# 1NC

## Case

### Teacher Strikes Bad

**Teacher strikes reduce overall wages and result in long-term declines educational performance by students, disproportionately harming the most vulnerable households – prefer empirics**

**Jaume & Willén, ‘19** [David Jaume is a deputy manager at the Bank of Mexico, Alexander Willén is an associate professor of economics at the Norwegian School of Economics, Published: 7/18/19, “The Long-Run Effects of Teacher Strikes: Evidence from Argentina ” Journal of Labor Economics, <https://www.journals.uchicago.edu/doi/pdf/10.1086/703134?casa_token=tzq43kOEpvIAAAAA:wDjZCDihN9pfAX45InqiqiLkHdzG67cHwGnmgBSu4DKRS0DEDXHuWTmUf_EWwRjrHunlvPwLSDo> ]

**In this paper, we construct a new data set on teacher strikes in Argentina and use this to present the first evidence in the literature on the effect of school disruptions caused by teacher strikes on student long-run outcomes. Between 1983 and 2014, Argentina experienced approximately 1,500 teacher strikes, with substantial variation across time and provinces, making this a particularly interesting case for the study of teacher strikes.** We analyze the relationship between exposure to strikes in primary school and relevant education, labor market, and sociodemographic outcomes when the exposed 2 studentsarebetween30and40yearsold. We also examine whether the effects that we identify carry over to the individuals’ children. To identify the effect of strike-induced school disruptions, we rely on a difference-in-differences method that examines how education and labor market outcomes changed among adults who were exposed to more days of teacher strikes during primary school compared to adults who were exposed to fewer days of strikes. The sources of variation that we exploit come from within-province differences in strike exposure across birth cohorts and within-cohort differences in strike exposure across provinces. **On average, provinces lost 372 instructional days due to strikes between 1983 and 2014, ranging from 188 days in La Pampa to 531 days in Rio Negro. The average number of primary school days lost due to teacher strikes was 88 among the individuals in our analysis sample—equivalent to half a year of schooling.** 3 The main assumptions underlying our estimation strategy are that there are no shocks (or other policies) contemporaneous with teacher strikes that differentially affect the various cohorts and that the timing of teacher strikes is uncorrelated with prior trends in outcomes across birth cohorts within each province. **We show extensive evidence that our data are consistent with these assumptions. In particular, our results are robust to controlling for local labor market conditions, including province-specific linear time trends, accounting for cross-province mobility, excluding regions with persistently high frequencies of teacher strikes, and controlling for province-specific nonteacher strikes. We also show that the effects that we identify disappear when reassigning treatment to cohorts that have just graduated from—or have not yet started—primary school, indicating that the timing of teacher strikes is uncorrelated with trends in outcomes across birth cohorts within each province over time**. We find robust evidence in support of adverse labor market effects **when the students are between 30 and 40 years old: being exposed to the average incidence of teacher strikes during primary school reduces wages for males and females by 3.2% and 1.9%, respectively. We find some suggestive evidence that exposure to strikes in early grades has larger effects than exposure in later grades**, though these differences are often not statistically significantly different from zero. The prevalence of teacher strikes in Argentina means that the effect on the economy as a whole is substantial: **a back-of- the-envelope calculation suggests an aggregate annual earnings loss of $2.34 billion. This is equivalent to the cost of raising the average employment income of all primary school teachers in Argentina by 62.4%.** In addition to adverse wage and earnings effects, our results reveal negative effects on several other labor market outcomes. With respect to males, we find evidence of both an increase in the likelihood of being unemployed and occupational downgrading. The effects are very similar for females. However, instead of occupational downgrading, we find an increase in home production (neither working nor studying). Our analysis suggests that these adverse labor market effects are driven, at least in part, by declines in educational attainment: **being exposed to the average incidence of strikes leads to a reduction in years of schooling by 2.02% and 1.58% for males and females, respectively. By looking at 12–17-year-olds, we show that negative education effects are visible immediately after children have finished primary school and that they are larger among children from more vulnerable households.** Our analysis reveals that strikes affect individuals on other sociodemographic dimensions as well. Specifically, individuals exposed to teacher strikes have less educated partners and lower per capita family income. Finally, we find significant inter- generational effects: children of individuals exposed to strikes during primary school suffer negative education effects as well.

### Teacher Strikes NQ

#### Teachers don’t care about legality – strikes are on the rise absent the aff.

Notes 19 [Labor Notes; Media and organizing project that has been the voice of union activists who want to put the movement back in the labor movement since 1979; “Why Strikes Matter,” LN; 10/17/19; <https://labornotes.org/2019/10/why-strikes-matter>]//SJWen

