermined** play-thing of powerful forces fighting semi-covert wars with each other just out of the ego's sight. However, Freud fails to discover a third dimension of conflict in relation to the libidinal economy—the conflict **within each and every drive**. The theoretical contribution of this project could easily be summarized as the identification of this distinct type of conflict and the explication of its sobering consequences for an understanding of the psyche. Despite the apparent **bleakness** and antiutopianism of an assessment of human nature as being perturbed by an **irreducible inner antagonism**, there is. surprisingly, what might be described as a **liberating aspect** to this **splitting of the drives**. Since drives are essentially **dysfunctional**, subjects are able to act otherwise than as would be dictated by in-stinctually compelled pursuits of gratification, satisfaction, and pleasure. In fact, subjects are forced to be free, since, for such beings, the mandate of nature is forever missing. Severed from a strictly biological master-program and saddled with a conflict-ridden, heterogeneous jumble of **contradictory impulses**—impulses mediated by an **inconsistent**, **unstable** web of **multiple representations**, indicated by Lacan's "barring" of the Symbolic Other—the parletre has no choice but to **bump up against the unnatural void of its autonomy**. The confrontation with this raid is **frequently avoided**. The true extent of one's **autonomy** is, due to its sometimes-frightening implications, just as often **relegated to the shadows of the unconscious** as those heteronomous factors secretly shaping conscious thought and behavior. The **contradictions** arising from the conflicts internal to the libidinal economy mark the **precise places** where a **freedom transcending mundane materiality** has a chance to briefly **flash into effective existence**; such points of breakdown in the deterministic nexus of the drives **clear the space** for the **sudden emergence** of something other than the smooth continuation of the default physical and sociopsychical "run of things." Moreover, if the drives were fully functional—and. hence, would not prompt a mobilization of a series of defensive distancing mechanisms struggling to transcend this threatening corpo-Real—humans would be animalistic automatons, namely, creatures of nature. The pain of a malfunctioning, internally conflicted libidinal economy is a discomfort signaling a capacity to be an autonomous subject. This is a pain even more essential to human autonomy than what Kant identifies .is the guilt-inducing burden of duty and its corresponding pangs of anxious, awe-inspiring respect. Whereas Kant treats the discomfort associated with duty as a symptom-effect of a transcendental freedom inherent to rational beings, the reverse might (also) be the case: Such freedom is the symptom-effect of a discomfort inherent to libidinal beings. Completely "curing" individuals of this discomfort, **even if it were possible**, would be tantamount to divesting them, whether they realize it or not, of an essential feature of their dignity as subjects. As Lacan might phrase it, the split Trieb is the sinthome of subjectivity proper, the source of a suffering that, were it to be entirely eliminated, would entail the **utter dissolution of subjectivity itself**. Humanity is free precisely insofar as its pleasures are far from perfection, insofar as its enjoyment is never absolute.

### ---Colonialism DA (1:11)

#### Traversing the fantasy enables global colonialism. Their aid is a form of forced self-realization, allowing international therapeutic control to delegitimise national liberation movements against colonial rule.

Pupavac 1 - Vanessa Pupavac, School of Politics, Faculty of Law and Social Sciences, University of Nottingham, “Therapeutic Governance: the Politics of Psychosocial Intervention and Trauma Risk Management,” Disasters, 25(4): 358-72 )//a-berg

What is psychosocial intervention? Activities that come under a psychosocial heading in aid agency documents range from trauma counselling, peace education programmes, life skills, to self-esteem building initiatives. However, the impact of the psychosocial model with its essentially psychological understanding of social problems is much more important than the sum of individual initiatives that specifically come under a psychosocial label. The psychosocial model embodies contemporary international policy as social risk management whose perspectives derive from social psychology. Social psychology developed rapidly in the 1930s from the disciplines of psychology and sociology, influenced by works on group psychology. In the context of fears about the masses and social instability, social psychology’s interest in group behaviour, socialisation and violence meant that the subject was quickly embraced by policy-makers in the United States and Western Europe. For example, Quincey Wright in his seminal Study of War (1965) heralded social psychology as having ‘perhaps contributed most of all the social disciplines to an understanding of the efficient causes of war, in a manner to suggest cures’ (Wright, 1965, p. 714). Western officials intended social psychology to inform the work of international organisations set up after the Second War World. Its influence can be seen in UNESCO’s constitution which states, ‘Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed’ (UNESCO, 1945). In particular, Western leaders were concerned with managing conflict and development in the newly independent developing countries. However, the model of a benign elite governing through a world community appealing to the non-rational envisaged by social psychologists was not politically acceptable (Durbin and Bowlby, 1938, pp. 48-49; Lasswell, 1935, p. 237; Wright, 1965, p. 1388). Social psychological approaches were sidelined in international policy during the Cold War. The Soviet bloc and the Non-Aligned Movement of states largely rejected Anglo-American social psychology’s psychological functionalism. Firstly, treating war as psychological dysfunctionalism was viewed by the South as an attempt to delegitimise national liberation movements against colonial rule. Secondly, the South preferred to focus on North-South inequalities and structural approaches to tackle conflict and development. The demise of the Soviet bloc and the Non-Aligned Movement has allowed Western conflict management approaches to dominate international policy. No longer challenged by these blocs, there has been an explosion of international initiatives based on Anglo-American psychosocial risk management strategies. Furthermore social psychology’s perspectives have become central to Western domestic social policy, to how Western governments relate to their own citizens and also how individuals in the West understand themselves.1 Therapeutic states Western therapeutic perspectives are not confined to the mental health sector but inform the whole spectrum of policy in the wake of disillusion with the post-war Keynsian welfare state model. The perception of a general moral, social and even emotional crisis (Goleman, 1996) has encouraged the adoption of a social risk management approach to social policy. In some respects there is nothing new about the preoccupations of social risk management and how to accommodation the de- stabilising impact of modernisation with order. As Mark Duffield discusses, the concept of development has been about ‘a modernising reconciliation of order with progress’ (Duffield, 2001). Yet contemporary risk management represents a retreat from a belief in social progress towards a defensive goal of managing social inequalities and conflict. While certain elements of the risk management model echo the Victorian self-help ethos and entail individuals and families taking greater financial responsibility for their welfare, its understanding of the individual and the relation of individuals to their environment is distinct. The Victorians were believers in human ability and venture. ‘We are capable of doing anything’ exclaims Queen Victoria in her diary, exemplifying mid-nineteenth century confidence. As the historian James Morris writes: They believed in their providential destiny, in their servants of steam and steel, in themselves and their systems, and not least in their Empire [… ] in the triumphs of applied science […] they were called to be the great improvers […] (Morris, 1979, p. 318). The nineteenth century’s archetype of the robust risk-taking self-made man is the antithesis of the risk-averse twenty-first century’s exemplar of the vulnerable victim whose actions and environment are to be governed by the precautionary principle. In Freudian terms, the higher self of the New Millennium is the id of the emotions, rather than the rationalist ego. Conceiving the self as insecure, social policy as social risk management views the individual to be susceptible to psychological and social dysfunctionalism. The imperative to contain dysfunctionalism is leading to the expediential growth of counselling services to administer to individuals from cradle to grave. So although the social risk management model implies the privatisation of welfare provision, it also involves greater regulation of relations in the private sphere to ensure psychological and social functionalism. The therapeutic paradigm has become integral to how state institutions relate to citizens: in public life with the new ‘politics of feeling’; in education with self-esteem displacing intellectual understanding as the goal; in family policy with the expansion of relationship counselling and the professionalisation of parenting; in the economy with therapeutic support for the unemployed; in law with a shift from an adversarial system to a form of therapeutic intervention and mediation (Nolan, 1998). The therapeutic paradigm is redrawing the political relationship between citizen and state involving: the redefinition of political authority in therapeutic terms - and to the rise of a professional and managerial class that governs society […] by defining normal behavior and by involving allegedly non-punitive; psychiatric sanctions against deviance (Lasch, 1984, p. 49). The consequence of this new ‘therapeutic mode of social control’ (ibid., p. 47) is that politics becomes both about appealing to the id and regulating the vulnerable id. Therapeutic governance, representing ‘a direct pact between super-ego and id at the expense of the ego’ (Zizek, 2000, p. 61), entails the erosion of the conceptualisation of the citizen as an autonomous rational subject, the premise of modern law and the prerequisite for democratic rights. The therapeutic’s aim of securing emotional stability is resulting in rights being re-conceptualised in terms of psychological recognition and custodianship rather than freedoms, that is, as protection by official bodies, rather than protection from official bodies. It is striking how the contemporary subject of rights under human rights discourse takes the form of the vulnerable victim who is to be enabled or protected by a third party as opposed to earlier civil rights movements where subjects empowered themselves. Fostering psychological functionalism is considered crucial in the therapeutic conceptualisation of citizenship. The therapeutic understanding of citizenship regards self-esteem as a pre-requisite for being a good citizen. Although the idea that self- esteem is necessary for moral conduct is contested (Dawes, 1994), national emotional literacy programmes are being proposed to promote good citizens, on the grounds that: Individuals who have a good understanding of their own emotional makeup, and who are able to communicate effectively with others on a personal basis, are likely to be well prepared for the wider tasks and responsibilities of citizenship (Giddens, 1994, pp. 16 and 119). Under psychological functionalism, an individual’s emotional state is therefore no longer a personal matter, but becomes public property and related to ‘the responsibilities of citizenship’. Re-socialisation and emotional stability is achieved through programmes sponsoring self-esteem and ‘protective mimicry’ (role-playing techniques) (Lasch, 1984, pp. 49-97). Any failure by public bodies to provide psychosocial programmes or any failure by individuals to take up the psychosocial support provided is thus viewed as socially irresponsible. Hence there is a coercive disciplining element to psychological functionalism. This element is not immediately apparent. As Duffield explores (2001), contemporary governance does not primarily utilise institution-based disciplinary technologies. Rather governance is conducted through developing regulatory technologies dispersed through supervising processes and networks appealing to self-realisation. Nevertheless, the coercive rehabilitative aspect is revealed in the rapid increase in mandatory psychosocial support: from parenting orders, to divorce mediation, therapeutic drug or non-drug programmes, compulsory citizenship classes in schools, and anger management courses. Social risk management approaches underpin contemporary international policy from specific psychosocial programmes to IMF and World Bank development strategies to international documents such as the UN Convention on the Rights of the Child. The significance of social risk management for international politics should not be underestimated. Echoing the model of inter-war Anglo-American social psychologists, therapeutic governance implies a radical reshaping of domestic and international relations, although formally the international system of sovereign nation states remains. Taking the vulnerable victim as its subject, the concerns of social risk management fundamentally question the principle of non-interference in the internal affairs of states and the private lives of individual citizens. On the one hand, the social risk management model and its transformation into a human right challenges the authority of the (non-Western) state vis-a-vis the international community.2 On the other hand, the enforcement of social risk management requires state and non-state actors to play a much more pro-active role in citizens’ lives, eroding the distinction between the private and public spheres. Psychosocial intervention epitomises contemporary international social policy as social risk management, encapsulating the merger of development and security discourse, in which development and security policy are focused on securing the minds of people against violence (Duffield, 2001). Inventing PTSD Following Duffield (ibid.), metropolitan actuarial risk analysis informed by a risk- averse culture reads the borderlands as psychologically dysfunctional because of their distressful experiences. In essence the psychosocial model sees distressful experiences as triggering traumatic symptoms causing dysfunctionalism leading to abuse/violence, requiring intervention to rehabilitate victims and break cycles of trauma and violence. The mere description of a given community or population having experienced conflict is sufficient for international agencies to deem them to be suffering from post- traumatic stress disorder (PTSD) and in need of psychosocial assistance. The effect is to label whole populations as traumatised, rendering diagnosis irrelevant and psychosocial treatment universally required, albeit devised in a form considered appropriate to the local culture. It is this pathologisation of distress that distinguishes psychosocial intervention from a sympathetic word or kind gesture by individual aid workers.

### Long 1AR v Psychoanalysis

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### Politics is good—legal reform can materially change people’s lives and can also push for further scholarly critique. That’s 1ac purdy

### ---AT alt

#### Perm Doublebind: Tear apart political fantasies in every instance except the aff. if the alt can’t overcome the tiny link to the K of us using the state it wouldn’t be able to solve anyway, if it can overcome this tiny link then vote for the perm.

#### Lacan’s structure embraces contradictions

Van Pelt, 2000 (Tamise Van Pelt, Assistant Professor of English at Idaho State University, “The other Side of Desire Lacan’s Theory of the Registers”, State University of New York Press, 2000) ET

Because **Lacan’s structure is both many layered and differentiated, it embraces positions that in and of themselves appear contradictory.** **Lacan is foundational and antifoundational, essential and constructionist by turns—**but never ambiguously so. For Lacan, there are no binary answers to tertiary questions, no foundational answers to complex questions. Identification is not a substitute for interpretation—though in everyday life, and especially in neurosis, this is precisely the case. In fact, taking things personally (the everyday form of substituting identification for interpretation) is such a commonplace that this loss of interpretive distance is familiar to us all. Similarly, the reductive move from symbolic to imaginary is common: when subjects cease to respect the Law’s posi72Lacanian Epistemology tional definitions, they regress to Hegelian power struggles. Likewise, the loss of truth is commonplace since to refuse the leap into Truth’s contingencies is to fall into imaginary reiteration of received constructions, constructions in which the ego is always alienated, always at stake. Such leaps and refusals, such substitutions and reductions contribute to the questions raised in Chapter 1’s symposium on the subject: questions of the binary, of tertiary identities, and of interpretability.

#### Using the state is inevitable- and negating it doesn’t make it disappear.

Stavrakakis, 99 (Yannis Stavrakakis is teaching fellow at the department of Government at the University of Essex and Acting Director of the MA programme in Ideology and Discourse Analysis, “Lacan and the Political” Routledge, 1999) ET

But if reality in general can only make sense in its relation to a real which is always exceeding it, what can that real associated with political reality be? If reality cannot exhaust the real it must be also the case that politics cannot exhaust the political. Not surprisingly then, it is one of the most exciting 71ENCIRCLING THE POLITICAL developments in contemporary political theory, and one promoted by theorists such as Laclau, Mouffe, Beck and Lefort, that **the political is not reducible to political reality as we have been describing it: The political cannot be restricted to a certain type of institution, or envisaged as constituting a specific sphere or level of society.** **It must be conceived as a dimension that is inherent to every human society and that determines our very ontological condition.** (Mouffe, 1993:3) In order to illustrate this ‘emancipation’ of the moment of the political let us examine very briefly the relevant argument put forward by Claude Lefort. Lefort’s project entails the reinterpretation of the political. He considers both the Marxist and the strictly scientific definitions of the political inadequate. Marxism regards the political as a mere superstructure determined by a base consisting of the supposedly real level of relations of production, and thus is unable to recognise any substantial specificity to the political. Political sociology and political science, on the other hand, attempt to delineate political facts in their particularity, as distinct from other social facts which are considered as belonging to other separate levels of social reality: the economic, the aesthetic, the juridical, the scientific, the social itself. Such **an approach claims to provide an objective reconstruction of reality as consisting of all these strict differentiations and thus does not realise that its own constructs derive from social life and are, consequently, historically and politically conditioned—our discussion on constructionism becomes relevant again**. In the definition of politics (as the space of political institutions, such as parties, etc.) **what is lost is the political itself, meaning the moment in which the definition of politics, the organisation of social reality, takes place**: **The political is thus revealed, not in what we call political activity, but in the double movement whereby the mode of institution of society appears and is obscured**. It appears in the sense that the process whereby **society is ordered and unified across its divisions becomes visible.** It is obscured in the sense that the locus of politics (the locus in which parties compete and in which a general agency of power takes shape and is reproduced) becomes defined as particular, while the principle which generates the overall configuration is concealed. (Lefort, 1988:11) **The point here is that the institution of political reality presupposes a certain repression of the constitutivity of the political. It entails an impossible attempt to erase the political ontology of the social.** In Lefort’s view, for example, 72ENCIRCLING THE POLITICAL and here he draws from traditional political philosophy in which what distinguishes one society from another is its regime, its shaping of human existence, the political is related to what generates society, the different forms of society. It is precisely because the very idea of society contains a reference to its political definition that it becomes impossible to localise the political within society. The political is thus revealed as the ontological level of the institution of every particular shaping of the social (this expression denoting both giving meaning to social relations and staging them) (Lefort, 1988:21719). When we limit our scope within political reality we are attempting a certain domestication/spatialisation of the political, we move our attention from the political per se (as the moment of the disruption and undecidability governing the reconstruction of social objectivity including political reality) to the social (as the result of this construction and reconstruction, as the sedimented forms of objectivity) (Laclau, 1990:35). This sedimentation of political reality (as a part or a subsystem of the social) requires a forgetting of origins, a forgetting of the contingent force of dislocation which stands at its foundation; it requires the symbolic and fantasmatic reduction of the political. Yet, ‘**to negate the political does not make it disappear, it only leads to bewilderment in the face of its manifestations and to impotence in dealing with them’** (Mouffe, 1993:140). What constantly emerges in these currents of contemporary political theory is that the political seems to acquire a position parallel to that of the Lacanian real; one cannot but be struck by the fact **that the political is revealed as a particular modality of the real. The political becomes one of the forms in which one encounters the real.** The field of social construction and political reality is the field in which the symbolisation of this real is attempted. Chaitin is correct when asserting that symbolisation ‘has the creative power to produce cultural identities, but at a price, the cost of covering over the fundamental nothingness that forms its foundation…it is culture, not nature, that abhors a vacuum, above all that of its own contingency’ (Chaitin, 1996:4–5), of its ultimate inability to master and symbolise the impossible real: ‘there is a structural lack in the symbolic, which means that certain points of the real can’t be symbolised in a definite manner…. The unmitigated real provokes anxiety, and this in turn gives rise to never-ending, defensive, imaginary constructs’ (Verhaeghe, 1994:60). Following from this, ‘all human productions [Society itself, culture, religion, science]…can be understood in the light of that structural failure of the symbolic in relationship to the real’ (ibid.: 61). It is the moment of this failure, the moment of our encounter with the real, that is revealed as the moment of the political par excellence in our reading of Lacan. It is the constitutivity of this moment in Lacanian psychoanalysis that proves our fantasmatic conception of the socio-political institution of society as a harmonious totality to be no more than a mirage. It is this traumatic moment of the political qua encounter with the real that initiates again and again a process of symbolisation, and initiates the ever-present hegemonic play 73ENCIRCLING THE POLITICAL between different symbolisations of this real. This play leads to the emergence of politics, to the political institution of a new social fantasy (or of many antagonistic fantasies engaged in a struggle for hegemony) in the place of the dislocated one, and so on and so forth. In this light, Lacan’s insistence on the centrality of the real, especially in the latter part of his teaching, acquires major political importance. Lacan himself, in his seminar on The Four Fundamental Concepts of Psychoanalysis uses noise and accident as metaphors or examples of our encounter with the real. It might be possible to add the political to this chain of equivalences. Lacan’s schema of socio-political life is that of a play, an unending circular play between possibility and impossibility, between construction and destruction, representation and failure, articulation and dislocation, reality and the real, politics and the political.

### ---Psychoanalysis bad

**Psychoanalytic concepts have been thoroughly debunked. They are either non-falsifiable or patently falseMootz ‘00**

Mootz III, Francis J. [Dean of McGeorge School of Law, Professor of Law, J.D., Duke University School of Law A.M., Philosophy, Duke University Graduate School B.A., History, University of Notre Dame ]"Psychotherapeutic practice as a model for postmodern legal theory." Yale JL & Human. 12 (2000): 299. [ellipses in original] MC

Freudian psychoanalysis increasingly is the target of blistering criticism from a wide variety of commentators." In a recent review, Frederick Crews reports that ¶independent studies have begun to converge toward a verdict **...** thatthere is literally nothing to be said, scientifically or therapeutically, to the advantage of the entire Freudian system or any of its component dogmas. **...** [A]nalysisas a wholeremains powerless.., and understandably so,because a thoroughgoing epistemological critique, based on commonly acknowledged standards of evidence and logic decertifies every distinctively psychoanalytic proposition.¶ 5 The most telling criticism of Freud's psychoanalytic theory is that it has proven no more effective in producing therapeutic benefits than have other forms of psychotherapy. Critics draw the obvious conclusion that the benefits (if any) of psychotherapy are neither explained nor facilitated by psychoanalytic theories. Although Freudian psychoanalytic theory purports to provide a truthful account of the operations of the psyche and the causes for mental disturbances, critics argue that psychoanalytic theory mayprove in the end tobe nothing more than fancy verbiage that tends to obscure whatever healing effects psychotherapeutic dialogue may have.¶ Freudian psychoanalysis failed because it could not make good on its claim to be a rigorous and empirical science. Although Freud's mystique is premised on a widespread belief that psychoanalysis was a profound innovation made possible by his genius, Freud claimed only that he was extending the scientific research of his day within the organizing context of a biological model of the human mind. Freud's adherents created the embarrassing cult of personality and the myth of a self-validating psychoanalytic method only after Freud's empirical claims could not withstand critical scrutiny in accordance with the scientific methodology demanded by his metapsychology 9 The record is clear that Freud believed that psychoanalysis would take its place among the sciences and that his clinical work provided empirical confirmation of his theories. This belief now appears to be completely unfounded and indefensible. ¶ Freud's quest for a scientifically grounded psychotherapy was not amateurish or naive. Although Freud viewed his "metapsychology as a set of directives for constructing a scientific psychology," ' Patricia Kitcher makes a persuasive case that he was not a blind dogmatist who refused to adjust his metapsychology in the face of contradictory evidence." Freud's commitment to the scientific method, coupled with his creative vision, led him to construct a comprehensive and integrative metapsychology that drew from a number of scientific disciplines in an impressive and persuasive manner. 62 However, the natural and social sciences upon which he built his derivative and interdisciplinary approach developed too rapidly and unpredictably for him to respond. 63 As developments in biology quickly undermined Freud's theory, he "began to look to linguistics and especially to anthropology as more hopeful sources of support," ' but this strategy later in his career proved equally nsuccessful. 65 The scientific justification claimed by Freudliterallyeroded when the knowledge base underlying his theory collapsed, leaving his disciples with the impossible task of defending a theory whose presuppositions no longer were plausible according to their own criteria of validation.'

**No monolithic libidinal economy. Humans have internal conflicts which prevents desire and drives from being.**

**Johnston 5**, Adrian, Philosophy Professor @ University of New Mexico, Time Driven: Metapsychology and the Splitting of the Drive, Northwestern University Press, Jul 27, 2005, pg. 340-341

In terms of the basic framework of metapsychology, Freud delineates two fundamental types of conflict disturbing yet organizing mental life—the conflict between drives and reality (as, most notably, the struggle In-tween the id and civilization) and the conflict between the drives themselves in la the story of Eros against the Todrstrieb). In both cases, the individual tends to be portrayed as the **overdetermined** play-thing of powerful forces fighting semi-covert wars with each other just out of the ego's sight. However, Freud fails to discover a third dimension of conflict in relation to the libidinal economy—the conflict **within each and every drive**. The theoretical contribution of this project could easily be summarized as the identification of this distinct type of conflict and the explication of its sobering consequences for an understanding of the psyche. Despite the apparent **bleakness** and antiutopianism of an assessment of human nature as being perturbed by an **irreducible inner antagonism**, there is. surprisingly, what might be described as a **liberating aspect** to this **splitting of the drives**. Since drives are essentially **dysfunctional**, subjects are able to act otherwise than as would be dictated by in-stinctually compelled pursuits of gratification, satisfaction, and pleasure. In fact, subjects are forced to be free, since, for such beings, the mandate of nature is forever missing. Severed from a strictly biological master-program and saddled with a conflict-ridden, heterogeneous jumble of **contradictory impulses**—impulses mediated by an **inconsistent**, **unstable** web of **multiple representations**, indicated by Lacan's "barring" of the Symbolic Other—the parletre has no choice but to **bump up against the unnatural void of its autonomy**. The confrontation with this raid is **frequently avoided**. The true extent of one's **autonomy** is, due to its sometimes-frightening implications, just as often **relegated to the shadows of the unconscious** as those heteronomous factors secretly shaping conscious thought and behavior. The **contradictions** arising from the conflicts internal to the libidinal economy mark the **precise places** where a **freedom transcending mundane materiality** has a chance to briefly **flash into effective existence**; such points of breakdown in the deterministic nexus of the drives **clear the space** for the **sudden emergence** of something other than the smooth continuation of the default physical and sociopsychical "run of things." Moreover, if the drives were fully functional—and. hence, would not prompt a mobilization of a series of defensive distancing mechanisms struggling to transcend this threatening corpo-Real—humans would be animalistic automatons, namely, creatures of nature. The pain of a malfunctioning, internally conflicted libidinal economy is a discomfort signaling a capacity to be an autonomous subject. This is a pain even more essential to human autonomy than what Kant identifies .is the guilt-inducing burden of duty and its corresponding pangs of anxious, awe-inspiring respect. Whereas Kant treats the discomfort associated with duty as a symptom-effect of a transcendental freedom inherent to rational beings, the reverse might (also) be the case: Such freedom is the symptom-effect of a discomfort inherent to libidinal beings. Completely "curing" individuals of this discomfort, **even if it were possible**, would be tantamount to divesting them, whether they realize it or not, of an essential feature of their dignity as subjects. As Lacan might phrase it, the split Trieb is the sinthome of subjectivity proper, the source of a suffering that, were it to be entirely eliminated, would entail the **utter dissolution of subjectivity itself**. Humanity is free precisely insofar as its pleasures are far from perfection, insofar as its enjoyment is never absolute.

#### Psychoanalysis ignores behaviors of large groups which disproves the link, cedes the political, and means the alt can’t solve.

**Volkan 3** (Vamik D. — M.D., Professor Emeritus of Psychiatry University of Virginia, “PSYCHOANALYSIS IN INTERNATIONAL RELATIONS AND INTERNATIONAL RELATIONS IN PSYCHOANALYSIS”, http://www.vamikvolkan.com/Psychoanalysis-and-International-Relations-and-International-Relations-in-Psychoanalysis.php, ken)

Other difficulties that complicate collaboration between psychoanalysts and practitioners and scholars of politics and international relations come from psychoanalysis itself. I sensed these difficulties myself as I became more and more involved in collaborative work with scholars and practitioners of other disciplines. I noted that the difficulties within psychoanalytic discipline that hindered collaboration between psychoanalysis and diplomacy could be divided into various inter-related categories. As expected, at first it was difficult for me to realize these obstacles and define them. But slowly I was able to “free” myself from some established psychoanalytic assumptions. Politics and diplomacy necessarily deal with the psychology of large groups, the psychology of leader-followers, and the psychology of relationships between enemy groups and their leaders. Sigmund Freud was interested in these topics, but he also left a legacy that discouraged his followers from pursuing them. In his letter to Albert Einstein, Freud (1932) was pessimistic about human nature and the role of psychoanalysis in preventing wars or war-like situations. Although Jacob Arlow (1973) later suggested some optimism in some of Freud’s writings on this subject, Freud’s pessimism, I believe, played a role in the limited psychoanalytic contributions to the fields of politics and diplomacy. There were, of course, exceptions (Glower, 1947 and Fornari, 1966). However, those exceptions followed Freud’s lead in another area, and this too blocked the potential influence of psychoanalysis on politics and diplomacy: these writers, like Freud, focused on individuals’ unconscious perceptions of what the image of political leaders and the mental representations of a large group symbolically stand for, instead of on large-group psychology and leader-follower relations in their own right. Psychoanalysis remained primarily an investigative tool of an individual’s internal world and massive human movements were examined according to individual psychology that brings people together and not according to the psychology of large-group rituals and interactions. It was all right to study the internal motivations of political leaders as they influence their followers, but psychoanalysis largely failed to consider how mental representations of societal processes influenced the personality development of individuals belonging to the same large group and changed that group’s historical or political movements. Only relatively recently a handful of historians with psychoanalytic training are focusing on this phenomenon. For example, Peter Loewenberg (1991, 1995) described the history of the Weimer Republic, its humiliation and its economic collapse as a major factor in creating shared personality characteristics among the German youth and their welcoming the Nazi ideology. Freud’s (1921) well-known theory of large-group psychology reflects a theme that mainly focuses on the understanding of the individual: the members of the group sublimate their aggression toward the leader and turn it into loyalty in a process that is similar to that of a son turning his negative feelings toward his Oedipal father. In turn, the members of a large group idealize the leader, identify with each other, and rally around the leader. Freud’s theory is based on a “male-oriented” psychological process. More importantly, as Waelder (1971) noted, Freud was speaking only of regressed groups. Given such shortcomings, some psychoanalysts who study large groups and their leaders shifted their approach in the last decade or so from emphasizing the image of the leader to focusing on the mental representation of the large group itself as experienced by the individual. For example, Didier Anzieu (1971, 1984) Janine Chassequet-Smirgel (1984), and Otto Kernberg (1980, 1989) wrote about shared fantasies of members of a large group. They suggested that large groups represent idealized mothers (breast mothers) who repair all narcissistic injuries. I, (Volkan, 2004) added that idealized but unintegrated self images accompany idealized mother images in members’ experience of the large group in which they belong. But, again, these theories primarily focus on individuals’ perceptions. It is assumed that external processes that threaten the group members’ image of an idealized mother can initiate political processes and influence international affairs. Nevertheless, an approach that focuses on individuals’ perceptions does not offer specificity concerning a political or diplomatic process. Thus, it does not excite practitioners of politics and diplomacy or receive much attention from political scientists. I came to realize that what the psychoanalytic tradition lacks is the study of both large-group psychology in its own right and the specific elements of various mass movements.

### ---Colonialism DA (1:11)

#### Traversing the fantasy enables global colonialism. Their aid is a form of forced self-realization, allowing international therapeutic control to delegitimise national liberation movements against colonial rule.

