## Framework

#### [ROJ & Dolmage 1] I negate. Disability HAS to be the first and last question of this debate – any other starting point mystifies a larger network of ableist knowledge production. The Role of the Judge is to Check Ableist Pedagogical Agendas, which means they must actively identify and respond to the ableist underpinnings of educational spaces.

**Dolmage 1:** Dolmage, Jay Timothy. [Associate Chair, Undergraduate Communication Outcome Initiative at University of Waterloo, Miami University] “Academic Ableism: Disability and Higher Education” *University of Michigan Press*, Chpt. 1, 2017. AZ **Brackets in original text**

Disavowing disability is in no body’s best interest. **Teachers recognize the diversity of the students they teach. But teachers must also recognize their roles within institutions, disciplines, and perhaps even personal pedagogical agendas, in which they may seek to avoid and disavow the very idea of disability—­to give it no place. This avoidance and disavowal brings with it its own spatial metaphors—­I use the steep steps to express this negative force.** That these steps are real in the lives of people with disabilities adds to the power of the metaphor. The steps have a strong connotation in the disability community, and not just for people who use wheelchairs and crutches. **When I say that the academy** build**s steep steps**, I hope that this verb entails many things—­most of all, I want to show that the steep steps are constructed for a reason. As I have already shown, not only did eugenics actually reshape the North American population through things like immigration restriction, not only did it reshape families through its campaigns for “better breeding,” not only did it reshape bodies through medical reinvention, but it reshaped how North Americans thought about bodies and minds. Here, for example, is a diagram of the steps that were created to distinguish between different grades of the “feeble-­minded” in the United States in the heyday of the eugenics movement before the Second World War. The definitions were used to classify a group of humans according to mental age, suggesting that development had been arrested and would proceed no further past the step at which the individual was placed. The mental age was determined based upon variations of a standard test, the Binet test, which asked literally hundreds of standard common-­knowledge questions, of increasing difficulty. The test was also designed to stop the subject once they had reached the stage or step of difficulty at which they could proceed no further. Fig. 3. “Exhibit of Work and Educational Campaign for Juvenile Mental Defectives.” American Philosophical Society, 1906. Fig. 3. “Exhibit of Work and Educational Campaign for Juvenile Mental Defectives.” American Philosophical Society, 1906. This image shows five people, each stationed on one of five very steep steps. The bottom person, slouched on the ground, is labeled an “idiot, mentally 3 yrs. old.” On the next step up, an individual is hunched over, looking downwards, labeled “low-­grade imbecile, 4 to 5 yrs. old.” Next step up, a “medium imbecile, mentally 6 to 8 yrs. old.” Then a “high grade imbecile, mentally 8 to 10 yrs. Old” is pictured on the next step up, now gazing upwards. Finally, we view a person, described in the caption as a “moron, mentally 10 to 12 years old,” attempting to climb above the final and topmost step but only getting halfway up. As the image reveals, the steps were also closely associated with forms of work, and thus classed citizens and linked their value to this labor-­output, but also placed almost all of the feebleminded below reason and judgment, not only in a space of rational vacuity, but deficit. You’ll also notice that the bodily bearing of these individuals conveys a message: the different levels of animation suggest physical and cognitive correlation. These people look tired. The disabled mind equates with the disabled body. These states correspond with affects: the slumped shoulders and downcast eyes suggest or physicalize depression. If these steps in the image on the next page represent the very bottom of the steep set we climb to the ivory tower, they nonetheless cannot be disconnected from the history of North American higher education. In fact, “morons,” “imbeciles,” and “idiots” were both rhetorically (and eugenically) constructed by the “fathers” of higher education, and those individuals who were given these labels were also studied and researched.[10] At the top of the steps were those who taught and studied at premier universities, and these people studied and experimented upon the bodies of those on the bottom steps. We may like to believe that, today, practices of eugenics have not only been rejected but that they’ve also been corrected. Yet the selectivity of this environment **must be continually interrogated or questioned. We must all evaluate the ways in which we ourselves continue to decide which bodies and which minds will have access to the considerable resources, privileges, and advantages we have and we bestow—and as we ask this question, we must wonder whether what we have to offer is truly worthwhile if it translates into** policies of exclusion, programs of incarceration, and reductive definitions of human worth. Interrogating the steep steps metaphor works to highlight not just how space and spatialization are exclusionary but also the ways that the distance between **a hypothetical “us” and a “them,” perhaps the able and the disabled, has a particular structure.** Yet we must look at the steps from other angles, along other axes. What are the attitudes, requirements, and practices that might represent boundaries, jumps on the graph, risers on the steps? Are there chutes, or are there ladders, set up to speed movement from top to bottom or bottom to top? What forces move up and down, affecting students’ progress? Should we even want to get to the top? How do students go back down the steps or out of the university gates and back to home communities? What makes this journey possible or impossible? What does it mean to skip the steps? Where do the steps actually start?

#### [ROB & Dolmage 2] The Role of the Ballot is to Endorse the Debater who Better Challenges the Exclusion of Educational Spaces. Interrogating ableism is key to understanding education itself.