“Why do you rob banks?” a reporter once asked Willie Sutton. “Because that’s where the money is,” the infamous thief replied. Why go on strike? Because that’s where our power is. Teachers in West Virginia showed it in 2018 when they walked out, in a strike that bubbled up from below, surprising even their statewide union leaders. No one seemed concerned that public sector strikes were unlawful in West Virginia. “What are they going to do, fire us all?” said Jay O’Neal, treasurer for the Kanawha County local. “Who would they get to replace us?” Already the state had 700 teaching vacancies, thanks to the rock-bottom pay the strikers were protesting. After 13 days out, the teachers declared victory and returned to their classrooms with a 5 percent raise. They had also backed off corporate education “reformers” on a host of other issues. The biggest lesson: “Our labor is ours first,” West Virginia teacher Nicole McCormick told the crowd at the Labor Notes Conference that spring. “It is up to us to give our labor, or to withhold it.” That’s the fundamental truth on which the labor movement was built. Strikes by unorganized workers led to the founding of unions. Strikes won the first union contracts. Strikes over the years won bigger paychecks, vacations, seniority rights, and the right to tell the foreman “that’s not my job.” Without strikes we would have no labor movement, no unions, no contracts, and a far worse working and living situation. In short, strikes are the strongest tool in workers’ toolbox—our power not just to ask, but to force our employers to concede something. DISCOVER YOUR POWER The key word is “force.” A strike is not just a symbolic protest. It works because we withhold something that the employer needs—its production, its good public image, its profits, and above all its control over us. As one union slogan has it, “this university works because we do”—or this company, or this city. A strike reveals something that employers would prefer we not notice: they need us. Workplaces are typically run as dictatorships. The discovery that your boss does not have absolute power over you—and that in fact, you and your co-workers can exert power over him—is a revelation. There’s no feeling like it. Going on strike changes you, personally and as a union. “Walking into work the first day back chanting ‘one day longer, one day stronger’ was the best morning I’ve ever had at Verizon,” said Pam Galpern, a field tech and mobilizer with Communication Workers Local 1101, after workers beat the corporate giant in a 45-day strike in 2016. “There was such a tremendous feeling of accomplishment. People were smiling and happy. It was like a complete 180-degree difference from before the strike,” when supervisors had been micromanaging and writing workers up for the smallest infractions. In a good strike, everyone has a meaningful role. Strikers develop new skills and a deeper sense that they own and run their union. New leaders emerge from the ranks and go on to become stewards. New friendships are formed; workers who didn’t know or trust one another before forge bonds of solidarity. A few stubborn co-workers finally see why the union matters and sign on as members. Allies from faith groups, neighborhood groups, or other unions adopt your cause. You and your co-workers lose some fear of the boss—and the boss gains some fear of you. In all these ways and more—not to mention the contract gains you may win—a strike can be a tremendous union-building activity.

#### Every empiric flows neg – teacher strikes are incredibly high now so you can negate on presumption.

Greenhouse 18 [Steven; Editor at NYT, author of a book about history of labor unions; "Making Teachers’ Strikes Illegal Won’t Stop Them,” The New York Times; 5/9/18; <https://www.nytimes.com/2018/05/09/opinion/teacher-strikes-illegal-arizona-carolina.html>]//SJWen

In the five states where teachers have gone on strike this year, teachers complain about many of the same things: low salaries, an education funding squeeze and teacher shortages. They have something else in common. In four of the five — Arizona, Kentucky, Oklahoma and West Virginia — these strikes are illegal under state law. (Colorado, the fifth state where teachers walked out, allows them.)

While private-sector workers generally have a right to strike under federal law, state law governs whether teachers and other state and local government workers can strike. Three dozen states have laws prohibiting teachers from striking. Clearly, making teacher strikes illegal will not necessarily prevent them.

In the states where teachers walked out, many teachers felt they had to beg their state legislatures to approve raises and the funding to pay for them. But their pleas were largely ignored. Joseph McCartin, a labor historian at Georgetown University, says that when workers feel they are at a dead end in negotiating raises, militant outbursts — such as illegal walkouts — are inevitable. “When collective bargaining isn’t allowed or doesn’t work, that doesn’t mean collective action isn’t possible,” he said.

Labor’s most potent weapon is the strike, even when it’s illegal. Workers will often risk engaging in an illegal strike, even though it could mean getting fined, fired and conceivably jailed. In a legal strike, workers typically lose just a few days’ or weeks’ pay.

Explosions of worker militancy have been a recurring pattern throughout American history. West Virginia teachers, for example, said their walkout was inspired by their state’s coal miners, who were part of a historic miners’ strike during World War II.

Ten days after Pearl Harbor was attacked in 1941, President Franklin D. Roosevelt summoned labor and business leaders to a conference where unions pledged not to strike during the war. The National War Labor Board, which included labor representatives, dictated a nationwide formula that capped how large a raise unions could obtain in bargaining. But the raises often failed to keep up with inflation, angering millions of workers.

As a result, there were dozens of short wildcat strikes — strikes without union authorization — in defiance of Roosevelt and union leaders. The biggest confrontation came in 1943, when the United Mine Workers’ brilliant but bullheaded president, John L. Lewis, gave 500,000 coal miners a wink and a nod, tacit approval for a walkout.

Roosevelt implored the miners to return to work. “Every idle miner directly and individually is obstructing the war effort,” he said in a fireside chat. He had the federal government seize the mines and ordered miners back to work, but eager to restore labor peace, he figured out a way to meet most of their pay demands.

In 1962, President John F. Kennedy issued an executive order giving most federal employees the right to bargain collectively over some working conditions, but not wages, and he barred them from striking. For years, postal workers seethed about low pay, and their frustration boiled over after members of Congress received a 41 percent raise in 1969.

On March 18, 1970, letter carriers walked out in New York City, and within days, more than 150,000 of the nation’s 600,000 postal workers had joined the illegal strike. One letter carrier boasted that the strikers were “standing 10 feet tall, instead of groveling in the dust.”

During the 1970 postal workers’ strike, military personnel sorted mail at New York City’s main post office.

President Richard M. Nixon denounced the strike, but he didn’t seek to fire or jail the strikers. He mobilized 24,000 military personnel to deliver the mail — not very successfully — and reached a deal that ended the strike after eight days. The postal workers won an initial 6 percent raise, and when Nixon signed the Postal Reorganization Act that summer, they received an additional 8 percent.