Pupavac 1 - Vanessa Pupavac, School of Politics, Faculty of Law and Social Sciences, University of Nottingham, “Therapeutic Governance: the Politics of Psychosocial Intervention and Trauma Risk Management,” Disasters, 25(4): 358-72 )//a-berg

What is psychosocial intervention? Activities that come under a psychosocial heading in aid agency documents range from trauma counselling, peace education programmes, life skills, to self-esteem building initiatives. However, the impact of the psychosocial model with its essentially psychological understanding of social problems is much more important than the sum of individual initiatives that specifically come under a psychosocial label. The psychosocial model embodies contemporary international policy as social risk management whose perspectives derive from social psychology. Social psychology developed rapidly in the 1930s from the disciplines of psychology and sociology, influenced by works on group psychology. In the context of fears about the masses and social instability, social psychology’s interest in group behaviour, socialisation and violence meant that the subject was quickly embraced by policy-makers in the United States and Western Europe. For example, Quincey Wright in his seminal Study of War (1965) heralded social psychology as having ‘perhaps contributed most of all the social disciplines to an understanding of the efficient causes of war, in a manner to suggest cures’ (Wright, 1965, p. 714). Western officials intended social psychology to inform the work of international organisations set up after the Second War World. Its influence can be seen in UNESCO’s constitution which states, ‘Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed’ (UNESCO, 1945). In particular, Western leaders were concerned with managing conflict and development in the newly independent developing countries. However, the model of a benign elite governing through a world community appealing to the non-rational envisaged by social psychologists was not politically acceptable (Durbin and Bowlby, 1938, pp. 48-49; Lasswell, 1935, p. 237; Wright, 1965, p. 1388). Social psychological approaches were sidelined in international policy during the Cold War. The Soviet bloc and the Non-Aligned Movement of states largely rejected Anglo-American social psychology’s psychological functionalism. Firstly, treating war as psychological dysfunctionalism was viewed by the South as an attempt to delegitimise national liberation movements against colonial rule. Secondly, the South preferred to focus on North-South inequalities and structural approaches to tackle conflict and development. The demise of the Soviet bloc and the Non-Aligned Movement has allowed Western conflict management approaches to dominate international policy. No longer challenged by these blocs, there has been an explosion of international initiatives based on Anglo-American psychosocial risk management strategies. Furthermore social psychology’s perspectives have become central to Western domestic social policy, to how Western governments relate to their own citizens and also how individuals in the West understand themselves.1 Therapeutic states Western therapeutic perspectives are not confined to the mental health sector but inform the whole spectrum of policy in the wake of disillusion with the post-war Keynsian welfare state model. The perception of a general moral, social and even emotional crisis (Goleman, 1996) has encouraged the adoption of a social risk management approach to social policy. In some respects there is nothing new about the preoccupations of social risk management and how to accommodation the de- stabilising impact of modernisation with order. As Mark Duffield discusses, the concept of development has been about ‘a modernising reconciliation of order with progress’ (Duffield, 2001). Yet contemporary risk management represents a retreat from a belief in social progress towards a defensive goal of managing social inequalities and conflict. While certain elements of the risk management model echo the Victorian self-help ethos and entail individuals and families taking greater financial responsibility for their welfare, its understanding of the individual and the relation of individuals to their environment is distinct. The Victorians were believers in human ability and venture. ‘We are capable of doing anything’ exclaims Queen Victoria in her diary, exemplifying mid-nineteenth century confidence. As the historian James Morris writes: They believed in their providential destiny, in their servants of steam and steel, in themselves and their systems, and not least in their Empire [… ] in the triumphs of applied science […] they were called to be the great improvers […] (Morris, 1979, p. 318). The nineteenth century’s archetype of the robust risk-taking self-made man is the antithesis of the risk-averse twenty-first century’s exemplar of the vulnerable victim whose actions and environment are to be governed by the precautionary principle. In Freudian terms, the higher self of the New Millennium is the id of the emotions, rather than the rationalist ego. Conceiving the self as insecure, social policy as social risk management views the individual to be susceptible to psychological and social dysfunctionalism. The imperative to contain dysfunctionalism is leading to the expediential growth of counselling services to administer to individuals from cradle to grave. So although the social risk management model implies the privatisation of welfare provision, it also involves greater regulation of relations in the private sphere to ensure psychological and social functionalism. The therapeutic paradigm has become integral to how state institutions relate to citizens: in public life with the new ‘politics of feeling’; in education with self-esteem displacing intellectual understanding as the goal; in family policy with the expansion of relationship counselling and the professionalisation of parenting; in the economy with therapeutic support for the unemployed; in law with a shift from an adversarial system to a form of therapeutic intervention and mediation (Nolan, 1998). The therapeutic paradigm is redrawing the political relationship between citizen and state involving: the redefinition of political authority in therapeutic terms - and to the rise of a professional and managerial class that governs society […] by defining normal behavior and by involving allegedly non-punitive; psychiatric sanctions against deviance (Lasch, 1984, p. 49). The consequence of this new ‘therapeutic mode of social control’ (ibid., p. 47) is that politics becomes both about appealing to the id and regulating the vulnerable id. Therapeutic governance, representing ‘a direct pact between super-ego and id at the expense of the ego’ (Zizek, 2000, p. 61), entails the erosion of the conceptualisation of the citizen as an autonomous rational subject, the premise of modern law and the prerequisite for democratic rights. The therapeutic’s aim of securing emotional stability is resulting in rights being re-conceptualised in terms of psychological recognition and custodianship rather than freedoms, that is, as protection by official bodies, rather than protection from official bodies. It is striking how the contemporary subject of rights under human rights discourse takes the form of the vulnerable victim who is to be enabled or protected by a third party as opposed to earlier civil rights movements where subjects empowered themselves. Fostering psychological functionalism is considered crucial in the therapeutic conceptualisation of citizenship. The therapeutic understanding of citizenship regards self-esteem as a pre-requisite for being a good citizen. Although the idea that self- esteem is necessary for moral conduct is contested (Dawes, 1994), national emotional literacy programmes are being proposed to promote good citizens, on the grounds that: Individuals who have a good understanding of their own emotional makeup, and who are able to communicate effectively with others on a personal basis, are likely to be well prepared for the wider tasks and responsibilities of citizenship (Giddens, 1994, pp. 16 and 119). Under psychological functionalism, an individual’s emotional state is therefore no longer a personal matter, but becomes public property and related to ‘the responsibilities of citizenship’. Re-socialisation and emotional stability is achieved through programmes sponsoring self-esteem and ‘protective mimicry’ (role-playing techniques) (Lasch, 1984, pp. 49-97). Any failure by public bodies to provide psychosocial programmes or any failure by individuals to take up the psychosocial support provided is thus viewed as socially irresponsible. Hence there is a coercive disciplining element to psychological functionalism. This element is not immediately apparent. As Duffield explores (2001), contemporary governance does not primarily utilise institution-based disciplinary technologies. Rather governance is conducted through developing regulatory technologies dispersed through supervising processes and networks appealing to self-realisation. Nevertheless, the coercive rehabilitative aspect is revealed in the rapid increase in mandatory psychosocial support: from parenting orders, to divorce mediation, therapeutic drug or non-drug programmes, compulsory citizenship classes in schools, and anger management courses. Social risk management approaches underpin contemporary international policy from specific psychosocial programmes to IMF and World Bank development strategies to international documents such as the UN Convention on the Rights of the Child. The significance of social risk management for international politics should not be underestimated. Echoing the model of inter-war Anglo-American social psychologists, therapeutic governance implies a radical reshaping of domestic and international relations, although formally the international system of sovereign nation states remains. Taking the vulnerable victim as its subject, the concerns of social risk management fundamentally question the principle of non-interference in the internal affairs of states and the private lives of individual citizens. On the one hand, the social risk management model and its transformation into a human right challenges the authority of the (non-Western) state vis-a-vis the international community.2 On the other hand, the enforcement of social risk management requires state and non-state actors to play a much more pro-active role in citizens’ lives, eroding the distinction between the private and public spheres. Psychosocial intervention epitomises contemporary international social policy as social risk management, encapsulating the merger of development and security discourse, in which development and security policy are focused on securing the minds of people against violence (Duffield, 2001). Inventing PTSD Following Duffield (ibid.), metropolitan actuarial risk analysis informed by a risk- averse culture reads the borderlands as psychologically dysfunctional because of their distressful experiences. In essence the psychosocial model sees distressful experiences as triggering traumatic symptoms causing dysfunctionalism leading to abuse/violence, requiring intervention to rehabilitate victims and break cycles of trauma and violence. The mere description of a given community or population having experienced conflict is sufficient for international agencies to deem them to be suffering from post- traumatic stress disorder (PTSD) and in need of psychosocial assistance. The effect is to label whole populations as traumatised, rendering diagnosis irrelevant and psychosocial treatment universally required, albeit devised in a form considered appropriate to the local culture. It is this pathologisation of distress that distinguishes psychosocial intervention from a sympathetic word or kind gesture by individual aid workers.

### ---Therapeutic capture K (1:39)

**Performance of the neg is an invitation for therapeutic capture. Fighting for subjectivity and self-actualization locates politics on the terrain of psychological modalities. This process leads our attention away from the material realities that have created suffering in the first place. Their relationship to the ballot is therapeutic – Individual and social problems are viewed as stemming from improper thoughts and that only by correcting our views of ourselves can produce more fulfilled lives.**

**Stewart 9** Tyrone Anthony Stewart, Ph. D., Dissertation submitted to the Faculty of the Graduate School of the University of Maryland, College Park, WHAT IS A BLACK MAN WITHOUT HIS¶ PARANOIA? : CLINICAL DEPRESSION AND THE POLITICS OF AFRICAN AMERICANS’ ANXIETIES TOWARDS EMOTIONAL VULNERABILITY

On the first front, I will address the pervasive tendency in our culture¶ toward the therapeutic and the ways in which “acknowledging our weaknesses” and¶ “sharing our feelings” may ultimately **lead our attention away from the social¶ inequalities that may have caused our suffering in the first place.** And on the second¶ front, I will explore a confluence of circumstances (i.e., government, business, and¶ science) with have made the dominant paradigms of depression as an illness seem so¶ normal in dealing with prolonged or persistent sadness.8¶ In performing this deconstruction, I must make it clear that in dismantling¶ clinical depression as discursive construct my goal is not to construct another term to¶ take its place, for to fill the space left by its absence would invariably be only another¶ name for another pathology of affect. Rather, I am interested in disarming the¶ indisputability of the diagnosis and how it has led us to view the bodies of individuals¶ as detached from society and culture. It is my belief that the pervasive sadness and¶ despondency that is called “depression” in our society is in large part circumstantial¶ rather than biological and that by exploring matters of the social expectancies and¶ cultural values the frame emotional experience we can create a new understanding of¶ depression. Thus, my primary goal in leaving the concept of depression “in pieces” is¶ to bring social circumstance and cultural values (i.e. story) back into our¶ understanding of depression and to free-up the concept so that I can explore it in¶ different dimension in later chapters.¶ I began this dissertation with the example of Dave Chappelle on Oprah’s¶ couch because I am interested in the ways in which his story becomes a public story,¶ and the ways in which the meaning and value of that story changes in the process of¶ its retelling. On its surface, the Oprah Winfrey show is perhaps the most revered¶ daytime talk show in the present moment; however, the show is also part of a cultural¶ phenomenon that is much larger than its parts. The Oprah Winfrey Show is an¶ example of Americans’ investment in the therapeutic ethos, an investment which is¶ **girded by the belief that personal healing can best be accomplished through**¶ **fellowship and open confessions of suffering**; however, this investment is problematic¶ because it **restructures the relationship of the subject** to their social context, through¶ the re-interpretation of individual experiences and their repackaging as shared and¶ universal human experiences. As a democratic and equalizing ritual of sharing, the¶ therapeutic ethos creates a milieu in which individual differences can become¶ **depoliticized and intersections of race and gender become less salient** in¶ understanding the political nature and material realities of suffering.¶ The therapeutic ethos has been addressed in many different ways. It has been¶ seen as a “culture” and “gospel”; however, the historian Christopher P. Wilson views¶ it as “an ethos characterized by an almost obsessive concern with psychic and¶ physical health.”10 “Ethos” is perhaps a better term than “culture” as ethos signifies¶ the ways in which therapeutic language has permeated not only the precincts of¶ American society and culture which are charged with matters of health and wellbeing¶ (i.e., medicine) but also those realms not traditionally associated with those matters¶ (i.e., religion, education, government, advertising).11 Furthermore, in using the term¶ “ethos” we can also better approximate the way the power of its claims are often¶ unquestioningly **regarded as conventional wisdom**, as the term “depression,” as a¶ signifier of illness and pathology, can be taken up by anyone in our society regardless¶ of their authority or knowledge of psychology or psychiatry.¶ In commenting upon the therapeutic ethos, I must make it clear that I am not¶ addressing the clinical technique of psychotherapy or other means of counseling, nor¶ am I addressing its practitioners or patients. The assumption that the practice of¶ therapy is the same as the therapeutic ethos is a connection that I strongly wish to¶ dismantle. Unlike therapy itself (e.g., psychoanalysis or cognitive behavioral¶ therapy) the therapeutic ethos is not a structured practice, but rather it is a more¶ pervasive and paradigmatic way of viewing the **quest for selfhood and selfactualization**¶ **as a libratory process of reinvention.**12 The therapeutic ethos is a¶ commoner’s or lay viewpoint of psychic wellbeing, however it does influence expert¶ opinion and vice-versa. For the purposes of this dissertation, I am more so interested¶ in the phenomenon of employing therapeutic models in our understanding self,¶ suffering, and subjectivity in public discussions of emotional experience. 13 I am¶ interested in the therapeutic ethos and its more casual relationship with science and¶ the way in which the therapeutic is made into ‘common sense’ through this¶ relationship.¶ Furthermore, in my interest in the therapeutic ethos and its relation to black¶ men, I will not be pursuing an argument that black men resist the therapeutic out of¶ gender anxiety for to do so would be overly simplistic. Such writing has already been¶ done, and it has focused on white men to the exclusion of race.14 “Macho” (read:¶ white hegemonic masculinity) and “Cool” (read: black hegemonic masculinity) have¶ divergent histories and to look at gender to the occlusion of race would neglect black¶ men’s different emotional politics, although gender is an important factor. I will be¶ primarily be addressing the therapeutic in terms of the ways it erases the significance¶ of matters of race and gender, which will enable me to talk of its implications for¶ African American’s in general and African American men, in specific, in later¶ chapters.¶ Lastly, it has been argued elsewhere, and in varying ways, that the therapeutic¶ ethos has helped to create an “illness identity” within the phenomenon of depression,¶ ¶ wherein the effect (the “disorder” or “disease” of depression) becomes a **more** salient¶ and **visible than structural encounters** within the individual’s biography.15 In regards¶ to people in actual therapeutic situation (i.e., therapy with a trained professional) this¶ viewpoint has lead to the omission of more institutional forces of racism and¶ economic inequality, such as Euro-American physicians’ misinterpretation of African¶ Americans’ idioms of distress16 and the systemic lack of access to affective health¶ care among less affluent communities. The question that I want to answer in this¶ section is what are the political consequences of acquiescing to therapeutic models of¶ understanding subjective experiences which are, in part, caused by identity specific¶ encounters with such structural inequality? The short answer to that question is the¶ erasure of the structural factors of racism and classism that may have contributed to¶ the individual’s feelings of depression in the first place.¶ America’s Relationship with Therapeutic Cultures¶ American’s fascination with the therapeutic extends from what Eva¶ Moskowitz calls the “therapeutic gospel.”17 In her examination of America’s¶ relationship with therapy, she describes our reflex dependence on psychological cures¶ and hunger for personal fulfillment as having a “long and strange history.” According¶ to Moskowitz, the drive toward therapy began out of a desire for guidance and life direction¶ at a time when the influence of traditional religion (i.e. Protestantism) was¶ waning in the nineteenth century. Due to a convergence of factors, such as the rising¶ belief in science and the meta-physical, changing notions of individualism, and the¶ rise of consumer-based culture, Americans in the nineteenth century, increasingly¶ sought out strategies and products rather than parables and prayer to become better¶ people.18¶ Through this “therapeutic gospel,” Moskowitz argues, individual and social¶ problems began to be viewed as stemming from improper thoughts and poor self esteem,¶ **and that only by correcting our views of ourselves as individuals and as a¶ nation, would we may be able to live** happier and more fulfilled lives. Key to the¶ operation of the Moskowitz’s “therapeutic gospel” was the idea of the malleable¶ inner-self or “the mind,” which created another dimension of social identity that did¶ not exist prior to the professionalization and growing authority of medicine in the¶ late 19th century. Previous conceptualizations of the individual had dealt with the¶ notion of a “soul”; however, as the baggage of morality and guilt associated with this¶ concept and the authority of the religious officials charged with this work began to¶ lose favor the rational belief in science and self-improvement began to encroach upon¶ the religious perspective, but the belief in the malleable “inner-self” never fully¶ displaced religion. Rather, “ministers and other moralist began increasingly to¶ conform to medical models in making judgments and dispensing advice.”19 20 In this¶ way, the “mind” as the seat of rationality and enlightenment, in turn, established a¶ new locus of moral authority in the construction of the individual will. Ultimately, the¶ “therapeutic gospel” **helped to create a terrain** in which the problems of anxiety and¶ phobias as well as desire for social status could be fixed by the right attitude and the¶ right advice.21¶ Our reliance on such a conception of ‘the self’ is so prevalent in today’s¶ society that it is almost invisible. From talk shows to twelve-step programs to selfhelp¶ bestsellers, we are continually bombarded with solutions that suggest that we can¶ **transcend our troubles and angst by talking about them openly** and honestly; however,¶ it is through this same process of “sharing our feelings” that we may, in fact, **be**¶ **erasing the very matters of our social and cultural experience** that created our¶ discomfort in the first place. In a strange set of circumstances, the individualistic¶ ethos that permeates our common culture and inspires us to view ourselves as unique¶ and autonomous beings, may in the end generalize our experiences and identities.¶ Frank Füredi, in his examination of the therapeutic impulse, argues that¶ “despite its individualistic orientation, therapeutic intervention…often leads to the¶ pursuit of the standardization of people rather than to encourage a self-determined¶ individuality.”22 **Instead of creating individuals who have social agency**, Füredi¶ argues, the therapeutic ethos creates identities which rely upon various “publics” for¶ affirmation or recognition, be they ten alcoholics in a church basement or a national¶ television audience. The success of such a process of affirmation depends upon an¶ individual’s willingness to **defer the meaning of their experiences to the authority of**¶ **the group** and to relinquish any claims to difference which may threaten the cohesion¶ of the group;23 however, belonging has its benefits. Acquiescence to the therapeutic¶ ethos allows the individual a sense of identity and helps them to “make sense of their¶ predicament and gain moral sympathy.”24¶ The concept of “moral sympathy” is important in the construction of a “public¶ of the depressed,” because, as a disease of the mind – a mental illness – its lesions are¶ invisible. Moral sympathy is thus needed to assuage the beliefs that individuals can¶ “feel better” and “do better” for themselves out of will and discipline. Other mental¶ illnesses, such as schizophrenia or bipolar disorder, do not fare as well as depression¶ in terms of gaining moral sympathy, since they can sometimes be associated with¶ violent crime, particularly in news media.25 But arguably, perceptions of the mentally¶ ill have changed dramatically over the past twenty years, amounting to a virtual¶ reshaping of lay understandings and public attitudes toward various mental illnesses.¶ This change has not been the result of a single influence, but rather it has been the¶ result of a confluence of factors, from anti-stigma groups to cultural representations.¶ No longer are the mentally largely portrayed as violent or disturbed one-dimensional¶ characters, rather they are presents as characters who are “ill but talented, impaired¶ but not stupid, troubled but attractive.”26 Take for example, popular films such as¶ Rain Man (1988), Sling Blade (1996), A Beautiful Mind (2001), I Am Sam (2001),¶ Radio (2003), the Aviator (2004), the Soloist (2009) which have helped to create the¶ sentiment of understanding mental illnesses as a result of defective or damaged brain¶ processes and not the result of the moral faults of the individual.27 However the¶ absence of ‘fault’ or ‘blame’ does not preclude questions of responsibility or the need¶ for an explanation.¶ Within the therapeutic ethos, the “public of the depressed” are able to account¶ for their despondent moodiness, and ultimately their difference, through the general¶ belief that the human mind is fragile and can “break” just like a bone can fracture. It¶ is through this process, which Charles Barber calls the “physicalizing of behavior,”¶ that depression becomes a normalized;28 however, it is a process of normalization that¶ leans heavily upon a recent shift in common understandings of the **mind as a fallible body part.** The therapeutic ethos borrows from **scientific authority** the belief that the¶ body is knowable, generalizable, and universal, but in the end **replaces lived social**¶ **experiences with scripted ones** based upon medical authorities and the “physicalizing¶ of behavior.”¶ It is the lure that there is something “out there,” authenticated by¶ medical knowledge, that can describe people’s “indescribable” encounter with¶ depression **which makes the therapeutic ethos both attractive and limiting**; as much as¶ they may **gain in the articulation of their experiences, they may lose in regard to**¶ **context.**¶ Hostile Homogenization in the Therapeutic Encounter¶ At the core of the therapeutic ethos is the idea that our minds and our¶ thoughts are the essence our being and that by aligning our thinking with accepted¶ definitions of “illness” and practices of “healing” we can change our perceptions as¶ well as our circumstances. Viewing the mind in such a way is attractive because it¶ mobilizes the idea that we are ultimately in control of our health, our well-being, and¶ our material existence, but in the exchange we lean upon the wisdom and expertise of¶ medical institutions and the belief that such wisdom is neutral. It is the casual bridge¶ that is formed between the therapeutic ethos of “sharing feelings” and “self realization”¶ and the practice of therapy that **lends the therapeutic ethos its¶ normativity.** Thus, having access to medical discourses of self, suffering, and¶ **subjectivity** **enables** the depressed to make meaning of their experience; however, the¶ costs of that acquiescence are seldom considered. Take for example Andrew¶ Solomon, the author of the Noonday Demon: an Atlas of Depression and proponent of¶ the medicalization of depression, who argues:¶ To be given the idea of depression is to master a socially¶ powerful linguistic tool that segregates and empowers the¶ better self to which suffering people aspire. Though the¶ problem of articulation is a universal, it is particularly acute¶ for the indigent, who are starved for this vocabulary – which¶ is why basic tools such as group therapy can be so utterly¶ transforming for them.29¶ The ideas of a “transforming” vocabulary and a “socially powerful linguistic tool” are¶ noble concepts in Solomon’s crusading for the depressed, but what is downplayed in¶ this statement are the power dynamics involved in the therapeutic encounter and how¶ the simple adoption of such a “vocabulary” cannot change an individual’s¶ relationship to power and privilege.30¶ Absent from Solomon’s view are the ways in which the therapeutic encounter,¶ and the language and values that gird its appeals, are ordered by a particular¶ relationship to the culture of therapy, a relationship which black men and other¶ marginalized groups do not share in equally. This is not meant to imply that group¶ therapy cannot work in more culturally attuned settings among black men, as such¶ groups and their varied methods have been written about in work on minority¶ counseling.31 Nor is it meant to imply that African Americans are in any way not¶ participatory in the viewpoint expressed by Solomon. Rather, what is at issue is how¶ such a process dangerously simplifies healing as a matter of adopting the¶ “vocabulary” of depression and the therapeutic ethos of a “better self.” Viewing¶ **healing as a matter of “education”** ultimately dismisses any skepticism as an¶ individual act of resistance and unmoors it from the milieu of its occurrence. What¶ must be considered are how racism, environment, and self-esteem issues affect black¶ men in ways that are culturally political as well as personal.¶ The literature on African American’s experiences of “stress” does a much¶ better job of discussing the political nature of the depressive experience than does the¶ writing from within a therapeutic framework. This is because the therapeutic¶ discussion of depression often assumes the individual as a self-contained and¶ autonomous being, while the literature on stress takes into consideration the social¶ milieu of the individual. The literature on African American stress has examined the¶ way in which structural racism (i.e., institutional policies of inequality, cultural¶ messages of black inferiority, and unhealthy and/or toxic physical environments) has¶ had a negative impact on African American’s health and quality of life.32 Chappelle’s¶ use of the term “stress” in reference to his emotional state instead of “depression,”¶ perhaps, owes its rationale to this difference. Therefore, the factors that contribute to¶ stress must be considered when thinking of the etiology and experience of depression¶ and black men’s participation in therapy.¶ It is known that African American men underutilize formalized therapy and¶ counseling.33 African American men’s resistances to the practice of therapy are¶ conditioned by several factors, such as African American’s suspicions of therapists,¶ past negative experiences with public agencies and institutions, and the often¶ superficial relationships that black men must form with therapist: things that exist in¶ addition to the possible issue of gender.34 Furthermore, in many cases, black men in¶ therapy or counseling do not attend out of their own volition, as third party entities¶ (e.g., employers, clergy, or the judicial system) are often the primary reasons for¶ black men to begin to participate in therapy.35 Other researchers have called this¶ phenomenon a “forced process,” by which the process of “help,” reinforced across¶ many of society’s institutions, is viewed as a matter of coercion to the status quo.36¶ These factors make the therapeutic encounter not only foreign, but also possibly¶ hostile to black men. In these ways, the democratic appeal of such therapeutic¶ thinking on depression can erase matters of gendered and racial experience which are¶ part of the story and obstruct the individual’s authority to come to less mainstream¶ interpretations of the sadness of depression and its larger meaning, **for themselves.**

## Set Col K

### NEW 1AR – AT: Set Col K

#### Turn – aff is best for indigenous incarcerated workers.

#### Prison Policy Initiative 20 [Prison Policy Initiative. “Since you asked: What data exists about Native American people in the criminal justice system?”. 4-22-2020. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2020/04/22/native/. Accessed 11-7-2021; MJen]

Preface: What the Census data says We’ve previously used data from the 2010 Census to analyze incarcerated populations [by race/ethnicity and sex for each state.](https://www.prisonpolicy.org/data/race_ethnicity_gender_2010.xlsx) In our analysis, data on prisons and jails were combined. We found that, in 2010, there were a total of 37,854 American Indian/Alaskan Natives in adult correctional facilities, including 32,524 men and 5,132 women (and 198 who were 17 or younger). That is equivalent to a total incarceration rate of 1,291 per 100,000 people, more than double that of white Americans (510 per 100,000). In states with large Native populations, such as North Dakota, American Indian/Alaskan Native incarceration rates can be up to 7 times that of whites. Once the 2020 Census data is released, we will update our analysis, since it is 10 years old now.

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative – it’s predictable because it’s grounded in the resolution – solves infinite regression and ensures meaningful clash

#### Evaluate framework through the Ansel evidence – our impact is structural violence, which means they don’t get a link to anything about unrealistic extinction scenarios. You should prefer our research and methods of engaging inequality – structures only improve if we challenge them.

#### Perm do both – indigenous people are incarcerated at astronomical rates and face disproportionate burdens to reintegration – the aff is part and parcel with the logic of the alternative.

#### Timeframe net benefit- the perm achieves material change while we work toward [their alt] – they condemn people to short term suffering from terrible prison conditions (cross apply Delgado)

Delgado 9 (Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat.

#### Their all-or-nothing framing reifies the power of settler colonialism and shuts down alt solvency

Busbridge, 18—Research Fellow at the Centre for Dialogue, La Trobe University (Rachel, “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society Vol 35, Issue 1, 2018, dml)

The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), there is nevertheless a ‘narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective of the paradigm in many ways closes down possibilities of imagining the type of social and political transformation to which the notion of decolonisation aspires. In this regard, there is a worrying tendency (if not tautological discrepancy) in settler colonial studies, where the only solution to settler colonialism is decolonisation—which a faithful adherence to the paradigm renders largely unachievable, if not impossible.

To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The structuralism of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and refusal, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. Yet, in seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between settler, who seeks to destroy and replace the native, and native, who can only ever push back. Indeed, if the settler colonial paradigm views history in similar teleological terms to the Marxist framework, it does not offer the same hopeful vision of a liberated future. After all, settler colonialism has only one story to tell—‘either total victory or total failure’ (Veracini, 2007).

Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes,

under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7).

The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility of a genuinely decolonised relationship’ (by virtue of its lopsidedness) yet is a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, the categorical distinction produced by the frontier must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’.

Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). Given the generally dreadful Fourth World circumstances facing many Indigenous peoples in settler societies, it could be argued that there is good reason for such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless, the fatalism of the settler colonial paradigm—whereby decolonisation is by and large put beyond the realms of possibility—has seen it come under considerable critique for reifying settler colonialism as a transhistorical meta-structure where colonial relations of domination are inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s ontology erase contingency, heterogeneity and (crucially) agency (Merlan, 1997; Rowse, 2014), but its polarised framework effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that the totalising logic of Wolfe’s structure of invasion rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

## AT: Set Col/Duality K

### AT: Duality

#### Turn – aff is best for indigenous incarcerated workers.

#### Prison Policy Initiative 20 [Prison Policy Initiative. “Since you asked: What data exists about Native American people in the criminal justice system?”. 4-22-2020. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2020/04/22/native/. Accessed 11-7-2021; MJen]

Preface: What the Census data says We’ve previously used data from the 2010 Census to analyze incarcerated populations [by race/ethnicity and sex for each state.](https://www.prisonpolicy.org/data/race_ethnicity_gender_2010.xlsx) In our analysis, data on prisons and jails were combined. We found that, in 2010, there were a total of 37,854 American Indian/Alaskan Natives in adult correctional facilities, including 32,524 men and 5,132 women (and 198 who were 17 or younger). That is equivalent to a total incarceration rate of 1,291 per 100,000 people, more than double that of white Americans (510 per 100,000). In states with large Native populations, such as North Dakota, American Indian/Alaskan Native incarceration rates can be up to 7 times that of whites. Once the 2020 Census data is released, we will update our analysis, since it is 10 years old now.

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative – it’s predictable because it’s grounded in the resolution – solves infinite regression and ensures meaningful clash

#### Evaluate framework through the Ansel evidence – our impact is structural violence, which means they don’t get a link to anything about unrealistic extinction scenarios. You should prefer our research and methods of engaging inequality – structures only improve if we challenge them.

#### Perm do both – continue Earth Centered Conscientization and do the aff-

#### Timeframe net benefit- the perm achieves material change while we work toward their alt – they condemn people to short term suffering from terrible prison conditions

Delgado 9 (Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat.

#### Alt doesn’t solve- Earth Centered Conscientization doesn’t solve for recidivism, exploitation of prison workers, and prisoners not having the right to strike.

#### Anderson and Woticky 18- (ask in cx whether they are defending death good or not. Regardless of if they say yes, look at the line “That isn’t surprising, given the illness-based, medical model’s perception of death as failure” and then say that they are implicitly arguing death good to use these blocks)

#### Using our moral intuition, we know that death is inherently bad regardless of whether just the body dies or the spirit and the body dies. Death increases pain and reduces pleasure. Under our framework of util, you should reject this argument.

#### 7. Their all-or-nothing framing reifies the power of settler colonialism and shuts down alt solvency

Busbridge, 18—Research Fellow at the Centre for Dialogue, La Trobe University (Rachel, “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society Vol 35, Issue 1, 2018, dml)

The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), there is nevertheless a ‘narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective of the paradigm in many ways closes down possibilities of imagining the type of social and political transformation to which the notion of decolonisation aspires. In this regard, there is a worrying tendency (if not tautological discrepancy) in settler colonial studies, where the only solution to settler colonialism is decolonisation—which a faithful adherence to the paradigm renders largely unachievable, if not impossible.

To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The structuralism of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and refusal, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. Yet, in seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between settler, who seeks to destroy and replace the native, and native, who can only ever push back. Indeed, if the settler colonial paradigm views history in similar teleological terms to the Marxist framework, it does not offer the same hopeful vision of a liberated future. After all, settler colonialism has only one story to tell—‘either total victory or total failure’ (Veracini, 2007).

Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes,

under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7).

The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility of a genuinely decolonised relationship’ (by virtue of its lopsidedness) yet is a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, the categorical distinction produced by the frontier must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’.

Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). Given the generally dreadful Fourth World circumstances facing many Indigenous peoples in settler societies, it could be argued that there is good reason for such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless, the fatalism of the settler colonial paradigm—whereby decolonisation is by and large put beyond the realms of possibility—has seen it come under considerable critique for reifying settler colonialism as a transhistorical meta-structure where colonial relations of domination are inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s ontology erase contingency, heterogeneity and (crucially) agency (Merlan, 1997; Rowse, 2014), but its polarised framework effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that the totalising logic of Wolfe’s structure of invasion rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

### OLD 1AR – AT: Set Col K

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative – it’s predictable because it’s grounded in the resolution – solves infinite regression and ensures meaningful clash

#### Evaluate framework through the Ortiz and Jackey evidence – our impact is structural violence, which means they don’t get a link to anything about unrealistic extinction scenarios. You should prefer our research and methods of engaging inequality – structures only improve if we challenge them.

#### Their all-or-nothing framing reifies the power of settler colonialism and shuts down alt solvency

Busbridge, 18—Research Fellow at the Centre for Dialogue, La Trobe University (Rachel, “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society Vol 35, Issue 1, 2018, dml)

The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), there is nevertheless a ‘narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective of the paradigm in many ways closes down possibilities of imagining the type of social and political transformation to which the notion of decolonisation aspires. In this regard, there is a worrying tendency (if not tautological discrepancy) in settler colonial studies, where the only solution to settler colonialism is decolonisation—which a faithful adherence to the paradigm renders largely unachievable, if not impossible.

To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The structuralism of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and refusal, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. Yet, in seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between settler, who seeks to destroy and replace the native, and native, who can only ever push back. Indeed, if the settler colonial paradigm views history in similar teleological terms to the Marxist framework, it does not offer the same hopeful vision of a liberated future. After all, settler colonialism has only one story to tell—‘either total victory or total failure’ (Veracini, 2007).

Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes,

under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7).

The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility of a genuinely decolonised relationship’ (by virtue of its lopsidedness) yet is a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, the categorical distinction produced by the frontier must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’.

Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). Given the generally dreadful Fourth World circumstances facing many Indigenous peoples in settler societies, it could be argued that there is good reason for such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless, the fatalism of the settler colonial paradigm—whereby decolonisation is by and large put beyond the realms of possibility—has seen it come under considerable critique for reifying settler colonialism as a transhistorical meta-structure where colonial relations of domination are inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s ontology erase contingency, heterogeneity and (crucially) agency (Merlan, 1997; Rowse, 2014), but its polarised framework effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that the totalising logic of Wolfe’s structure of invasion rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

#### Perm do both – indigenous people are incarcerated at astronomical rates and face disproportionate burdens to reintegration – the aff is part and parcel with the logic of the alternative.

#### BUT, challenging settler colonialism requires specificity and contingency towards CHANGES in how violence is actualized, not generalities that collapse important historical differences. “No DAPL” proves that policy demands are NECESSARY to create political change.