**Dolmage 2:** Dolmage, Jay Timothy. [Associate Chair, Undergraduate Communication Outcome Initiative at University of Waterloo, Miami University] “Academic Ableism: Disability and Higher Education” *University of Michigan Press*, Chpt. 1, 2017. AZ **Brackets in original text**

They were “in every sense apart from society”; “All of the **institutional routines were** segmented into carefully defined blocks of time, scrupulously maintained and punctuated by bells”; The routine was based on “work and solitude . . . steady labor and isolation” in which individuals are enveloped in the same work in a parallel way; They began as orderly and eventually became overcrowded and corrupt; They all housed the lowest orders of society. (xxv) What is ironic about this list is that if you flip a few key points, you have a great description of the universities also being developed in the same period: **fully removed, rigidly patterned, isolating, labor-intensive, increasingly corrupted and corruptible, but for only the highest orders of society.** Perhaps the university should always have been thought of as similar to other “total institutions”—to borrow Erving Goffman’s term. **Perhaps the college or university is in fact exactly the same as the almshouse or asylum, organizationally and even architecturally. And yet it** i**s viewed as the opposite. Thus the subjects in** one total institution, the college, are elevated. The inmates in the other spaces are confined. Importantly: **one studies; the other is studied. As Sharon Snyder and David Mitchell have shown, “historically**, disabled people have been the objects of study but not the purveyors of the knowledge base of disability” (Cultural, 198). As Tanya Titchkosky writes, **“disabled people are socially organized under the rubric of knowledge bases . . . within the everyday practices and procedures of university environments, for example, [we think of] disability as a problem in need of a solution” and not as an “important form of critical knowledge production within the university” (Question, 70).** Disability is studied; people with disabilities have been research resources. More than this, higher education has been built upon such research. It is important to map the history of this research, but also to intervene in showing some of the ways that we might hope higher education can be redesigned. **We need to understand how universities work to fully understand disability. Inversely, we really need to understand disability to understand the history and the future of higher education.**

Links

#### [hedva 1] The aff’s appeals to change, progress, and revolution equate the political with action – that requires the oppressed to position themselves in the public sphere and “do something.”

- “only a poetic reimagination can save us now” saying only one specific is a model of reimagination excludes neurodivergent ppl and ppl who think differently

- “each iteration of the 1AC radically alters the way meaning is constructed by humanist boundaries of thought” reiterating the 1ac means 1) debaters with anxiety might not be able to get up and perform the case 2) the offense comes strictly from reading the aff in the public meaning being in the public sphere and reading the aff creates change

hedva 1: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

1. In late 2014, I was sick with a chronic condition that, about every 12 to 18 months, gets bad enough to render me, for about five months each time, unable to walk, drive, do my job, sometimes speak or understand language, take a bath without assistance, and leave the bed. This particular flare coincided with the Black Lives Matter protests, which I would have attended unremittingly, had I been able to. I live one block away from MacArthur Park in Los Angeles, a predominantly Latino neighborhood and one colloquially understood to be the place where many immigrants begin their American lives. The park, then, is not surprisingly one of the most active places of protest in the city. I listened to the sounds of the marches as they drifted up to my window. Attached to the bed, I rose up my sick woman fist, in solidarity. I started to think about what modes of protest are afforded to sick people – it seemed to me that many for whom Black Lives Matter is especially in service, might not be able to be present for the marches because they were imprisoned by a job, the threat of being fired from their job if they marched, or literal incarceration, and of course the threat of violence and police brutality – but also because of illness or disability, or because they were caring for someone with an illness or disability. I thought of all the other invisible bodies, with their fists up, tucked away and out of sight. If we take Hannah Arendt’s definition of the political – which is still one of the most dominant in mainstream discourse – as being any action that is performed in public, we must contend with the implications of what that excludes. If being present in public is what is required to be political, then whole swathes of the population can be deemed a-political – simply because they are not physically able to get their bodies into the street. In my graduate program, Arendt was a kind of god, and so I was trained to think that her definition of the political was radically liberating. Of course, I can see that it was, in its own way, in its time (the late 1950s): in one fell swoop she got rid of the need for infrastructures of law, the democratic process of voting, the reliance on individuals who’ve accumulated the power to affect policy – she got rid of the need for policy at all. All of these had been required for an action to be considered political and visible as such. No, Arendt said, just get your body into the street, and bam: political. There are two failures here, though. The first is her reliance on a “public” – which requires a private, a binary between visible and invisible space. This meant that whatever takes place in private is not political. So, you can beat your wife in private and it doesn’t matter, for instance. You can send private emails containing racial slurs, but since they weren’t “meant for the public,” you are somehow not racist. Arendt was worried that if everything can be considered political, then nothing will be, which is why she divided the space into one that is political and one that is not. But for the sake of this anxiety, she chose to sacrifice whole groups of people, to continue to banish them to invisibility and political irrelevance. She chose to keep them out of the public sphere. I’m not the first to take Arendt to task for this. The failure of Arendt’s political was immediately exposed in the civil rights activism and feminism of the 1960s and 70s. “The personal is political” can also be read as saying “the private is political.” Because of course, everything you do in private is political: who you have sex with, how long your showers are, if you have access to clean water for a shower at all, and so on.

#### Further, their framing of the aff as a 6-minute revolution is a performative link – the aff is only revolutionary because they got up and read it in a public sphere.

**Seeing the private as apolitical inherently disenfranchises women and functions as an independent solvency deficit to the plan**

**Howard 2021** (Sally Howard, March 14, 2021, How can women get equality? Strike! The Guardian, <https://www.theguardian.com/lifeandstyle/2021/mar/14/how-can-women-get-equality-strike> ) //neth