H. R. Haldeman, Nixon’s chief of staff, acknowledged a big obstacle to punishing these unlawful strikers. “The mailman is a family friend, so you can’t hurt him,” Haldeman said.

State officials unhappy about the recent strikes have realized the same thing: They can’t really punish or replace the teachers. They’re too popular, there are too many to replace, and if state officials try to jail a few ringleaders, that might spur new strikes.

Not every illegal walkout ends well for workers. When air traffic controllers went on strike in 1981, President Ronald Reagan fired 11,345 controllers and rallied the public against their union, the Professional Air Traffic Controllers Organization, emphasizing that every controller had taken a no-strike pledge upon being hired. Reagan also lambasted the union for rejecting the 11 percent raise his administration was offering, about twice what other federal employees had received at the time.

With the end of the Arizona teachers’ walkout last Thursday, there are rumblings about which state might be next. In North Carolina, educators are angry that teacher salaries and per-pupil spending have not kept up with inflation. Even though teacher strikes are illegal in North Carolina, teachers there say they will walk out next Wednesday, the day that the state legislature opens. Lawmakers should take them seriously. Teachers have so far managed to win gains and skirt the law without any penalty because public opinion — and a lot of history — seems to be on their side.

### Politics Turn

#### Inflation is surging under Biden, paving the way for major GOP victories in 2022, but anti-inflationary policy can save a democratic midterm victory.

Zelizer, PhD, 11/13

Zelizer, Julian. “Biden has to do a whole lot more on inflation.” CNN. 13 November 2021. <https://www.cnn.com/2021/11/13/opinions/inflation-biden-midterms-zelizer/index.html>

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(CNN)In a speech at the Port of Baltimore this week, President Joe Biden [acknowledged](https://www.cnn.com/2021/11/10/politics/biden-baltimore-port-infrastructure/index.html" \t "_blank) that inflation was "worrisome." **With consumer prices increasing 6.2% over** the last **12 months**, the administration understands that it has a problem on its hands. Of course, the primary concern is the economic health of the nation. But **inflation will** also **be a** big political **problem for** the **Democrats in the midterm** campaigns. For all the attention that has been paid to education wars, the anti-vaccination movement or the fallout from Afghanistan, **prices might turn out to be the biggest issue** going into 2022. **The consumer sentiment index**, which measures how optimistic consumers feel about their financial prospects and the economy, **has fallen to the [lowest levels in a decade](https://www.cnn.com/2021/11/12/economy/consumer-sentiment/index.html" \t "_blank)**, according to early November data collected by the University of Michigan. Many **Americans fear the worst**, despite the positive signs, which include a [strong job market](https://www.cnn.com/2021/11/12/economy/consumer-sentiment/index.html" \t "_blank). From the second half of the 20th century onward, **Republicans have used the issue of inflation to combat liberalism. If Biden doesn't do more to address inflation**, and if it doesn't ease up by the time 2022 rolls around, **we will see the GOP weaponizing this issue** against Democrats and the liberal agenda once more -- **with great success, if history is any indication**. In 1952, for example, Republican presidential candidate Dwight Eisenhower focused on prices as a central theme of his campaign, in addition to anti-Communism, the conflict in Korea and the fall of China. After a report from the Bureau of Labor Statistics found the cost of living was rising, the Republican platform included a line that blamed the Truman administration for ["wanton extravagance and inflationary policies."](https://www.presidency.ucsb.edu/documents/republican-party-platform-1952" \t "_blank) Facing off against Adlai Stevenson, who won the Democratic nomination after President Harry Truman decided that he would not run for reelection, Eisenhower produced the first-ever televised political ads, many of which focused on rising prices. In a series of clips titled "Eisenhower Answers America," the candidate responded to questions from Americans, many of whom wanted help with their daily costs of living. In a staged conversation, one woman complained that she had paid 24 dollars for a small bag of groceries that she held up to the camera. "You know what things cost today," another older woman said, "High prices are just driving me crazy." Meanwhile, Republicans blamed inflation on New Deal spending and other government programs. The issue of inflation was front and center yet again in the 1966 midterm campaigns, when the conservative coalition of southern Democrats and Republicans hoped to rebound from their devastating losses in the 1964 election, which ushered in President Lyndon B. Johnson and the Great Society. There were a number of issues that conservatives used in the midterms to cut into Johnson's huge majorities, with the prices of household items being one of them. Even though inflation was under 3%, conservatives argued that growing federal deficits were provoking inflation by pouring too much federal money into the economy. Although inflation remained very low by historical standards, they pointed to the fact that the consumer price index rose by [0.5%](https://fraser.stlouisfed.org/title/cpi-detailed-report-58/february-1966-22064" \t "_blank) in February 1966 -- the largest increase for any February since 1951 during the Korean War. The [price crunch](https://www.amazon.com/Fierce-Urgency-Now-Johnson-Congress/dp/0143128019" \t "_blank) was most apparent in the supermarket. Pork chops, for instance, rose from 65 cents a pound in 1965 to 89 cents a pound in 1966. Besides meat, the price of transportation, medical care and household services increased during this time.According to one internal White House poll, 76% of Californians gave the President unfavorable ratings because of the way he handled the cost of living. President Johnson said that in the 1950s it had been impossible for any politician to visit a home without being asked, "What do you think about McCarthy? In 1966, the inevitable question became: "What do you think about inflation?" The Republican Campaign Committee seized the opportunity and sent out pamphlets that criticized "Great Society play money" and pictured Johnson with the sarcastic words, "Progress is a shrinking dollar." Senate Minority Leader Everett Dirksen stumped for his fellow Republicans in the midterm elections, saying, "Every housewife who shops in a grocery store knows this. They are the living, breathing signs of this destructive burglarizing force." With the issue of inflation on voters' minds, Democrats suffered substantial losses in the midterms. While Democrats retained control of Congress, the size of the conservative coalition grew substantially. Republicans gained 47 seats in the House and 3 seats in the Senate, well above what most pundits were predicting. Inflation would remain an integral part of the conservative playbook in years to come. In 1980, when inflation rose to about 14% while economic growth slowed and the country struggled with stagflation, as it was called -- Republican presidential nominee Ronald Reagan made sure to keep reminding voters about prices. In one ad, a [voice-over](https://www.federalreservehistory.org/essays/great-inflation%20.%20http://www.livingroomcandidate.org/commercials/1980" \t "_blank) blamed President Jimmy Carter for astronomically high inflation rates. In 2021, inflation has once again become a topic of the national conversation, with widespread concern over supply chain disruptions, the price of consumer goods, and the potential for higher interest rates. It's not just that prices are rising -- businesses and consumers alike have experienced the supply chain bottleneck firsthand. Unless conditions change soon, these problems are likely to become a key message of the Republican midterm campaign. This is an issue that hits home, and **the GOP will have little trouble riling up voters** against the current administration and its policies. It might be true, as the economist Paul Krugman [argues](https://www.nytimes.com/2021/11/11/opinion/inflation-history.html" \t "_blank), that this spike is a short-term phenomenon, more akin to what the United States experienced in 1947 than 1979. Regardless, inflation remains a serious political problem for President Biden. For the sake of Democrats**, the President will have to** do more than say the situation is worrisome. He will need to forcefully **address** how he is dealing with these concerns and **how his policies will help to alleviate**, rather than aggravate, the **underlying pressures** causing Americans to pay more for their goods.