#### And it demonstrates the necessity of engaging institutions even in the face of settler colonialism---political change is an iterative process that can hold settlers accountable

Davis et al 17—Associate Professor, Indigenous Studies, Trent University, \*Associate Professor, Sociology McMaster University, and \*\*Associate Professor, Social Work University of Regina [Lynne Davis, Jeff Denis, and Raven Sinclair, 2017, Pathways of settler decolonization, Settler Colonial Studies, 7:4, 393-397, DOI: 10.1080/2201473X.2016.1243085, Accessed through the Wake Forest Library] AMarb

In addition to interdisciplinarity, the papers also share a concern to move from analysis toward action. Scholars such as Macoun and Strakosch,1 and Snelgrove, Dhamoon and Corntassel2 have warned against an abdication of responsibility by settler activists because the structural nature of settler colonialism would seem to defy a transformed future. In assessing the strengths and limitations of settler colonial theory, Macoun and Strakosch challenge those who use settler colonial theory (SCT) to realize its transformative opportunities while acting consciously to counter limitations identified by various critics. They caution against a stance of inevitability of settler colonialism that would risk delegitimizing Indigenous resistance, and they worry about re-inscribing settler academics’ political and intellectual authority to the detriment of Indigenous voices. At the same time, they note the contribution of SCT in providing a theoretical language to understand colonialism as a continuing force in the present, including an analysis of how both conservative and progressive settler movements may detract from Indigenous political challenges to the state, thus problematizing settler efforts at reconciliation and decolonization. They identify as one of its strengths the ability of SCT to provide non-Indigenous people with ‘a better account of ourselves’, 3 and to generate new conversations and alliances between Indigenous and non-Indigenous peoples. Snelgrove, Dhamoon and Corntassel warn that SCT’s rapid ascendancy in the academy could overshadow Indigenous Studies and the voices of Indigenous peoples. They argue that: without centering Indigenous peoples’ articulations, without deploying a relational approach to settler colonial power, and without paying attention to the conditions and contingencies of settler colonialism, studies of settler colonialism and practices of solidarity run the risk of reifying (and possibly replicating) settler colonial as well as other modes of domination.4 In their view, Indigenous resistance and resurgence must remain central in discussions of changing relationships: Theorists of Indigenous resurgence, such as Taiaiake Alfred and Leanne Simpson, among others, also express the possibility for settler society listening, learning, and acting […] in accordance with and for what is being articulated [by Indigenous people]; Indigenous resurgence is ultimately about reframing the conversation around decolonization in order to re-center and reinvigorate Indigenous nationhood. Macoun and Strakosch, and Snelgrove, Dhamoon and Corntassel gesture towards action by settler society to follow the lead of resurgence theorists in transforming settler colonialism, despite the structural, relational and affective challenges of anti-colonial struggle, in order to ‘reinvigorate Indigenous nationhood’ The authors in this volume examine pathways to settler decolonization, analyzing the uneven terrain of settler efforts and experiences through the lenses of SCT, Indigenous scholars and grassroots communities, and specific disciplinary analyses. While SCT has been criticized for its inability to theorize a decolonial future, this volume interrogates what happens when settlers engage with and seek to transform the system. What does such action look like? What challenges, complexities and barriers are faced? What are the stumbling blocks? And what opportunities and possibilities emerge? The articles in this volume all note the need for settlers to transform our/their relations with the land and with Indigenous peoples, while recognizing the structural and psychological challenges of applying these principles in practice. It is one thing to care about the environment, and quite another to reorient one’s lifestyle around sustainable practices and the health of local ecosystems. It is one thing to feel a connection to a place, and another to accept the notion of ‘non-human agency’. 6 Likewise, it is easier for settlers to advocate for the return of land to Indigenous peoples ‘over there’ rather than right where settlers and settler states and corporations (claim to) own property.7 Transforming social relations is not just a matter of befriending Indigenous people; it means developing long-term relations of accountability, engaging in meaningful dialogue, and respecting Indigenous laws and jurisdiction. Learning to transform relationships in these ways – and to transform self-understandings and thinking and feeling patterns or ‘settler common sense’ 8 – is an ongoing process; it is not linear, but rather iterative, occurring in what Hiller in this volume calls ‘upward and downward spirals’. Moreover, settlers’ anti-colonial learning (and unlearning) does not simply precede action; it occurs through action, through meaningful relationships with Indigenous peoples and with other engaged settlers, and through experimentation with activism of various sorts. The Nehiyawak (Cree) refer to this relational and iterative social justice-focused process as kisāhkīwewin: love in action. Several papers in this volume also address the role of emotions in settler decolonization. While critical self-reflection is essential to this process, and while emotions such as guilt, shame and indignation can help motivate settlers to change their ways and support Indigenous resurgence (as Bacon shows in one of the articles collected here), it is equally important not to treat ‘unsettling the settler within’ 9 as an end in itself; rather than dwelling in discomfort, the point of unsettlement is to be a springboard to action that benefits Indigenous peoples. A related point of tension (or contention) is whether decolonization is in the interests of settlers. Boudreau (in this volume) argues that deep decolonizing solidarities must not be based on self-interest; decolonization for settlers entails sacrifice, or giving up power and privilege. This may be true and, therefore, if it is believed that there is nothing in it for settlers, why would they ever pursue it? Although decolonization may not be in settlers’ short-term economic or political interests, it may fulfill a humanistic, ethical and moral commitment. Moreover, decolonization may be in virtually everyone’s long-term interest, particularly if Indigenous resurgence assists in combatting climate change, ever-growing economic inequality, and other political and social problems. As Tuck and Yang make clear, decolonization is not a metaphor for other social justice projects.10 Nevertheless, settler colonialism does intersect with other systems of oppression, and decolonization would be incomplete without also tackling racism, capitalism and heterosexism.11

#### Timeframe net benefit- the perm achieves material change while we work toward [their alt] – they condemn people to short term from terrible prison conditions

Delgado 9 (Richard Delgado 9, self-appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590)

1. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat.

### ---AT Alt -> Prison Abolition

#### Abolition is bad – opens the floodgates to racial hate crimes, corporate fraud and environmental destruction

Utopian fiat and floating PIKs are a voter – unfair – steals the 1AC and moots 1AR offense – anti-educational – sacrifices clash and in-depth comparison for cheap shots.

#### Tactical reform works – Fair Sentencing Act, Drugs Minus Two reform, US v. Booker, and declining prison populations, all proves the CJS is moving more progressive over time.

### 1AR – AT: HW Set Col

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative – it’s predictable because it’s grounded in the resolution – solves infinite regression and ensures meaningful clash

#### Perm do both – indigenous people are incarcerated at astronomical rates and face disproportionate burdens to reintegration – the aff is part and parcel with the logic of the alternative.

#### 1 – Tying reforms to abolition is key to alleviate current carceral violence.

Heiner 03, Brady, graduated from Brown University with a B.A. in Modem Culture and Media, with a focus in Marxist studies. His writing appears in States of Confinement and the feminist journal Differences, Commentary: Social Death and the Relationship Between Abolition and Reform, Social Justice Vol. 30, No. 2 (2003)

However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitive one. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of tsose on the inside – those for whom these immediate struggles are of utmost urgency.2 A properly radical/abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outside of the prison, and, more generally, between the local and the global.

#### 2– a carceral system is inevitable and there’s no alt blueprint, so activist efforts should be targeted around reformation to make the prison obsolete

Lancaster 2017 Roger, professor of anthropology and cultural studies at George Mason University and author of Sex Panic and the Punitive State, How to End Mass Incarceration, Jacobin, 8/18, https://www.jacobinmag.com/2017/08/mass-incarceration-prison-abolition-policing

But this, too, misstates history. By the time American abolitionism got fully underway in the 1830s, much of Europe and parts of Latin American had already partially or wholly abolished slavery. The Haitian Revolution had dealt the institution a major blow, and slavery was imploding in parts of the Caribbean. A world without slavery was scarcely unthinkable. The same cannot be said of prisons: all signs suggest that the public — and not only in the United States — believes that prisons are legitimate. Abolitionist arguments usually gesture at restorative justice, imagining that some sorts of community institutions will oversee non-penal forms of restitution. But here, we are very far out on a limb. Such models might more or less work in small-scale, face-to-face indigenous or religious communities. But, in modern cities, it is implausible to think that families, kinship networks, neighborhood organizations, and the like can adjudicate reconciliation in a fair, consistent manner. In short, abolitionism promises a heaven-on-earth that will never come to pass. What we really need to do is fight for measures that have already proven humane, effective, and consistent with social and criminal justice. Consider Finland. In the 1950s, it had high crime rates and a punitive penal system with high incarceration rates and terrible prison conditions. In these regards Finland then was much like the United States today. After decades of humanitarian and social-democratic reforms, the country now has less than one-tenth the rate of incarceration as the United States. Its prisons resemble dormitories with high-quality health care, counseling services, and educational opportunities. Not coincidentally, its prison system does not breed anger, resentment, and recidivism. Finland’s system aligns with that of other Nordic and Northern European nations, all of whom remained continuously on the path of reform. There, small-scale penal institutions are insulated from public opinion, with its periodic rages against lawbreakers, and prioritize genuine criminological expertise. They have expressly rehabilitative aims, working not only to punish but also to repair the person and restore him to society. Penalties top out at around twenty years, consistent with the finding that longer sentences have neither a rehabilitative nor a deterring effect. Many Scandinavian prisons have no walls and allow prisoners to leave during the day for jobs or shopping. Bedrooms have windows, not bars. Kitchens and common areas resemble Ikea displays. Rather than call for the complete abolition of prisons — a policy unlikely to win broad public support — the American left should fight to introduce these conditions into our penal system. We should strive not for pie-in-the-sky imaginings but for working models already achieved in Scandinavian and other social democracies. We should demand dramatically better prison conditions, the release of nonviolent first offenders under other forms of supervision, discretionary parole for violent offenders who provide evidence of rehabilitation, decriminalization of simple drug possession, and a broad revision of sentencing laws. Such demands would attract support from a number of prominent social movements, creating a strong base from which we can begin to build a stronger, universal safety net. Institutions become “obsolete” only when more effective and more progressive alternatives become available. The poorhouse disappeared when its functions were replaced by social security, public assistance, health care clinics, and mental and psychiatric hospitals. We see no such emergent institutions on the horizon today that might render prisons a thing of the past. What we see instead are examples of criminal justice systems that have continued reforming, modulating, humanizing, shrinking, and decentralizing the functions of the prison. Creating just such a correctional system, based on genuinely rehabilitative goals consistent with our view of social justice, should be a main task of socialists today.

#### Abolition is bad – opens the floodgates to racial hate crimes, corporate fraud and environmental destruction

#### Their all-or-nothing framing reifies the power of settler colonialism and shuts down alt solvency

Busbridge, 18—Research Fellow at the Centre for Dialogue, La Trobe University (Rachel, “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society Vol 35, Issue 1, 2018, dml)

The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), there is nevertheless a ‘narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective of the paradigm in many ways closes down possibilities of imagining the type of social and political transformation to which the notion of decolonisation aspires. In this regard, there is a worrying tendency (if not tautological discrepancy) in settler colonial studies, where the only solution to settler colonialism is decolonisation—which a faithful adherence to the paradigm renders largely unachievable, if not impossible.

To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The structuralism of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and refusal, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. Yet, in seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between settler, who seeks to destroy and replace the native, and native, who can only ever push back. Indeed, if the settler colonial paradigm views history in similar teleological terms to the Marxist framework, it does not offer the same hopeful vision of a liberated future. After all, settler colonialism has only one story to tell—‘either total victory or total failure’ (Veracini, 2007).

Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes,

under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7).

The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility of a genuinely decolonised relationship’ (by virtue of its lopsidedness) yet is a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, the categorical distinction produced by the frontier must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’.

Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). Given the generally dreadful Fourth World circumstances facing many Indigenous peoples in settler societies, it could be argued that there is good reason for such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless, the fatalism of the settler colonial paradigm—whereby decolonisation is by and large put beyond the realms of possibility—has seen it come under considerable critique for reifying settler colonialism as a transhistorical meta-structure where colonial relations of domination are inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s ontology erase contingency, heterogeneity and (crucially) agency (Merlan, 1997; Rowse, 2014), but its polarised framework effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that the totalising logic of Wolfe’s structure of invasion rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

#### A2 Harvard Law Review 21 link

#### No link—this card is about unions who try to fight tribally owned businesses which is distinct from the prison system

#### Prison unions are distinct from outside unions—they have not yet been created and are not controlled by corporate boards

#### Prison unions are grassroots movements that would center indigenous people because indigenous people are disproportionately incarcerated

#### AT **Ertel 15**

#### No link—the aff talks about how cycles of recidivism keep people in prison which expands our notion of the prison system

#### No link—the aff does not just talk about private companies but prisoners employed in all private, state and federal prisons as well

#### At Jackson and Meiners 11 card

#### 1.describing conditions in prisons are good—our Harvard Law Review card says that when the broader public learns about terrible prison conditions it leads to policy changes that materially benefit prisoners

#### 2.Aff is not crime porn—it just describes the current working conditions in prisons, and does not say anything about the prison not being sanitary

## Queer Pess K

### New version (long)

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative---it’s predictable because it’s grounded in the resolution---solves infinite regression and ensures meaningful clash.

### ---AT Fiat Bad

1. Fiat good - Fiat is key to developing ideals that you need as a citizen – saying that reform is ismposible so we should never practice it is fatalism
2. Non uQ - They are also practicing fiat bc they are positing a world where the agents of the aff embrace the death drive and traverse the fantasy – they are imagining what a world would look like where debaters did that – that’s fiaT

### ---Therapeutic capture K (1:39)

**Performance of the neg is an invitation for therapeutic capture. Fighting for subjectivity and self-actualization locates politics on the terrain of psychological modalities. This process leads our attention away from the material realities that have created suffering in the first place. Their relationship to the ballot is therapeutic – Individual and social problems are viewed as stemming from improper thoughts and that only by correcting our views of ourselves can produce more fulfilled lives.**

**Stewart 9** Tyrone Anthony Stewart, Ph. D., Dissertation submitted to the Faculty of the Graduate School of the University of Maryland, College Park, WHAT IS A BLACK MAN WITHOUT HIS¶ PARANOIA? : CLINICAL DEPRESSION AND THE POLITICS OF AFRICAN AMERICANS’ ANXIETIES TOWARDS EMOTIONAL VULNERABILITY

On the first front, I will address the pervasive tendency in our culture¶ toward the therapeutic and the ways in which “acknowledging our weaknesses” and¶ “sharing our feelings” may ultimately **lead our attention away from the social¶ inequalities that may have caused our suffering in the first place.** And on the second¶ front, I will explore a confluence of circumstances (i.e., government, business, and¶ science) with have made the dominant paradigms of depression as an illness seem so¶ normal in dealing with prolonged or persistent sadness.8¶ In performing this deconstruction, I must make it clear that in dismantling¶ clinical depression as discursive construct my goal is not to construct another term to¶ take its place, for to fill the space left by its absence would invariably be only another¶ name for another pathology of affect. Rather, I am interested in disarming the¶ indisputability of the diagnosis and how it has led us to view the bodies of individuals¶ as detached from society and culture. It is my belief that the pervasive sadness and¶ despondency that is called “depression” in our society is in large part circumstantial¶ rather than biological and that by exploring matters of the social expectancies and¶ cultural values the frame emotional experience we can create a new understanding of¶ depression. Thus, my primary goal in leaving the concept of depression “in pieces” is¶ to bring social circumstance and cultural values (i.e. story) back into our¶ understanding of depression and to free-up the concept so that I can explore it in¶ different dimension in later chapters.¶ I began this dissertation with the example of Dave Chappelle on Oprah’s¶ couch because I am interested in the ways in which his story becomes a public story,¶ and the ways in which the meaning and value of that story changes in the process of¶ its retelling. On its surface, the Oprah Winfrey show is perhaps the most revered¶ daytime talk show in the present moment; however, the show is also part of a cultural¶ phenomenon that is much larger than its parts. The Oprah Winfrey Show is an¶ example of Americans’ investment in the therapeutic ethos, an investment which is¶ **girded by the belief that personal healing can best be accomplished through**¶ **fellowship and open confessions of suffering**; however, this investment is problematic¶ because it **restructures the relationship of the subject** to their social context, through¶ the re-interpretation of individual experiences and their repackaging as shared and¶ universal human experiences. As a democratic and equalizing ritual of sharing, the¶ therapeutic ethos creates a milieu in which individual differences can become¶ **depoliticized and intersections of race and gender become less salient** in¶ understanding the political nature and material realities of suffering.¶ The therapeutic ethos has been addressed in many different ways. It has been¶ seen as a “culture” and “gospel”; however, the historian Christopher P. Wilson views¶ it as “an ethos characterized by an almost obsessive concern with psychic and¶ physical health.”10 “Ethos” is perhaps a better term than “culture” as ethos signifies¶ the ways in which therapeutic language has permeated not only the precincts of¶ American society and culture which are charged with matters of health and wellbeing¶ (i.e., medicine) but also those realms not traditionally associated with those matters¶ (i.e., religion, education, government, advertising).11 Furthermore, in using the term¶ “ethos” we can also better approximate the way the power of its claims are often¶ unquestioningly **regarded as conventional wisdom**, as the term “depression,” as a¶ signifier of illness and pathology, can be taken up by anyone in our society regardless¶ of their authority or knowledge of psychology or psychiatry.¶ In commenting upon the therapeutic ethos, I must make it clear that I am not¶ addressing the clinical technique of psychotherapy or other means of counseling, nor¶ am I addressing its practitioners or patients. The assumption that the practice of¶ therapy is the same as the therapeutic ethos is a connection that I strongly wish to¶ dismantle. Unlike therapy itself (e.g., psychoanalysis or cognitive behavioral¶ therapy) the therapeutic ethos is not a structured practice, but rather it is a more¶ pervasive and paradigmatic way of viewing the **quest for selfhood and selfactualization**¶ **as a libratory process of reinvention.**12 The therapeutic ethos is a¶ commoner’s or lay viewpoint of psychic wellbeing, however it does influence expert¶ opinion and vice-versa. For the purposes of this dissertation, I am more so interested¶ in the phenomenon of employing therapeutic models in our understanding self,¶ suffering, and subjectivity in public discussions of emotional experience. 13 I am¶ interested in the therapeutic ethos and its more casual relationship with science and¶ the way in which the therapeutic is made into ‘common sense’ through this¶ relationship.¶ Furthermore, in my interest in the therapeutic ethos and its relation to black¶ men, I will not be pursuing an argument that black men resist the therapeutic out of¶ gender anxiety for to do so would be overly simplistic. Such writing has already been¶ done, and it has focused on white men to the exclusion of race.14 “Macho” (read:¶ white hegemonic masculinity) and “Cool” (read: black hegemonic masculinity) have¶ divergent histories and to look at gender to the occlusion of race would neglect black¶ men’s different emotional politics, although gender is an important factor. I will be¶ primarily be addressing the therapeutic in terms of the ways it erases the significance¶ of matters of race and gender, which will enable me to talk of its implications for¶ African American’s in general and African American men, in specific, in later¶ chapters.¶ Lastly, it has been argued elsewhere, and in varying ways, that the therapeutic¶ ethos has helped to create an “illness identity” within the phenomenon of depression,¶ ¶ wherein the effect (the “disorder” or “disease” of depression) becomes a **more** salient¶ and **visible than structural encounters** within the individual’s biography.15 In regards¶ to people in actual therapeutic situation (i.e., therapy with a trained professional) this¶ viewpoint has lead to the omission of more institutional forces of racism and¶ economic inequality, such as Euro-American physicians’ misinterpretation of African¶ Americans’ idioms of distress16 and the systemic lack of access to affective health¶ care among less affluent communities. The question that I want to answer in this¶ section is what are the political consequences of acquiescing to therapeutic models of¶ understanding subjective experiences which are, in part, caused by identity specific¶ encounters with such structural inequality? The short answer to that question is the¶ erasure of the structural factors of racism and classism that may have contributed to¶ the individual’s feelings of depression in the first place.¶ America’s Relationship with Therapeutic Cultures¶ American’s fascination with the therapeutic extends from what Eva¶ Moskowitz calls the “therapeutic gospel.”17 In her examination of America’s¶ relationship with therapy, she describes our reflex dependence on psychological cures¶ and hunger for personal fulfillment as having a “long and strange history.” According¶ to Moskowitz, the drive toward therapy began out of a desire for guidance and life direction¶ at a time when the influence of traditional religion (i.e. Protestantism) was¶ waning in the nineteenth century. Due to a convergence of factors, such as the rising¶ belief in science and the meta-physical, changing notions of individualism, and the¶ rise of consumer-based culture, Americans in the nineteenth century, increasingly¶ sought out strategies and products rather than parables and prayer to become better¶ people.18¶ Through this “therapeutic gospel,” Moskowitz argues, individual and social¶ problems began to be viewed as stemming from improper thoughts and poor self esteem,¶ **and that only by correcting our views of ourselves as individuals and as a¶ nation, would we may be able to live** happier and more fulfilled lives. Key to the¶ operation of the Moskowitz’s “therapeutic gospel” was the idea of the malleable¶ inner-self or “the mind,” which created another dimension of social identity that did¶ not exist prior to the professionalization and growing authority of medicine in the¶ late 19th century. Previous conceptualizations of the individual had dealt with the¶ notion of a “soul”; however, as the baggage of morality and guilt associated with this¶ concept and the authority of the religious officials charged with this work began to¶ lose favor the rational belief in science and self-improvement began to encroach upon¶ the religious perspective, but the belief in the malleable “inner-self” never fully¶ displaced religion. Rather, “ministers and other moralist began increasingly to¶ conform to medical models in making judgments and dispensing advice.”19 20 In this¶ way, the “mind” as the seat of rationality and enlightenment, in turn, established a¶ new locus of moral authority in the construction of the individual will. Ultimately, the¶ “therapeutic gospel” **helped to create a terrain** in which the problems of anxiety and¶ phobias as well as desire for social status could be fixed by the right attitude and the¶ right advice.21¶ Our reliance on such a conception of ‘the self’ is so prevalent in today’s¶ society that it is almost invisible. From talk shows to twelve-step programs to selfhelp¶ bestsellers, we are continually bombarded with solutions that suggest that we can¶ **transcend our troubles and angst by talking about them openly** and honestly; however,¶ it is through this same process of “sharing our feelings” that we may, in fact, **be**¶ **erasing the very matters of our social and cultural experience** that created our¶ discomfort in the first place. In a strange set of circumstances, the individualistic¶ ethos that permeates our common culture and inspires us to view ourselves as unique¶ and autonomous beings, may in the end generalize our experiences and identities.¶ Frank Füredi, in his examination of the therapeutic impulse, argues that¶ “despite its individualistic orientation, therapeutic intervention…often leads to the¶ pursuit of the standardization of people rather than to encourage a self-determined¶ individuality.”22 **Instead of creating individuals who have social agency**, Füredi¶ argues, the therapeutic ethos creates identities which rely upon various “publics” for¶ affirmation or recognition, be they ten alcoholics in a church basement or a national¶ television audience. The success of such a process of affirmation depends upon an¶ individual’s willingness to **defer the meaning of their experiences to the authority of**¶ **the group** and to relinquish any claims to difference which may threaten the cohesion¶ of the group;23 however, belonging has its benefits. Acquiescence to the therapeutic¶ ethos allows the individual a sense of identity and helps them to “make sense of their¶ predicament and gain moral sympathy.”24¶ The concept of “moral sympathy” is important in the construction of a “public¶ of the depressed,” because, as a disease of the mind – a mental illness – its lesions are¶ invisible. Moral sympathy is thus needed to assuage the beliefs that individuals can¶ “feel better” and “do better” for themselves out of will and discipline. Other mental¶ illnesses, such as schizophrenia or bipolar disorder, do not fare as well as depression¶ in terms of gaining moral sympathy, since they can sometimes be associated with¶ violent crime, particularly in news media.25 But arguably, perceptions of the mentally¶ ill have changed dramatically over the past twenty years, amounting to a virtual¶ reshaping of lay understandings and public attitudes toward various mental illnesses.¶ This change has not been the result of a single influence, but rather it has been the¶ result of a confluence of factors, from anti-stigma groups to cultural representations.¶ No longer are the mentally largely portrayed as violent or disturbed one-dimensional¶ characters, rather they are presents as characters who are “ill but talented, impaired¶ but not stupid, troubled but attractive.”26 Take for example, popular films such as¶ Rain Man (1988), Sling Blade (1996), A Beautiful Mind (2001), I Am Sam (2001),¶ Radio (2003), the Aviator (2004), the Soloist (2009) which have helped to create the¶ sentiment of understanding mental illnesses as a result of defective or damaged brain¶ processes and not the result of the moral faults of the individual.27 However the¶ absence of ‘fault’ or ‘blame’ does not preclude questions of responsibility or the need¶ for an explanation.¶ Within the therapeutic ethos, the “public of the depressed” are able to account¶ for their despondent moodiness, and ultimately their difference, through the general¶ belief that the human mind is fragile and can “break” just like a bone can fracture. It¶ is through this process, which Charles Barber calls the “physicalizing of behavior,”¶ that depression becomes a normalized;28 however, it is a process of normalization that¶ leans heavily upon a recent shift in common understandings of the **mind as a fallible body part.** The therapeutic ethos borrows from **scientific authority** the belief that the¶ body is knowable, generalizable, and universal, but in the end **replaces lived social**¶ **experiences with scripted ones** based upon medical authorities and the “physicalizing¶ of behavior.”¶ It is the lure that there is something “out there,” authenticated by¶ medical knowledge, that can describe people’s “indescribable” encounter with¶ depression **which makes the therapeutic ethos both attractive and limiting**; as much as¶ they may **gain in the articulation of their experiences, they may lose in regard to**¶ **context.**¶ Hostile Homogenization in the Therapeutic Encounter¶ At the core of the therapeutic ethos is the idea that our minds and our¶ thoughts are the essence our being and that by aligning our thinking with accepted¶ definitions of “illness” and practices of “healing” we can change our perceptions as¶ well as our circumstances. Viewing the mind in such a way is attractive because it¶ mobilizes the idea that we are ultimately in control of our health, our well-being, and¶ our material existence, but in the exchange we lean upon the wisdom and expertise of¶ medical institutions and the belief that such wisdom is neutral. It is the casual bridge¶ that is formed between the therapeutic ethos of “sharing feelings” and “self realization”¶ and the practice of therapy that **lends the therapeutic ethos its¶ normativity.** Thus, having access to medical discourses of self, suffering, and¶ **subjectivity** **enables** the depressed to make meaning of their experience; however, the¶ costs of that acquiescence are seldom considered. Take for example Andrew¶ Solomon, the author of the Noonday Demon: an Atlas of Depression and proponent of¶ the medicalization of depression, who argues:¶ To be given the idea of depression is to master a socially¶ powerful linguistic tool that segregates and empowers the¶ better self to which suffering people aspire. Though the¶ problem of articulation is a universal, it is particularly acute¶ for the indigent, who are starved for this vocabulary – which¶ is why basic tools such as group therapy can be so utterly¶ transforming for them.29¶ The ideas of a “transforming” vocabulary and a “socially powerful linguistic tool” are¶ noble concepts in Solomon’s crusading for the depressed, but what is downplayed in¶ this statement are the power dynamics involved in the therapeutic encounter and how¶ the simple adoption of such a “vocabulary” cannot change an individual’s¶ relationship to power and privilege.30¶ Absent from Solomon’s view are the ways in which the therapeutic encounter,¶ and the language and values that gird its appeals, are ordered by a particular¶ relationship to the culture of therapy, a relationship which black men and other¶ marginalized groups do not share in equally. This is not meant to imply that group¶ therapy cannot work in more culturally attuned settings among black men, as such¶ groups and their varied methods have been written about in work on minority¶ counseling.31 Nor is it meant to imply that African Americans are in any way not¶ participatory in the viewpoint expressed by Solomon. Rather, what is at issue is how¶ such a process dangerously simplifies healing as a matter of adopting the¶ “vocabulary” of depression and the therapeutic ethos of a “better self.” Viewing¶ **healing as a matter of “education”** ultimately dismisses any skepticism as an¶ individual act of resistance and unmoors it from the milieu of its occurrence. What¶ must be considered are how racism, environment, and self-esteem issues affect black¶ men in ways that are culturally political as well as personal.¶ The literature on African American’s experiences of “stress” does a much¶ better job of discussing the political nature of the depressive experience than does the¶ writing from within a therapeutic framework. This is because the therapeutic¶ discussion of depression often assumes the individual as a self-contained and¶ autonomous being, while the literature on stress takes into consideration the social¶ milieu of the individual. The literature on African American stress has examined the¶ way in which structural racism (i.e., institutional policies of inequality, cultural¶ messages of black inferiority, and unhealthy and/or toxic physical environments) has¶ had a negative impact on African American’s health and quality of life.32 Chappelle’s¶ use of the term “stress” in reference to his emotional state instead of “depression,”¶ perhaps, owes its rationale to this difference. Therefore, the factors that contribute to¶ stress must be considered when thinking of the etiology and experience of depression¶ and black men’s participation in therapy.¶ It is known that African American men underutilize formalized therapy and¶ counseling.33 African American men’s resistances to the practice of therapy are¶ conditioned by several factors, such as African American’s suspicions of therapists,¶ past negative experiences with public agencies and institutions, and the often¶ superficial relationships that black men must form with therapist: things that exist in¶ addition to the possible issue of gender.34 Furthermore, in many cases, black men in¶ therapy or counseling do not attend out of their own volition, as third party entities¶ (e.g., employers, clergy, or the judicial system) are often the primary reasons for¶ black men to begin to participate in therapy.35 Other researchers have called this¶ phenomenon a “forced process,” by which the process of “help,” reinforced across¶ many of society’s institutions, is viewed as a matter of coercion to the status quo.36¶ These factors make the therapeutic encounter not only foreign, but also possibly¶ hostile to black men. In these ways, the democratic appeal of such therapeutic¶ thinking on depression can erase matters of gendered and racial experience which are¶ part of the story and obstruct the individual’s authority to come to less mainstream¶ interpretations of the sadness of depression and its larger meaning, **for themselves.**

### ---Psycho bad (1:18)

**Epistemology DA - Psychoanalytic concepts have been thoroughly debunked. They are either non-falsifiable or patently false. Libinal economy cannot be our best theory of power. Mootz ‘00**

Mootz III, Francis J. [Dean of McGeorge School of Law, Professor of Law, J.D., Duke University School of Law A.M., Philosophy, Duke University Graduate School B.A., History, University of Notre Dame ]"Psychotherapeutic practice as a model for postmodern legal theory." Yale JL & Human. 12 (2000): 299. [ellipses in original] MC

Freudian psychoanalysis increasingly is the target of blistering criticism from a wide variety of commentators." In a recent review, Frederick Crews reports that ¶independent studies have begun to converge toward a verdict **...** thatthere is literally nothing to be said, scientifically or therapeutically, to the advantage of the entire Freudian system or any of its component dogmas. **...** [A]nalysisas a wholeremains powerless.., and understandably so,because a thoroughgoing epistemological critique, based on commonly acknowledged standards of evidence and logic decertifies every distinctively psychoanalytic proposition.¶ 5 The most telling criticism of Freud's psychoanalytic theory is that it has proven no more effective in producing therapeutic benefits than have other forms of psychotherapy. Critics draw the obvious conclusion that the benefits (if any) of psychotherapy are neither explained nor facilitated by psychoanalytic theories. Although Freudian psychoanalytic theory purports to provide a truthful account of the operations of the psyche and the causes for mental disturbances, critics argue that psychoanalytic theory mayprove in the end tobe nothing more than fancy verbiage that tends to obscure whatever healing effects psychotherapeutic dialogue may have.¶ Freudian psychoanalysis failed because it could not make good on its claim to be a rigorous and empirical science. Although Freud's mystique is premised on a widespread belief that psychoanalysis was a profound innovation made possible by his genius, Freud claimed only that he was extending the scientific research of his day within the organizing context of a biological model of the human mind. Freud's adherents created the embarrassing cult of personality and the myth of a self-validating psychoanalytic method only after Freud's empirical claims could not withstand critical scrutiny in accordance with the scientific methodology demanded by his metapsychology 9 The record is clear that Freud believed that psychoanalysis would take its place among the sciences and that his clinical work provided empirical confirmation of his theories. This belief now appears to be completely unfounded and indefensible. ¶ Freud's quest for a scientifically grounded psychotherapy was not amateurish or naive. Although Freud viewed his "metapsychology as a set of directives for constructing a scientific psychology," ' Patricia Kitcher makes a persuasive case that he was not a blind dogmatist who refused to adjust his metapsychology in the face of contradictory evidence." Freud's commitment to the scientific method, coupled with his creative vision, led him to construct a comprehensive and integrative metapsychology that drew from a number of scientific disciplines in an impressive and persuasive manner. 62 However, the natural and social sciences upon which he built his derivative and interdisciplinary approach developed too rapidly and unpredictably for him to respond. 63 As developments in biology quickly undermined Freud's theory, he "began to look to linguistics and especially to anthropology as more hopeful sources of support," ' but this strategy later in his career proved equally nsuccessful. 65 The scientific justification claimed by Freudliterallyeroded when the knowledge base underlying his theory collapsed, leaving his disciples with the impossible task of defending a theory whose presuppositions no longer were plausible according to their own criteria of validation.'