On 24 October 1975, 75,000 women in Iceland left their jobs, children and homes and took to the streets for a general strike that was billed “Women’s Day Off”. In Reykjavik, 30,000 women marched up the Laugavegur (wash road), as a women’s brass band played the marching tune from Shoulder to Shoulder, a British TV series about the suffragettes which had recently aired in this small Nordic nation. Flyers fluttered against clear autumn skies: “We march because it is commonly said about a housewife: ‘She is not working, she is just keeping house’,” they read. “We march because the work experience of a housewife is not considered of any value in the labour market.” For Icelandic men, this day became known as the “Long Friday”. With no women to staff desks and tills, banks, factories and many shops were forced to close, as were schools and nurseries – leaving many fathers with no choice but to take their children to work. There were reports of men arming themselves with sweets and colouring crayons to entertain the swarms of children in their workplaces, or bribing older children to look after their siblings. Sausages (easy to cook, of course, and a hit with children the world over) were in such demand that shops sold out; children could be heard giggling in the background while male newsreaders reported the day’s events on the radio. Many of the greatest successes of feminism have come in moments when boots were on the ground; and our bodies elsewhere to the posts ascribed to women by patriarchal capitalism. In the UK, public reaction to the sexual violence meted out against the 300 women who marched to parliament demanding women’s suffrage on 18 November 1910, Black Friday, was instrumental in gaining the vote for women. The 1968 strike by Ford’s women sewing machinists at Dagenham, which was followed by 1970 strikes by women clothing workers in Leeds, were landmark labour-relations dispute that triggered the passing of the Equal Pay Act 1970. Yet domestic labour has always been a tricky injustice to protest against. It takes place in the privacy of the home, making it difficult for women to see each other doing this work and to collectively acknowledge that men do not share equally in its burden (and they don’t: the average British woman still contributes 60% more washing, wiping and childcare a week than the average British man, even as the pandemic has increased this work to around nine hours per day). And there can also be dire consequences if we withdraw this labour: children uncared for and vulnerable relatives unfed.

## Impacts

#### [hedva 2] They adopt a “view from nowhere” – a myth of neutrality that frames the public as an open space for anyone willing to do the work to fight. These reps are rooted in Whiteness – what about people who CAN’T join the public sphere, or those who’ve tried and failed? And assuming progress is possible and things get better is ableist af.