#### The plan’s recognition of strikes paves the way for rising wages and prices, which creates major inflation. The risk is low now, but more pro-labor policy from Biden will tip the economy in favor of unions. That means inflation spikes and republicans win in 2022.

Peek 10/22

Peek, Liz. “Biden's Big Labor policies will create next round of inflation.” The Hill. 22 October 2021. <https://thehill.com/opinion/finance/577933-bidens-big-labor-policies-will-create-next-round-of-inflation?rl=1>

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Americans blame President Biden for rising inflation; it could get worse. The administration’s big-spending policies and inability to cure our supply chain woes have driven prices higher. In addition, Biden’s generous handouts and vaccine mandates have pushed workers to the sidelines, making it difficult to fill jobs and raising costs even further. But it is Biden’s enthusiasm for Big Labor that is going to make matters worse. We are now entering a new phase of inflation pressures. A rising cost of living is pushing workers to demand higher wages, which in turn prompts companies to raise prices even more, igniting an unholy cycle that penalizes everyone. Unions, cheered on by Biden’s White House, have decided to take advantage of this moment. **Labor strikes** are on the increase, which will **lead to higher wages**, take workers offline **and make it even harder to get goods to customers**. Those bare shelves popping up around the country may just be a teaser for what comes next**. A wage-price spiral** is the phenomenon that **causes inflation to become “persistent” and not “transitory.”** This is what Democrats will bring to the 2022 midterm elections. A recent Morning Consult/Politico poll found that 62 percent of registered voters, including 61 percent of independents and even 41 percent of Democrats, blame Biden’s policies for soaring inflation. With prices rising at the fastest rate in 13 years, less than half of those surveyed attribute the increase to Americans returning to pre-pandemic behavior. Though the policies that contributed to price hikes on everything from rents to gasoline to chicken were not specified in this poll, other surveys have found voters pinning rising inflation on Democrats’ big spending programs, such as the $1.9 trillion American Rescue Plan. That is one reason (along with a healthy survival instinct) that moderate Democrats are now slow-walking Biden’s $3.5 trillion “social infrastructure” bill. Transportation Secretary Pete Buttigieg acknowledged the connection the other day, when he shirked responsibility for port delays and trucker shortages by arguing that we don’t have just a supply problem but also a demand problem. Buttigieg is correct. With Congress authorizing an unprecedented $5 trillion in “relief” spending over the past two years and with the Federal Reserve pumping trillions into the money supply, the country is awash with money. Put most simply, there is too much money chasing too few goods. As a consequence, prices in September rose 5.4 percent from the year before, faster that the growth in wages, which increased 4.6 percent. Over the past year, real average hourly wages are down almost one percent. Workers are falling behind, and they know it. Unions have taken notice and decided that this is the time to begin rebuilding their ranks among private companies. **Only 6.3 percent of private-sector workers today belong to unions**, a massive drop from 12 percent in 1990. Clearly, **labor leaders would like to reverse that trend**. With the nation short of workers, this may be the perfect time to do so. Just recently, 10,000 United Auto Workers at tractor manufacturer John Deere went out on strike for the first time in three decades, while 31,000 employees at Kaiser Permanente are also staging a walkout. Some 1,400 workers at cereal-maker Kellogg are striking. All in, there have been 12 strikes of 1,000 workers or more so far this year, according to the Bureau of Labor Statistics, and a total of 178 work stoppages. Those figures are way above 2020 totals, but about the same as in 2018 and 2019. My guess: We’re in the early innings. **Workers are aware that they have leverage**, and union leaders know **there is a pro-Big Labor president in the White House**. Early in his tenure, Biden posted a message about workers’ right to organize and the virtues of collective bargaining on Twitter that many saw as encouraging employees at an Amazon facility in Alabama to vote in favor of forming a union. It was an unprecedented intrusion by a president into such contests. As it happened, Biden’s push failed when workers overwhelmingly defeated the organizing effort. President Biden has gone further, inserting into his stimulus bills pro-union items like making union dues deductible and requiring that federal funds flow predominantly to union shops. As important, he has packed the National Labor Relations Board with former union lawyers committed to advancing the cause. Politico reports that the agency’s expected rulings could “serve as a backdoor for enacting provisions … that would vastly expand workers’ ability to join unions in potentially the most important overhaul of U.S. labor law since the 1940s.” Organizing gig workers is one of the new board's top ambitions. The Los Angeles Times affirms: “Biden has put unions at the center of policy — viewing them as vehicles not only to rebuild middle-class jobs but also to address climate change and racial and gender inequity.” The John Deere workers rejected a contract that would have awarded raises of 5 percent to 6 percent and offered another 3 percent wage hike in 2023 and 2025. Deere’s employees are emboldened by the company’s current profitability and the struggle to hire new employees. Most likely, workers elsewhere will follow suit. We have not seen a wave of disruptive labor strikes for many years. For the past two decades globalization put a lid on the demands of workers who were wary of shipping jobs overseas, and the Great Recession crimped corporate profits. Biden’s **pro-union efforts** could win back some of those blue-collar workers who defected to Donald Trump in 2016, but the president’s encouragement of Big Labor **will** surely **lead to higher wages.** Those **pay hikes will spur even higher inflation**; it will be hard to stop the merry-go-round. It will also be hard for Biden and his fellow Democrats to escape responsibility for what many voters consider the country’s number one problem: inflation.