**No monolithic libidinal economy. Humans have internal conflicts which prevents desire and drives from being.**

**Johnston 5**, Adrian, Philosophy Professor @ University of New Mexico, Time Driven: Metapsychology and the Splitting of the Drive, Northwestern University Press, Jul 27, 2005, pg. 340-341

In terms of the basic framework of metapsychology, Freud delineates two fundamental types of conflict disturbing yet organizing mental life—the conflict between drives and reality (as, most notably, the struggle In-tween the id and civilization) and the conflict between the drives themselves in la the story of Eros against the Todrstrieb). In both cases, the individual tends to be portrayed as the **overdetermined** play-thing of powerful forces fighting semi-covert wars with each other just out of the ego's sight. However, Freud fails to discover a third dimension of conflict in relation to the libidinal economy—the conflict **within each and every drive**. The theoretical contribution of this project could easily be summarized as the identification of this distinct type of conflict and the explication of its sobering consequences for an understanding of the psyche. Despite the apparent **bleakness** and antiutopianism of an assessment of human nature as being perturbed by an **irreducible inner antagonism**, there is. surprisingly, what might be described as a **liberating aspect** to this **splitting of the drives**. Since drives are essentially **dysfunctional**, subjects are able to act otherwise than as would be dictated by in-stinctually compelled pursuits of gratification, satisfaction, and pleasure. In fact, subjects are forced to be free, since, for such beings, the mandate of nature is forever missing. Severed from a strictly biological master-program and saddled with a conflict-ridden, heterogeneous jumble of **contradictory impulses**—impulses mediated by an **inconsistent**, **unstable** web of **multiple representations**, indicated by Lacan's "barring" of the Symbolic Other—the parletre has no choice but to **bump up against the unnatural void of its autonomy**. The confrontation with this raid is **frequently avoided**. The true extent of one's **autonomy** is, due to its sometimes-frightening implications, just as often **relegated to the shadows of the unconscious** as those heteronomous factors secretly shaping conscious thought and behavior. The **contradictions** arising from the conflicts internal to the libidinal economy mark the **precise places** where a **freedom transcending mundane materiality** has a chance to briefly **flash into effective existence**; such points of breakdown in the deterministic nexus of the drives **clear the space** for the **sudden emergence** of something other than the smooth continuation of the default physical and sociopsychical "run of things." Moreover, if the drives were fully functional—and. hence, would not prompt a mobilization of a series of defensive distancing mechanisms struggling to transcend this threatening corpo-Real—humans would be animalistic automatons, namely, creatures of nature. The pain of a malfunctioning, internally conflicted libidinal economy is a discomfort signaling a capacity to be an autonomous subject. This is a pain even more essential to human autonomy than what Kant identifies .is the guilt-inducing burden of duty and its corresponding pangs of anxious, awe-inspiring respect. Whereas Kant treats the discomfort associated with duty as a symptom-effect of a transcendental freedom inherent to rational beings, the reverse might (also) be the case: Such freedom is the symptom-effect of a discomfort inherent to libidinal beings. Completely "curing" individuals of this discomfort, **even if it were possible**, would be tantamount to divesting them, whether they realize it or not, of an essential feature of their dignity as subjects. As Lacan might phrase it, the split Trieb is the sinthome of subjectivity proper, the source of a suffering that, were it to be entirely eliminated, would entail the **utter dissolution of subjectivity itself**. Humanity is free precisely insofar as its pleasures are far from perfection, insofar as its enjoyment is never absolute.

#### Psychoanalysis ignores behaviors of large groups which disproves the link, cedes the political, and means the alt can’t solve.

**Volkan 3** (Vamik D. — M.D., Professor Emeritus of Psychiatry University of Virginia, “PSYCHOANALYSIS IN INTERNATIONAL RELATIONS AND INTERNATIONAL RELATIONS IN PSYCHOANALYSIS”, http://www.vamikvolkan.com/Psychoanalysis-and-International-Relations-and-International-Relations-in-Psychoanalysis.php, ken)

Other difficulties that complicate collaboration between psychoanalysts and practitioners and scholars of politics and international relations come from psychoanalysis itself. I sensed these difficulties myself as I became more and more involved in collaborative work with scholars and practitioners of other disciplines. I noted that the difficulties within psychoanalytic discipline that hindered collaboration between psychoanalysis and diplomacy could be divided into various inter-related categories. As expected, at first it was difficult for me to realize these obstacles and define them. But slowly I was able to “free” myself from some established psychoanalytic assumptions. Politics and diplomacy necessarily deal with the psychology of large groups, the psychology of leader-followers, and the psychology of relationships between enemy groups and their leaders. Sigmund Freud was interested in these topics, but he also left a legacy that discouraged his followers from pursuing them. In his letter to Albert Einstein, Freud (1932) was pessimistic about human nature and the role of psychoanalysis in preventing wars or war-like situations. Although Jacob Arlow (1973) later suggested some optimism in some of Freud’s writings on this subject, Freud’s pessimism, I believe, played a role in the limited psychoanalytic contributions to the fields of politics and diplomacy. There were, of course, exceptions (Glower, 1947 and Fornari, 1966). However, those exceptions followed Freud’s lead in another area, and this too blocked the potential influence of psychoanalysis on politics and diplomacy: these writers, like Freud, focused on individuals’ unconscious perceptions of what the image of political leaders and the mental representations of a large group symbolically stand for, instead of on large-group psychology and leader-follower relations in their own right. Psychoanalysis remained primarily an investigative tool of an individual’s internal world and massive human movements were examined according to individual psychology that brings people together and not according to the psychology of large-group rituals and interactions. It was all right to study the internal motivations of political leaders as they influence their followers, but psychoanalysis largely failed to consider how mental representations of societal processes influenced the personality development of individuals belonging to the same large group and changed that group’s historical or political movements. Only relatively recently a handful of historians with psychoanalytic training are focusing on this phenomenon. For example, Peter Loewenberg (1991, 1995) described the history of the Weimer Republic, its humiliation and its economic collapse as a major factor in creating shared personality characteristics among the German youth and their welcoming the Nazi ideology. Freud’s (1921) well-known theory of large-group psychology reflects a theme that mainly focuses on the understanding of the individual: the members of the group sublimate their aggression toward the leader and turn it into loyalty in a process that is similar to that of a son turning his negative feelings toward his Oedipal father. In turn, the members of a large group idealize the leader, identify with each other, and rally around the leader. Freud’s theory is based on a “male-oriented” psychological process. More importantly, as Waelder (1971) noted, Freud was speaking only of regressed groups. Given such shortcomings, some psychoanalysts who study large groups and their leaders shifted their approach in the last decade or so from emphasizing the image of the leader to focusing on the mental representation of the large group itself as experienced by the individual. For example, Didier Anzieu (1971, 1984) Janine Chassequet-Smirgel (1984), and Otto Kernberg (1980, 1989) wrote about shared fantasies of members of a large group. They suggested that large groups represent idealized mothers (breast mothers) who repair all narcissistic injuries. I, (Volkan, 2004) added that idealized but unintegrated self images accompany idealized mother images in members’ experience of the large group in which they belong. But, again, these theories primarily focus on individuals’ perceptions. It is assumed that external processes that threaten the group members’ image of an idealized mother can initiate political processes and influence international affairs. Nevertheless, an approach that focuses on individuals’ perceptions does not offer specificity concerning a political or diplomatic process. Thus, it does not excite practitioners of politics and diplomacy or receive much attention from political scientists. I came to realize that what the psychoanalytic tradition lacks is the study of both large-group psychology in its own right and the specific elements of various mass movements.

### ---On the alt (1:00)

#### Perm Doublebind: Tear apart political fantasies in every instance except the aff. if the alt can’t overcome the tiny link to the K of us using the state it wouldn’t be able to solve anyway, if it can overcome this tiny link then vote for the perm.

#### Lacan’s structure embraces contradictions

Van Pelt, 2000 (Tamise Van Pelt, Assistant Professor of English at Idaho State University, “The other Side of Desire Lacan’s Theory of the Registers”, State University of New York Press, 2000) ET

Because **Lacan’s structure is both many layered and differentiated, it embraces positions that in and of themselves appear contradictory.** **Lacan is foundational and antifoundational, essential and constructionist by turns—**but never ambiguously so. For Lacan, there are no binary answers to tertiary questions, no foundational answers to complex questions. Identification is not a substitute for interpretation—though in everyday life, and especially in neurosis, this is precisely the case. In fact, taking things personally (the everyday form of substituting identification for interpretation) is such a commonplace that this loss of interpretive distance is familiar to us all. Similarly, the reductive move from symbolic to imaginary is common: when subjects cease to respect the Law’s posi72Lacanian Epistemology tional definitions, they regress to Hegelian power struggles. Likewise, the loss of truth is commonplace since to refuse the leap into Truth’s contingencies is to fall into imaginary reiteration of received constructions, constructions in which the ego is always alienated, always at stake. Such leaps and refusals, such substitutions and reductions contribute to the questions raised in Chapter 1’s symposium on the subject: questions of the binary, of tertiary identities, and of interpretability.

#### Using the state is inevitable- and negating it doesn’t make it disappear.

Stavrakakis, 99 (Yannis Stavrakakis is teaching fellow at the department of Government at the University of Essex and Acting Director of the MA programme in Ideology and Discourse Analysis, “Lacan and the Political” Routledge, 1999) ET

But if reality in general can only make sense in its relation to a real which is always exceeding it, what can that real associated with political reality be? If reality cannot exhaust the real it must be also the case that politics cannot exhaust the political. Not surprisingly then, it is one of the most exciting 71ENCIRCLING THE POLITICAL developments in contemporary political theory, and one promoted by theorists such as Laclau, Mouffe, Beck and Lefort, that **the political is not reducible to political reality as we have been describing it: The political cannot be restricted to a certain type of institution, or envisaged as constituting a specific sphere or level of society.** **It must be conceived as a dimension that is inherent to every human society and that determines our very ontological condition.** (Mouffe, 1993:3) In order to illustrate this ‘emancipation’ of the moment of the political let us examine very briefly the relevant argument put forward by Claude Lefort. Lefort’s project entails the reinterpretation of the political. He considers both the Marxist and the strictly scientific definitions of the political inadequate. Marxism regards the political as a mere superstructure determined by a base consisting of the supposedly real level of relations of production, and thus is unable to recognise any substantial specificity to the political. Political sociology and political science, on the other hand, attempt to delineate political facts in their particularity, as distinct from other social facts which are considered as belonging to other separate levels of social reality: the economic, the aesthetic, the juridical, the scientific, the social itself. Such **an approach claims to provide an objective reconstruction of reality as consisting of all these strict differentiations and thus does not realise that its own constructs derive from social life and are, consequently, historically and politically conditioned—our discussion on constructionism becomes relevant again**. In the definition of politics (as the space of political institutions, such as parties, etc.) **what is lost is the political itself, meaning the moment in which the definition of politics, the organisation of social reality, takes place**: **The political is thus revealed, not in what we call political activity, but in the double movement whereby the mode of institution of society appears and is obscured**. It appears in the sense that the process whereby **society is ordered and unified across its divisions becomes visible.** It is obscured in the sense that the locus of politics (the locus in which parties compete and in which a general agency of power takes shape and is reproduced) becomes defined as particular, while the principle which generates the overall configuration is concealed. (Lefort, 1988:11) **The point here is that the institution of political reality presupposes a certain repression of the constitutivity of the political. It entails an impossible attempt to erase the political ontology of the social.** In Lefort’s view, for example, 72ENCIRCLING THE POLITICAL and here he draws from traditional political philosophy in which what distinguishes one society from another is its regime, its shaping of human existence, the political is related to what generates society, the different forms of society. It is precisely because the very idea of society contains a reference to its political definition that it becomes impossible to localise the political within society. The political is thus revealed as the ontological level of the institution of every particular shaping of the social (this expression denoting both giving meaning to social relations and staging them) (Lefort, 1988:21719). When we limit our scope within political reality we are attempting a certain domestication/spatialisation of the political, we move our attention from the political per se (as the moment of the disruption and undecidability governing the reconstruction of social objectivity including political reality) to the social (as the result of this construction and reconstruction, as the sedimented forms of objectivity) (Laclau, 1990:35). This sedimentation of political reality (as a part or a subsystem of the social) requires a forgetting of origins, a forgetting of the contingent force of dislocation which stands at its foundation; it requires the symbolic and fantasmatic reduction of the political. Yet, ‘**to negate the political does not make it disappear, it only leads to bewilderment in the face of its manifestations and to impotence in dealing with them’** (Mouffe, 1993:140). What constantly emerges in these currents of contemporary political theory is that the political seems to acquire a position parallel to that of the Lacanian real; one cannot but be struck by the fact **that the political is revealed as a particular modality of the real. The political becomes one of the forms in which one encounters the real.** The field of social construction and political reality is the field in which the symbolisation of this real is attempted. Chaitin is correct when asserting that symbolisation ‘has the creative power to produce cultural identities, but at a price, the cost of covering over the fundamental nothingness that forms its foundation…it is culture, not nature, that abhors a vacuum, above all that of its own contingency’ (Chaitin, 1996:4–5), of its ultimate inability to master and symbolise the impossible real: ‘there is a structural lack in the symbolic, which means that certain points of the real can’t be symbolised in a definite manner…. The unmitigated real provokes anxiety, and this in turn gives rise to never-ending, defensive, imaginary constructs’ (Verhaeghe, 1994:60). Following from this, ‘all human productions [Society itself, culture, religion, science]…can be understood in the light of that structural failure of the symbolic in relationship to the real’ (ibid.: 61). It is the moment of this failure, the moment of our encounter with the real, that is revealed as the moment of the political par excellence in our reading of Lacan. It is the constitutivity of this moment in Lacanian psychoanalysis that proves our fantasmatic conception of the socio-political institution of society as a harmonious totality to be no more than a mirage. It is this traumatic moment of the political qua encounter with the real that initiates again and again a process of symbolisation, and initiates the ever-present hegemonic play 73ENCIRCLING THE POLITICAL between different symbolisations of this real. This play leads to the emergence of politics, to the political institution of a new social fantasy (or of many antagonistic fantasies engaged in a struggle for hegemony) in the place of the dislocated one, and so on and so forth. In this light, Lacan’s insistence on the centrality of the real, especially in the latter part of his teaching, acquires major political importance. Lacan himself, in his seminar on The Four Fundamental Concepts of Psychoanalysis uses noise and accident as metaphors or examples of our encounter with the real. It might be possible to add the political to this chain of equivalences. Lacan’s schema of socio-political life is that of a play, an unending circular play between possibility and impossibility, between construction and destruction, representation and failure, articulation and dislocation, reality and the real, politics and the political.

### ---Colonialism DA (1:11)

#### Traversing the fantasy enables global colonialism. Their aid is a form of forced self-realization, allowing international therapeutic control to delegitimise national liberation movements against colonial rule.

Pupavac 1 - Vanessa Pupavac, School of Politics, Faculty of Law and Social Sciences, University of Nottingham, “Therapeutic Governance: the Politics of Psychosocial Intervention and Trauma Risk Management,” Disasters, 25(4): 358-72 )//a-berg

What is psychosocial intervention? Activities that come under a psychosocial heading in aid agency documents range from trauma counselling, peace education programmes, life skills, to self-esteem building initiatives. However, the impact of the psychosocial model with its essentially psychological understanding of social problems is much more important than the sum of individual initiatives that specifically come under a psychosocial label. The psychosocial model embodies contemporary international policy as social risk management whose perspectives derive from social psychology. Social psychology developed rapidly in the 1930s from the disciplines of psychology and sociology, influenced by works on group psychology. In the context of fears about the masses and social instability, social psychology’s interest in group behaviour, socialisation and violence meant that the subject was quickly embraced by policy-makers in the United States and Western Europe. For example, Quincey Wright in his seminal Study of War (1965) heralded social psychology as having ‘perhaps contributed most of all the social disciplines to an understanding of the efficient causes of war, in a manner to suggest cures’ (Wright, 1965, p. 714). Western officials intended social psychology to inform the work of international organisations set up after the Second War World. Its influence can be seen in UNESCO’s constitution which states, ‘Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed’ (UNESCO, 1945). In particular, Western leaders were concerned with managing conflict and development in the newly independent developing countries. However, the model of a benign elite governing through a world community appealing to the non-rational envisaged by social psychologists was not politically acceptable (Durbin and Bowlby, 1938, pp. 48-49; Lasswell, 1935, p. 237; Wright, 1965, p. 1388). Social psychological approaches were sidelined in international policy during the Cold War. The Soviet bloc and the Non-Aligned Movement of states largely rejected Anglo-American social psychology’s psychological functionalism. Firstly, treating war as psychological dysfunctionalism was viewed by the South as an attempt to delegitimise national liberation movements against colonial rule. Secondly, the South preferred to focus on North-South inequalities and structural approaches to tackle conflict and development. The demise of the Soviet bloc and the Non-Aligned Movement has allowed Western conflict management approaches to dominate international policy. No longer challenged by these blocs, there has been an explosion of international initiatives based on Anglo-American psychosocial risk management strategies. Furthermore social psychology’s perspectives have become central to Western domestic social policy, to how Western governments relate to their own citizens and also how individuals in the West understand themselves.1 Therapeutic states Western therapeutic perspectives are not confined to the mental health sector but inform the whole spectrum of policy in the wake of disillusion with the post-war Keynsian welfare state model. The perception of a general moral, social and even emotional crisis (Goleman, 1996) has encouraged the adoption of a social risk management approach to social policy. In some respects there is nothing new about the preoccupations of social risk management and how to accommodation the de- stabilising impact of modernisation with order. As Mark Duffield discusses, the concept of development has been about ‘a modernising reconciliation of order with progress’ (Duffield, 2001). Yet contemporary risk management represents a retreat from a belief in social progress towards a defensive goal of managing social inequalities and conflict. While certain elements of the risk management model echo the Victorian self-help ethos and entail individuals and families taking greater financial responsibility for their welfare, its understanding of the individual and the relation of individuals to their environment is distinct. The Victorians were believers in human ability and venture. ‘We are capable of doing anything’ exclaims Queen Victoria in her diary, exemplifying mid-nineteenth century confidence. As the historian James Morris writes: They believed in their providential destiny, in their servants of steam and steel, in themselves and their systems, and not least in their Empire [… ] in the triumphs of applied science […] they were called to be the great improvers […] (Morris, 1979, p. 318). The nineteenth century’s archetype of the robust risk-taking self-made man is the antithesis of the risk-averse twenty-first century’s exemplar of the vulnerable victim whose actions and environment are to be governed by the precautionary principle. In Freudian terms, the higher self of the New Millennium is the id of the emotions, rather than the rationalist ego. Conceiving the self as insecure, social policy as social risk management views the individual to be susceptible to psychological and social dysfunctionalism. The imperative to contain dysfunctionalism is leading to the expediential growth of counselling services to administer to individuals from cradle to grave. So although the social risk management model implies the privatisation of welfare provision, it also involves greater regulation of relations in the private sphere to ensure psychological and social functionalism. The therapeutic paradigm has become integral to how state institutions relate to citizens: in public life with the new ‘politics of feeling’; in education with self-esteem displacing intellectual understanding as the goal; in family policy with the expansion of relationship counselling and the professionalisation of parenting; in the economy with therapeutic support for the unemployed; in law with a shift from an adversarial system to a form of therapeutic intervention and mediation (Nolan, 1998). The therapeutic paradigm is redrawing the political relationship between citizen and state involving: the redefinition of political authority in therapeutic terms - and to the rise of a professional and managerial class that governs society […] by defining normal behavior and by involving allegedly non-punitive; psychiatric sanctions against deviance (Lasch, 1984, p. 49). The consequence of this new ‘therapeutic mode of social control’ (ibid., p. 47) is that politics becomes both about appealing to the id and regulating the vulnerable id. Therapeutic governance, representing ‘a direct pact between super-ego and id at the expense of the ego’ (Zizek, 2000, p. 61), entails the erosion of the conceptualisation of the citizen as an autonomous rational subject, the premise of modern law and the prerequisite for democratic rights. The therapeutic’s aim of securing emotional stability is resulting in rights being re-conceptualised in terms of psychological recognition and custodianship rather than freedoms, that is, as protection by official bodies, rather than protection from official bodies. It is striking how the contemporary subject of rights under human rights discourse takes the form of the vulnerable victim who is to be enabled or protected by a third party as opposed to earlier civil rights movements where subjects empowered themselves. Fostering psychological functionalism is considered crucial in the therapeutic conceptualisation of citizenship. The therapeutic understanding of citizenship regards self-esteem as a pre-requisite for being a good citizen. Although the idea that self- esteem is necessary for moral conduct is contested (Dawes, 1994), national emotional literacy programmes are being proposed to promote good citizens, on the grounds that: Individuals who have a good understanding of their own emotional makeup, and who are able to communicate effectively with others on a personal basis, are likely to be well prepared for the wider tasks and responsibilities of citizenship (Giddens, 1994, pp. 16 and 119). Under psychological functionalism, an individual’s emotional state is therefore no longer a personal matter, but becomes public property and related to ‘the responsibilities of citizenship’. Re-socialisation and emotional stability is achieved through programmes sponsoring self-esteem and ‘protective mimicry’ (role-playing techniques) (Lasch, 1984, pp. 49-97). Any failure by public bodies to provide psychosocial programmes or any failure by individuals to take up the psychosocial support provided is thus viewed as socially irresponsible. Hence there is a coercive disciplining element to psychological functionalism. This element is not immediately apparent. As Duffield explores (2001), contemporary governance does not primarily utilise institution-based disciplinary technologies. Rather governance is conducted through developing regulatory technologies dispersed through supervising processes and networks appealing to self-realisation. Nevertheless, the coercive rehabilitative aspect is revealed in the rapid increase in mandatory psychosocial support: from parenting orders, to divorce mediation, therapeutic drug or non-drug programmes, compulsory citizenship classes in schools, and anger management courses. Social risk management approaches underpin contemporary international policy from specific psychosocial programmes to IMF and World Bank development strategies to international documents such as the UN Convention on the Rights of the Child. The significance of social risk management for international politics should not be underestimated. Echoing the model of inter-war Anglo-American social psychologists, therapeutic governance implies a radical reshaping of domestic and international relations, although formally the international system of sovereign nation states remains. Taking the vulnerable victim as its subject, the concerns of social risk management fundamentally question the principle of non-interference in the internal affairs of states and the private lives of individual citizens. On the one hand, the social risk management model and its transformation into a human right challenges the authority of the (non-Western) state vis-a-vis the international community.2 On the other hand, the enforcement of social risk management requires state and non-state actors to play a much more pro-active role in citizens’ lives, eroding the distinction between the private and public spheres. Psychosocial intervention epitomises contemporary international social policy as social risk management, encapsulating the merger of development and security discourse, in which development and security policy are focused on securing the minds of people against violence (Duffield, 2001). Inventing PTSD Following Duffield (ibid.), metropolitan actuarial risk analysis informed by a risk- averse culture reads the borderlands as psychologically dysfunctional because of their distressful experiences. In essence the psychosocial model sees distressful experiences as triggering traumatic symptoms causing dysfunctionalism leading to abuse/violence, requiring intervention to rehabilitate victims and break cycles of trauma and violence. The mere description of a given community or population having experienced conflict is sufficient for international agencies to deem them to be suffering from post- traumatic stress disorder (PTSD) and in need of psychosocial assistance. The effect is to label whole populations as traumatised, rendering diagnosis irrelevant and psychosocial treatment universally required, albeit devised in a form considered appropriate to the local culture. It is this pathologisation of distress that distinguishes psychosocial intervention from a sympathetic word or kind gesture by individual aid workers.

### ---Subversivism K

**The NC’s method is subversivism, positing the radical alterity of queer bodies and valorizing maximal performative deviance.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

THE MAJORITY OF MY EXPERIENCES as a trans activist and spoken word artist have taken place in what is increasingly becoming known as the “queer/trans” community. It is a subgroup within the greater LGBTIQ community that is composed mostly of folks in their twenties and thirties who are more likely to refer to themselves as “dykes,” “queer,” and/or “trans” than “lesbian” or “gay.” While diverse in a number of ways, this subpopulation tends to predominantly inhabit urban and academic settings, and is skewed toward those who are white and/or from middle-class backgrounds. In many ways**, the queer/trans community is best described as a** sort of **marriage of the transgender movement’s call to “shatter the gender binary” and the lesbian community’s pro-sex, pro-kink backlash** to 1980s-era Andrea Dworkinism. **Its politics are generally antiassimilationist**, particularly **with regard to gender and sexual expression.** This apparent limitlessness and lack of boundaries lead many to believe that “queer/trans” represents the vanguard of today’s gender and sexual revolution. However, over the last four years in which I’ve been a part of this community, **I’ve become increasingly troubled by a trend that**, while not applicable to all queer/trans folks**, seems to be becoming a dominant belief in this community, one that threatens to restrict its gender and sexual diversity.** **I call this trend subversivism**. ¶ Subversivism is the practice of extolling certain gender and sexual expressions and identities simply because they are unconventional or nonconforming. **In** the parlance of **subversivism,** these **atypical genders and sexualities are “good” because they “transgress” or “subvert” oppressive binary gender norms**.1 The justification for the practice of subversivism has evolved out of a particular reading (although some would call it a misreading) of the work of various influential queer theorists over the last decade and a half. To briefly summarize this popularized account: All forms of sexism arise from the binary gender system. Since this binary gender system is everywhere—in our thoughts, language, traditions, behaviors, etc.—the only way we can overturn it is to actively undermine the system from within. Thus, **in order to challenge sexism, people must “perform” their genders in ways that bend, break, and blur all of the imaginary distinctions that exist between male and female, heterosexual and homosexual**, and **so** on, presumably **leading to a** systemwide **binary meltdown.** According to the principles of subversivism, drag is inherently “subversive,” as it reveals that our society’s binary notions of maleness and femaleness are not natural, but rather are actively “constructed” and “performed” by all of us. Another way that one can be “transgressively gendered” is by identifying as genderqueer or genderfluid—i.e., refusing to identify fully as either woman or man.

**Subversivism invalidates people whose identities are seemingly assimilationist.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

The notion that certain gender identities and expressions are inherently “subversive” or “transgressive” can be seen throughout the queer/trans community, where drag and gender-bending are routinely celebrated, where binary-confounding identities such as “boy-identified-dyke” and “pansexual trannyfag” have become rather commonplace. On the surface**, subversivism gives the appearance of accommodating a seemingly infinite array of genders and sexualities, but this is not quite the case. Subversivism does have very specific boundaries; it has an “other.”** **By glorifying identities and expressions that appear to subvert or blur gender binaries, subversivism automatically creates a reciprocal category of people whose gender and sexual identities and expressions are by default inherently conservative, even “hegemonic,” because they are seen as reinforcing or naturalizing the binary gender system.** Not surprisingly, this often-unspoken category of bad, conservative genders is predominantly made up of feminine women and masculine men who are attracted to the “opposite” sex. ¶ One routinely sees this “dark side” of subversivism rear its head in the queer/trans community, where **it is not uncommon to hear individuals critique or call into question other queers or trans folks because their gender presentation, behaviors, or sexual preferences are not deemed “subversive” enough.** Indeed, if one fails to sufficiently distinguish oneself from heterosexual feminine women and masculine men, one runs the risk of being accused of “reinforcing the gender binary,” **an indictment that is tantamount to being called a sexist.** One of the most common targets of such critiques are transsexuals, and particularly those who are heterosexual and gender-normative post-transition. Indeed, because such transsexuals (in the eyes of others) transition from a seemingly “transgressive” queer identity to a “conservative” straight one, subversivists may even claim that they have transitioned in order to purposefully “assimilate” themselves into straight culture. While these days, such accusations are often couched in the rhetoric of current queer theory, they rely on many of the same mistaken assumptions that plagued the work of cissexist feminists like Janice Raymond and sociologists like Thomas Kando decades ago.2

**Subversivism allows masculine performance to dominate queer activism and marginalizes feminine gender expression.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

**The practice of subversivism** also **negatively impacts trans people on the MTF spectrum**. After all**, in our culture**, **the meanings of “bold,” “rebellious,” and “dangerous”—adjectives that often come to mind when considering subversiveness**—**are** practically **built into our understanding of masculinity.** In contrast, **femininity conjures up antonyms like “timid,” “conventional,” and “safe,” which seem** entirely **incompatible with subversion.** Therefore, despite the fact that the mainstream public tends to be more concerned and disturbed by MTF spectrum trans people than their FTM spectrum counterparts, **subversivism creates the impression that trans masculinities are inherently “subversive” and “transgressive,” while their trans feminine counterparts are “lame” and “conservative” in comparison**. **Subversivism’s privileging of trans masculinities over trans femininities helps to explain why cissexual queer women and FTM spectrum folks tend to dominate the queer/trans community**: Their exceptional gender expressions and identities are routinely empowered and encouraged in such settings. In contrast, there is generally a dearth of MTF spectrum folks who regularly inhabit queer/trans spaces.3

**Subversivism reinforces gender binaries and excludes people from queer activism. This turns the case.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

To me, **the most surreal part of this whole transgressing-versus-reinforcing-gender-norms dialogue** in the queer/trans community (and in many gender studies classrooms and books) **is the unacknowledged hypocrisy** of it all. It is sadly ironic that **people who claim to be** gender-fucking in the name of “**shattering the gender binary,” and who criticize people whose identities fail to adequately challenge our societal notions of femaleness and maleness, cannot see that they have just created a new gender binary, one in which subversive genders are “good” and conservative genders are “bad.”** In a sense, this new gender binary isn’t even all that new. It is merely the original oppositional sexist binary flipped upside down. So now, gender-nonconforming folks are on top and gender-normative people are on the bottom—how revolutionary! Now, I understand the temptation for a marginalized group to turn the hierarchy that has oppressed them upside down, as it can feel very empowering to finally be atop the pecking order, but **it’s absurd to claim that such approaches in any way undermine that binary**. If anything, **they only serve to reinforce it further**. ¶ **Subversivism’s binary flip is very reminiscent of another binary flip that was forwarded by cultural feminists** in the mid-1970s. While subversivism reverses oppositional sexism, **cultural feminism sought to reverse traditional sexism by claiming that women were naturally creative and cooperative and therefore superior to men, who were seen as inherently destructive and oppressive.** While it is always difficult to draw comparisons between different social/political movements for fear of oversimplifying them, there are other striking parallels between subversivism and cultural feminism that are worth bearing out. As historian Alice Echols describes in her book Daring to Be Bad: Radical Feminism in America, 1967- 1975, cultural feminism evolved from its more outwardly focused predecessor, radical feminism.4 While radical feminism—which asserted that neither sex was inherently superior to the other—actively engaged the mainstream public (and men in particular) to challenge and change their sexist ways, cultural feminism was a more insular movement, focusing on creating women-run organizations and women-only spaces rather than organizing public demonstrations. And unlike radical feminism, which attempted to accommodate a variety of different female perspectives (in fact, issues over “difference” in class and sexuality consumed much of the movement’s energy), cultural feminists forwarded the idea of “sameness” and “oneness”—that all women were part of a universal sisterhood, united by their female biology. ¶ **This concept of female “oneness” was perhaps most responsible for cultural feminism’s exclusionist, even separatist, tendencies**. After all, if one believes in a female “oneness” that is distinct from, and superior to, maleness, then anyone who brings that distinction into question automatically becomes threatening. Indeed, that’s exactly what happened throughout much of the 1970s and 1980s. **Those women who disagreed with cultural feminist dogma—or who engaged in certain gender expressions and sexual practices that were associated with men—were derided as promoting masculine values and being “antifeminist,” and were accordingly excluded from the movement.** Further, as Echols points out, while cultural feminists “used the language of sisterhood, they often assumed a patronizing stance toward those ‘unliberated’ women who were still living in ‘The Man’s’ world.”5 This exclusionary shift from a movement that sought to benefit all women (i.e., radical feminism) to one that only sought to benefit a select group of women was made possible by cultural feminism’s binary flip and its sense of “oneness.” ¶ The queer and transgender movements came into their own in the early 1990s in response to this sort of exclusionary “oneness” that was promoted by cultural feminists and many mainstream gay rights activists. The words “transgender” and “queer” came into vogue during this time as umbrella terms: “Queer” attempted to accommodate lesbians and gays as well as the growing bisexual and transgender movements; and “transgender” was used to promote a coalition of distinct groups (including crossdressers, transsexuals, butch women, femme men, drag performers, intersex people, etc.) that previously believed they had little in common with one another. These alliances were not based on a presumed shared biology or set of beliefs, but on the fact that these different groups faced similar forms of discrimination. In fact, the notion that transgender people “transgress binary gender norms” came about to create a cause for its varied constituents to unite behind, not as a litmus test or a criteria for them to meet. At that time, the idea of “shattering the gender binary” was outward-focused; if we could push our culture to move beyond the idea that female and male are rigid, mutually exclusive “opposite sexes,” that would make the lives of all transgender constituent subgroups far easier. ¶ **Just as cultural feminism’s binary flip fostered that movement’s inward focus on women-only culture and spaces,** I believe that **the recent rise of subversivism may be an early sign that the more outwardlooking, changing-the-world-focused transgender and queer movements of the 1990s are shifting into a more insular and exclusionary queer/trans community, one that favors only a select group of queers and trans folks, rather than all people who fall under those umbrella terms.** Indeed, unlike our predecessors in the groups Queer Nation (who held public “kiss-ins” in suburban malls) and Transsexual Menace (who staged protests in small Midwestern towns where trans people were murdered), many in the queer/trans community these days often seem more content celebrating our fabulous queer selves or enjoying the safety of our own organizations and events.6 **While there is nothing inherently wrong with creating our own queer/trans spaces and culture, what troubles me is that we are clearly sacrificing diversity in the process.** For example, in **queer/trans spaces, one rarely sees MTF crossdressers** (despite the fact that they make up a large portion of the transgender population) **and there are very few trans women**. Some might suggest that these groups are choosing not to attend of their own accord, but that only leads to the next question: Why are they choosing not to come? Often when **trans women** ask me when I’m performing next, and I tell them that it’s a queer/trans event, they will **tell me that** they’d rather not go because **they do not feel comfortable or safe in those spaces, that they have been dismissed or belittled** at such events before. Even trans women who are dyke- or bisexual-identified often don’t feel welcome or relevant in queer/trans spaces**. And whenever a trans woman or ally points out aspects about the queer/ trans community that contribute to these feelings of irrelevancy and disrespect**—such as the way our community coddles those who support trans-woman-exclusionist events or who make trans-misogynistic comments— **we are described as being “divisive.”** This use of the word “**divisive**” is particularly telling, as it **implies that “queer/trans” represents a uniform movement or community—a “oneness”—rather than an alliance where all voices are respected.**