hedva 2: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

There is another problem too. As Judith Butler put it in her 2015 lecture, “Vulnerability and Resistance,” Arendt failed to account for who is allowed in to the public space, of who’s in charge of the public. Or, more specifically, who’s in charge of who gets in. Butler says that there is always one thing true about a public demonstration: the police are already there, or they are coming. This resonates with frightening force when considering the context of Black Lives Matter. The inevitability of violence at a demonstration – especially a demonstration that emerged to insist upon the importance of bodies who’ve been violently un-cared for – ensures that a certain amount of people won’t, because they can’t, show up. Couple this with physical and mental illnesses and disabilities that keep people in bed and at home, and we must contend with the fact that many whom these protests are for, are not able to participate in them – which means they are not able to be visible as political activists. There was a Tumblr post that came across my dash during these weeks of protest, that said something to the effect of: “shout out to all the disabled people, sick people, people with PTSD, anxiety, etc., who can’t protest in the streets with us tonight. Your voices are heard and valued, and with us.” Heart. Reblog. So, as I lay there, unable to march, hold up a sign, shout a slogan that would be heard, or be visible in any traditional capacity as a political being, the central question of Sick Woman Theory formed: How do you throw a brick through the window of a bank if you can’t get out of bed? 2. I have chronic illness. For those who don’t know what chronic illness means, let me help: the word “chronic” comes from the Latin chronos, which means “of time” (think of “chronology”), and it specifically means “a lifetime.” So, a chronic illness is an illness that lasts a lifetime. In other words, it does not get better. There is no cure. And think about the weight of time: yes, that means you feel it every day. On very rare occasions, I get caught in a moment, as if something’s plucked me out of the world, where I realize that I haven’t thought about my illnesses for a few minutes, maybe a few precious hours. These blissful moments of oblivion are the closest thing to a miracle that I know. When you have chronic illness, life is reduced to a relentless rationing of energy. It costs you to do anything: to get out of bed, to cook for yourself, to get dressed, to answer an email. For those without chronic illness, you can spend and spend without consequence: the cost is not a problem. For those of us with limited funds, we have to ration, we have a limited supply: we often run out before lunch. I’ve come to think about chronic illness in other ways. Ann Cvetkovich writes: “What if depression, in the Americas, at least, could be traced to histories of colonialism, genocide, slavery, legal exclusion, and everyday segregation and isolation that haunt all of our lives, rather than to be biochemical imbalances?” I’d like to change the word “depression” here to be all mental illnesses. Cvetkovich continues: “Most medical literature tends to presume a white and middle-class subject for whom feeling bad is frequently a mystery because it doesn’t fit a life in which privilege and comfort make things seem fine on the surface.” In other words, wellness as it is talked about in America today, is a white and wealthy idea. Let me quote Starhawk, in the preface to the new edition of her 1982 book Dreaming the Dark: “Psychologists have constructed a myth – that somewhere there exists some state of health which is the norm, meaning that most people presumably are in that state, and those who are anxious, depressed, neurotic, distressed, or generally unhappy are deviant.” I’d here supplant the word “psychologists” with “white supremacy,” “doctors,” “your boss,” “neoliberalism,” “heteronormativity,” and “America.” There has been a slew of writing in recent years about how “female” pain is treated – or rather, not treated as seriously as men’s in emergency rooms and clinics, by doctors, specialists, insurance companies, families, husbands, friends, the culture at large. In a recent article in The Atlantic, called “How Doctors Take Women’s Pain Less Seriously,” a husband writes about the experience of his wife Rachel’s long wait in the ER before receiving the medical attention her condition warranted (which was an ovarian torsion, where an ovarian cyst grows so large it falls, twisting the fallopian tube). “Nationwide, men wait an average of 49 minutes before receiving an analgesic for acute abdominal pain. Women wait an average of 65 minutes for the same thing. Rachel waited somewhere between 90 minutes and two hours,” he writes. At the end of the ordeal, Rachel had waited nearly fifteen hours before going into the surgery she should have received upon arrival. The article concludes with her physical scars healing, but that “she’s still grappling with the psychic toll – what she calls ‘the trauma of not being seen.’” What the article does not mention is race – which leads me to believe that the writer and his wife are white. Whiteness is what allows for such oblivious neutrality: it is the premise of blankness, the presumption of the universal. (Studies have shown that white people will listen to other white people when talking about race, far more openly than they will to a person of color. As someone who is white-passing, let me address white people directly: look at my white face and listen up.) The trauma of not being seen. Again – who is allowed in to the public sphere? Who is allowed to be visible? I don’t mean to diminish Rachel’s horrible experience – I myself once had to wait ten hours in an ER to be diagnosed with a burst ovarian cyst – I only wish to point out the presumptions upon which her horror relies: that our vulnerability should be seen and honored, and that we should all receive care, quickly and in a way that “respects the autonomy of the patient,” as the Four Principles of Biomedical Ethics puts it. Of course, these presumptions are what we all should have. But we must ask the question of who is allowed to have them. In whom does society substantiate such beliefs? And in whom does society enforce the opposite? Compare Rachel’s experience at the hands of the medical establishment with that of Kam Brock’s. In September 2014, Brock, a 32-year-old black woman, born in Jamaica and living in New York City, was driving a BMW when she was pulled over by the police. They accused her of driving under the influence of marijuana, and though her behavior and their search of her car yielded nothing to support this, they nevertheless impounded her car. According to a lawsuit brought against the City of New York and Harlem Hospital by Brock, when Brock appeared the next day to retrieve her car she was arrested by the police for behaving in a way that she calls “emotional,” and involuntarily hospitalized in the Harlem Hospital psych ward. (As someone who has also been involuntarily hospitalized for behaving “too” emotionally, this story feels like a rip of recognition through my brain.) The doctors thought she was “delusional” and suffering from bipolar disorder, because she claimed that Obama followed her on twitter – which was true, but which the medical staff failed to confirm. She was then held for eight days, forcibly injected with sedatives, made to ingest psychiatric medication, attend group therapy, and stripped. The medical records of the hospital – obtained by her lawyers – bear this out: the “master treatment plan” for Brock’s stay reads, “Objective: Patient will verbalize the importance of education for employment and will state that Obama is not following her on Twitter.” It notes her “inability to test reality.” Upon her release, she was given a bill for $13,637.10. The question of why the hospital’s doctors thought Brock “delusional” because of her Obama-follow claim is easily answered: Because, according to this society, a young black woman can’t possibly be that important – and for her to insist that she is must mean she’s “sick.” 3. Before I can speak of the “sick woman” in all of her many guises, I must first speak as an individual, and address you from my particular location. I am antagonistic to the notion that the Western medical-insurance industrial complex understands me in my entirety, though they seem to think they do. They have attached many words to me over the years, and though some of these have provided articulation that was useful – after all, no matter how much we are working to change the world, we must still find ways of coping with the reality at hand – first I want to suggest some other ways of understanding my “illness.” Perhaps it can all be explained by the fact that my Moon’s in Cancer in the 8th House, the House of Death, or that my Mars is in the 12th House, the House of Illness, Secrets, Sorrow, and Self-Undoing. Or, that my father’s mother escaped from North Korea in her childhood and hid this fact from the family until a few years ago, when she accidentally let it slip out, and then swiftly, revealingly, denied it. Or, that my mother suffers from undiagnosed mental illness that was actively denied by her family, and was then exasperated by a 40-year-long drug addiction, sexual trauma, and hepatitis from a dirty needle, and to this day remains untreated, as she makes her way in and out of jails, squats, and homelessness. Or, that I was physically and emotionally abused as a child, raised in an environment of poverty, addiction, and violence, and have been estranged from my parents for 13 years. Perhaps it’s because I’m poor – according to the IRS, in 2014, my adjusted gross income was $5,730 (a result of not being well enough to work full-time) – which means that my health insurance is provided by the state of California (Medi-Cal), that my “primary care doctor” is a group of physician’s assistants and nurses in a clinic on the second floor of a strip mall, and that I rely on food stamps to eat. Perhaps it can be encapsulated in the word “trauma.” Perhaps I’ve just got thin skin, and have had some bad luck. It’s important that I also share the Western medical terminology that’s been attached to me – whether I like it or not, it can provide a common vocabulary: “This is the oppressor’s language,” Adrienne Rich wrote in 1971, “yet I need it to talk to you.” But let me offer another language, too. In the Native American Cree language, the possessive noun and verb of a sentence are structured differently than in English. In Cree, one does not say, “I am sick.” Instead, one says, “The sickness has come to me.” I love that and want to honor it. So, here is what has come to me: Endometriosis, which is a disease of the uterus where the uterine lining grows where it shouldn’t – in the pelvic area mostly, but also anywhere, the legs, abdomen, even the head. It causes chronic pain; gastrointestinal chaos; epic, monstrous bleeding; in some cases, cancer; and means that I have miscarried, can’t have children, and have several surgeries to look forward to. When I explained the disease to a friend who didn’t know about it, she exclaimed: “So your whole body is a uterus!” That’s one way of looking at it, yes. (Imagine what the Ancient Greek doctors – the fathers of the theory of the “wandering womb” – would say about that.) It means that every month, those rogue uterine cells that have implanted themselves throughout my body, “obey their nature and bleed,” to quote fellow endo warrior Hilary Mantel. This causes cysts, which eventually burst, leaving behind bundles of dead tissue like the debris of little bombs. Bipolar disorder, panic disorder, and depersonalization disorder have also come to me. This means that I live between this world and another one, one created by my own brain that has ceased to be contained by a discrete concept of “self.” Because of these “disorders,” I have access to incredibly vivid emotions, flights of thought, and dreamscapes, to the feeling that my mind has been obliterated into stars, to the sensation that I have become nothingness, as well as to intense ecstasies, raptures, sorrows, and nightmarish hallucinations. I have been hospitalized, voluntarily and involuntarily, because of it, and one of the medications I was prescribed once nearly killed me – it produces a rare side effect where one’s skin falls off. Another cost $800 a month – I only took it because my doctor slipped me free samples. If I want to be able to hold a job – which this world has decided I ought to be able to do – I must take an anti-psychotic medication daily that causes short-term memory loss and drooling, among other sexy side effects. These visitors have also brought their friends: nervous breakdowns, mental collapses, or whatever you want to call them, three times in my life. I’m certain they will be guests in my house again. They have motivated attempts at suicide (most of them while dissociated) more than a dozen times, the first one when I was nine years old. That first attempt didn’t work, only because after taking a mouthful of sleeping pills, I somehow woke up the next day and went to school, like nothing had happened. I told no one about it, until my first psychiatric evaluation in my mid 20s. Finally, an autoimmune disease that continues to baffle all the doctors I’ve seen, has come to me and refuses still to be named. As Carolyn Lazard has written about her experiences with autoimmune diseases: “Autoimmune disorders are difficult to diagnose. For ankylosing spondylitis, the average time between the onset of symptoms and diagnosis is eight to twelve years. I was lucky; I only had to wait one year.” Names like “MS,” “fibromyalgia,” and others that I can’t remember have fallen from the mouths of my doctors – but my insurance won’t cover the tests, nor is there a specialist in my insurance plan within one hundred miles of my home. I don’t have enough space here – will I ever? – to describe what living with an autoimmune disease is like. I can say it brings unimaginable fatigue, pain all over all the time, susceptibility to illnesses, a body that performs its “normal” functions monstrously abnormally. The worst symptom that mine brings is chronic shingles. For ten years I’ve gotten shingles in the same place on my back, so that I now have nerve damage there, which results in a ceaseless, searing pain on the skin and a dull, burning ache in the bones.