#### Turns the education internal link because republicans have a strong record against education funding – it’s badly needed.

DSCC 8/10

Democratic Senatorial Campaign Committee. “FACT CHECK: Republicans Voted AGAINST Supporting Students, Parents, Teachers & Schools.” 10 August 2021. https://www.dscc.org/news/fact-check-republicans-voted-against-supporting-students-parents-teachers-schools/

“While Democrats are standing up for students, teachers and parents, **every single Senate Republican voted against critical funding to safely reopen schools** and help parents get their lives back on track. Senate Republicans are playing petty political games at the expense of students, teachers, and parents, and voters will hold them accountable.” Every Republican In Congress Voted Against The American Rescue Plan. “Every Republican in Congress voted against the sweeping pandemic relief bill that President Joe Biden signed into law three months ago. But since the early spring votes, Republicans from New York and Indiana to Texas and Washington state have promoted elements of the legislation they fought to defeat.” [Associated Press, 5/6/21] • CBPP: **American Rescue Plan Provided “The Largest-Ever One-Time Federal Investment In K-12 Education.”** “**American schools sorely need additional funding** to ensure that they can reopen safely and **meet students’ educational needs**, and the **American Rescue Plan Act provides $123 billion** in new, flexible funds for school districts that they can spend over the next three-and-a-half school years — the largest-ever one-time federal investment in K-12 education.” [CBPP, 3/15/21] • Education Week: **American Rescue Plan Helped Provide “An Unprecedented Infusion Of Federal Aid For K-12 Education**.” “President Joe Biden has signed the $1.9 trillion American Rescue Plan, which will provide a fresh round of coronavirus relief for schools as an unprecedented infusion of federal aid for K-12 education continues. The legislation includes approximately $129 billion to help students and educators deal with the various impacts of the pandemic; most of that money (about $123 billion) is part of a stabilization fund for elementary and secondary education that’s distributed through the federal Title I formula for disadvantaged students. Local school districts will receive at least 90 percent of that stabilization fund, but they must earmark one dollar out of every five for learning recovery programs.” [Education Week, 3/11/21]

## 1 – Kritik

#### **The color line structures modernity – drawn discursively to separate classes/genders/races, it necessitates the political sacrifice of those who are not within our conception of human. Thus, the role of the ballot is to deconstruct the color line.**

Wynter 03 Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument,” CR: The New Centennial Review, Volume 3, Number 3, Fall 2003, pp. 257-337, https://doi.org/10.1353/ncr.2004.0015