**And, anti-assimilationism is classist purity politics. Turns the case again and guts aff solvency.**

**Operaista 12** Gayge, IWW, a former TransFix NorCal organizer, and a former Camp Trans organizer. *Queering Anarchism: Addressing and Undressing Power and Desire*, “Radical Queers and Class Struggle: A Match to Be Made,” edited by C.B. Daring, J. Rogue, Deric Shannon, and Abbey Volcano

It is often necessary for oppressed groups to engage in class struggle autonomously—i.e., to self-organize against their specific material conditions, fight against them, and bring their struggle back to the working class as a whole. While I am about as interested in arguing the precise definition of queer as I am about arguing about how many angels can have a circle jerk on the head of a pin, it’s pretty clear what queer in general is—the state of being not-heterosexual, and/or the state of being trans, genderqueer, or gender-nonconforming. This, in the main, is the definition that has been used for “queer,” as a reclaimed term of solidarity, by queer communities in struggle for decades. While “queer” is a purposefully imprecise term, we should **avoid it becoming either a hip label or something that only belongs to those we agree with politically**. Working-class queer communities have often been targeted from both sides, first by bourgeois LGBT organizations looking for numbers and legitimacy, and by radical organizations that seek to co-opt queers and queerness that they feel comfortable with. Both sides erase and silence the queers they are not comfortable with. Ultimately, working-class queers need the ability to self-organize, and to do that they need to not be controlled by either bourgeois LGBT organizations or radical organizations coming in from the outside to lead them. While of course there are radical workingclass queers in radical organizations, working-class queer community organizations need to arise out of the self-organization of all working-class queers, and **not exclude non-radicalized queers from membership,** as people are radicalized through struggle, and **excluding them from the organs of struggle is saying that we both know best and that they are beyond change**. While queer communities have often defined “queer” too narrowly— examples of excluded groups from dyke communities being bisexuals, femmes, butch/butch and femme/femme couples, butches and femmes at some points in time, and trans women—we need to not be so broad as to be meaningless; we need to retain a notion of queer that highlights the separation from traditional notions of the family, and the additional reproductive labor (in the sense of being able to reproduce one’s labor power for the next day) that comes from being a member of an oppressed group that is in constant danger from a hostile world and lacks traditional means of support. If we want queers to be able to join in the broader class struggle (not like we haven’t been there all along), we need spaces and organizations where we can approach the class struggle from working-class queer standpoints. We need spaces where we can formulate the questions about what being a working-class queer means to our material conditions, to our exploitation under capitalism. To truly be able to do that we need spaces where we can form organizations that don’t need to make every hetero radical comfortable, and spaces that aren’t controlled by bourgeois queers. If we, ourselves, bring those spaces into being, we will be able to organize our own struggles, link them up to the larger struggles of the class, and bring queer fierceness back to the class struggle. We do not need anyone from the outside to lead us; we will do things for ourselves by focusing not on academic definitions of what it is to be queer but rather the material conditions of queer lives. The Dead End of Anti-Assimilation Anti-assimilation, in-so-much as it has been a critique of the bourgeois cooptation of movements for queer liberation, has been valuable. Antiassimilation, in-so-much as it has been hostile to seeing queer struggles as part of the larger class struggle and as it has policed the identities of queers, by casting out queers who can pass, trans people who access medical transition, monogamous queers, queers who must be closeted in their working lives to retain employment, has been a hindrance. The assimilationist/anti-assimilationist dialectic is unhelpful. The proper questions we should ask ourselves about queer organizations, movements, and struggles are: What is the class composition? Are the forms of organization a benefit or a hindrance to working-class struggle? Are the goals ones that would strengthen the working class or the bourgeoisie? In which struggles will our efforts as revolutionaries be most valuable toward our ultimate goal of communism? We must also ask how we can broaden the struggle—what opportunities does each queer struggle bring to spread to the rest of the working class? These are far more important questions to me than whether the queers participating in the struggle reach an appropriate level of anti-assimilationist purity, which often at its core is just a reflection of the stratification built into the working class, twisted on the surface, but true to that stratification at its core. Another problem with anti-assimilationist purity is, as mentioned earlier, the idea that there is a need for queers to discipline themselves to adhere to a hegemonic idea of queerness that stands in opposition to a hegemonic idea of straightness. We run into the danger of cutting out far more queers that we should desire to struggle alongside than those whom we do not wish to struggle alongside, our comrades being working-class queers who may be monogamous, vanilla, or gender-conforming, for instance.

**Radical alterity gets co-opted by larger systems of domination, naturalizing violence and reversing liberatory politics. Turns case yet again and guts solvency.**

**Sallydarity 12** Stacy, creator and editor of anarchalibrary.blogspot.com, formerly the “resources” section of anarcha.org, which provides a vast archive of items of interest to anarcha feminists. *Queering Anarchism: Addressing and Undressing Power and Desire*, “Gender Sabotage,” edited by C.B. Daring, J. Rogue, Deric Shannon, and Abbey Volcano

That said, we need to dismantle gender stratum, to separate the power dynamics attached to gender, in that masculinity often means domination, and femininity, subordination. Since men are taught to be dominating—that this is equated with masculinity (being a “real man”)—we need to make a particular point to change this. Men are denied their emotions, and as bell hooks writes, “Patriarchy both creates the rage in boys and then contains it for later use, making it a resource to exploit later on as boys become men. As a national product, **this rage can be garnered to further imperialism, hatred, and oppression of women and men globally**.”[39] At the very least it teaches men in general to be apathetic about the plight of others. Because it is instilled in men that their nature requires them to be dominating, we must **extract the domination imperative from what it means to be a man**. Hooks distinguishes patriarchal masculinity from masculinity, and this deserves further consideration. Without the naturalization of a man/woman dichotomy, masculinity and femininity (gender inclination) and all their various meanings are either exposed as social only, and/or as more about individual tendencies of personality and affinity. It is this domination that should be opposed, no matter who is doing it or in what form. No one ought to identify domination as part of who they are, nor should women excuse their own (or other women’s) participation in domination just because they believe they cannot be oppressors. This applies to male privilege, hetero privilege, class privilege, white privilege, etc., in addition to hierarchies perhaps **inadvertently created by those judging others as not revolutionary, queer, or gender nonconforming enough**. In the past there was an expectation that the radical lesbian movement (and before that, women’s suffrage) would strongly threaten the dominant order. In fact, it has been viewed as a threat, but **as we can see, it has been defeated, recuperated or co-opted under the larger system of domination.** [40] If much of radical feminism/lesbianism was really the only real threat to the system,[41] then it served the dominant order to marginalize the particularly militant tendencies and/or those of women of color, or divert the movements to re-embrace essentialism, which reinforced the order of things. Some radical feminists were certainly on to something. According to Celestine Ware, a black woman activist (1970) who was quoted in bell hooks’ Feminist Theory: From Margin to Center, “Radical feminism…postulates that the domination of one human being by another is the basic evil in society. Dominance in human relationships is the target of their opposition.” Hooks comments, “As feminist movement progressed, critiques of the notion of power as domination and control were submerged as bourgeois activists began to focus on women overcoming their fear of power (the implication being that if they wanted social equality with men, they would need to participate equally in exercising domination and control over others).”[42] **Attributing violence and abuse to** the nature or necessary political position of **men gives women the opportunity to participate in domination while insisting that they can do so in a more ethical way** (or that they are by definition incapable of participating in domination). In addition, this attitude makes male violence seem inevitable and **allows us to avoid critical thinking** about systemic/institutional oppressions, such as the likelihood that capitalism and the state promote rape.[43] If rape is natural to men, then the survivors (mostly women) can rationalize that their only recourse is through the state. Yet prisons and police are not the solution to this problem. In addition, acknowledging that being a woman, queer, or transgressing gender boxes, and/or having feminist or anarchist politics **does not make one necessarily incapable of being a perpetrator of abuse and sexual assault**, we must see this as a larger project of addressing issues of consent. Additionally, uniting around the freedom to choose what will be done or not done to or with our bodies ties together many people’s struggles. As far as identity politics go, there must be some focus on identity in the sense that there are very real effects of these unreal constructs. Yet the point is to understand the gender and race divisions not only to end gender and race oppression, but to end domination totally—to undermine these crossclass alliances created in the process of power seeking to naturalize itself, its law, and its divisions. **Certainly capitalism, with the state, made the divisions between genders and races politically significant in a way that they never had been before.** This shows that much of the racism and sexism that has existed in the last few centuries is not innate, not organic, not grassroots, but rather manufactured. Part of this struggle will be in exposing the ways in which our beliefs have been shaped in the interest of power—that many of the things we consider to be natural are in fact not just man-made, but **statemade**. Illuminating the ways that our oppression is not “natural” can be done partly through the actual demonstrations and experiences of gender fluidity and queerness, sometimes referred to with other concepts as “queer.” “Queer is…an identity that problematizes the manageable limits of identity. Queer is a territory of tension, defined against the dominant narrative of white-hetero-monogamous-patriarchy, but also by an affinity with all who are marginalized, otherized, and oppressed.”[44]

### ---Whiteness Disad (42)

#### Understanding the injustice of the world in terms of the traumatological invites white paradigms of epistemology. Trauma treatments will be white which is worse for survival strategies, robbing individuals of their ability to cope

Cassiman 5 Shawn A. Cassiman is affiliated with the School of Social Work, University of Wisconsin-Madison, *The Social Policy Journal* (Toward a More Inclusive Poverty Knowledge: Traumatological Contributions¶ to the Poverty Discourse) Vol. 4, No. 3/4, 2005, pp. 93-106;

The trauma paradigm is not without its critics. Summerfield’s (2001)¶ critique of the trauma paradigm and particularly Post Traumatic Stress¶ Disorder (PTSD) seems to be focused on either its broad usefulness or¶ its misuse. For instance, in describing the usefulness of the trauma¶ paradigm to humanitarian programs, he states that it is often used as, “. . . a basis for capturing and addressing the impact of events likewar . . .”¶ (p. 95). He worries, however, that the Western nature of the paradigm¶ limits its usefulness in non-Western locations. While I applaud attention¶ to the subject of location, it seems this critique assumes hegemony of¶ Western identity only in discussions of the trauma paradigm. For instance,¶ we (Westerners) seem to be much less prone to such self-critique¶ when transferring Western theories of development. In order to be¶ applicable to other cultural and ethnic groups and situations, social¶ work finds the need to constantly reevaluate theories and theoretical implications¶ of positionality, whether those positions include the historical,¶ cultural, class or gender positions. We will notice the usefulness of¶ Kira’s (2001) framework as demonstrated by the way in which he¶ prioritizes positionality and history.¶ However, Summerfield’s (2001) critique is also concerned with the¶ trivialization of trauma, a very legitimate concern. He states, “In Western¶ societies the conflation of distress with ‘trauma’ increasingly has a¶ naturalistic feel; it has become part of everyday descriptions of life’s vicissitudes”¶ (p. 96). While I agree that we must be careful not to overgeneralize¶ and so trivialize the trauma experience, it seems this statement¶ is rather too simplistic and may allude to the privileged position of¶ the speaker. For instance, a car that won’t start is a minor irritant to an¶ individual with sufficient resources to consider it so. However, a car¶ that won’t start could be one of many stressors of the week for an individual¶ with few financial or human resources. It could also lead to the¶ loss of a job, as many low-wage jobs provide little security, which could¶ lead to the loss of housing, and so on. Or, we can consider a common but¶ chronic illness: to an individual with health insurance and employment¶ benefits that support an employee in illness, this could be an irritating¶ inconvenience, but to an individual with no insurance and no employee¶ benefits, the situation may have far greater consequences. In combination¶ with other stressors or in combination with a history of trauma, we¶ might well argue that this is an example of the trauma experience. Obviously¶ the nature of stress and trauma are relative and what is considered¶ a trivial inconvenience to one person may have a devastating impact¶ upon another.¶ Furedi (2000; 2004) offers a similar critique of what he calls the¶ “therapy culture.” However, while Summerfield (2001) supposes the¶ individual motive for seeking the PTSD label to be the legitimization of¶ a claim for redress or action (which he finds problematic), Furedi argues¶ that the therapy culture is imposed upon the individual, which robs them¶ of the ability to cope. While there are times such a critique would be useful, when analyzing the dependency narrative for instance, it seems¶ evident that the critique is not a useful one when discussing Kira’s¶ (2001) taxonomy. Rather, it appears as if Furedi’s critique of the therapy¶ culture is most concerned with the marketing of clienthood as problematic,¶ while Kira’s taxonomy illustrates the potential impacts of¶ failure to interrogate poverty policy. In fact, since the trauma paradigm¶ does reveal avenues for claims and demands, perhaps Ferudi would¶ agree with Gilfus (1999) about the necessity of the politicization of the¶ trauma paradigm, as he has obviously politicized the “therapy culture.”¶ Fortunately, we will see that Kira’s (2001) taxonomy allows us to capture¶ some of the nuance of experience and the ways in which history and¶ experience may add to or build the layers of risk in the exposure to¶ trauma.¶ Like Summerfield, Gilfus (1999) asserts that “. . . trauma theory has rapidly become a dominant psychological paradigm of our time . . .”¶ (p. 1239). While recognizing the value of trauma paradigms, Gilfus is¶ able to articulate a weakness within trauma theory: “Mainstream trauma¶ research and practice, however, tend to be more medicalized and less¶ political” (p. 1241). In an effort to instigate movement from the medical¶ to the political, it is imperative that we shift the discourse of trauma¶ from the purely individualistic toward a trauma discourse inclusive of¶ the societal and structural.¶ For instance, by ignoring the “inequalities of power relations” in¶ other realms of society, we also ignore the ways in which people experience¶ trauma on multiple levels and in multiple locations. According to¶ Gilfus (1999), this precludes us from “. . . being able to see contexts of¶ oppression and differentially distributed vulnerability to traumatic injury¶ and the damages caused by obscuring those contexts [emphasis¶ added]” (p. 1249).¶ Research on the taxonomy of trauma (Kira, 2001) leads to a much¶ broader and more inclusive conceptualization of trauma. These taxonomies¶ of trauma serve to organize trauma into categories and layers of¶ experience often missing from mainstream trauma paradigms. Kira¶ organized trauma into two distinct classifications: (1) “. . . according¶ to impact upon different areas of individual functioning” (p. 75), and¶ (2) “. . . based on the objective or external characteristics of the traumatic¶ event” (p. 78). Levels of functioning include attachment, autonomy/¶ identity/individuation, interdependence or disconnectedness, achievement/¶ self-actualization, and survival. Much of the discussion of impact¶ upon levels of functioning focuses upon psychological theories of a just¶ world, in which an individual’s sense of safety and basic assumptions of¶ deservedness are shattered by trauma (Gilfus, 1999). By pointing out¶ differences in worldviews between racial and ethnic minorities, poor¶ and working-class people, Gilfus demonstrates, “The current paradigm¶ in trauma treatment and research is culturally bound, reflecting a White,¶ middle-class, never-victimized worldview” (p. 1251). Adelman (2003)¶ describes the problem as one in which “. . . majority group members¶ control the interpretation of what it means to take culture into account”¶ (p. 113). In other words, individuals are informed of what is or is not¶ traumatic, what it means to take culture into account, and schooled in¶ “the just world” whether or not their lived experiences confirm the normative¶ discourse.¶ This worldview and the interpretation of culture are relevant to the¶ second set of classifications used by Kira (2001). These external characteristics¶ of trauma classifications are further explained in categories¶ of external and internal.¶ Traumatogenic stimuli can be either internally induced, e.g., terminal¶ illness, limb amputation, uncontrollable pain, panic attacks,¶ or externally induced. Externally induced traumatogenic stimuli¶ can be either nature-made, e.g., hurricanes, or man-made. Manmade¶ traumatogenic stimuli can be either person-made (direct¶ trauma) or society-made (indirect trauma transmission). (p. 78)¶ Kira’s (2001) classifications are further refined by assessments of single¶ event or Type I trauma, complex or Type II trauma and sequence of¶ trauma or Type III trauma. Type III trauma is described as having usually¶ accumulative effects, and can “take different sequences in each area¶ of functioning” (p. 78). Additional divisions of society-made trauma¶ occur at the levels of transmission.¶ Of most relevance to this discussion are complex trauma and type III¶ trauma and the transmission of each, either cross-generationally or historically.¶ Type II is a sequential experience of trauma. Such “ongoing¶ chronic traumatic conditions” have most commonly been associated¶ with physical or sexual abuse and war. Broader, more inclusive conceptions,¶ include poverty, hunger, and illness (p. 82). Closer examination¶ of collective cross-generational trauma transmission includes both historical¶ trauma (such as slavery, for African Americans or genocide for¶ Native Americans or the Jewish experience of the Holocaust) that is inflicted¶ upon a group, and affects the group identity. Historical trauma¶ may in fact be a much more relevant determinant of group experience,¶ particularly when considering the culture of poverty thesis. The re- search also indicates that historical trauma may affect individuals’ response¶ to new trauma. For instance, Native Americans experienced¶ longer lasting PTSD symptoms following service in Vietnam compared¶ to their White counterparts.¶ Kira (2001) describes the second kind of cross-generational transmission¶ of trauma as the “multi-generational transmission of structural¶ violence that constitutes extreme social disparities” (p. 80). Kira describes¶ such disparities:¶ The effects of the structure or social violence created by generating¶ deprived social structures or classes are traumatic to the parents¶ and their children. Poverty, biologically induced traumas such¶ as hunger or prolonged malnutrition, inadequate and crowded¶ shelter, inadequate medical care, unemployment, underemployment¶ or employment in temporary jobs without fringe benefits, all¶ of those cause severe consequences. (p. 81)¶ Acknowledging such disparities leads to what Gilfus (1999) describes¶ as, “. . . knowledge of ‘no just world’ or, ‘the search for an understanding¶ of the social and political world in which such injustice can occur’”¶ (p. 1252).¶ This search for understanding occurs at multiple points. Research by¶ Soss (2005) describes the effects upon citizenship and participation as¶ an outcome of experience of such systems. Soss compares the experience¶ of Social Security Disability Insurance (SSDI) claimants with that¶ of the former system of welfare provision, Aid to Families with Dependent¶ Children (AFDC). His research concluded that SSDI recipients¶ felt their claims on the system legitimate, while AFDC recipients experienced¶ their claims as suspect and contingent. These distinct categorical¶ representations of deserving populations versus undeserving¶ populations led to a cohesive group identity in the SSDI (deserving)¶ population. The AFDC (undeserving) population instead experienced a¶ fragmented non-group identity in which each became the deserving exception,¶ and attempted to distance themselves from the undeserving¶ general population. Individuals generalized their experience with the¶ social welfare system to their larger expectations of government representation.¶ As might be predicted, SSDI recipients felt empowered as citizens,¶ while AFDC recipients felt powerless. Schneider and Ingram¶ (1997) articulate the diversity of possible policy experiences, Policy designs reflect the social constructions of knowledge, target¶ populations, power relationships, and institutions in the context¶ from which they emerge, and these are conveyed to citizens¶ through the messages, interpretations, and experiences that people¶ have with public policy. (p. 5)¶ Inclusion of a traumatological framework serves to broaden the cultural¶ critique and leads toward recognition of the role poverty policy,¶ specifically, and social welfare policy design, implementation and discourse,¶ more generally, plays in the health and well-being of citizens.¶ Minimalist policies based on means testing, and focused on often stigmatized populations (in terms of their deservedness), may lead to the production of the very social “ills” we seek to alleviate. Furthermore,¶ politicians and policy makers who design or condone policies that perpetuate¶ high levels of poverty and inequality are complicit in the¶ traumatization of citizens they are charged to serve.

### Old version

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative---it’s predictable because it’s grounded in the resolution---solves infinite regression and ensures meaningful clash.

#### Perm do both -- can integrate K’s insights and the 1AC

Daniel Tutt 13, Interviewing Todd McGowan, October 27, “Enjoying What We Don’t Have: Interview with Philosopher Todd McGowan”, http://danieltutt.com/2013/10/27/enjoying-what-we-dont-have-interview-with-philosopher-todd-mcgowan/

DT. It seems to me that a frequent critique of psychoanalysis and politics is that in its inability, and perhaps unwillingness to propose concrete policy reforms or political projects, it falls back on a notion that everyone should just undergo analysis. Do you think that a political project that is informed by psychoanalytic teachings implies that we should all undergo analysis? You write in your book for instance that fantasy is a crucial point for facilitating a sort of un-bonding process from the larger capitalist mode of subjectivity. What do you see as the role of analysis and political emancipatory work?¶ TM. I will alienate many of my analyst friends with this response, but I have no political investment at all in psychoanalytic practice. I’ve undergone some analysis myself. However, I don’t believe that everyone undergoing psychoanalysis would change much at all politically. What is important about psychoanalysis to me is its theoretical intervention, its discovery of the death drive and the role that fantasy plays in our psyche. This is the great advance. And political struggle can integrate these theoretical insights without any help from actual psychoanalysis. What allows one to disinvest in the capitalist mode of subjectivity is not, in my view, the psychoanalytic session. Instead it is the confrontation with a mode of enjoyment that ceases to provide the satisfaction that it promises. This prompts one to think about alternatives. Obviously, not everyone can become a theorist, but in a sense, everyone already is a theorist. We theorize our enjoyment when we think through our day and plan out where we’re going to do. Even watching a television show requires an elaborate theoretical exercise. Making this theorizing evident and thus arousing an interest in theory is to me much more important than having a lot of people undergo psychoanalysis. In response to your question about the universalization of psychoanalytic practice, I have more faith in a universalization of psychoanalytic theory.

#### Psychoanalysis has zero logical or empirical basis, can’t be scaled up, and totalizes the existence of the human condition in pseudoscientific terms

Robinson 8 [Andrew, political theorist and activist based in the UK Contemporary Political Theory. Avenel: Aug 2008. Vol. 7, Iss. 3; pg. 351, 7 pgs]

By his own admission, Stavrakakis does not provide blueprints (which is unsurprising), nor does he provide prescriptions, political direction or policy proposals (pp. 13-14, 30). This leaves the work of dubious relevance to people doing politics whether as activists, politicians or administrators. The aim is rather to argue for radical democracy as 'the institutionalization of a mechanism which enables the continuous re-articulation of the symbolic field constituting society' (p. 129). The author makes very broad claims about this function of democracy, which is 'the most pressing task' of politics (p. 60), the only way to ensure permanent creation of the new (p. 60) and the only legitimate form of hegemony (p. 256). The argumentation backing up these claims mostly amounts toassertion and exegesis. However, this is not simply a case for existing liberal democracies. Radical democracy is contrasted with existing democracies (pp. 255-256) and is taken to imply a change in the arrangement of jouissance . Instead of the fantasies pervasive today, typified by their blaming of the other for the incompleteness of the self, Stavrakakis proposes a passage to feminine jouissance that encircles the lack (pp. 22-23, 111, 144, 268, 278-279). Present democracies have been hit by an assault on the two pillars of modern democracy -- equality and liberty -- by the neoliberals and neoconservatives, respectively, leading to a 'post-political' world in which conflict is avoided and thus returns as social problems, and in which a new, almost pre-democratic despotism is taking shape (pp. 263-264). Despite this, democracy can still function as 'the mobilising force, the common denominator, for a politics of alternatives' (p. 258).

These political conclusions are dubious. Liberal democracies in fact tend to be quite closed to change and to be supplemented with aggressive nationalist and racist identities. The liberal state, like the authoritarian state, tends to essentialize itself as a form in such a way as to deny its own contingency. It is not clear that the radical democratic framework guarantees basic rights or prevents the state from making essentialist claims on others. Stavrakakis assumes that the democratic form itself directly achieves the goal of recognizing contingency (p. 141). Yet this cannot be the case, since as Stavrakakis admits, this form does not prevent actually existing democracies from being inflected with fantasmatic projects such as ultranationalism, or degenerating into a 'post-political' disavowal of conflict. Further, whichever party gets in power -- by majority will or procedural hitch -- is generally able to ignore intransigent realities, pursue its own fantasmatic actings-out and repress, foreclose, disavow or otherwise silence whatever forms of social otherness are not to its tastes. Beyond this, there is a fantasmatic frame of the liberal-democratic state that pits the permanent institutions such as the police, bureaucracy and secret service against semi-permanent Others, hence displacing real social antagonisms into narratives of 'crime', 'disorder', 'terrorism', 'madness', 'anarchy' and so on. Can this fundamental fantasy be traversed without shattering the frame of the 'democratic' state itself? One might also wonder if the 'politics of alternatives' has not already emerged -- and passed by entirely the radical democrats -- in the form of the anti-capitalist and anti-neoliberal movements.

The linking of Lacanian theory to liberal democracy seems just too convenient. One cannot but be reminded of the Soviet-era dissidents whose critiques of the existing regimes ended up reproducing them in their proposed alternatives -- hence operating as the fantasmatic supplement of the regimes themselves. Surely a full acceptance of social contingency would generate social relations radically different from those pertaining in a society where such acceptance has not occurred. Acceptance of contingency might, for instance, necessitate the elimination of punishment, which involves a fantasy frame blaming the other (the criminal) for social conflict and risk; it would instead require that risk be assumed by all social actors and not displaced into special 'exceptional' spaces. It would seem to imply that the state needs to be constrained from the outside by other institutions, that a social order where power is negotiated or contested among multiple institutions is better than one where a single site monopolizes the field of social power. Or maybe it would be better served by the fluidity of affinity and the looseness of custom than by the fixity of state and law. Perhaps the revival of activities inscribing agonism and difference emerge, not inside the state, but in societal relations, oppositional movements and everyday life.

While the Lacanianism of the title is self-explanatory, it raises another problem -- why the 'left' in 'Lacanian left'? Stavrakakis defines 'left' as meaning a democratic legitimation of antagonism and 'alternatives' (p. 30), a definition that begs the question, identifying the 'left' directly with Lacanianism. This is pretty much unrecognizable in relation to general usage, in which 'left' is generally associated with the welfare or self-assertion of the worst-off, and the prioritizing of substantive social issues over property, propriety and order. Is Lacanian theory really 'left' in this more usual sense? It is, on Stavrakakis's own admission, 'subversive' rather than 'revolutionary' (pp. 2, 158) and has a 'reformist direction' (p. 109). What this means in concrete terms is that the structural frame is taken as unchangeable but the elements within it can be reshuffled. 'Exclusion and antagonism may be unavoidable, but acknowledging this does not restrict our ability to influence their particular articulations, to displace continuously the limits they impose' (p. 226). Again in common with other 'radical democrats', Stavrakakis says little to reassure either the excluded or included of the present that they will not be the losers of such a reshuffling; it is unclear as to who will be excluded in this process, and indeed, if any one exclusion can be deemed ethically worse than any other. At best it is possible that the presently marginalized could come out on top from such reshuffling. However, this is not the main aim of Lacanian theory, which has more to do with the recognition of contingency, rejection of 'utopianism' and defence of liberal-democratic regimes -- of the 'situationness', or ordering as such, of society, along with its 'eventness' or the recurrence of radical acts (pp. 156-157). This leads to assertions of the need for hierarchical power. For instance, authority is taken as inevitable in all social situations; it is 'a frame presupposed in every social experience' (p. 173). 'Without someone in command reality disintegrates' (p. 174). Such an orientation has a long history, but it is a history of the right, not the left, associated particularly with anti-communist liberals such as Popper, Kolakowski and Berlin, and traceable to the classical liberalism of authors such as Jefferson, de Tocqueville and J.S. Mill, who viewed constitutionality, political pluralism and a competitive 'marketplace of ideas' as necessary to impede the totalitarian tendencies of any one perspective taken alone. Contingency, anti-utopianism, a humble acceptance of limits to knowledge and action, the primacy of lack in human experience, are all paralleled in this older tradition. <<<Continues next page>>>

The strengths and weaknesses of the text largely follow from the usefulness and limits of the perspective it provides. The Lacanian perspective, as a partial truth, certainly provides interesting insights and a different way of seeing, and as such often generates productive contributions. However, it fails drastically to understand the partiality of its own 'truth'. In Stavrakakis's words, lack can't be signified but it can be formalized (p. 279). In other words, a final map of the structure of reality can still, from this perspective, be drawn -- and has been drawn already by Lacan. In effect, the result is a claim to be the theoretical end of history -- all else is utopian, essentialist and so on. In many respects, the perspective is also reactive, defined by what it is against (anti-essentialist, anti-utopian, anti-fantasmatic). It is less clear what it is for -- although the idea of feminine jouissance begins the task of constructing a positive pole. Its relation to the other is very intolerant and dismissive. It is not open to other voices because it is always ready to judge the other as failing its own rigid internal criteria. It expresses a dangerous urge to drive the other out of the community of speakers, and perhaps out of existence altogether. The chapter on Castoriadis is symptomatic here. Castoriadis in many ways stands for the entire field of horizontalist radicalism -- horizontalists and immanentists (Stirner, Reich, Negri, Deleuze, Marcuse, various critics of Lacan) circle around the text like barbarians at the gates. The dispute between Lacanianism and horizontalism is a dispute the stakes of which Lacanians are reluctant to confront, instead hiding behind the view from one side -- 'they disagree with us, therefore they are wrong'. Except that 'wrong' is usually replaced by one of a number of theoretical epithets -- romantic, utopian, essentialist -- which sound superficially like useful categories of theory but which are never defined and which serve mainly as a name to call people who disagree with one or another basic Lacanian assumption. The impression is given that those who hold these perspectives are somehow naïve, intellectually disreputable or unrespectable, but this connoted claim is never demonstrated. It is simply a choice of one perspective over another, conveyed in loaded language. Like most of its ilk, this book does plenty to show what Lacanian theory does, how it 'works' as a theoretical machine or toolkit, but rather less to say why it should be preferred to other approaches (assuming, of course, that not wanting to be called names is insufficient reason to accept its validity). Lacanian theory suffers from an ontological and epistemological restrictiveness derived from its absolutizing of structural topologies, which limits its explanatory power by rendering far too many specificities of metropolitan statist societies 'necessary' or 'unavoidable'. The theory involves restrictive, totalizing claims that are neither logically necessary nor empirically demonstrated; most often, acceptance of such claims is unnecessary to gain the benefits of the explanatorily or theoretically useful aspects of the perspective. Social phenomena vary in how well they fit this limiting frame. Nationalism and racism, having the right form, fit well, and hence become favourite expository targets for Lacanian theorists. But dogmas will have to be sacrificed if a broader field of social movements is to be encompassed.