## Alternative

#### [hedva 3] Reject their representations of liberation and endorse Sick Woman Theory as a survival strategy for oppressed people. This means re-centering the discussion to oppose incorporation into oppressive structures. It is NOT the burden of the oppressed to fix the world around them – instead, an ethic of care for self and others should replace the call for public protest.

hedva 3: hedva, johanna. [johanna hedva lives with chronic illness and their sick woman theory is for those who were never meant to survive but did] “Sick Woman Theory.” *Mask* Magazine, January 26, 2016. CH

Despite taking daily medication that is supposed to “suppress” the shingles virus, I still get them – they are my canaries in the coalmine, the harbingers of at least three weeks to be spent in bed. My acupuncturist described it as a little demon steaming black smoke, frothing around, nestling into my bones. 4. With all of these visitors, I started writing Sick Woman Theory as a way to survive in a reality that I find unbearable, and as a way to bear witness to a self that does not feel like it can possibly be “mine.” The early instigation for the project of “Sick Woman Theory,” and how it inherited its name, came from a few sources. One was in response to Audrey Wollen’s “Sad Girl Theory,” which proposes a way of redefining historically feminized pathologies into modes of political protest for girls: I was mainly concerned with the question of what happens to the sad girl when, if, she grows up. Another was incited by reading Kate Zambreno’s fantastic Heroines, and feeling an itch to fuck with the concept of “heroism” at all, and so I wanted to propose a figure with traditionally anti-heroic qualities – namely illness, idleness, and inaction – as capable of being the symbol of a grand Theory. Another was from the 1973 feminist book Complaints and Disorders, which differentiates between the “sick woman” of the white upper class, and the “sickening women” of the non-white working class. Sick Woman Theory is for those who are faced with their vulnerability and unbearable fragility, every day, and so have to fight for their experience to be not only honored, but first made visible. For those who, in Audre Lorde’s words, were never meant to survive: because this world was built against their survival. It’s for my fellow spoonies. You know who you are, even if you’ve not been attached to a diagnosis: one of the aims of Sick Woman Theory is to **resist the notion that one needs to be legitimated by an institution**, so that they can try to fix you. You don’t need to be fixed, my queens – it’s the world that needs the fixing. I offer this as a call to arms and a testimony of recognition. I hope that my thoughts can provide articulation and resonance, as well as tools of survival and resilience. And for those of you who are not chronically ill or disabled, Sick Woman Theory asks you to stretch your empathy this way. To face us, to listen, to see. 5. Sick Woman Theory is an insistence that most modes of political protest are internalized, lived, embodied, suffering, and no doubt invisible. Sick Woman Theory redefines existence in a body as something that is primarily and always vulnerable, following from Judith Butler’s work on precarity and resistance. Because the premise insists that a body is defined by its vulnerability, not temporarily affected by it, the implication is that it is continuously reliant on infrastructures of support in order to endure, and so we need to re-shape the world around this fact. Sick Woman Theory maintains that the body and mind are sensitive and reactive to regimes of oppression – particularly our current regime of neoliberal, white-supremacist, imperial-capitalist, cis-hetero-patriarchy. It is that all of our bodies and minds carry the historical trauma of this, that it is the world itself that is making and keeping us sick. To take the term “woman” as the subject-position of this work is a strategic, all-encompassing embrace and dedication to the particular, rather than the universal. Though the identity of “woman” has erased and excluded many (especially women of color and trans and genderfluid people), I choose to use it because it still represents the un-cared for, the secondary, the oppressed, the non-, the un-, the less-than. The problematics of this term will always require critique, and I hope that Sick Woman Theory can help undo those in its own way.

They add:

6. I used to think that the most anti-capitalist gestures left had to do with love, particularly love poetry: to write a love poem and give it to the one you desired, seemed to me a radical resistance. But now I see I was wrong. The most anti-capitalist protest is to care for another and to care for yourself. To take on the historically feminized and therefore invisible practice of nursing, nurturing, caring. To take seriously each other’s vulnerability and fragility and precarity, and to support it, honor it, empower it. To protect each other, to enact and practice community. A radical kinship, an interdependent sociality, a politics of care. Because, once we are all ill and confined to the bed, **sharing our stories** of therapies and comforts, forming support groups, bearing witness to each other’s tales of trauma, prioritizing the care and love of our sick, pained, expensive, sensitive, fantastic bodies, and there is no one left to go to work, perhaps then, finally, capitalism will screech to its much-needed, long-overdue, and motherfucking glorious halt.