The Argument proposes that the new master code of the bourgeoisie and of its ethnoclass conception of the human—that is, the code of selected by Evolution/dysselected by Evolution—was now to be mapped and anchored on the only available “objective set of facts” that remained. This was the set of environmentally, climatically determined phenotypical dif- ferences between human hereditary variations as these had developed in the wake of the human diaspora both across and out of the continent of Africa; that is, as a set of (so to speak) totemic differences, which were now harnessed to the task of projecting the Color Line drawn institutionally and discursively between whites/nonwhites—and at its most extreme between the Caucasoid physiognomy (as symbolic life, the name of what is good, the idea that some humans can be selected by Evolution) and the Negroid phys- iognomy (as symbolic death, the “name of what is evil,” the idea that some humans can be dysselected by Evolution)—as the new extrahuman line, or projection of genetic nonhomogeneity that would now be made to function, analogically, as the status-ordering principle based upon ostensibly differential degrees of evolutionary selectedness/eugenicity and/or dysselected- ness/dysgenicity. Differential degrees, as between the classes (middle and lower and, by extrapolation, between capital and labor) as well as between men and women, and between the heterosexual and homosexual erotic preference—and, even more centrally, as between Breadwinner (job- holding middle and working classes) and the jobless and criminalized Poor, with this rearticulated at the global level as between Sartre’s “Men” and Natives (see his guide-quote), before the end of politico-military colonial- ism, then postcolonially as between the “developed” First World, on the one hand, and the “underdeveloped” Third and Fourth Worlds on the other. The Color Line was now projected as the new “space of Otherness” principle of nonhomogeneity, made to reoccupy the earlier places of the motion-filled heavens/non-moving Earth, rational humans/irrational animal lines, and to recode in new terms their ostensible extra-humanly determined differences of ontological substance. While, if the earlier two had been indispen- sable to the production and reproduction of their respective genres of being human, of their descriptive statements (i.e., as Christian and as Man1), and of the overall order in whose field of interrelationships, social hierarchies, system of role allocations, and divisions of labors each such genre of the human could alone realize itself—and with each such descriptive state- ment therefore being rigorously conserved by the “learning system” and order of knowledge as articulated in the institutional structure of each order—this was to be no less the case with respect to the projected “space of Otherness” of the Color Line. With respect, that is, to its indispensability to the production and reproduction of our present genre of the human Man2, together with the overall global/national bourgeois order of things and its specific mode of economic production, alone able to provide the material conditions of existence for the production and reproduction of the ethnoclass or Western-bourgeois answer that we now give to the question of the who and what we are. It is in this context that the Negro, the Native, the Colonial Questions, and postcolonially the “Underdeveloped” or Third/Fourth-Worlds Question can be clearly seen to be the issue, not of our present mode of economic pro- duction, but rather of the ongoing production and reproduction of this answer—that is, our present biocentric ethnoclass genre of the human, of which our present techno-industrial, capitalist mode of production is an indispensable and irreplaceable, but only a proximate function. With this genre of the human being one in the terms of whose dually biogenetic and economic notions of freedom both the peoples of African hereditary descent and the peoples who comprise the damned archipelagoes of the Poor, the jobless the homeless, the “underdeveloped” must lawlikely be sacrificed as a function of our continuing to project our collective authorship of our con- temporary order onto the imagined agency of Evolution and Natural Selection and, by extrapolation, onto the “Invisible Hand” of the “Free Market” (both being cultural and class-specific constructs).

#### The 1AC’s legal recognition of teachers rights focuses incompletely on one form of subjugation – their attempt at inclusion only reinforces the color line and defines teachers as “Men” in contrast to those considered subhuman. This reifies continued violence against those not recognized as fully human by the state. What about workers without the legal status of teachers?

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.

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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.

#### The 1AC’s assertion that teachers deserve rights because of their struggles makes suffering a precondition to legal humanity – forces people to degrade themselves for rights and leads to counterproductive infighting among oppressed workers over who gets a right to strike.

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Weheliye, Alexander. “Habeas Viscus.” Pg. 56-57. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

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Even though it would be fairly easy to dismiss one position, either the traditionally humanist (suffering is human) or the racially particularistic (suffering is experienced only by those groups upon which it is inflicted), in favor of the other, both these stances rely on the same logic that deems one incompatible with the other, since the humanist brand would erase particularities in favor of a universalist sweep and the particularistic variant insists on its irreducibility by excluding all nonmembers from the group's affliction. Rather than urging us to choose sides, Farah's juxtaposition of these viewpoints draws attention to the ways racialized and gendered suffering at the hands of political brutalization are always already imbricated in the construction of modern humanity. Suffering, especially when caused by political violence, has long functioned as the hallmark of both humane sentience and of inhuman brutality. Frequently, **suffering becomes the defining feature of those subjects excluded from the law**, the national community, humanity, and so on due to the political violence inflicted upon them **even as it**, paradoxically, **grants them access to inclusion and equality**. In western human rights discourse, for instance, the physical and psychic residues of political violence enable victims to be recognized as belonging to the “brotherhood of Man.” Too often, **this tendency not only leaves intact** hegemonic **ideas of humanity as indistinguishable from western Man but demands comparing different forms of subjugation in order to adjudicate who warrants recognition** and belonging. As W. E. B. Du Bois asked in 1944, if the Universal Declaration of Human Rights did not offer provisions for ending world colonialism or legal segregation in the United States, “Why then call it the Declaration of Human Rights?”2 Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future...that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. **Liberal governing bodies**, whether in the form of nation-states or supranational entities **such as the U**nited **N**ations **or** the **I**nternational **C**riminal **C**ourt **make** particular forms of **wounding the precondition for** entry into the hallowed halls of full **personhood**, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4

#### Legal recognition of rights and personhood exclude those outside legal definitions of humanity and erase those who become human. Just as limited and genocidal court recognition of indigenous sovereignty justified the Dred Scott decision, the 1AC recreates violence against vulnerable flesh and divides the oppressed into distinct groups. Legal personhood and *Habeas Corpus* are constructed in relation to “Man,” a white, male, propertied, liberal subject who reinforces the color line.