#### Turn: The alternative destroys real action by scapegoating real progress on engaging theoretical signifiers.

Johnston 05 – Adrian Johnston is the Professor of Philosophy at the University of New Mexico. (“The Cynic’s Fetish: Slavoj Zizek And The Dynamis of Belief”, 1005, http://zizekstudies.org/index.php/ijzs/article/viewFile/8/24)

However, the absence of this type of Lacan-underwritten argument in Zizek's socio­political thought indicates something important. Following Lacan, Zizek describes instances of the tactic of 'lying in the guise of truth" and points to late-capitalist cynicism as a key example of this (here, cynically knowing the truth that 'the System" is a vacuous sham produces no real change in behavior, no decision to stop acting as if this big Other is something with genuine substantiality).Zizek proclaims that, "the starting point of the critique of ideology has to be full acknowledgement of the fact that it is easily possible to lie in the guise of truth."Although the Lacanian blurring of the boundary between theoretical thinking and practical action might very well be completely true, accepting it as true inevitably risks strengthening a convenient alibi—the creation of this alibi has long been a fait accompli for which Lacan alone could hardly be held responsible—for the worst sort of intellectualized avoidance of praxis. Academics can convincingly reassure themselves that their inaccessible, abstract musings, the publications of which are perused only by their tiny self-enclosed circle of "ivory lower" colleagues, aren't irrelevant obscurities made possible by tacit complicity with a certain socio-economic status quo, but, rather, radical political interventions that promise sweeping changes of the predominating situation. If working on signifiers is the same as working in the streets, then why dirty one's hands bothering with the latter? Consequently, if Zizek is to avoid allowing for a lapse into this comfortable academic illusion, an illusion for which Lacan could all too easily be perverted into offering rationalizing excuses, he must eventually stipulate a series of "naive" extra-theoretical/extra-discursive actions (actions that will hopefully become acts after their enactment) as part of a coherent political platform for the embattled Left His rejection of Marx's positive prescriptive program as anachronistic is quite justified. But, in the wake of Zizeks clearing of the ground for something New in politics, there is still much to be done A brief remark by Zizek hints that, despite his somewhat pessimistic assessment of traditional Marxism, he basically agrees with the Marxist conviction that the demise of capitalism is an inevitable, unavoidable historical necessity—"The ultimate answer to the reproach that the radical Left proposals are Utopian should thus be that, today, the true Utopia is the belief that the present liberal-democratic capitalist consensus could go on indefinitely, without radical changes."" This hurling of the charge of utopianism back at those making it is quite convincing. In fact, any system proclaiming to be the embodiment of 'the end of history" invariably appears to be Utopian. Given what is known about the merciless march of history, believing that an ultimate, unsurpassable socio-political arrangement finally has arrived is almost impossible. So, one should indeed accept as true the unlikelihood of capitalism continuing on indefinitely; it must eventually give way to something else, even if this "x" cannot be envisioned clearly from within the present context. Nonetheless, Zizek's own theorizing calls for a great deal of cautious reservation about the consequences of embracing this outlook as true, of falling into the trap of (to invoke this motif once more) lying in the guise of truth. Just as the combination of a purely negative, critical Marxism with the anticipation of the event of the act-miracle threatens to turn into an intellectual fetish (in the Zizekian ideological sense of something that renders the present reality bearable), so too might acknowledging the truth of capitalism's finitude have the same unfortunate side-effect. One can tolerate today's capitalism, because one knows that it cannot last forever; one can passively and patiently wait it out (at one point. Zizek identifies this anticipation of indeterminate change-yet-to-come as a disempowering lure, although he doesn't explicitly acknowledge that his own work on ideology sometimes appears to be enthralled by just such a lure). In both cases, the danger is that the very analyses developed by Zizek in his assault upon late-capitalist ideology might serve to facilitate the sustenance of the cynical distance whose underlying complicity with the present state of affairs he describes so well.

### AT: link

#### 1.politics good—prove that there can be material changes for queer people Ontology fails---We are not saying that we live in a society without antiqueer violence, but that no singular ontology can explain the world. Political changes like legalizing gay marriage, decriminalizing homosexual sex, getting rid of don’t ask don’t tell etc have improved the lives of queer people Saying that it is impossible to improve society shuts down reform efforts that materially improve queer lives.

#### 2.queer people can care about the future—they still have friends and loved ones that care about the future and can have children. Saying that no queer people can have children shuts down radical forms of queer futurism

### At alt

#### 1.embracing the death drive is bad---

#### Turn: The only thing we have to fear is fear itself -- lack of a strong sense of collective self-efficacy is the biggest obstacle to mobilizing efforts and marshaling resources necessary to solve pressing global problems. Bandura ‘98

Bandura, Albert, “Personal and collective efficacy in human adaptation and change”, Advances in Psychological Science: Social, personal, and cultural aspects, 1998.

The psychological barriers created by beliefs of collective powerlessness are more demoralizing, and debilitating than are external impediments. The less people bring their influence to bear on conditions that affect their lives the more control they relinquish to others. People who have high collective efficacy will mobilize their efforts and resources to surmount the obstacles to the changes they seek. But those convinced of their collective powerlessness will cease trying, even though changes are attainable through perseverant collective effort. As a society, we enjoy the benefits left by those before us who collectively fought inhumanities and worked for social reforms that permit a better life. Our own collective efficacy will, in turn, shape how future generations will live their lives. The times call for social initiative that build people’s sense of collective efficacy to influence conditions that shape their lives and that of future generations.

#### Turn: Pessimism stunts our collective capacity to deal with social problems and only helps the right. Rowan ‘15

Rowan, Rory, “Extinction as usual?: Geo-social futures and left optimism”, e-flux journal, May-August 2015.

The problem with pessimism from a political perspective is that it is not very conducive to forging collectives around shared projects and common struggles. Indeed, this may be the point – to let hot air out of inflated dreams – but a pessimistic sensibility seems more likely to cultivate politically debilitating affects, such as melancholic paralysis and resignation in the face of existing forms of power, or even to fuel fears. However unintentionally, pessimism can tacitly legitimate the lessons of individualized quietude taught by conservatives who tell us that the “small, happy life” offers deliverance from the dangerous delusion of collective transformation.35 Just as blind optimism risks lubricating existing forms of power, an equally blind pessimism risks stunting the collective capacities required to oppose them.

### AT: Don’t Need the Alt To Win

#### They can’t win framework without winning the alt – if the alt just directs debate into conversations that can’t change our relationship to desire, then their framework can’t outweigh. A conversation that is just pretend psychological exploration doesn’t provide uniqueness for any of their link arguments and doesn’t change anything, so it can’t outweigh. Lacan didn’t even know traversing fantasies would produce – he said “'What, then, does he who has passed through the experience...who has traversed the radical phantasy...become?”

## Weheliye K

#### The role of the ballot is to determine who did the best debating. Evaluate the plan relative to opportunity costs – anything else is self-serving and arbitrary. Anything else erases the AC which means we can’t catch up which crushes competitive equity. Prior questions are regressive, unpredictable, and make generating offense impossible.

#### Their ROB is to deconstruct the color line which prove the abuse

#### Perm do both---we can both embrace habeas viscus and give incarcerated workers the right to strike---but doing the alt alone will condemn millions of people to terrible oppression in prisons

#### Extend the Purdy card – our attempts at structural reform are necessary and create material change. Their critique can’t solve.

#### AT Wynter 03

#### Turn—the aff decreases otherization of incarcerated workers—through protesting terrible working conditions they can inform about the public about inhumane treatment which creates support for policies that support them

AT Weheliye 14—

#### The state making you legible is good—they provide you healthcare, social services and prevent violence

#### Their links are to the squo—our aff makes the state better

#### Turn--Legal change creates an impetus from more legal change and does not ignore the history of structural violence. This is uniquely true with our aff, which says that the right to strike gives incarcerated workers more power to fight for further legal change

#### Their link is paternalistic and wrong—the only people who can ignore current material suffering are those who are so privileged that they don’t have to experience it

#### AT **Weheliye** #2

#### Our arg is that you should expand the legal definition of personhood to recognize more people not fewer

#### Legal personhood is the only thing in the squo that can prevent prisoners from being exploited

#### Turn: The desire for equality and basic human rights is the most effective motivator of social change. The K mires us in antihumanist nonsense that separates the oppressed from their desire to be free. Said ‘04

Said, Edward. [Prof. of English at Columbia for a long time, now dead] Humanism and Democratic Criticism. New York: Columbia University Press, 2004. MO. Print. Pp 10-11

Although I was one of the first critics to engage with and discuss French theory in the American university, Clifford correctly saw that I somehow remained unaffected by that theory’s ideological antihumanism, mainly, I think, because I did not (and still do not) see in humanism only the kind of totalizing and essentializing trends that Clifford identified. Nor have I been convinced of the arguments put forward in the wake of structuralist antihumanism by postmodernism or by its dismissive attitudes to what Jean-Francois Lyotard famously called the grand narratives of enlightenment and emancipation. On the contrary, as a fair degree of my own political and social activism has assured me, people all over the world can be and are moved by ideals of justice and equality—the South African victory in the liberation struggle is a perfect case in point—and the affiliated notion that humanistic ideals of liberty and learning still supply most disadvantaged people with the energy to resist unjust war and military occupation, for instance, and to try to overturn despotism and tyranny, both strike me as ideas that are alive and well. And despite the (in my opinion) shallow but influential ideas of a certain facile type of radical antifoundationalism, with its insistence that these real events are at most linguistic effects, and its close relative, the end-of-history thesis, these are so contradicted by the historical impact of human agency and labor as to make a detailed refutation of them here unnecessary. Change is human history, and human history as made by human action and understood accordingly is the very ground of the humanities.¶ I believed then, and still believe, that it is possible to be critical of humanism in the name of humanism and that, schooled in its abuses by the experience of Eurocentrism and empire, one could fashion a different kind of humanism that was cosmopolitan and text-and-language bound in ways that absorbed the great lessons of the past from, say, Eric Auerbach and Leo Spitzer and more recently from Richard Poirier, and still remain attuned to the emergent voices and currents of the present, many of them exilic, extraterritorial, and unhoused, as well as uniquely American. For my purposes here, the core of humanism is the secular notion that the historical world is made by men and women, and not by God, and that it can be understood rationally according to the principle formulated by Vico in *New Science*, that we can really know only what we make or, to put it differently, we can know things according to the way they were made. His formula is known as the verum/factum equation, which is to say that as human beings in history we know what we make, or rather, to know is to know how a thing is made, to see it from the point of view of its human maker. Hence Vico’s notion also of *Sapienza poetica*, historical knowledge based on the human being’s capacity to make knowledge, as opposed to absorbing it passively, reactively, and dully.

#### AT alt

#### The aff is a form of guerilla warfare---it is a collective grassroots organization of incarcerated workers fighting against oppression

#### Disad to the alt: it reproduces the idea that prisons must be violent, making prison conditions worse – with the perception of more violence, authorities will more severely punish incarcerated people.

#### if people attempt to use guerilla warfare in prisons, people will just be put in solitary confinement – that’s Kozlowska. Only the aff ensures that resistance movements can even happen

#### The alt doesn’t change realist framework that controls state structures — their heuristic exacerbates war and structural violence

de Araujo 14 — Marcelo de Araujo (professor for Ethics at Universidade do Estado do Rio de Janeiro), “Moral Enhancement and Political Realism,” Journal of Evolution and Technology 24(2): 29-43)

Some moral enhancement theorists argue that a society of morally enhanced individuals would be in a better position to cope with important problems that humankind is likely to face in the future such as, for instance, the threats posed by climate change, grand scale terrorist attacks, or the risk of catastrophic wars. The assumption here is quite simple: our inability to cope successfully with these problems stems mainly from a sort of deficit in human beings’ moral motivation. If human beings were morally better – if we had enhanced moral dispositions – there would be fewer wars, less terrorism, and more willingness to save our environment. Although simple and attractive, this assumption is, as I intend to show, false. At the root of threats to the survival of humankind in the future is not a deficit in our moral dispositions, but the endurance of an old political arrangement that prevents the pursuit of shared goals on a collective basis. The political arrangement I have in mind here is the international system of states. In my analysis of the political implications of moral enhancement, I intend to concentrate my attention only on the supposition that we could avoid major wars in the future by making individuals morally better. I do not intend to discuss the threats posed by climate change, or by terrorism, although some human enhancement theorists also seek to cover these topics. I will explain, in the course of my analysis, a conceptual distinction between “human nature realism” and “structural realism,” well-known in the field of international relations theory. Thomas Douglas seems to have been among the first to explore the idea of “moral enhancement” as a new form of human enhancement. He certainly helped to kick off the current phase of the debate. In a paper published in 2008, Douglas suggests that in the “future people might use biomedical technology to morally enhance themselves.” Douglas characterizes moral enhancement in terms of the acquisition of “morally better motives” (Douglas 2008, 229). Mark Walker, in a paper published in 2009, suggests a similar idea. He characterizes moral enhancement in terms of improved moral dispositions or “genetic virtues”: The Genetic Virtue Program (GVP) is a proposal for influencing our moral nature through biology, that is, it is an alternate yet complementary means by which ethics and ethicists might contribute to the task of making our lives and world a better place. The basic idea is simple enough: genes influence human behavior, so altering the genes of individuals may alter the influence genes exert on behavior. (Walker 2009, 27–28) Walker does not argue in favor of any specific moral theory, such as, for instance, virtue ethics. Whether one endorses a deontological or a utilitarian approach to ethics, he argues, the concept of virtue is relevant to the extent that virtues motivate us either to do the right thing or to maximize the good (Walker 2009, 35). Moral enhancement theory, however, does not reduce the ethical debate to the problem of moral dispositions. Morality also concerns, to a large extent, questions about reasons for action. And moral enhancement, most certainly, will not improve our moral beliefs; neither could it be used to settle moral disagreements. This seems to have led some authors to criticize the moral enhancement idea on the ground that it neglects the cognitive side of our moral behavior. Robert Sparrow, for instance, argues that, from a Kantian point of view, moral enhancement would have to provide us with better moral beliefs rather than enhanced moral motivation (Sparrow 2014, 25; see also Agar 2010, 74). Yet, it seems to me that this objection misses the point of the moral enhancement idea. Many people, across different countries, already share moral beliefs relating, for instance, to the wrongness of harming or killing other people arbitrarily, or to the moral requirement to help people in need. They may share moral beliefs while not sharing the same reasons for these beliefs, or perhaps even not being able to articulate the beliefs in the conceptual framework of a moral theory (Blackford 2010, 83). But although they share some moral beliefs, in some circumstances they may lack the appropriate motivation to act accordingly. Moral enhancement, thus, aims at improving moral motivation, and leaves open the question as to how to improve our moral judgments. In a recent paper, published in The Journal of Medical Ethics, neuroscientist Molly Crockett reports the state of the art in the still very embryonic field of moral enhancement. She points out, for example, that the selective serotonin reuptake inhibitor (SSRI) citalopram seems to increase harm aversion. There is, moreover, some evidence that this substance may be effective in the treatment of specific types of aggressive behavior. Like Douglas, Crockett emphasizes that moral enhancement should aim at individuals’ moral motives (Crockett 2014; see also Spence 2008; Terbeck et al. 2013). Another substance that is frequently mentioned in the moral enhancement literature is oxytocin. Some studies suggest that willingness to cooperate with other people,and to trust unknown prospective cooperators, may be enhanced by an increase in the levels of oxytocin in the organism (Zak 2008, 2011; Zak and Kugler 2011; Persson and Savulescu 2012, 118–119). Oxytocin has also been reported to be “associated with the subjective experience of empathy” (Zak 2011, 55; Zak and Kugler 2011, 144). The question I would like to examine now concerns the supposition that moral enhancement – comprehended in these terms and assuming for the sake of argument that, some day, it might become effective and safe – may also help us in coping with the threat of devastating wars in the future. The assumption that there is a relationship between, on the one hand, threats to the survival of humankind and, on the other, a sort of “deficit” in our moral dispositions is clearly made by some moral enhancements theorists. Douglas, for instance, argues that “according to many plausible theories, some of the world’s most important problems — such as developing world poverty, climate change and war — can be attributed to these moral deficits” (2008, 230). Walker, in a similar vein, writes about the possibility of “using biotechnology to alter our biological natures in an effort to reduce evil in the world” (2009, 29). And Julian Savulescu and Ingmar Persson go as far as to defend the “the need for moral enhancement” of humankind in a series of articles, and in a book published in 2012. One of the reasons Savulescu and Persson advance for the moral enhancement of humankind is that our moral dispositions seem to have remained basically unchanged over the last millennia (Persson and Savulescu 2012, 2). These dispositions have proved thus far quite useful for the survival of human beings as a species. They have enabled us to cooperate with each other in the collective production of things such as food, shelter, tools, and farming. They have also played a crucial role in the creation and refinement of a variety of human institutions such as settlements, villages, and laws. Although the possibility of free-riding has never been fully eradicated, the benefits provided by cooperation have largely exceeded the disadvantages of our having to deal with occasional uncooperative or untrustworthy individuals (Persson and Savulescu 2012, 39). The problem, however, is that the same dispositions that have enabled human beings in the past to engage in the collective production of so many artifacts and institutions now seem powerless in the face of the human capacity to destroy other human beings on a grand scale, or perhaps even to annihilate the entire human species. There is, according to Savulescu and Persson, a “mismatch” between our cognitive faculties and our evolved moral attitudes: “[…] as we have repeatedly stressed, owing to the progress of science, the range of our powers of action has widely outgrown the range of our spontaneous moral attitudes, and created a dangerous mismatch” (Persson and Savulescu 2012, 103; see also Persson and Savulescu 2010, 660; Persson and Savulescu 2011b; DeGrazie 2012, 2; Rakić 2014, 2). This worry about the mismatch between, on the one hand, the modern technological capacity to destroy and, on the other, our limited moral commitments is not new. The political philosopher Hans Morgenthau, best known for his defense of political realism, called attention to the same problem nearly fifty years ago. In the wake of the first successful tests with thermonuclear bombs, conducted by the USA and the former Soviet Union, Morgenthau referred to the “contrast” between the technological progress of our age and our feeble moral attitudes as one of the most disturbing dilemmas of our time: The first dilemma consists in the contrast between the technological unification of the world and the parochial moral commitments and political institutions of the age. Moral commitments and political institutions, dating from an age which modern technology has left behind, have not kept pace with technological achievements and, hence, are incapable of controlling their destructive potentialities. (Morgenthau 1962, 174) Moral enhancement theorists and political realists like Morgenthau, therefore, share the thesis that our natural moral dispositions are not strong enough to prevent human beings from endangering their own existence as a species. But they differ as to the best way out of this quandary: moral enhancement theorists argue for the re-engineering of our moral dispositions, whereas Morgenthau accepted the immutability of human nature and argued, instead, for the re-engineering of world politics. Both positions, as I intend to show, are wrong in assuming that the “dilemma” results from the weakness of our spontaneous moral dispositions in the face of the unprecedented technological achievements of our time. On the other hand, both positions are correct in recognizing the real possibility of global catastrophes resulting from the malevolent use of, for instance, biotechnology or nuclear capabilities. The supposition that individuals’ unwillingness to cooperate with each other, even when they would be better-off by choosing to cooperate, results from a sort of deficit of dispositions such as altruism, empathy, and benevolence has been at the core of some important political theories. This idea is an important assumption in the works of early modern political realists such as Machiavelli and Thomas Hobbes. It was also later endorsed by some well-known authors writing about the origins of war in the first half of the twentieth century. It was then believed, as Sigmund Freud suggested in a text from 1932, that the main cause of wars is a human tendency to “hatred and destruction” (in German: ein Trieb zum Hassen und Vernichtung). Freud went as far as to suggest that human beings have an ingrained “inclination” to “aggression” and “destruction” (Aggressionstrieb, Aggressionsneigung, and Destruktionstrieb), and that this inclination has a “good biological basis” (biologisch wohl begründet) (Freud 1999, 20–24; see also Freud 1950; Forbes 1984; Pick 1993, 211–227; Medoff 2009). The attempt to employ Freud’s conception of human nature in understanding international relations has recently been resumed, for instance by Kurt Jacobsen in a paper entitled “Why Freud Matters: Psychoanalysis and International Relations Revisited,” published in 2013. Morgenthau himself was deeply influenced by Freud’s speculations on the origins of war.1 Early in the 1930s, Morgenthau wrote an essay called “On the Origin of the Political from the Nature of Human Beings” (Über die Herkunft des Politischen aus dem Wesen des Menschen), which contains several references to Freud’s theory about the human propensity to aggression.2 Morgenthau’s most influential book, Politics among Nations: The Struggle for Power and Peace, first published in 1948 and then successively revised and edited, is still considered a landmark work in the tradition of political realism. According to Morgenthau, politics is governed by laws that have their origin in human nature: “Political realism believes that politics, like society in general, is governed by objective laws that have their roots in human nature” (Morgenthau 2006, 4). Just like human enhancement theorists, Morgenthau also takes for granted that human nature has not changed over recent millennia: “Human nature, in which the laws of politics have their roots, has not changed since the classical philosophies of China, India, and Greece endeavored to discover these laws” (Morgenthau 2006, 4). And since, for Morgenthau, human nature prompts human beings to act selfishly, rather than cooperatively, political leaders will sometimes favor conflict over cooperation, unless some superior power compels them to act otherwise. Now, this is exactly what happens in the domain of international relations. For in the international sphere there is not a supranational institution with the real power to prevent states from pursuing means of self-defense. The acquisition of means of self-defense, however, is frequently perceived by other states as a threat to their own security. This leads to the security dilemma and the possibility of war. As Morgenthau put the problem in an article published in 1967: “The actions of states are determined not by moral principles and legal commitments but by considerations of interest and power” (1967, 3). Because Morgenthau and early modern political philosophers such as Machiavelli and Hobbes defended political realism on the grounds provided by a specific conception human nature, their version of political realism has been frequently called “human nature realism.” The literature on human nature realism has become quite extensive (Speer 1968; Booth 1991; Freyberg-Inan 2003; Kaufman 2006; Molloy 2006, 82–85; Craig 2007; Scheuerman 2007, 2010, 2012; Schuett 2007; Neascu 2009; Behr 2010, 210–225; Brown 2011; Jütersonke 2012). It is not my intention here to present a fully-fledged account of the tradition of human nature realism, but rather to emphasize the extent to which some moral enhancement theorists, in their description of some of the gloomy scenarios humankind is likely to face in the future, implicitly endorse this kind of political realism. Indeed, like human nature realists, moral enhancement theorists assume that human nature has not changed over the last millennia, and that violence and lack of cooperation in the international sphere result chiefly from human nature’s limited inclination to pursue morally desirable goals. One may, of course, criticize the human enhancement project by rejecting the assumption that conflict and violence in the international domain should be explained by means of a theory about human nature. In a reply to Savulescu and Persson, Sparrow correctly argues that “structural issues,” rather than human nature, constitute the main factor underlying political conflicts (Sparrow 2014, 29). But he does not explain what exactly these “structural issues” are, as I intend to do later. Sparrow is right in rejecting the human nature theory underlying the human enhancement project. But this underlying assumption, in my view, is not trivially false or simply “ludicrous,” as he suggests. Human nature realism has been implicitly or explicitly endorsed by leading political philosophers ever since Thucydides speculated on the origins of war in antiquity (Freyberg-Inan 2003, 23–36). True, it might be objected that “human nature realism,” as it was defended by Morgenthau and earlier political philosophers, relied upon a metaphysical or psychoanalytical conception of human nature, a conception that, actually, did not have the support of any serious scientific investigation (Smith 1983, 167). Yet, over the last few years there has been much empirical research in fields such as developmental psychology and evolutionary biology that apparently gives some support to the realist claim. Some of these studies suggest that an inclination to aggression and conflict has its origins in our evolutionary history. This idea, then, has recently led some authors to resume “human nature realism” on new foundations, devoid of the metaphysical assumptions of the early realists, and entirely grounded in empirical research. Indeed, some recent works in the field of international relations theory already seek to call attention to evolutionary biology as a possible new start for political realism. This point is clearly made, for instance, by Bradley Thayer, who published in 2004 a book called Darwin and International Relations: On the Evolutionary Origins of War and Ethnic Conflict. And in a paper published in 2000, he affirms the following: Evolutionary theory provides a stronger foundation for realism because it is based on science, not on theology or metaphysics. I use the theory to explain two human traits: egoism and domination. I submit that the egoistic and dominating behavior of individuals, which is commonly described as “realist,” is a product of the evolutionary process. I focus on these two traits because they are critical components of any realist argument in explaining international politics. (Thayer 2000, 125; see also Thayer 2004) Thayer basically argues that a tendency to egoism and domination stems from human evolutionary history. The predominance of conflict and competition in the domain of international politics, he argues, is a reflex of dispositions that can now be proved to be part of our evolved human nature in a way that Morgenthau and other earlier political philosophers could not have established in their own time. Now, what some moral enhancement theorists propose is a direct intervention in our “evolved limited moral psychology” as a means to make us “fit” to cope with some possible devastating consequences from the predominance of conflict and competition in the domain of international politics (Persson and Savulescu 2010, 664). Moral enhancement theorists comprehend the nature of war and conflicts, especially those conflicts that humankind is likely to face in the future, as the result of human beings’ limited moral motivations. Compared to supporters of human nature realism, however, moral enhancement theorists are less skeptical about the prospect of our taming human beings’ proclivity to do evil. For our knowledge in fields such as neurology and pharmacology does already enable us to enhance people’s performance in a variety of activities, and there seems to be no reason to assume it will not enable us to enhance people morally in the future. But the question, of course, is whether moral enhancement will also improve the prospect of our coping successfully with some major threats to the survival of humankind, as Savulescu and Persson propose, or to reduce evil in the world, as proposed by Walker. V. The point to which I would next like to call attention is that “human nature realism” – which is implicitly presupposed by some moral enhancement theorists – has been much criticized over the last decades within the tradition of political realism itself. “Structural realism,” unlike “human nature realism,” does not seek to derive a theory about conflicts and violence in the context of international relations from a theory of the moral shortcomings of human nature. Structural realism was originally proposed by Kenneth Waltz in Man, the State and War, published in 1959, and then later in another book called Theory of International Politics, published in 1979. In both works, Waltz seeks to avoid committing himself to any specific conception of human nature (Waltz 2001, x–xi). Waltz’s thesis is that the thrust of the political realism doctrine can be retained without our having to commit ourselves to any theory about the shortcomings of human nature. What is relevant for our understanding of international politics is, instead, our understanding of the “structure” of the international system of states (Waltz 1986). John Mearsheimer, too, is an important contemporary advocate of political realism. Although he seeks to distance himself from some ideas defended by Waltz, he also rejects human nature realism and, like Waltz, refers to himself as a supporter of “structural realism” (Mearsheimer 2001, 20). One of the basic tenets of political realism (whether “human nature realism” or “structural realism”) is, first, that the states are the main, if not the only, relevant actors in the context of international relations; and second, that states compete for power in the international arena. Moral considerations in international affairs, according to realists, are secondary when set against the state’s primary goal, namely its own security and survival. But while human nature realists such as Morgenthau explain the struggle for power as a result of human beings’ natural inclinations, structural realists like Waltz and Mearsheimer argue that conflicts in the international arena do not stem from human nature, but from the very “structure” of the international system of states (Mearsheimer 2001, 18). According to Waltz and Mearsheimer, it is this structure that compels individuals to act as they do in the domain of international affairs. And one distinguishing feature of the international system of states is its “anarchical structure,” i.e. the lack of a central government analogous to the central governments that exist in the context of domestic politics. It means that each individual state is responsible for its own integrity and survival. In the absence of a superior authority, over and above the power of each sovereign state, political leaders often feel compelled to favor security over morality, even if, all other things being considered, they would naturally be more inclined to trust and to cooperate with political leaders of other states. On the other hand, when political leaders do trust and cooperate with other states, it is not necessarily their benevolent nature that motivates them to be cooperative and trustworthy, but, again, it is the structure of the system of states that compels them. The concept of human nature, as we can see, does not play a decisive role here. Because Waltz and Mearsheimer depart from “human nature realism,” their version of political realism has also sometimes been called “neo-realism” (Booth 1991, 533). Thus, even if human beings turn out to become morally enhanced in the future, humankind may still have to face the same scary scenarios described by some moral enhancement theorists. This is likely to happen if, indeed, human beings remain compelled to cooperate within the present structure of the system of states. Consider, for instance, the incident with a Norwegian weather rocket in January 1995. Russian radars detected a missile that was initially suspected of being on its way to reach Moscow in five minutes. All levels of Russian military defense were immediately put on alert for a possible imminent attack and massive retaliation. It is reported that for the first time in history a Russian president had before him, ready to be used, the “nuclear briefcase” from which the permission to launch nuclear weapons is issued. And that happened when the Cold War was already supposed to be over! In the event, it was realized that the rocket was leaving Russian territory and Boris Yeltsin did not have to enter the history books as the man who started the third world war by mistake (Cirincione 2008, 382).3 But under the crushing pressure of having to decide in such a short time, and on the basis of unreliable information, whether or not to retaliate, even a morally enhanced Yeltsin might have given orders to launch a devastating nuclear response – and that in spite of strong moral dispositions to the contrary. Writing for The Guardian on the basis of recently declassified documents, Rupert Myers reports further incidents similar to the one of 1995. He suggests that as more states strive to acquire nuclear capability, the danger of a major nuclear accident is likely to increase (Myers 2014). What has to be changed, therefore, is not human moral dispositions, but the very structure of the political international system of states within which we currently live. As far as major threats to the survival of humankind are concerned, moral enhancement might play an important role in the future only to the extent that it will help humankind to change the structure of the system of states. While moral enhancement may possibly have desirable results in some areas of human cooperation that do not badly threaten our security – such as donating food, medicine, and money to poorer countries – it will not motivate political leaders to dismantle their nuclear weapons. Neither will it deter other political leaders from pursuing nuclear capability, at any rate not as long as the structure of international politics compels them to see prospective cooperators in the present as possible enemies in the future. The idea of a “structure” should not be understood here in metaphysical terms, as though it mysteriously existed in a transcendent world and had the magical power of determining leaders’ decisions in this world. The word “structure” denotes merely a political arrangement in which there are no powerful law-enforcing institutions. And in the absence of the kind of security that law-enforcing institutions have the force to create, political leaders will often fail to cooperate, and occasionally engage in conflicts and wars, in those areas that are critical to their security and survival. Given the structure of international politics and the basic goal of survival, this is likely to continue to happen, even if, in the future, political leaders become less egoistic and power-seeking through moral enhancement. On the other hand, since the structure of the international system of states is itself another human institution, there is no reason to suppose that it cannot ever be changed. If people become morally enhanced in the future they may possibly feel more strongly motivated to change the structure of the system of states, or perhaps even feel inclined to abolish it altogether. In my view, however, addressing major threats to the survival of humankind in the future by means of bioengineering is unlikely to yield the expected results, so long as moral enhancement is pursued within the present framework of the international system of states.

## Work K

### 1AR – AT: Postwork

#### The role of the ballot is to assess the desirability of the plan versus a competitive alternative – it’s predictable because it’s grounded in the resolution – solves infinite regression and ensures meaningful clash

#### Perm do both – do the alt and give felons the right to strike – the plan is compatible with a critique of work ethic, BUT the alts embracing of terrible living conditions for felons is unethical and turns alt solvency

#### The alt does not solve the aff---prisoners would still have to live under terrible conditions and would be structurally disadvantaged because of the high fees from living in prison

**Mindset shift is impossible and slow – that causes the affs impacts in the interim – even if work is bad, unemployment is worse until the alt happens which means the aff is a necessary stopgap measure**

#### Link Turn—the aff says that prisoners should strike and stop working under terrible conditions which exposes the false ideal of work through stopping to perform work

**They have to prove the link prevents alt solvency in their totality, otherwise the big structural impacts they claim don’t link to the aff and things like sustainability don’t matter**

**The alt fails – theres no blueprint for how to get to post-work society or how it functions which means you should be inherently skeptical of their claims**

#### No work link – saying people should get paid for their labor doesn’t mean that’s the only thing that can constitute value – the plan fosters mutual indebtedness which turns the K

Grey, 20 – (Rohan, Assistant Professor of Law, Willamette, “Equality, not equal pay: distributional justice beyond money” in Anders Örtenblad (Ed.), Debating Equal Pay for All: Economy, Practicability, Ethics, Palgrave 2020, https://rohangrey.net/files/equalpay.pdf)//usc-br/

Of course, to argue that the primary economic function of incomes should be to remunerate socially valuable labor is not in any way tantamount to arguing that everyone should be compelled to work, or that those who do not work should be treated like second class citizens. Rather, it is based on the recognition that our shared prosperity depends on maximizing our collective productive capacity, and thus, at a structural level, society cannot be indifferent as to whether individuals contribute their labor to the common product, or whether society maintains full employment.

# Phil

## Util Good

#### The standard is consistency with utilitarianism

#### 1] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen.

#### 2] Actor specificity – Util is the only moral system available to policymakers. Just because the government uses Kant right now doesn’t mean they should. Goodin 95

Robert E. Goodin 95 [professor of government at the University of Essex, and professor of philosophy and social and political theory at Australian National University], “Utilitarianism as a Public Philosophy”, Cambridge Studies in Philosophy and Public Policy, May 1995, BE

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices - public and private alike - are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus - if they want to use it at all - to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of gener- alities, aggregates and averages is just not sufficiently fine-grained for that.

#### 3] Pleasure and pain are intrinsically valuable.

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI, brackets in original

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for **there is something undeniably good about** the way **pleasure** feels **and** something **undeniably bad about** the way **pain** feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, **I might ask: “What for?”** This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “**But** what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the **pleasure is not good for anything further;** it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: **“We never ask** [a man] **what his end is in being pleased, because** we assume that **pleasure is** choice **worthy in itself.”**4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

#### 4] No act-omission distinction –

#### A] Psychology – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission.

#### B] Actor specificity – governments are culpable for omissions because their purpose is to protect the constituency – otherwise they would have no obligation to make murder illegal. Only util can escape culpability in the instance of tradeoffs – i.e. it resolves the trolley problem because a deontological theory would hold you responsible for killing regardless. Actor spec o/w – different agents have different ethical standings that affect their obligations and considerations.