**1 – no perms in a methods debate – it’s the burden of the aff to prove that your method is actively more desirable, not just that two things can happen at once**

**2 – perms against disability oriented positions are a form of footnoting – you engage in ableist practices but then ask for the ballot without doing anything to solve for the harms**

## Case

**OV**

1 – independent voter – sexism – defining people as only “man” excludes women and gender minrities from your conception of human – permits infinite violence onto those bodies

2 - the aff doesn’t read an explicit rob or framing mech – default to our ROB as the framing mechanism – anything else makes negating impossible bc we don’t have a 2nc to read new offense under a 1ar new ROB

3 – presumption – the aff has been read in other rounds and hasn’t changed any structures – reason to presume neg bc the aff wont do anything

4 – all the offense from the aff has alr been garnered from reading it – no reason to vote neg bc we have already garnered the aff’s education

5 – the aff doesn’t solve – strikes don’t restructure the relationship between labor and capital bc bosses are still able to subjugate individual workers – strikes only have a chance as a group – means the power dynamic still exists bc one boss is more powerful than one worker

6 – independent voter – cruel optimism – you push workers into strikes that you say will create change, but they never do bc of inscribed power differentials – means that strikes will always be cruelly optimistic

7 – race neutrality independent voter – your aff assumes all bodies are impacted the same way and all have equal ability to strike – this ignores racial minorities who are always overpoliced when they strike – rzn to drop them bc they forward an advocacy that kills Black and Brown ppl

8 – perfcon – the aff advocates kinship but they read the aff against a POC who is marginalized by the systems they talk abt – proves that they don’t defend kinship – reason t o negate

**Plan**

1 – vagueness – thre’s no definition of what kinship beyond taxonomy is – means it always ggets circumvented bc vague plans will be squashed by the government

2 – no solvency – everyone views kinship differently, which means that the plan will look different for every actor. Proves it’s never going to create sweeping solvency

AND if they win that everyone doing the advocacy differently is a good thing, that’s a reason to auto drop them bc it means the advocacy is shifty and we can never link offense

**Turn – color line**

**The 1AC’s legal recognition of workers rights focuses incompletely on one form of subjugation – their attempt at inclusion only reinforces the color line and defines workers as “Men” in contrast to those considered subhuman. This reifies continued violence against those not recognized as fully human by the state.**

**Weheliye 14**

Weheliye, Alexander. “Habeas Viscus.” Pg. 59-60. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

Alexander Ghedi Weheliye is professor of African American Studies at Northwestern University where he teaches black literature and culture, critical theory, social technologies, and popular culture. He is the author of Phonographies: Grooves in Sonic Afro-Modernity (Duke UP, 2005), which was awarded The Modern Language Association’s William Sanders Scarborough Prize for Outstanding Scholarly Study of Black American Literature or Culture and Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human (Duke UP, 2014). // Park City NL

Paradoxically, the particular biological material in question remains the property, at least nominally, of all humanity and is not proper to Moore the individual person: “Lymphokines, unlike a name or a face, have the same molecular structure in every human being and the same, important functions in every human being's immune system. Moreover, the particular genetic material which is responsible for the natural production of lymphokines, and which defendants use to manufacture lymphokines in the laboratory, is also the same in every person; it is no more unique to Moore than the number of vertebrae in the spine or the chemical formula of hemoglobin.”20 So, while the court grants personhood to human subjects in an individualized fashion that is based on comparatively distinguishing between different humans, when biological material clashes with the interests of capital, the court appeals to the indivisible biological sameness of the Homo sapiens species. Since the court's ruling does not place this slice of human flesh in the commons for all humans to share, it tacitly grants corporations the capability of legally possessing this material with the express aim of generating monetary profit. Considering that corporations enjoy the benefits of limited personhood and the ability to live forever under U.S. law, corporate entities are entrusted with securing the immortal life of biological matter, while human persons are denied ownership of their supposed essence.21 My interest here lies not in claiming inalienable ownership rights for cells derived from human bodies such as Lacks's and Moore's but to draw attention to how thoroughly the very core of pure biological matter is framed by neoliberal market logics and by liberal ideas of personhood as property. We are in dire need of alternatives to the legal conception of personhood that dominates our world, and, in addition, to not lose sight of what remains outside the law, what the law cannot capture, what it cannot magically transform into the fantastic form of property ownership. Writing about the connections between transgender politics and other forms of identity-based activism that respond to structural inequalities, legal scholar Dean Spade shows how **the focus on** inclusion, **recognition**, and equality **based on a** narrow **legal framework** (especially as it pertains to antidiscrimination and hate crime laws) not only **hinders the eradication of violence against** trans people and other **vulnerable populations** but actually creates the condition of possibility for the continued unequal “distribution of life chances.”22 If demanding recognition and **inclusion** remains at the center of minority **politics**, it **will lead only to** a delimited notion of **personhood as property that zeroes in comparatively on only one form of subjugation at the expense of others, thus allowing for the continued existence of hierarchical differences between full humans, not-quite-humans, and nonhumans.** **This can be gleaned from the “successes” of** the **mainstream** feminist, **civil rights**, and lesbian-gay rights **movements**, **which facilitate the incorporation of a privileged minority into the ethnoclass of Man at the cost of the** still and/or newly criminalized and **disposable populations** (women of color, the black poor, trans people, the incarcerated, etc.).23 **To make claims for inclusion and humanity via the U.S. juridical assemblage removes from view that the law itself has been thoroughly violent** in its endorsement of racial slavery, indigenous genocide, Jim Crow, the prison-industrial complex, domestic and international warfare, and so on, **and** that it **continues to be one of the chief instruments in creating and maintaining the racializing assemblages in the world of Man**. Instead of appealing to legal recognition, Julia Oparah suggests counteracting the “racialized (trans)gender entrapment” within the prison-industrial complex and beyond with practices of “maroon abolition” (in reference to the long history of escaped slave contraband settlements in the Americas) to “foreground the ways in which often overlooked African diasporic cultural and political legacies inform and undergird anti-prison work,” while also providing strategies and life worlds not exclusively centered on reforming the law.24 Relatedly, Spade calls for a radical politics articulated from the “ ‘impossible’ worldview of trans political existence,” which redefines “the insistence of government agencies, social service providers, media, and many nontrans activists and nonprofiteers that the existence of trans people is impossible.”25 A relational maroon abolitionism beholden to the practices of black radicalism and that arises from the incompatibility of black trans existence with the world of Man serves as one example of how putatively abject modes of being need not be redeployed within hegemonic frameworks but can be operationalized as variable liminal territories or articulated assemblages in movements to abolish the grounds upon which all forms of subjugation are administered.