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Suffering, especially when caused by political violence, has long functioned as the hallmark of both humane sentience and of inhuman brutality. Frequently, suffering becomes the defining feature of those subjects excluded from the law, the national community, humanity, and so on due to the political violence inflicted upon them even as it, paradoxically, grants them access to inclusion and equality. In western human rights discourse, for instance, the physical and psychic residues of political violence enable victims to be recognized as belonging to the “brotherhood of Man.” Too often, this tendency not only leaves intact hegemonic ideas of humanity as indistinguishable from western Man but demands comparing different forms of subjugation in order to adjudicate who warrants recognition and belonging. As W. E. B. Du Bois asked in 1944, if the Universal Declaration of Human Rights did not offer provisions for ending world colonialism or legal segregation in the United States, “Why then call it the Declaration of Human Rights?”2 Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future...that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. Liberal governing bodies, whether in the form of nation-states or supranational entities such as the United Nations or the International Criminal Court make particular forms of wounding the precondition for entry into the hallowed halls of full personhood, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4Even more generally, the acknowledgment and granting of full personhood of those excluded from its precincts requires the overcoming of physical violence, while epistemic and economic brutalities remain outside the scope of the law. Congruently, much of the politics constructed around the effects of political violence, especially within the context of international human rights but also with regard to minority politics in the United States, is constructed from the shaky foundation of surmounting or desiring to leave behind physical suffering so as to take on the ghostly semblance of possessing one's personhood. Then and only then will previously minoritized subjects be granted their humanity as a legal status. Hence, the glitch Brown diagnoses in identity politics is less a product of the minority subject's desire to desperately cling to his or her pain but a consequence of the state's dogged insistence on suffering as the only price of entry to proper personhood, what Samera Esmeir has referred to as a “juridical humanity” that bestows and rescinds humanity as an individualized legal status in the vein of property.5 **Apportioning personhood** in this way **maintains the world of Man and its** attendant **racializing assemblages**, which means in essence that **the entry fee for legal recognition is the acceptance of categories based on white supremacy and colonialism, as well as normative genders and sexualities.** We need only to consult the history of habeas corpus, the “great” writ of liberty, which is anchored in the U.S. Constitution (Article 1, Section 9), to see that this type of reasoning leads to reducing inclusion and personhood to ownership.6 The Latin phrase habeas corpus means “You shall have the body,” and a writ thereof requires the government to present prisoners before a judge so as to provide a lawful justification for their continued imprisonment. This writ has been considered a pivotal safeguard against the misuse of political power in the modern west. Even though the Military Commissions Act of 2006, which denied habeas corpus to “unlawful enemy combatants” imprisoned in Guantanamo Bay, remains noteworthy and alarming, habeas corpus has been used both by and frequently against racialized groups throughout U.S. history, as was the case when habeas corpus was suspended during World War II, allowing for the internment of Japanese Americans. The writ has also led to gains for minoritized subjects as, for instance, in the well-known Amistad case (1839), in which abolitionists used a habeas corpus petition to free the “illegally” captured Africans who had staged a mutiny against their abductors. Likewise, when Ponca tribal leader Standing Bear was jailed as a result of protesting the forcible removal of his people to Indian Territory in 1879, the writ of habeas corpus affected his release from incarceration as well as the judge's recognition that, as a general rule, Indians were persons before U.S. law, even though Native Americans were not considered full U.S. citizens until 1924.7Nevertheless, the benefits accrued through the **juridical acknowledgment** of racialized subjects **as** fully **human** often exacts a steep entry price, because inclusion **hinges on accepting the codification of personhood as property**, which is, in turn, **based on** the comparative **distinction between groups**, as in one of the best-known court cases in U.S. history: the Dred Scott case. In 1857, the Supreme Court invalidated Dred Scott's habeas corpus, since, as an escaped slave, Scott could not be a legal person. According to Chief Justice Taney: “Dred Scott is not a citizen of the State of Missouri, as alleged in his declaration, because he is a ~~negro~~ [black] of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves.”8 In order to justify withdrawing Dred Scott's legal right to ownership of self, Chief Justice Taney's opinion in the decision contrasts the status of black subjects with the legal position of Native Americans vis-à-vis the possibility of U.S. citizenship and personhood: “The situation of [the ~~negro~~ {black} ] population was altogether unlike that of the Indian race. These Indian Governments were regarded and treated as foreign Governments.... [Indians] may, without doubt, like the subjects of any other foreign Government, be naturalized...and become citizens of a State, and of the United States; and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.”9 While slaves were not accorded the status of being humans that belonged to a different nation, Indians could theoretically overcome their lawful foreignness, but only if they renounced previous forms of personhood and citizenship. Hence, the tabula rasa of **whiteness**—which all groups but blacks can access—**serves as the prerequisite for the law's** magical **transubstantiation** **of a thing** to be possessed **into a** property-owning **subject**.10The judge's comparison underscores the dangers of ceding definitions of personhood to the law and of comparing different forms of political subjugation, since **hypothetical** ~~Indian~~ **[indigenous] personhood in the law rests on attaining whiteness and the violent denial of said status to black subjects.** Additionally, while the court conceded limited capabilities of personhood to indigenous subjects if they chose to convert to whiteness, it did not prevent the U.S. government from instituting various genocidal measures to ensure that American Indians would become white and therefore no longer exist as Indians. In other words, the legal conception of personhood comes with a steep price, as in this instance where being seemingly granted rights laid the groundwork for the U.S. government's genocidal policies against Native Americans, since the “racialization of indigenous peoples, especially through the use of blood quantum classification, in particular follows...‘genocidal logic,’ rather than simply a logic of subordination or discrimination,” and as a result “**whiteness constitutes a project of disappearance for Native peoples** rather than signifying privilege.”11 Beginning in the nineteenth century the U.S. government instituted a program in which Native American children were forcibly removed from their families and placed in Christian day and boarding schools, and which sought to civilize children by “killing the Indian to save the man,” representing one of the most significant examples of the violent and legal enforced assimilation of Native Americans into U.S. whiteness.12 Though there is no clear causal relationship between Taney's arguments in the Scott decision and the boarding school initiative, both establish that **legal personhood is available to indigenous subjects only if the Indian can be killed**—either literally or figuratively—**in order to save the world of Man** (in this case settler colonialism and white supremacy). Furthermore, the denial of personhood qua whiteness to African American subjects does not stand in opposition to the genocidal wages of whiteness bequeathed to indigenous subjects but rather represents different properties of the same racializing juridical assemblage that differentially produces both black and native subjects as aberrations from Man and thus not-quite-human. The writ of **habeas corpus**—**and the law** more generally—anoints those individualized subjects who are deemed deserving with bodies even while this assemblage continually enlists new and/or different groups to exclude, banish, or exterminate from the world of Man. In the end, the law, whether bound by national borders or spanning the globe, **establish**es **an international division of humanity, which grants previously excluded subjects limited access to personhood as property at the same time as it fortifies the supremacy of Man**.13

#### The alternative is to embrace habeas viscus, a definition of human based on the flesh rather than constructs of the body defined in relation to whiteness. Habeas viscus opens avenues for guerrilla warfare as it removes politics from the realm of the Man, instead opting for a collective consciousness of the oppressed.