#### 5] The assumption that there are self-evident truths is the basic error of Kantian metaethics. A pragmatic, intersubjective conception of truth is preferable.

**Habermas ’98 -** Jurgen Habermas [Former Chair of Philosophy and Sociology, Johann Wolfgang Goethe University Frankfurt am Main Institute for Social Research, Permanent Visiting Professor at Northwestern University, "Theodor Heuss Professor" at The New School, New York.], The Inclusion of the Other: Studies in Political Theory. Cambridge: MIT Press (1998), p. 36-37 AT

A sentence or proposition is justified on the semantic conception if it can be derived from basic sentences according to valid rules of inference, where a class of basic sentences is distinguished by specific (logical, epistemological, or psychological) criteria. But the foundationalist assumption that there exists such a class of basic sentences whose truth is immediately accessible to perception or to intuition has not withstood linguistic arguments for the holistic character of language and interpretation: every justification must at least *proceed from* a pre-understood context or background understanding. This failure of foundationalism recommends a pragmatic conception of justification as a public practice in which criticizable validity claims can be defended with good reasons. Of course, the criteria of rationality that determine which reasons count as good reasons can themselves be made a matter for discussion. Hence procedural characteristics of the process of argumentation itself must ultimately bear the burden of explaining why results achieved in a procedurally correct manner enjoy the presumption of validity. For example, the communicative structure of rational discourse can ensure that all relevant contributions are heard and that the unforced force of the better argument alone determines the “yes” and “no” responses of the participants.¶ The pragmatic conception of justification opens the way from an epistemic concept of truth that overcomes the well-known problems with the correspondence theory. The truth predicate refers to the language game of justification, that is, to the public redemption of validity claims. On the other hand, truth cannot be identified with justifiability or warranted assertability. The “cautionary” use of the truth predicate – regardless of how well “p” is justified, it still may not be true – highlights the difference in meaning between “truth” as an irreducible property of statements and “rational acceptability” as a context-dependent property of utterances. This difference can be understood within the horizon of possible justifications in terms of the distinction between “justified in our context” and “justified in every context.” This difference can be cashed out in turn through a weak idealization of our processes of argumentation, understood as capable of being extended indefinitely over time. When we assert “p” and thereby claim truth for “p” we accept the obligation to defend “p” in argumentation – in full awareness of its fallibility – against all future objections.

#### 6] Collapses to util: Moreover, maximizing utility is the only way to affirm equal and unconditional human dignity.

**Cummiskey ’90 -** David Cummiskey. [Associate Philosophy Professor at Bates College].Kantian Consequentialism. Ethics, Vol. 100, No. 3. 1990. <http://www.jstor.org/stable/2381810>.

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other separate persons**, **each with only one life, who will bear the cost of our inaction.** In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself” (GMM 429). Rational nature as such is the supreme objective end of all conduct. **If one** truly **believes** that **all rational beings have** an **equal value**, then **the** rational **solution** to such a dilemma **involves maximally promoting the lives and liberties of as many** rational beings **as possible** (chapter 5). In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? **If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity**, **that** is, an unconditional and incomparable worth” that **transcends** any **market value** (GMM 436), **but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others** (chapters 5 and 7). The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration suggests that one may have to sacrifice some to save many.

#### Kant’s construction of ‘rational man’ which is dominant in the western tradition justifies oppressing those constructed as insufficiently rational.

**Minnich ’05 -** Elizabeth Kamarck Minnich [Senior Scholar, Association of American Colleges & Universities, Ph.D., Philosophy. Graduate Faculty of Political and Social Science, The New School for Social Research], Transforming Knowledge, 2nd ed. Philadelphia: Temple University Press (2005). p. 148-149 AT

The point is not to collect absurdities uttered by European American male philosophers. It is to note that the same mind that believed these absurdities also gave us the critiques of “pure reason” and “judgment” that remain central to the field of philosophy as it is still taught. How can we assume that Kant’s treatment of reason not skewed? Knowing that he excluded **and devalued modes of thought** and feeling **he considered characteristic of the “fair sex” and the Arab man, we should surely hesitate before we assume that his notions of pure reason can be universal. He has taken the few to be the norm, and** from, as well as for, them he has sought **the ideal.** He has generalized too far from too few, drawing on and then re-creating representatives that were already prescriptive, not descriptive, for the included and the excluded. **This is how prescriptions on a cultural level are absorbed into, and become formative of, philosophical prescriptions that claim** (and desire) **to derive their warrant from ‘pure’ reason alone.**

In its false generalizations, what Kant says of the Arab man and of women is strikingly like what Thomas Jefferson says of the African writer Ignatius Sancho, who published his epistles in 1782 in London. Jefferson, writing about a particular person and work, used a standard of ‘real’ and ‘sound’ reason to see in Sancho not difference but inferiority, deviance. Clearly, nothing in Jefferson’s background and education prepared him to read Sancho in terms of that might have been appropriate to Sancho himself and to a culture his thinking did represent. Sancho’s epistles may have been excellent or they may have been poor examples of their own kind; we cannot tell what they represent from Jefferson’s comments, because Jefferson can see only how Sancho fails to be what Jefferson thinks he ought to be: “His imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a track of thought as incoherent and eccentric, as in the course of a meteor through the sky. His subjects should have led him to a process of sober reasoning: yet we find him always substituting sentiment for demonstration.” 30 Just like a woman, as Kant might observe. And we should note that males ‘othered’ by dominant traiditions are frequently feminized as well, which unfortunately has not tended to encourage those men to make common cause with women but, instead, has caused outrage over such a demeaning association.

**“Rational man,” as we have been taught to think of him in the Euro-American dominant tradition, is a gendered, racialized construct, a partial prescription of and for a particular few. “Rational man” is not only not representative but potentially dangerous when idealized. The capacity for ‘adequate’ rationality has been enshrined as a criterion for moral agency and so also for political rights.** As women’s and men’s multiple traditions, modes, works are retrieved, revivified, published, and studied around the globe, philosophy can only benefit from such rich evidence of the achievements of human minds. We will still select representatives of what we wish to aspire to as “the best,” but it is to be hoped that our selection process will proceed less prejudicially by moving to idealization after, not before, appropriate judgments are rendered.

#### Such exclusive conceptions of rationality and moral personhood serve to justify domination and repress meaningful moral discourse.

**Minnich ’05 -** Elizabeth Kamarck Minnich [Senior Scholar, Association of American Colleges & Universities, Ph.D., Philosophy. Graduate Faculty of Political and Social Science, The New School for Social Research], Transforming Knowledge, 2nd ed. Philadelphia: Temple University Press (2005). p. 189-190 AT

But here we should recall that we are exploring *mystified* concepts, which raises particular kinds of questions. In this vein, I suggest that the narrow view of reason we find functioning in (rather than consciously held by) many academics (among others) has served some purposes in the world, whatever its merit or lack thereof to epistemologists and logicians. Among other things, **a tightly prescriptive, narrow definition has worked** effectively **to allow the dominant few in the Western tradition to brand others “irrational.” In a tradition that has taken rationality to be *the* characteristic of the truly, fully human – and, in influential schools of thought such as the Kantian, also of the possibility of being ethical, or a “moral subject”** or “citizen” **– this move has had very serious consequences. As Aristotle said, slaves and**, in different ways, **‘free’ women, being less rational than free men, *need* to be ruled – and, the European colonial tradition added, the “Dark Continent” *needs* to have ‘enlightened’ rule imposed. Conquest, rule, mastery are all well served by a notion of reason that is both narrow and absolutized. When one has said, “That’s an irrational idea,” one has exempted oneself not only from asking whether it is true, but also from considering whether it is personally, socially, politically, morally meaningful; expressive of a significant, sharable experience; or indicative of someone’s good-faith effort to remedy a situation.** One need not ask, for example, when thus defended, whether that which now seems “irrational” is perhaps born of an “intuition” of a “new world.” The irrational, judged as such against a particular definition of “rational,” is not the same as the *anti*-rational – although it may be *anti* an imposed status ordering of ‘kinds’ of people.

#### Deontology fails to account for the unchosen moral demands of particular identities and so fails to account for indispensable aspects of the moral experience.

**Sandel ’98 -** Michael J. Sandel [Professor of Political Philosophy, Harvard University], Liberalism and the Limits of Justice: Second Edition. Cambridge: Cambridge University Press (1998). P. 178-179 AT

If the deontological ethic fails to redeem its own liberating promise, it also fails plausibly to account for certain indispensable aspects of our moral experience.For **deontology insists that we view ourselves as** independent selves, **independent in the sense that our identity is never tied to our aims and attachments.** Given our ‘moral power to form, to revise, and rationally to pursue a conception of the good’ (Rawls 1980: 544), the continuity of our identity is unproblematically assured. No transformation of my aims and attachments could call into question the person I am, for no such allegiances, however deeply held, could possibly engage my identity to begin with.

**But we cannot regard ourselves as independent in this way without great cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are - as members of this** family or **community or nation or people,** as bearers of this history, as sons and daughters of that revolution, as citizens of this republic. **Allegiances such as these are more than values I happen to have** or aims I ‘espouse at any given time’. **They go beyond the obligations I voluntarily incur** and the ‘natural duties’ I owe to human beings as such. **They allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made but instead in virtue of those** more or less **enduring attachments** and commitments **which** taken togetherpartly **define the person I am.**

**To imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly** without character, **without moral depth. For to have character is to know that I move in a history I neither summon nor command, which carries consequences none the less for my choices** and conduct.It draws me closer to some and more distant from others; it makes some aims more appropriate, others less so. **As a self-interpreting being, I am able to reflect on my history and in this sense to distance myself from it, but the distance is always precarious and provisional, the point of reflection never finally secured outside the history itself. A person with character thus knows that he is implicated in various ways even as he reflects, and feels the moral weight of what he knows.**

#### And hold the neg to a high burden of proof to exclude aff impacts. The neg is going to get up in the next speech and say that the aff impacts don’t link without giving a clearly warranted reason for doing so (and a warrant that actually makes sense), so you give more weight to arguments from the aff about how the AC arguments link in.

#### 

#### Even if you don’t buy that, Kantianism opens the door to racism and sexism—anyone labeled irrational is stripped of their autonomy and moral worth. Means women, the mentally ill, animals, indigenous groups, animals, etc will lose moral value

## Truth Testing

#### Counter-Interp – the ballot represents a normative endorsement or rejection of the plan

#### “Ought” means “should” – it’s not a moral obligation – policy affs implicitly define ought normatively

**Merriam-Webster, 19** – (“Ought," <http://www.learnersdictionary.com/definition/ought>)

Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the **same meaning as should and is used in the same ways**, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to.

#### This is proven by “resolved” in the resolution, which takes out their “affirm” definition since that word isn’t in the rez

**Parcher 1** — Jeff Parcher, Former Director of Debate at Georgetown University, 2001 ("Re: Jeff P--Is the resolution a question?," Post to the e-Debate List, February 26, Available Online at <http://www.ndtceda.com/archives/200102/> 0790.html, Accessed 09-10-2005)

> Jeff, I don't think debaters' relation to the resolution is nearly as clear as it you make it out to be in your recent posts. 1. The resolution > is not a question. It is a statement that has "resolved" on one side and a normative statement on the other separated by a colon. What > is the meaning of "resolved?" I know Bill Shanahan has made the argument that "resolved" means "reserved," in which case the > resolution doesn't require you to arrive at any certainty about the truth of the normative statement. (1) Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is **context** - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committtee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact **that it's policy debate**. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. **Should this statement be adopted** or not. (5) The very terms 'affirmative' and 'negative' **support my view**. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Don’t allow neg paradigm framing args – moots 6 minutes of 1ac offense – they have infinite prep for the 1ac but we have 4 min in round, so default to ac framing of comparative worlds

#### Prefer our interp

#### 1. NIBs Bad: There’s an infinite number of assumptions, but the aff can’t win on them – makes being affirmative impossible because they have more avenues to victory which means this flow is an rvi

#### 2. Topic education: Normative policies are the key internal link to policy-based research – their reliance on tricks proves our point – they can just recycle arguments topic to topic and learn nothing other than how to be a troll

#### 3. Intuition – its key to navigating our daily lives – if their arguments seem asinine the reject hyper line-by-line drops because they justify voting on things like racism good.

## Kant

### Kant offense

#### And even if you don’t buy any of this, *we still win under Kantianism*

#### 1. Labour exploitation – In order to treat people as end in and of themselves we must protect a right to strike

Sylvester Chima, 2021, Global Medicine: Is It Ethical Or Morally Justifiable For Doctors And Other Healthcare Workers To Go.” BMC Medical Ethics 14. 2013., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3878318/>

Some philosophers have described moral obligations or duties, which ought to guide ethical behavior, such as the duty of fidelity or the obligation to keep promises, and beneficence - the obligation to do 'good' [10]. However, it has been suggested that some other equally compelling moral duties or ethical obligations may conflict with the above duties, such as the right to justice. Justice is the right to fair treatment in light of what is owed a person [63]. For example, it may be argued that everybody is equally entitled to a just wage for just work. The philosopher Immanuel Kant based his moral theory on a categorical imperative which encourages moral agents to act, based on a principle, which they would deem to become a universal law [64]. One can argue that the decision by any HCW to go on strike may not be universalisable. However, looking at this decision from the principle of respect for autonomy, or freedom of choice, one can conclude that individual autonomy is a sentiment which is desirable for all human beings. Accordingly, every worker should be free to choose whether to work or not, based on a whether any specific set of conditions of their own choosing have been met. ¶ Kant argues further that moral agents or individuals should be treated, “whether in your own person or in that of any other, never solely as a means, but always as an end” [64]. This idea that individuals should be treated as ends in themselves has influenced political philosophy for centuries, and stresses the libertarian ideology that people should not have their individual freedoms curtailed either for others or for the good of society in general [10,64]. From this axiomatic considerations, one can conclude that it would be unethical for people to be used as slaves or be forced to work for inadequate wages or under slave-like conditions [4,10,12,51]. The issue of HCW strikes can also be analyzed from utilitarian principles as formulated by one of its major disciples JS Mills as follows [65]: The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

#### The right to fair working conditions must not be subject to utilitarian balancing

Joe Atkinson, 2020, Labour Law And Human Rights: Legal And Philosophical Perspectives. Thesis submitted for the degree of Doctor of Philosophy, University College London. , <https://discovery.ucl.ac.uk/id/eprint/10093788/1/Atkinson%20%20FINAL%20THESIS%20W%20IMPACT%20STATEMENT.pdf>

However, even if it is genuinely infeasible to secure labour law norms immediately in some societies, this does not prevent them from being justified via human rights. Under the conception of moral rights adopted here, issues of practical feasibility, rather than logical impossibility, only affect the content of duties generated by a right rather than the existence of the right itself.54 If it is not possible to immediately realise a right in full then it may generate duties to take concrete steps towards the rights’ realisation. In the case of labour law therefore, if human rights demand workplace standards that cannot feasibly be fulfilled in current conditions there may still be obligations to work towards the creation of institutions and frameworks that enable their realisation. Human rights are moral claims about the treatment people are owed; the fact that it is not possible to fully meet these demands in current conditions does not change that fact that people deserve the treatment.55 As with the duties generated by human rights, the allocation of duties to duty-bearers is also fact dependent. In the first instance, duties will be held by those agents who pose threats to the enjoyment or realisation of rights, such as those who are in positions of control or responsibility over the fulfilment of rights. Although moral rights may be held against state actors and institutions, they are primarily claims that individuals act or refrain from acting in certain ways and not, as Mill believed, demands for the state to secure the right ‘either by the force of law or by that of education and experience’.56 Given that human rights are moral rights of this kind, the horizontal nature of labour law protections does not prevent human rights from providing foundations for the discipline. As moral rights, human rights impose obligations on individuals and non-state actors as well as on the state. The normative implications of human rights are therefore not limited to the vertical relationship between state and individuals; they may also make demands in respect of horizontal relationships, including those between employer and employee. Furthermore, human rights may have indirect horizontal effects on the employment relationship, by imposing duties on the state to introduce labour law protections or regulate the labour market in certain ways. Finally, it is important to know the strength of duties corresponding to moral rights, and how to resolve conflicts between rights, as well as with other normative considerations. Although the theory of rights adopted here sees them as peremptory reasons for action with high moral force,57 they are not absolute ‘trumps’ or ‘side- constraints’.58 The duties corresponding to moral rights, including human rights, may be overridden or limited in some circumstances, such as when necessary to protect the rights of others; rights are ‘resistant to trade-offs, but not completely so’.59 The key insight is that rights cannot be subject to utilitarian cost-benefit analysis.

#### Collective action is needed to protect the categorical imperative

Milton Fisk, 2011,The Influence Of Philosophical Currents On Labor Unions, Collected writings of Milton Fisk, professor emeritus of philosophy at Indiana University. 2011. 2021. <https://www.miltonfisk.org/writings-in-progress/the-influence-of-> philosophical-currents-on-labor-unions/

The General Interest and Union Goals The meaning of liberty is, however, expansive; it goes beyond not having to face obstacles to self-interest in order to include the absence of obstacles to the general interest. From the 1820s to the 1840s, this expansion was evident in Britain as workers and others, who together made up the popular classes, widened their aims. In Britain, both the trade unions, which established themselves in the last quarter of the 18th century, and the mutual benefit organizations adopted aims that were broader than the aims of improved wages and aid for the poorest. This sparked an effort by the unions to set up a general national union for the major trades. Though it failed, this effort led to a movement with an even broader perspective. This new movement embodied the ideas of reformer-industrialist Robert Owen (1771-1858) for a cooperative nation-wide society. Though realizing a cooperative society was a distant goal, getting the vote for working people and the indigent seemed an actionable one. They joined a movement for the People’s Charter, which if passed into law would guarantee universal manhood suffrage. This movement reached its peak between 1839 and 1842 before failing to reach its goal. These developments showed that trade unions in particular were capable of having a double focus. They were demanding the liberty to realize their own interests and to participate in realizing the interests of the broader community. So unions began to adopt a double goal. They provide for their members needs as workers in a specific workplace, but they also respond to the needs of the larger community to which they belong. Yet sometimes only one of these goals dominates. This happens when their engagement with the community is only an expression of their self-interest. Then they support or protest a proposed action solely on grounds of its possible effects on them rather than on the broader community. It also happens when unions go crusading, slighting their members’ special needs to bring change to a larger arena. The double goal had played a role in France as well. The ideas of Jean-Jacques Rousseau (1712- 1778), a philosopher and novelist from Geneva, became part of the revolutionary culture there, despite their rejection by the French philosophers who defended a bourgeois republic. He wanted a popular republic in which the special interests of those with sizeable property were subordinate to the general interests of the community. This view became that of important revolutionary actors like Jacques-Rene Hebert and Jacques Roux. In 1793 Roux said in the Convention, “Freedom is only a hollow sham when one class of men can starve another with impunity.” Self-interest was not enough for the popular republic Roux and others hoped to found. Dedication to the general interest would offer an escape from the misery social divisions generate. Citizens would be free from hunger, to learn in schools, to have a job, and to participate as equals in governance. Rousseau was outside the main stream of the philosophes as represented by Voltaire. The idea that the state exists for certain private interests was anathema to Rousseau. The state should pursue, instead, common interests, and do this through a common will, a will to pursue interests common to all. For him, the political sovereignty of a united people cannot be divided, which it would be if one class or faction were to rule. To assure that the state promotes common rather than private interests and that sovereignty is seamless, workers and trades people must play a role in shaping the common interest and in executing the common will. Immanuel Kant (1724-1804) transformed Rousseau’s idea of a common will into what Kant called a categorical imperative.

The tie in comes from Kant’s treating the categorical imperative as requiring that we act only on rules that we can consider as universally applicable. A reasonable interpretation of this is that rules we cannot will to be universal are not compatible with Rousseau’s common will which is the common will of humanity. It would follow from this that, since the common will acts for common interests, Kant’s moral imperative calls for acting in solidarity with others by pursuing at least those of their interests that are common. Inseparable from the notion of a popular republic, which a segment of the French Revolution pursued in 1793 but never realized, was the notion of fraternity or solidarity. The Declaration of the Rights of Man and of the Citizen did not mention and was in fact distant from this notion. Forming a general interest and pursuing it are tasks that call for making the interests of others one’s own interests. Already in 1785, the Kant had affirmed the basis of the popular republican ideal when he said that we are to treat others not as mere means but in such a way that at least some of their ends should be ones we pursue with them.[7] Following this prescription leads to solidarity of the kind involved in the pursuit of general interests. In the union movements of various countries in the 19th century, one strand explicitly promoted the general interest as the goal of working people.

#### The Categorical Imperative prohibits the exploitation of workers.

Anne Marie Lafaso, 2017, Workers' Rights As Natural Human Rights. University of Miami Law Review 71:3. <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=4504&context=umlr>>.

It is the categorical imperative’s second formulation, known as the principle of ends, the principle of dignity, or the humanity principle, where Kant seems to add something more.202 Kant’s humanity principle tells us to treat people as if each person has intrinsic value simply because each person is human: “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a means.”203 The humanity principle forbids us to act in ways that exploit human beings or at least in ways that merely exploit human beings.204 Presumably, hiring workers per se does not violate the CI even though the employer uses its workers in furtherance of its purposes. The moral question inherent in a natural human rights approach to workers’ rights is whether these workers are being used merely as a means. Those interested in workers’ rights must determine whether, as a matter of fact (as opposed to a matter of law), workers are actually being used in an exploitative manner. This is essentially an empirical assessment of the moral claim: Are institutions, which are designed to protect workers, doing their job? It is also a legal strategy for developing positive labor standards, which reflect a particular conception of human dignity and autonomy while minimizing the impact of state and business coercion of workers.205 This particular formulation of the CI further and most clearly shows how the CI is in tension with political (or even economic) utilitarianism, by which majority rule governs and the ends justify the means.206 Morality requires that when people act we consider the humanity of each person and the effect of our actions on others’ humanity.207

#### Right to Strike defends liberty for workers to both set and pursue their own ends and resist coercion from external actors, Gourevitch ’18:

Gourevitch, Alex. “A Radical Defense of the Right to Strike.” *Jacobin* 2018. <https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression>

Workers have an interest in resisting the oppression of class society by using their collective power to reduce, or even overcome, that oppression. Their interest is a liberty interest in a double sense. First, resistance to that class-based oppression carries with it, at least implicitly, a demand for freedoms not yet enjoyed. A higher wage expands workers’ freedom of choice. Expanded labor rights increase workers’ collective freedom to influence the terms of employment. Whatever the concrete set of issues, workers’ strike demands are always also a demand for control over portions of one’s life that they do not yet enjoy. Second, strikes don’t just aim at winning more freedom — they are themselves expressions of freedom. When workers walk out, they’re using their own individual and collective agency to win the liberties they deserve. The same capacity for self-determination that workers invoke to demand more freedom is the capacity they exercise when winning their demands. Freedom, not industrial stability or simply higher living standards, is the name of their desire. Put differently, the right to strike has both an intrinsic and instrumental relation to freedom. It has intrinsic value as an (at least implicit) demand for self-emancipation. And it has instrumental value insofar as the strike is an effective means for resisting the oppressiveness of a class society and achieving new freedoms. But if all this is correct, and the right to strike is something that we should defend, then it also has to be *meaningful*. The right loses its connection to workers’ freedom if they have little chance of exercising it effectively. Otherwise they’re simply engaging in a symbolic act of defiance — laudable, perhaps, but not a tangible means of fighting oppression. The right to strike must therefore cover at least some of the coercive tactics that make strikes potent, like sit-downs and mass pickets. It is therefore often perfectly justified for strikers to exercise their right to strike by using these tactics, even when these tactics are illegal. Still, the question remains: why should the right to strike be given moral priority over other basic liberties? The reason is not just that liberal capitalism produces economic oppression but that the economic oppression that workers face is in part created and sustained by the very economic and civil liberties that liberal capitalism cherishes. Workers find themselves oppressed *because* of the way property rights, freedom of contract, corporate authority, and tax and labor law operate. Deeming these liberties inviolable doesn’t foster less oppressive, exploitative outcomes, as its defenders insist — quite the opposite. The right to strike has a stronger claim to be protecting a zone of activity that serves the aims of justice itself — coercing people into relations of less oppressive social cooperation. Simply put, to argue for the right to strike is to prioritize democratic freedoms over property rights.

#### The right to strike is consistent with negative rights – otherwise it requires direct government intervention to break the negotiation process that is already skewed towards employers, Sheppard ’96:

Terry Sheppard, "Liberalism and the Charter: Freedom of Association and the Right to Strike" (1996) 5 Dal J Leg Stud 117. Yoaks

The simplest way to differentiate these two concepts of rights and freedoms, which are often taken as synonymous, is to say that a right is a right to something while a freedom is a freedom from something, usually government interference. The question that is raised here is whether striking is a freedom or a right.55 The distinction is important because the liberal will only support the negative conception of non-interference but not the positive right to formulation.56 What are the union members being given when they exercise their right to strike? Some would answer that they are being given higher wages, better benefits or whatever else is sought by striking. If this is the case, then it is untrue that workers have a right to any of these things. The liberal does not allow that anyone has a right to a particular wage for a specific job. Those philosophers who have protested the supply and demand determination of prices and wages have created various schemes for an objective calculation of wages and prices. Marx, for example, believed that each person should be given a wage according to their need. Liberals deny these claims and argue that the only price or wage is what the market will bear. But this is not what unions are asserting when they postulate a right to strike. There is no set wage or benefits package that is morally justifiable outside the turbulent give and take of the free market. In contrast to socialists, liberals do not believe that one end result is any more just than another. As long as the rules of the game are just, the results will be just. This is how liberals justify the often severe inequality present in a liberal society and attack socialists for wanting to change the outcome. The analogy that is often used focuses upon the rules of a game. It would make little sense to criticize the score of a hockey game even if the home team is defeated soundly. As long as all the rules apply equally to both teams, the final score is just. Only if one team were allowed to be offside and the other not would there be cause to question the outcome of the game. It does not matter that one team is better and stronger than the other team. Such is the case with labour negotiations. Liberals cannot complain that a union receives too much in labour negotiations simply because it has the bargaining power to exact a generous contract. Likewise, socialists cannot complain if the union failed to have its demands met. What the unions are really seeking is the right to enter into the labour negotiation process without the fear of the state's coercive powers being used against them. It is a freedom they seek, the same freedom liberals seek for all individuals-the freedom from government interference. The right to strike is only a right in the sense that unions have the right to enter into labour negotiations free from government intervention. In the same sense, freedom of religion is a right to worship free of state involvement. So the right to strike is really the freedom to strike. The argument has been made that if the government is kept out of the labour field by providing unions with a constitutionally protected freedom to strike, the balance of power would be unfairly changed in favour of the unions. Mcintyre]. makes the point when he writes: To intervene in that dynamic [i.e. that of labour negotiations] ... by implying constitutional protection for a right to strike would, in my view, give to one of the contending forces an economic weapon removed from and made immune, subject to s. l, to legislative control which could go far towards freezing the development of labour relations and curtailing the process of evolution necessary to meet the changing circumstances of a modern society in a modern world.57 Mcintyre J. believes that in dismissing the case he is leaving the situation as it was before with the power structure more or less equal. After all, he is not taking the freedom to strike away from unions but merely allowing the legislatures to regulate this freedom as they see fit. Unions can still legally strike in the same manner as they always could. The fact that some unions did strike, and strike successfully, does not mean that unions had the legal freedom to strike. Even after this decision, some unions will still strike. The conclusion that the freedom to strike is not compromised because the government allows some strikes to go on is a non sequitur. A totalitarian regime may allow certain religions to practice but ban all others. Could this regime be said to have freedom of religion? What the Supreme Court did in failing to recognize a constitutional freedom to strike was to allow the government to step into any labour dispute and order the union back to work, which, in effect, enervates the freedom to strike. Mcintyre J. believes that in denying unions the freedom to strike he was remaining impartial in the field of labour relations. In fact, he believes that if unions were granted this freedom, he would be "freezing" the "process of evolution" by giving unions an unfair advantage. In its present form, the labour negotiation process is generally to the advantage of the employer. Obviously, some unions have more bargaining power than others. However, this power rarely exceeds that of their employer. For many reasons, unions are reluctant to launch a strike and once they do strike, there are pressures on a union to settle quickly. First, as Smith pointed out, the effects of a labour dispute are more immediate to the workers than to management: A landowner, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, a few could subsist a month, and scarce any a year without employment. In the long-run the workman may be as necessary to his master as his master is to him; but the necessity is not so immediate. [my emphasis]. 58 Even farther removed are the stockholders of those companies that are publicly traded. Secondly, many companies will have a reserve of their product on hand, especially if they have anticipated labour trouble, which will see them through the initial strike period. Workers, on the other hand, may have limited savings but even if they do, they will reluctantly dip into their life savings or their child's college fund, certainly more reluctantly than the company will use up its surplus stock. Also, depending on the provincial legislation and the union contract, it may be possible for the company to bring in replacement workers while the strikers must report for picket duty each day. Where replacement workers cannot be used, some companies can get by for a short time by using management to run the factory. Often, union workers are restricted from finding a temporary job during the strike and even when this is permissible, the hopes of finding an interim position are limited. A strike may involve thousands of workers, each of them feeling the effects of the work stoppage differently. This is why it is very difficult, even in a small union, to maintain cohesion, while the employer can more easily offer a united front. It is difficult to maintain that the Supreme Court's decision is neutral. The government only rarely intervenes on behalf of the unions. None of Canada's major political parties have a great track record on protecting unions.

### Communication/Expression

#### Destroying the right to strike takes away workers’ basic right to argumentation – the right to strike preserves contestability, Lindblom ’19:

Lindblom, Lars. "Consent, contestability, and unions." *Business ethics quarterly* 29.2 (2019): 189-211.

To provide a justification of unions is to give justificatory reasons for the rights to form unions and non-discrimination of union members and the duty of good faith bargaining. Moreover, the theory we are looking for must be able to handle the problem concerning acts of employer authority that created difficulties for the consent-based theories, such as libertarianism. Let us, then, turn to how unions can implement contestability and thereby solve the problem of consent. Starting with the basis of contestation, the demand for transparency solves, as was noted above, the problem of information. With transparency in place, employees will be informed about the policies and decisions that affect them. This aspect of contestability demands that parties make clear the reasons that are moving them when making decisions. This, in turn, underwrites some preconditions for good faith bargaining and provides a link between contestability and unions. Now, it is quite obvious that there is a connection between unions and voice. Part of the purpose of a union is to enable its members to express their views or demands and to make their voices heard. The fact that a group of people, rather than an individual, expresses itself when a union speaks out makes it more probable that what is being expressed is also heard. If we want to get serious about voice, we should have mechanisms that implement it efficiently. Therefore, a right to form unions would seem to follow from the implementation of contestability. This indicates, furthermore, that the right to strike should be protected as a part of the implementation of the mechanism of contestability, since such a right safeguards the possibility to make one’s voice heard.12 Moreover, discrimination of union members would undermine this mechanism for voice. If employees fear that they will be retaliated against if they speak out, they will clearly be hesitant to voice their concerns. Nondiscrimination of union members is, therefore, a demand of the ideal of contestation. These two points imply that the standard of cooperation should include a norm against the discrimination union members and respect for the right to form unions.