**Turn – method**

**Their vision of the law is essentialist. Humanist legal imaginaries are a valuable part of Black feminist praxis – they are excluding Black fem from the debate space**

**Kupupika, 21**—J.D. candidate at the University of Virginia School of Law (Trust, “Shaping Our Freedom Dreams: Reclaiming Intersectionality through Black Feminist Legal Theory,” Virginia Law Review, Vol. 107, (2021): 27-47, dml)

The collective struggle of the Black women in Beloved mirrors the essential function of Black feminist legal theory. Heeding Baby Suggs's call, Black feminist legal theorists imagine **beyond** the confines of the legal academy's **margins**, **skillfully developing** their own legal theory in order to **write themselves into larger conversations**. The push to **imagine beyond erasure**, as is emphasized tenderly by Baby Suggs's invocation, is a will to **love hard** the **core**, **human elements** of Black women's belonging. Not a **holy** mission, but a **human** one meant to **unearth** the depths of selfhood that are **constantly denied** until a **new** and **liberating** understanding is discovered.

It is critical to contextualize the function of Black feminist legal theory because, since it exists as a distinctly **humanizing** practice, it demands **respect**. Humanizing, here, **distinguishes** Black feminist practice from the normative approach of the legal academy.2 Legal scholarship offers well meaning, oftentimes essential, theoretical tools to the legal field, but there is no prescriptive requirement that scholarship operate in the service of any particular community. And while there is some merit to wrestling with intangible, looming social issues for its own sake, Black feminist legal theorists **must contend with** the **specific**, **material realities** present within their community with the goal of **eradicating oppression**.3 Black feminist legal theory has produced frameworks with **deliberate** and **urgent liberatory purpose**; any **misuse** of these frameworks is, at **best**, **irresponsible** and, at **worst**, a **continuation** of the legal field's **devaluation** of Black female scholarship.4

**Case cards (general)**

**STRIKES ARE HIGH NOW AND MORE ARE COMING- PROVES NO UNIQUENESS OR REASON WHY THE AFF IS KEY**

**Romero 10-21** Dani Romero (REPORTER, yahoo finance) 10/21/21, ‘Strikes are contagious’: Wave of labor unrest signals crisis in tight job market, <https://news.yahoo.com/strikes-are-contagious-wave-of-labor-unrest-signals-crisis-in-tight-jobs-market-135052770.html>

As employers of all sizes grapple with an acute worker shortage amid what’s being called the pandemic era’s Great Resignation, it’s become increasingly clear that people with jobs aren’t all that happy, either. At an ever-lengthening list of workplaces around the country, workers this year have been getting loud about the state of wages, working hours and conditions. **From healthcare to entertainment, nearly 100,000 U.S. workers are either striking or preparing to strike in a bid to improve working conditions. New data signals that worker unrest is growing: a Cornell Labor Action Tracker shows that more than 180 strikes have been recorded this year, and over 24,000 workers have walked off the job this month.** This all plays out against a backdrop of an economy bouncing back from an economic shutdown during the pandemic. More than 10,000 John Deere workers went on strike Thursday, the first major walkout at the agricultural machinery giant in more than three decades. “**We have noticed a bit of an uptick in late September into early October,** for example, we've already documented 39 strikes on the month of October,” Johnnie Kallas, a Ph.D. student at Cornell University’s School of Industrial and Labor Relations, or ILR, who tracks labor actions across the country, said in an interview. “Those numbers are already the **largest of any month in 2021,**” he added. The Bureau of Labor Statistics, which records only large work stoppages, has documented **12 strikes involving 1,000 or more workers.** That represents a big jump from when the pandemic started over 19 months ago. “What will happen is you'll see **more workers going on strike**,” Kate Bronfenbrenner, director of labor education research and senior lecturer at Cornell school of industrial and labor relations, told Yahoo Finance. “Each time **there's a ripple effect with each one of those**, if the John Deere strike isn’t settled, you're going to see another big group go out,” she said. **“If companies don't move, you're going to see this spread from one group to another. Strikes are contagious,”** Bronfenbrenner added.

**Strikes have no impact and hurt workers.**

**Orechwa 19**

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

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

**Illegal strikes solve better and aff strikes become water downed and negotiated out by the state- TURNS CASE**

**Reddy 21** Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. **Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law**.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that th**ese strikes had helped twenty-two million low-wage workers win $68 billion in raises,** a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued**: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role.** Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) **In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators** in West Virginia, Oklahoma, Arizona, and other states **struck** to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) **These strikes were illegal; yet, no penalties were imposed.**[**183**](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) **Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support.** As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these **strikes were political in the broader sense as well**. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, **2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.**[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these **protests violated legal restrictions**. The NBA players’ strike for instance, was **inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA**.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, **striking workers demonstrated in fact the relationship between their workplaces and broader political concerns.** The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. **These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them**.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “**People, who wouldn’t call them strikes, aren’t looking at history.**”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

**Strikes create backlash and don’t solve**

**Grant and Wallace 91** [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>]//SJWen

\*\*RM = Resource-Mobilization, or Strikes

3. Violent tactics.-Violent tactics are viewed by RM theorists **exclu- sively** as purposeful strategies by challengers for inciting social change with **little recognition** of how **countermobilization** strategies of elites also **create violence**. The role of elite counterstrategies has been **virtually ig- nored in research on collective violence**. Of course, history is **replete** with examples of elites' inflicting violence on challenging groups with the full sanction of the state. Typically, elite-sponsored violence occurs when the power resources and legal apparatus are so one-sidedly in the elites' favor that the outcome is never in doubt. In conflicts with weak insiders, elites may not act so openly unless weak insiders flaunt the law. Typically, elite strategies **do not** overtly promote violence but rather **provoke violence by the other side in hopes of eliciting public condemnation** or more vigorous state repression of challenger initiatives. This is a critical dynamic in struggles involving weak insiders such as unions. In these cases, worker violence, even when it appears justified, erodes **public support for the workers' cause and damages the union's insider status**.