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Weheliye, Alexander. “Habeas Viscus.” Pg. 95-96. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

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**The** poetics and **politics** that I have been discussing under the heading **of habeas viscus** or the flesh **are concerned** not **with** inclusion in reigning precincts of the status quo but, in Cedric Robinson's apt phrasing, “**the** continuing **development of a collective consciousness informed by the historical struggles for liberation and motivated by the shared sense of obligation to preserve [and** I would add also to **reimagine] the collective being**, the ontological totality.”31 Though the laws of Man place the flesh outside the ferocious and ravenous perimeters of the legal body, habeas viscus defies domestication both on the basis of particularized personhood as a result of suffering, as in human rights discourse, and on the grounds of the universalized version of western Man. Rather, **habeas viscus points to the terrain of humanity as a relational assemblage exterior to the jurisdiction of law** given **that** the law can bequeath or rescind ownership of the body so that it becomes the property of proper persons but **does not possess the authority to nullify the politics and poetics of the flesh found in the traditions of the oppressed**. As a way of conceptualizing politics, then, habeas viscus diverges from the discourses and institutions that yoke the flesh to political violence in the modus of deviance. Instead, it translates the hieroglyphics of the flesh into a potentiality in any and all things, an originating leap in the imagining of future anterior freedoms and new genres of humanity. To envisage habeas viscus as a forceful assemblage of humanity entails leaving behind the world of Man and some of its attendant humanist pieties. As opposed to depositing the flesh outside politics, the normal, the human, and so on, we need a better understanding of its varied workings in order to disrobe the cloak of Man, which gives the human a long-overdue extreme makeover; or, in the words of Sylvia Wynter, “the struggle of our new millennium will be one between the ongoing imperative of securing the well-being of our present ethnoclass (i.e. western bourgeois) conception of the human, Man, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves.”32 Claiming and **dwelling in the** monstrosity of **the flesh present** some of the **weapons in** the **guerrilla warfare to “secure the full** cognitive and behavioral **autonomy of the human species,” since these liberate from captivity assemblages of life, thought, and politics from the tradition of the oppressed and, as a result, disfigure the centrality of Man as the sign for the human.** As an assemblage of humanity, **habeas viscus** animates the elsewheres of Man and **emancipates the true potentiality that rests in those subjects who live behind the veil of the permanent state of exception**: freedom**; assemblages of freedom** that **sway to the** temporality of new syncopated **beginnings for the human beyond the world** and continent **of Man.**

## 2 – Topicality

**Interpretation: The 1AC must defend an unconditional right to strike, no matter the type of strike. To clarify, you can’t specify strikes.**

**Violation: they spec**

**Standards:**

1. **Semantics: Merriam Webster’s dictionary defines unconditional as “not conditional or limited.” That means the resolution requires you not to specify strikes because it imposes a condition on when people can strike. By definition, the aff doesn’t defend an unconditional right to strike if their “unconditional” right only exists under the condition of being a teacher. Negate on presumption because the aff doesn’t provide any evidence for the resolution being a good idea. Prefer semantics because it’s the only predictable standard of what is legitimate ground – anything else forces us to guess what affirms and what negates.**
2. **Neg prep burden: There are many types of strikes and I shouldn’t be expected to have an NC prepared for every one of them. Because the actor in the resolution is “A just government,” country-specific affs are more common, so adding in strike-specific affs unreasonably explodes neg prep burdens. The aff is especially unfair to small-school debaters like me who have no help cutting cards – I need to cut responses to each type of strike on my own. Two impacts: First, it’s unfair because the aff has an advantage with more prep. Second, it forces debaters to spend too much time prepping – that’s really bad for mental health.**
3. **Clash: I can’t reasonably prep out every type of strike so I’m forced to read generics that aren’t tailored to the 1AC. Lower-quality arguments result in worse debates, harming clash and education.**

**Voters:**

**Fairness is a voter because**

1. **The only way a judge can determine who’s better is if we enter the debate on an even playing field.**
2. **People quit if they lose to unfair arguments so fairness is a prereq to debate’s existence.**

**Education is voter because:**

1. **It’s the only portable benefit of debate.**
2. **It’s the only reason we get funding.**

**Topicality is drop the debater:**

1. **Only DTD enables T to deter bad behavior and be a tool for norm setting. Drop the Arg just lets them dodge whatever they did wrong with barley any consequences.**
2. **Even if it’s drop the argument, you drop the entire 1AC.**

**No RVI’s:**

1. **they’re illogical – it doesn’t make sense to reward someone for being topical. People need to do good things to win.**
2. **RVI’s chill legitimate theory, justifying even more abuse.**

**Competing Interps:**

1. **Reasonability usually lacks a brightline and favors unnecessary judge intervention.**
2. **Reasonability lets them arbitrarily choose a brightline that favors their arguments – skews fairness.**