### Self-Determination

#### The right to strike is justified on the basis of the right to self-determination and justification – strikes are a form of communicative action and to deny it as a right would generate a contradiction, Borman ’16:

Borman, David A. "Contractualism and the Right to Strike." *Res publica* 23.1 (2017): 81-98. Yoaks

To summarize: the conflict between labour and capital and government which is made manifest in a strike is not located at the first-order level where a specific schedule of putative rights is to be justified or constrained; instead, it takes place at the more fundamental level where the right to have rights (in this domain), or the salience of normative justification, is itself contested. In the strike, a demand for justification is confronted with (often, is inspired by) a refusal to justify: implicit or explicit (second-order) moral claims collide with (unjustified) norm-excluding assertions of interest. If this characterization is correct, then non-instrumental contractualism might appear to have advanced no farther than Nielsen, when he awkwardly concludes that the conditions are not yet right for morality. Although agreements here concern what is right, contractualists do not exclude consideration of existing interest positions: to the contrary, they argue in one form or another that a norm is to be judged legitimate if it can be reasonably accepted from the point of view of all affected, taking into account the effects the general observance of the norm could be anticipated to have on their interests (Habermas 1990, p. 65). But if this is so, then the present prospects for justifying a right to strike might be thought bleak indeed. As Nielsen observed, the recognition of such a right is very much in contradiction to the existing interests of employers, so that a consensus on this point ‘would only be possible if the capitalists generally—and not just in isolated instances [ala` Engels and Owen, above]—would in the interests of fairness and humaneness de-class themselves voluntarily. But,’ Nielsen sagely concludes, ‘it is an idle dream to expect this to happen’ (Nielsen 1989, p. 127). Prima facie, given the difficulty just described, hypothetical-agreement-contractualism might seem to have an important advantage over its rival: namely, its willingness to declare that some interests—such as the interest in maintaining positions of asymmetrical power—are not legitimate (Scanlon 1997, p. 278). But for the actual-agreement contractualist, there are two problems with this response. First, it is not clear that there is a defensible point of view from which we are able to distinguish unilaterally and conclusively between legitimate and illegitimate interests on someone else’s behalf—hence Forst’s prohibition of such claims or, better, ‘diagnoses’. Second, even if I am able to carry through the argument that the interests standing in the way of justifying a right to strike—which do so by blocking the communicative orientation or a presupposed right to self-determination in the first place—are such that they may be ‘reasonably rejected’, it is not clear to the actual-agreement contractualist (a position influenced by pragmatism) what the good would be of such a unilateral defence. Typically, the motivational significance of deontological justification is to deprive the would-be violator of rights of all legitimate reasons for their actions (for instance, by proving that there can be no good reason for cheating). But in the case at hand, depriving opponents of their ability to justify their refusal to recognize rights is pointless, since that refusal takes the form of a refusal of justification itself. Put differently: we cannot leap to the question of whether employers would be unreasonable to reject the right to strike, since we must first deal with the question of what types of reasons or considerations are relevant and it is here that the disagreement is stalled. Because the conflict occurs at the fundamental level where the types of reasons that are salient is itself in dispute, the actual-agreement approach seems to fare hardly better: the project of justification as it is described by Forst and Benhabib cannot get off the ground. Workers, by making some purportedly legitimate firstorder demand, simultaneously assert their right to have rights in the domain of labour; the law and employers refuse to take up that claim in a communicative attitude and insist instead on a compromise-orientation framed by considerations of relative power. **Because existing relations of power are so asymmetrical, employers are able today**—and at the level of the development of law, have historically been able—to force the orientation toward compromise upon their interlocutors. Of course, the first-order move on the part of employers implies a second-order commitment that the economy operate as a ‘norm-free’ or ‘justification-free’ sphere of the play of interests, money, and power, a commitment which itself calls for justification. But the impasse is simply repeated at the second-order level: as I’ve already argued, there is no genuine effort (nor was there historically) to normatively justify this view in terms acceptable to workers, an effort which would require taking up communicatively, even if critically, the moral-normative claims of workers and so accepting (by presupposition) their right to have rights. Instead, as the dissenting Justices in Saskatchewan continued to argue, the economy is to be regarded as a ‘delicate’, technical system in which competing interest are in a complex balance; the state must have the ‘flexibility’ to intervene as the system requires and because of this the Court, even when faced with a Charter challenge, must ‘demonstrate deference in the field of labour relations’ apparently irrespective of the force of reason (Saskatchewan 2015, paras. 107 and 114). Thus, rather than being a question of applied ethics, the issues raised by the strike tend toward the meta-ethical: can the demand to justify itself be justified in a way that is compelling from the perspective of those who refuse to argue? If we could answer this in the affirmative, the right to strike would immediately come under the general defence of justification; the remaining questions to be settled within discourse would concern only the legitimacy of particular strikes and particular demands (none of which would challenge the right to strike itself). There is little hope, I think, of arriving at such a result via informal logic: morality is a practical, historical device and the limits of practices of reason-giving are determined by social struggle. Probably all of the contractualists I have mentioned here would accept this judgment in some form; but it certainly has a greater affinity with, and so perhaps offers some reason to prefer, the approach of the actual-agreement contractualists insofar as the latter see the scope of morality as the product of ‘political struggles, social movements, and learning processes’ (Benhabib 2007, p. 16). For hypothetical-agreement contractualists like Scanlon, morally motivated social struggle must have two distinct stages: first, contractualist reasoners have independent insight into what cannot be reasonably rejected; second, they engage in social struggle, armed with this prior, independent, and already completed justification for their conduct. For the actual-agreement contractualist, at least full justification only emerges at the end of the struggle, with the successful effort to convince others and so reach agreement (see Borman 2015a). When it is a question of opening up some domain of human life to moral questioning, the actual agreement account seems a better fit for the messy outcomes of historical struggle, of which the labour movement is an especially good example. Historically, workers saw labour, its terms and conditions, as a moral question. The presently ambiguous status of the right to strike reflects the unresolved legacy or, to put it more harshly, the historical failure or defeat of the labour rights movement in this regard. Indeed, the ‘special interest’ character of many trade unions today, which confine themselves to advancing the narrowly defined employment interests of their members (for which they are ridiculed by their anti-union critics) is the result of the systematic repression of a much broader labour movement which actively sought connections with broader concerns of social justice. It is noteworthy, in this respect, that by the 1950s in the U.S., secondary boycotts and sympathy strikes were illegal (Lambert 2005, pp. 62–63). Where does this leave the right to strike? If morality is regarded as a practical project of coordinating action and action-effects via legitimized norms, then it is enough to show how workers who demand such a right are reasonable to do so while employers who refuse to engage with the claim are not. Operating on the premises of actual-agreement-contractualism, it is in fact easy to accomplish this: I would propose that, because the scope of morality is defined by the pursuit of rationally legitimated norms, every sincerely raised and undefeated demand for justification— every assertion of the right to justification—is presumptively or pro tanto legitimate. This does not mean that every particular strike is actually legitimate any more than any proposed substantive right is automatically justified. The right to have rights is justified presumptively as an implication of the mere raising of any given rights-claim, and so similarly, the right to self-determination in labour is justified presumptively by the mere raising of any labour-rights-claim. Any attempt to take-up, even in order to reject the right to have rights would presuppose its recognition, and the same may be said for the right to self-determination. Let me repeat this deceptively simple, though somewhat unsatisfying, outcome: the particular strike implicitly asserts a right to self-determination, as a presupposition of whatever particular claims are made. That right cannot be reasonably rejected since any attempt to reject it on the basis of reasons is self-defeating, guilty—as Habermas might say—of a petitio tollendum fallacy. If indeed the right to strike is derivable from the right to self-determination, then there is a presumptively justified right to strike. And this is established without appeal to antecedent normative reasons for believing that those affected should agree to such a right. This does not do away with the practical obstacles that endure in the absence of full justification or recognition of the right to have rights in labour. We can add for good measure that if the rejection of justification within labour is bolstered only by appeals to the interests of employers taken personally, then the rejection is not based on good, generalizable reasons. If the rejection is, as is more commonly the case in legislative restrictions of the right to strike, ‘justified’ by first-order appeals to economic efficiency, then the reply is guilty of a fallacy of irrelevance. Of course, employers and governments could attempt a second-order justification of the firstorder insistence upon compromise-orientation in place of consensus-orientation (that is, a principled, communicatively oriented defence of the claim that economies ought to be regarded as ‘norm-free’ subsystems evaluated according to their efficiency alone); but doing so would require genuine communicative engagement with the justificatory demands of workers who reject the thesis on the basis of putatively good reasons and would be tantamount to an acceptance of the right to self-determination (here, as agreeing to be governed by principles of compromiseformation). Simply pushing through a compromise-orientation at the second-order level, too, entails that the entire sequence of interactions is reduced to a question of mere power.

### Workers Agree to No Strike Contracts

#### Workers do not truly make free contracts of labor – the labor market is fundamentally coercive Gourevitch ’16:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307. Yoaks

The problem with the real freedom of contract view is that it is based on faulty social analysis. The l**abor** market is not just another commodity market in which property owners are, or can be made, free to participate or not participate. Here some social theory is inescapable. Workers who have no other consistent source of income than a wage have no reasonable alternative to selling their labor-power. That is because in capitalist societies most goods are only legally accessible if you can buy them. There is no other way of reliably acquiring necessary goods. The only way for most workers to get enough money to buy what they need is by selling their labor power. Their only alternatives are to steal, hope for charity, or rely on inadequate welfare provision. These are, generally speaking, unreasonable alternatives to seeking income through wages. If workers have no reasonable alternative to selling their labor-power they are therefore forced to sell that labor-power to some employer or another.56 This forcing exists even when workers earn relatively high wages, since they still lack reasonable alternatives, though the forcing is more immediate the closer one gets to poverty wages. The key feature of this forcing is that it is consistent with voluntary exchange but it is not some occasional or accidental feature of this or that worker’s circumstances. It is a product of the distribution of property in society. People are forced to sell their capacity to labor when, on the one hand, everyone has property rights in their own capacity to labor and, on the other hand, some group of individuals monopolize all or nearly all of the productive assets in that society. These are the necessary conditions to create a labor market sufficiently robust to organize production. That is to say, a society in which the primary way of organizing production is through a labor market is one in which most people are forced into that labor market. Or, put another way, a society in which most people were truly free to enter or not enter the labor market would be one in which labor is so radically decommodified that the mere formal possibility of a labor market could not serve, on its own, to guarantee social reproduction. Relations among workers and employers would be truly free and thus truly contingent. It is only when there is a sufficiently large population of individuals who have nothing but their labor-power to sell that the mechanism of social forcing guarantees a constant supply of labor through the labor market itself. But this means that, in a society based on the commodification of labor, the conditions that would make the buying and selling of labor-power a truly free set of exchanges would require utterly transforming that market-based production relationship itself. It would require giving workers a reasonable alternative to selling their labor—say through a sizable, unconditional basic income and universal public goods, or through giving all workers the possibility of owning or cooperatively owning their own enterprise. Such measures would amount to a radical de-commodification of labor-power, an overcoming of the very social conditions that give rise to the labor market’s self-image as a site of free exchange. As Ira Steward, a nineteenth-century American labor reformer, once said, “if laborers were sufficiently free to make contracts ... they would be too free to need contracts.” 57

#### The right to strike is a means of reversing employer domination – it challenges the structural relationship between employer and employed, Gourevitch ’16:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307. Yoaks

This is not just a dramaturgical fact about strikes, though the drama has, in many cases, been nearly Greek in its intensity and tragedy. It is a point about power. It would not have the drama if it were not a power play. By demanding the job as a matter of right workers do not just publicize their domination, they attempt to challenge the forcing to which they are subject. Limiting the employer’s ability to make contracts with others, and preventing other workers from taking those jobs, is a way of reversing the power relationship. It is a way of neutralizing the threat of losing the job, which is the most concrete, immediate point of contact with that background structure of domination. If you cannot lose your job, you are less vulnerable, less immediately economically dependent. Of course, this does not do away with the background structure itself, but a particular strike can never do that. Though even here, there are times when a strike, as it becomes a more generalized rejection of structural domination—say in large-scale sympathy strikes or general strikes—can begin to challenge the broad structure of economic control itself.60 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 jobloss 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 laborpower, 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 workplace 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.

#### Workplaces are a site of personal domination that transfer worker liberty to managerial discretion – strikes challenge this, Gourevitch ’16:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307.

So the point about structural domination was that workers might be forced to make a variety of explicit concessions on any number of issues—wages, hours, conditions, stultifying jobs. But the point about personal domination in the workplace is that the contract also seems to involve the tacit concession of generic control over a further set of unknown issues. The problem from the standpoint of contract theory is that the contract itself cannot adequately explain why this power is assumed to devolve to the employer nor why law should support this assumption. At most, we can only say that the worker agreed to give up this control, not that she in any way agreed to the various decisions about her work. Usually, however, we do not think a human being has a right to such blanket alienation of her liberty. In the case of work, the only reason supporting that worker’s alienation of control as authoritative seems to be that the worker sold her property—her labor-power—and therefore has no right to control that property for the duration of the work (within the reasonable boundaries of protective labor legislation) or that she owes obligations of deference to the employer. As we have seen, workers resist these accounts on the grounds that their capacity to labor is not a commodity at all. Or at least, labor-power cannot operate as a commodity in this case because a crucial feature of the sale of property —separability of the seller’s will from the commodity sold —is impossible. Therefore whatever the status the labor contract has, the authority relations of the workplace itself cannot legitimately be derived from the contract—at least not from the contract conceived as a sale of property. Workers nevertheless find themselves in a world in which employers do legally possess this arbitrary authority. The strike is, again, one way of challenging this authority by attacking the idea that, since they appear like sellers of their capacity to labor, workers may be treated as subordinates. The strike is a way of pressing the claim that workers, too, should exercise control rather than submit passively to managerial prerogatives. There are many historical examples of resistance to this kind of personal domination, **such as “control strikes,” strikes over the introduction of new technology, and even strikes over seemingly lesser issues like “abolition of the luncheon privilege.”** 74 The general point being that strikes that target decisions usually falling under the domain of “core of entrepreneurial control” are not just about instrumental considerations regarding compensation and conditions but about resisting the very logic of contract and property that supports the manager’s authority in the first place.75

#### A broad unconditional right to strike should be understood as a right against domination and protects self-determination Gourevitch ’18:

Gourevitch, Alex. "The right to strike: A radical view." *American Political Science Review* 112.4 (2018): 905-917. Yoaks

The radical view has a number of advantages over the liberal and social democratic accounts. First and foremost, it is a more adequate response to the facts of oppression in actually existing liberal economies. Where the liberal view recognizes no particular injustice, and the social democratic view focuses primarily on inequalities of bargaining power, the radical view is based on the social analysis sketched in the second section of this article. That social analysis identifies the full range of oppressions, and their interlocking character, that are typical of actually existing class-divided liberal societies. That is why I call this view radical: not for the sectarian frisson sometimes associated with that word but because radical means going to the root of a problem. Second, the radical view goes to the root not just because it properly identifies all of the relevant facts, but because it thereby more accurately identifies the kind of interest that the right to strike is supposed to protect. It identifies the guiding interest of the right not as an interest (only) in creating fair contracts or in distributive justice narrowly conceived but, rather, as an interest in claiming freedom against its illegitimate limitation. Workers have an interest in not facing certain kinds of coercive restraints against their access to property, in not being subject to unfair ways of forcing them to work, in not being required to accept various kinds of labor contracts, and in not being dominated in the workplace. These are elements of the same interest that workers have in self-determination, or in enjoying those liberties that allow them to have the personal and political autonomy they ought to. This is the full sense in which the radical view is more responsive to the facts of oppression than other accounts. This further means that the radical argument is compatible with, or at least in the neighborhood of, any number of egalitarian theories of justice—such as those arguing for property-owning democracy or for workplace democracy and free time32—that are concerned with these wider forms of unfreedom. It is, for the same reason, compatible with a wide range of socialist and other left-wing criticisms of power and unfreedom in capitalist workplaces (e.g., Arnold 2017; Ezorsky 2007;Weeks 2011). The third virtue of the radical approach is that it gives a distinct explanation for the shape of the right to strike. Recall that the liberal and the social democratic approaches can have a tendency to explain the shape of that right by reference either to (a) the basic liberties of actual liberal societies, or (b) the liberties one enjoys in an ideal constitution, or (c) through a mixture of both arguments. That form of reasoning imparts a particular shape to the right: it must respect the basic liberties with which it comes in conlict. On the best version of the social democratic view, that methodological error is avoided. But it is present in any version of the argument in which the shape of the legal right to strike one ought to enjoy is the same as or similar to the right workers exercise when suffering economic injustice. But on the right to resist oppression view, the shape of the right is explained exclusively by reference to the liberty interest it is supposed to protect under conditions of oppression. The right is justified instrumentally, by reference to the fact that strikes are generally effective means for resisting the oppression to which workers are subject. And, further, the right is justified by reference to the interest workers have in using their own collective power to reduce and resist that oppression. Under conditions of oppression, that use of collective power is one of the primary ways workers can give expression to the demand for self-determination. But that aspect of the justification also depends upon strikes being generally effective means for resisting oppression, since otherwise they would just be collective acts of self-delusion or symbolic gestures of resistance but not acts self-determination. For that to be the case, the right to strike must include the use of at least some of the means that make strikes effective for those subject to 32 There is a very large literature here, but to cite just a few: Stanczyk 2012; Anderson 2017; Rose 2016; O’Neill and Williamson 2012. oppression.That the right comprises permissions to use some effective means is a deining feature of the radical argument. After all, for the right to strike to protect the interest that justiies it, it must be shaped in ways that permit the right’s exercise in ways that actually protect that interest. That follows directly from the libertybased justiication of the right. So, on this account, there would be no strict prohibition on the use of coercive strike tactics like sit-downs and mass pickets.33 A fourth virtue of the radical approach follows from the third. If the radical right to strike does not contain, internal to its justification, the same restraints on the means strikers may use, there is still the question of why the right to strike would have moral priority over other basic liberties in the case of labor disputes. On the radical view, the important point is not just that there is economic oppression but that the economic oppression that workers faced is in part created and sustained by the legal articulation and protection of those basic economic and civil liberties. Workers ind themselves oppressed because of the way property rights, contractual liberties, corporate authority, tax and labor law create and maintain that oppression. If that is the case, then the normal justiication of those liberties, which is supposed to establish their ‘basicness’ and thus priority is weak. Their priority is normally explained by the thought that, ideally speaking, the protection of those liberties creates more or less non-oppressive, non-exploitative relations of social cooperation.34 In reality, their legal protection achieves the opposite. Meanwhile, the right to strike, as a way of reducing that oppression has a stronger claim to be protecting a zone of activity that actually serves the aims of justice itself—of coercing people into relations of less oppressive social cooperation. That is why the right to strike would have priority over some of these basic economic and civil liberties, like property rights, freedom of contract, and freedom of association. For the foregoing reasons,we can see why the right to strike as a right to resist oppression resolves the opening dilemma in a forceful and distinctive way. Workers may use coercive strike tactics, like sit-downs and mass pickets, because those are necessary means for the most oppressed workers to go on strike with some reasonable chance of success. The radical right to strike does not ex ante prohibit the use of those means and, given the actual social effects of the legal protection of basic liberties, it has priority over the basic liberties. Moreover, those strikes can be aimed at the full range of oppressions workers in those industries might face— not just denial of adequate respect for their labor rights or poverty wages, but as acts of resistance to various features of workplace oppression and the unfair distribution of work requirements. We can also see that this version of the right to strike permits—though does not require—mass civil disobedience in those frequent instances where the state decides to enforce the law against strikers. For one, the property, contract, and related laws that strikers break are the ones that create systematic oppression. The systematic and serious character of that oppression undermines any general claim to political obligation, or local claim to an obligation to obey those laws.35 Moreover, when the state decides, as it historically has done, that coercive strike tactics violate the law or otherwise violate the fundamental rights of legal persons, it has used sometimes quite extraordinary violence to suppress strikes.36 Workers would be within their rights to resist that illegitimate use of violence, though it will often be prudential not to do so. It is important to draw this conclusion because it is a direct implication of the argument. Moreover, if one does not agree that workers are justiied in mass civil disobedience as part of the exercise of the right to strike, then one is committed to arguing that the state is justiied in the violent suppression of strikes—a violence with a long and bloody history. One might very well draw that latter conclusion, but then one must be clear about the side one is choosing. Either workers are justiied in resisting the use of legal violence to suppress their strikes, or the state is justiied in violent suppression of coercive strike tactics. There is no way around that stark fact about the liberal state and coercive strike tactics.

### AT: Worker Right to Self-Determination

#### The employer’s self-determination cannot override the worker’s – that would be inconsistent with the framework since it would purely be a unilateral declaration of right, Borman ’16:

Borman, David A. "Contractualism and the Right to Strike." *Res publica* 23.1 (2017): 81-98. Yoaks

I suspect that this judgment will strike many readers as polemical and perhaps idealizing, so let me say a little more about why I think it justified. First of all, it is a judgment about the structural position of large employers and of the government as shaped by existing law and by political- and economic-class relationships. No doubt there may still be some Frederick Engels or Robert Owen out there who voluntarily attempts to hold his structural privilege in abeyance (just as some fictional union might voluntarily accept a contract that included unilateral determination of conditions by their employer); but not only are such cases obviously exceptional, to insist upon their relevance is either to deny the significance of the legal and economic structuring of employment relations (for instance, investor and shareholder agreements that make prioritizing profit legally binding), or simply to miss the forest for the trees. Secondly, it is admittedly easy to imagine an employer attempting to defend his position in apparently moral terms and so denying the asymmetry I have claimed: ‘I have a moral right to dispose over my private property as I deem fit’ he might say (and he did say, historically), ‘and so also to impose terms upon those who seek access to it.’ Such an argument is demonstrably without merit: the employer cannot reasonably claim a unilateral right to determine the working conditions of other people as a consequence of his or her own selfdetermination.7 But that is not the real point here, in any case: the point is that even attempting to legitimize this argument would, according to contractualism, require the employer to concede that it is only justified if it is agreed to by all those affected on the basis of generally acceptable reasons. And that concession is fundamentally incompatible with the unilateral nature of the declared right: he might as well say, ‘I’ll command you, if you’ll agree’. To put the same point differently: for the contractualist, there can be no unilaterally declared rights; and so the employer here is abusing the language of rights and is not, after all, making a rights claim which is symmetrical to the claim made by the striking worker.

#### The right to strike is justified on the basis of the right to self-determination and justification – strikes are a form of communicative action and to deny it as a right would generate a contradiction, Borman ’16:

Borman, David A. "Contractualism and the Right to Strike." *Res publica* 23.1 (2017): 81-98. Yoaks

To summarize: the conflict between labour and capital and government which is made manifest in a strike is not located at the first-order level where a specific schedule of putative rights is to be justified or constrained; instead, it takes place at the more fundamental level where the right to have rights (in this domain), or the salience of normative justification, is itself contested. In the strike, a demand for justification is confronted with (often, is inspired by) a refusal to justify: implicit or explicit (second-order) moral claims collide with (unjustified) norm-excluding assertions of interest. If this characterization is correct, then non-instrumental contractualism might appear to have advanced no farther than Nielsen, when he awkwardly concludes that the conditions are not yet right for morality. Although agreements here concern what is right, contractualists do not exclude consideration of existing interest positions: to the contrary, they argue in one form or another that a norm is to be judged legitimate if it can be reasonably accepted from the point of view of all affected, taking into account the effects the general observance of the norm could be anticipated to have on their interests (Habermas 1990, p. 65). But if this is so, then the present prospects for justifying a right to strike might be thought bleak indeed. As Nielsen observed, the recognition of such a right is very much in contradiction to the existing interests of employers, so that a consensus on this point ‘would only be possible if the capitalists generally—and not just in isolated instances [ala` Engels and Owen, above]—would in the interests of fairness and humaneness de-class themselves voluntarily. But,’ Nielsen sagely concludes, ‘it is an idle dream to expect this to happen’ (Nielsen 1989, p. 127). Prima facie, given the difficulty just described, hypothetical-agreement-contractualism might seem to have an important advantage over its rival: namely, its willingness to declare that some interests—such as the interest in maintaining positions of asymmetrical power—are not legitimate (Scanlon 1997, p. 278). But for the actual-agreement contractualist, there are two problems with this response. First, it is not clear that there is a defensible point of view from which we are able to distinguish unilaterally and conclusively between legitimate and illegitimate interests on someone else’s behalf—hence Forst’s prohibition of such claims or, better, ‘diagnoses’. Second, even if I am able to carry through the argument that the interests standing in the way of justifying a right to strike—which do so by blocking the communicative orientation or a presupposed right to self-determination in the first place—are such that they may be ‘reasonably rejected’, it is not clear to the actual-agreement contractualist (a position influenced by pragmatism) what the good would be of such a unilateral defence. Typically, the motivational significance of deontological justification is to deprive the would-be violator of rights of all legitimate reasons for their actions (for instance, by proving that there can be no good reason for cheating). But in the case at hand, depriving opponents of their ability to justify their refusal to recognize rights is pointless, since that refusal takes the form of a refusal of justification itself. Put differently: we cannot leap to the question of whether employers would be unreasonable to reject the right to strike, since we must first deal with the question of what types of reasons or considerations are relevant and it is here that the disagreement is stalled. Because the conflict occurs at the fundamental level where the types of reasons that are salient is itself in dispute, the actual-agreement approach seems to fare hardly better: the project of justification as it is described by Forst and Benhabib cannot get off the ground. Workers, by making some purportedly legitimate firstorder demand, simultaneously assert their right to have rights in the domain of labour; the law and employers refuse to take up that claim in a communicative attitude and insist instead on a compromise-orientation framed by considerations of relative power. Because existing relations of power are so asymmetrical, employers are able today—and at the level of the development of law, have historically been able—to force the orientation toward compromise upon their interlocutors. Of course, the first-order move on the part of employers implies a second-order commitment that the economy operate as a ‘norm-free’ or ‘justification-free’ sphere of the play of interests, money, and power, a commitment which itself calls for justification. But the impasse is simply repeated at the second-order level: as I’ve already argued, there is no genuine effort (nor was there historically) to normatively justify this view in terms acceptable to workers, an effort which would require taking up communicatively, even if critically, the moral-normative claims of workers and so accepting (by presupposition) their right to have rights. Instead, as the dissenting Justices in Saskatchewan continued to argue, the economy is to be regarded as a ‘delicate’, technical system in which competing interest are in a complex balance; the state must have the ‘flexibility’ to intervene as the system requires and because of this the Court, even when faced with a Charter challenge, must ‘demonstrate deference in the field of labour relations’ apparently irrespective of the force of reason (Saskatchewan 2015, paras. 107 and 114). Thus, rather than being a question of applied ethics, the issues raised by the strike tend toward the meta-ethical: can the demand to justify itself be justified in a way that is compelling from the perspective of those who refuse to argue? If we could answer this in the affirmative, the right to strike would immediately come under the general defence of justification; the remaining questions to be settled within discourse would concern only the legitimacy of particular strikes and particular demands (none of which would challenge the right to strike itself). There is little hope, I think, of arriving at such a result via informal logic: morality is a practical, historical device and the limits of practices of reason-giving are determined by social struggle. Probably all of the contractualists I have mentioned here would accept this judgment in some form; but it certainly has a greater affinity with, and so perhaps offers some reason to prefer, the approach of the actual-agreement contractualists insofar as the latter see the scope of morality as the product of ‘political struggles, social movements, and learning processes’ (Benhabib 2007, p. 16). For hypothetical-agreement contractualists like Scanlon, morally motivated social struggle must have two distinct stages: first, contractualist reasoners have independent insight into what cannot be reasonably rejected; second, they engage in social struggle, armed with this prior, independent, and already completed justification for their conduct. For the actual-agreement contractualist, at least full justification only emerges at the end of the struggle, with the successful effort to convince others and so reach agreement (see Borman 2015a). When it is a question of opening up some domain of human life to moral questioning, the actual agreement account seems a better fit for the messy outcomes of historical struggle, of which the labour movement is an especially good example. Historically, workers saw labour, its terms and conditions, as a moral question. The presently ambiguous status of the right to strike reflects the unresolved legacy or, to put it more harshly, the historical failure or defeat of the labour rights movement in this regard. Indeed, the ‘special interest’ character of many trade unions today, which confine themselves to advancing the narrowly defined employment interests of their members (for which they are ridiculed by their anti-union critics) is the result of the systematic repression of a much broader labour movement which actively sought connections with broader concerns of social justice. It is noteworthy, in this respect, that by the 1950s in the U.S., secondary boycotts and sympathy strikes were illegal (Lambert 2005, pp. 62–63). Where does this leave the right to strike? If morality is regarded as a practical project of coordinating action and action-effects via legitimized norms, then it is enough to show how workers who demand such a right are reasonable to do so while employers who refuse to engage with the claim are not. Operating on the premises of actual-agreement-contractualism, it is in fact easy to accomplish this: I would propose that, because the scope of morality is defined by the pursuit of rationally legitimated norms, every sincerely raised and undefeated demand for justification— every assertion of the right to justification—is presumptively or pro tanto legitimate. This does not mean that every particular strike is actually legitimate any more than any proposed substantive right is automatically justified. The right to have rights is justified presumptively as an implication of the mere raising of any given rights-claim, and so similarly, the right to self-determination in labour is justified presumptively by the mere raising of any labour-rights-claim. Any attempt to take-up, even in order to reject the right to have rights would presuppose its recognition, and the same may be said for the right to self-determination. Let me repeat this deceptively simple, though somewhat unsatisfying, outcome: the particular strike implicitly asserts a right to self-determination, as a presupposition of whatever particular claims are made. That right cannot be reasonably rejected since any attempt to reject it on the basis of reasons is self-defeating, guilty—as Habermas might say—of a petitio tollendum fallacy. If indeed the right to strike is derivable from the right to self-determination, then there is a presumptively justified right to strike. And this is established without appeal to antecedent normative reasons for believing that those affected should agree to such a right. This does not do away with the practical obstacles that endure in the absence of full justification or recognition of the right to have rights in labour. We can add for good measure that if the rejection of justification within labour is bolstered only by appeals to the interests of employers taken personally, then the rejection is not based on good, generalizable reasons. If the rejection is, as is more commonly the case in legislative restrictions of the right to strike, ‘justified’ by first-order appeals to economic efficiency, then the reply is guilty of a fallacy of irrelevance. Of course, employers and governments could attempt a second-order justification of the firstorder insistence upon compromise-orientation in place of consensus-orientation (that is, a principled, communicatively oriented defence of the claim that economies ought to be regarded as ‘norm-free’ subsystems evaluated according to their efficiency alone); but doing so would require genuine communicative engagement with the justificatory demands of workers who reject the thesis on the basis of putatively good reasons and would be tantamount to an acceptance of the right to self-determination (here, as agreeing to be governed by principles of compromiseformation). Simply pushing through a compromise-orientation at the second-order level, too, entails that the entire sequence of interactions is reduced to a question of mere power.

#### Destroying the right to strike takes away workers’ basic right to argumentation – the right to strike preserves contestability, Lindblom ’19:

Lindblom, Lars. "Consent, contestability, and unions." *Business ethics quarterly* 29.2 (2019): 189-211.

To provide a justification of unions is to give justificatory reasons for the rights to form unions and non-discrimination of union members and the duty of good faith bargaining. Moreover, the theory we are looking for must be able to handle the problem concerning acts of employer authority that created difficulties for the consent-based theories, such as libertarianism. Let us, then, turn to how unions can implement contestability and thereby solve the problem of consent. Starting with the basis of contestation, the demand for transparency solves, as was noted above, the problem of information. With transparency in place, employees will be informed about the policies and decisions that affect them. This aspect of contestability demands that parties make clear the reasons that are moving them when making decisions. This, in turn, underwrites some preconditions for good faith bargaining and provides a link between contestability and unions. Now, it is quite obvious that there is a connection between unions and voice. Part of the purpose of a union is to enable its members to express their views or demands and to make their voices heard. The fact that a group of people, rather than an individual, expresses itself when a union speaks out makes it more probable that what is being expressed is also heard. If we want to get serious about voice, we should have mechanisms that implement it efficiently. Therefore, a right to form unions would seem to follow from the implementation of contestability. This indicates, furthermore, that the right to strike should be protected as a part of the implementation of the mechanism of contestability, since such a right safeguards the possibility to make one’s voice heard.12 Moreover, discrimination of union members would undermine this mechanism for voice. If employees fear that they will be retaliated against if they speak out, they will clearly be hesitant to voice their concerns. Nondiscrimination of union members is, therefore, a demand of the ideal of contestation. These two points imply that the standard of cooperation should include a norm against the discrimination union members and respect for the right to form unions.

## Hobbes

#### Hobbes justifies any state action including events like the holocaust and gulags in the Soviet Union. The state takes actions that HURT its citizens, and resistance is the only way to make progress. I.e. the French revolution which successfully put more power in the hands of the people and US democracy that makes up some of the most successful societies.

#### The sovereign is an advocate for the plan. The state makes decisions all the time because the status quo is not as good as it could be.

#### The aff can improve society We CAN predict future events. If I knock on the table, I can predict that it will make a sound. You would have to prove that something bad happens if I do so, but changes make the world safer, which means that the squo is not safer.

#### No reason why text written before the round comes before what is read in round. And c/a the fw. Right to strike IS a moral obligation bc it improves working conditions.

#### Real world- policy makers *do* make decisions they aren’t sure about if they have a good chance of making a difference, which the aff does.

#### On prefer-

#### Rule-following- debate is about debating contradictory interpretations. If the judge thinks that an action is more moral, then they should vote on it

#### Epistemology- no impact. We have similar experiences of a tree that lead us to attaching the same word to it. When we say the word tree, we all picture something natural with branches or at least can. Proves that they are at least not completely arbitrary.

#### On Resource wars- no war. The aff isn’t proposing the state of nature,

#### The fw does not exclude the aff. The aff proposes that the sovereign should take particular action that helps its citizens, not that the citizens should resist the sovereign, so no link.

#### Their card doesn’t say that the gov doesn’t support the plan, so no offense. It only says that right to strike is not currently protected by the act, but gov policies change.

## Autonomy/paternalism NC (Valley)

#### Turn—the aff decreases state control over individuals because it enables incarcerated workers to fight against forced labor for the government

#### Their argument is nonsensical—when people do not have a right it means that the state is infringing on their rights (ex: if people do not have the right to free speech it gives the government more power)

#### No link—the aff defends the unconditional right not a limited right

#### The aff still solves---our evidence says that a right to strike is enough to improve rights for incarcerated workers