4. Homogeneity and similarity.-Many RM theorists **incorrectly** as- sume that members of aggrieved groups are **homogeneous** in their inter- ests and share similar positions in the social structure. This (assumed) homogeneity of interests is rare for members of outsider groups and even more suspect for members of weak-insider groups. Indeed, groups are **rarely uniform** and often include relatively advantaged persons who have other, more peaceful channels in which to **pursue their goals**. Internal stratification processes mean that different persons have **varying invest- ments** in current structural arrangements, in addition to their collective interest in affecting social change. Again, these forces are especially prev- alent for weak insiders: even the group's lowest-status members are likely to have a marginal stake in the system; high-status members are likely to have a larger stake and, therefore, less commitment to dramatic change in the status quo.

Internal differences may lead to **fragmentation of interests** and **lack of consensus about tactics**, especially tactics suggesting violent confronta- tion. While group members share common grievances, individual mem- bers may be **differentially aggrieved by the current state of affairs** or differentially exposed to elite repression. White's (1989) research on the violent tactics of the Irish Republican Army shows that working-class members and student activists, when compared with middle-class partici- pants, are more vulnerable to **state-sponsored repression**, more likely to be available for protest activities, and reap more benefits from political violence. When we apply them to our study of strike violence, we find that differences in skill levels are known to coincide with major intraclass 1120 Strikes divisions in material interests (Form 1985) and are likely to coincide with the tendency for violent action. For instance, skilled-craft workers, who are more socially and politically conservative than unskilled workers, are less likely to view relations with employers as inherently antagonistic and are prone to separate themselves from unskilled workers, factors that should decrease their participation in violence.

**The “right to strike” is a tactic of neoliberal legalism and gets circumvented. The state is thus able to decide legitimate parameters for violence and insulate itself from anticapitalist action.**

**Crépon 19** – Marc Crépon is a professor of philosophy at the École Normale Supérieure, Paris. (“The Right to Strike and Legal War in Walter Benjamin’s “Toward the Critique of Violence”,” August 2019, pg. 252-253)

If we wish to understand how the question of the right to strike arises for Walter Benjamin in the seventh paragraph of his essay “Zur Kritik der Gewalt,” it is important to first analyze the previous paragraph, which concerns the state’s monopoly on violence. It is here that Benjamin questions the argument that such a monopoly derives from the impossibility of a system of legal ends to preserve itself as long as the pursuit of natural ends through violent means remains. Benjamin responds to this dogmatic thesis with the following hypothesis, arguably one of his most important reflections: “To counter it, one would perhaps have to consider the surprising possibility that law’s interest in monopolizing violence vis-à-vis the individual is explained by the intention not of preserving legal ends, but rather of preserving law itself. [This is the possibility] that violence, when it does not lie in the hands of law, poses a danger to law, not by virtue of the ends that it may pursue but by virtue of its mere existence outside of law.”1

In other words, nothing would endanger the law more than the possibility of its authority being contested by a violence **over which it has no control**. The function of the law would therefore be, first and foremost, to **contain violence** within its own boundaries. It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war.

Let us return to the place that the right to strike occupies within class struggle. To begin with, the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the recognizable forms that this violence can take. However, this analytical framework is undermined as soon as this form of violence becomes **regulated by a** “**right to strike**,” such as the one recognized by law in France in 1864. What this recognition engages is, in fact, the will of the state to control the possible “violence” of the strike. Thus, the “**right**” of the right to strike appears as the best, if not the only, way for the state to **circumscribe within** (and via) **the law the relative violence of class struggles**. We might consider this to be the perfect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning that destabilize this hypothesis that we would do well to consider.

First, is it legitimate to present the strike as a form of violence? Who has a vested interest in such a representation? In other words, how can we trace a clear and unequivocal demarcation between violence and nonviolence? Are we not always bound to find residues of violence, even in those actions that we would be tempted to consider nonviolent? The second line of questioning is just as important and is rooted in the distinction established by Georges Sorel, in his Reflections on Violence, between the “political strike” and the “proletarian general strike,” to which Benjamin dedicates a set of complementary analyses in §13 of his essay. Here, again, we are faced with a question of limits. What is at stake is the possibility for a certain type of strike (the proletarian general strike) to exceed the limits of the right to strike— turning, in other words, the right to strike against the law itself. The phenomenon is that of an autoimmune process, in which the right to strike that is meant to protect the law against the possible violence of class struggles is transformed into a means for the destruction of the law. The difference between the two types of strikes is nevertheless introduced with a condition: “The validity of this statement, however, is not unrestricted because it is not unconditional,” notes Benjamin in §7. We would be mistaken in believing that the right to strike is granted and guaranteed unconditionally. Rather, it is structurally **subjected to a conflict of interpretations**, those of the workers, on the one hand, and of the state on the other. From the point of view of the state, the partial strike cannot under any circumstance be understood as a right to exercise violence, but rather as the right to extract oneself from a preexisting (and verifiable) violence: that of the employer. In this sense, the partial strike should be considered a nonviolent action, what Benjamin named a “pure means.”