### T- Framework

#### Interp: The affirmative may only garner offense from the hypothetical implementation of The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### Resolved requires policy action

Louisiana State Legislature (<https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

**Resolution**

**A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### We’ve inserted a list of the 164 members of the WTO

WTO ND. Members and Observers. https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

Afghanistan — 29 July 2016 Albania — 8 September 2000 Angola — 23 November 1996 Antigua and Barbuda — 1 January 1995 Argentina — 1 January 1995 Armenia — 5 February 2003 Australia — 1 January 1995 Austria — 1 January 1995 B Bahrain, Kingdom of — 1 January 1995 Bangladesh — 1 January 1995 Barbados — 1 January 1995 Belgium — 1 January 1995 Belize — 1 January 1995 Benin — 22 February 1996 Bolivia, Plurinational State of — 12 September 1995 Botswana — 31 May 1995 Brazil — 1 January 1995 Brunei Darussalam — 1 January 1995 Bulgaria — 1 December 1996 Burkina Faso — 3 June 1995 Burundi — 23 July 1995 C Cabo Verde — 23 July 2008 Cambodia — 13 October 2004 Cameroon — 13 December 1995 Canada — 1 January 1995 Central African Republic — 31 May 1995 Chad — 19 October 1996 Chile — 1 January 1995 China — 11 December 2001 Colombia — 30 April 1995 Congo — 27 March 1997 Costa Rica — 1 January 1995 Côte d’Ivoire — 1 January 1995 Croatia — 30 November 2000 Cuba — 20 April 1995 Cyprus — 30 July 1995 Czech Republic — 1 January 1995 D Democratic Republic of the Congo — 1 January 1997 Denmark — 1 January 1995 Djibouti — 31 May 1995 Dominica — 1 January 1995 Dominican Republic — 9 March 1995 E Ecuador — 21 January 1996 Egypt — 30 June 1995 El Salvador — 7 May 1995 Estonia — 13 November 1999 Eswatini — 1 January 1995 European Union (formerly EC) — 1 January 1995 F Fiji — 14 January 1996 Finland — 1 January 1995 France — 1 January 1995 G Gabon — 1 January 1995 Gambia — 23 October 1996 Georgia — 14 June 2000 Germany — 1 January 1995 Ghana — 1 January 1995 Greece — 1 January 1995 Grenada — 22 February 1996 Guatemala — 21 July 1995 Guinea — 25 October 1995 Guinea-Bissau — 31 May 1995 Guyana — 1 January 1995 H Haiti — 30 January 1996 Honduras — 1 January 1995 Hong Kong, China — 1 January 1995 Hungary — 1 January 1995 I Iceland — 1 January 1995 India — 1 January 1995 Indonesia — 1 January 1995 Ireland — 1 January 1995 Israel — 21 April 1995 Italy — 1 January 1995 J Jamaica — 9 March 1995 Japan — 1 January 1995 Jordan — 11 April 2000 K Kazakhstan — 30 November 2015 Kenya — 1 January 1995 Korea, Republic of — 1 January 1995 Kuwait, the State of — 1 January 1995 Kyrgyz Republic — 20 December 1998 L Lao People’s Democratic Republic — 2 February 2013 Latvia — 10 February 1999 Lesotho — 31 May 1995 Liberia — 14 July 2016 Liechtenstein — 1 September 1995 Lithuania — 31 May 2001 Luxembourg — 1 January 1995 M Macao, China — 1 January 1995 Madagascar — 17 November 1995 Malawi — 31 May 1995 Malaysia — 1 January 1995 Maldives — 31 May 1995 Mali — 31 May 1995 Malta — 1 January 1995 Mauritania — 31 May 1995 Mauritius — 1 January 1995 Mexico — 1 January 1995 Moldova, Republic of — 26 July 2001 Mongolia — 29 January 1997 Montenegro — 29 April 2012 Morocco — 1 January 1995 Mozambique — 26 August 1995 Myanmar — 1 January 1995 N Namibia — 1 January 1995 Nepal — 23 April 2004 Netherlands — 1 January 1995 New Zealand — 1 January 1995 Nicaragua — 3 September 1995 Niger — 13 December 1996 Nigeria — 1 January 1995 North Macedonia — 4 April 2003 Norway — 1 January 1995 O Oman — 9 November 2000 P Pakistan — 1 January 1995 Panama — 6 September 1997 Papua New Guinea — 9 June 1996 Paraguay — 1 January 1995 Peru — 1 January 1995 Philippines — 1 January 1995 Poland — 1 July 1995 Portugal — 1 January 1995 Q Qatar — 13 January 1996 R Romania — 1 January 1995 Russian Federation — 22 August 2012 Rwanda — 22 May 1996 S Saint Kitts and Nevis — 21 February 1996 Saint Lucia — 1 January 1995 Saint Vincent and the Grenadines — 1 January 1995 Samoa — 10 May 2012 Saudi Arabia, Kingdom of — 11 December 2005 Senegal — 1 January 1995 Seychelles — 26 April 2015 Sierra Leone — 23 July 1995 Singapore — 1 January 1995 Slovak Republic — 1 January 1995 Slovenia — 30 July 1995 Solomon Islands — 26 July 1996 South Africa — 1 January 1995 Spain — 1 January 1995 Sri Lanka — 1 January 1995 Suriname — 1 January 1995 Sweden — 1 January 1995 Switzerland — 1 July 1995 T Chinese Taipei — 1 January 2002 Tajikistan — 2 March 2013 Tanzania — 1 January 1995 Thailand — 1 January 1995 Togo — 31 May 1995 Tonga — 27 July 2007 Trinidad and Tobago — 1 March 1995 Tunisia — 29 March 1995 Turkey — 26 March 1995 U Uganda — 1 January 1995 Ukraine — 16 May 2008 United Arab Emirates — 10 April 1996 United Kingdom — 1 January 1995 United States — 1 January 1995 Uruguay — 1 January 1995 V Vanuatu — 24 August 2012 Venezuela, Bolivarian Republic of — 1 January 1995 Viet Nam — 11 January 2007 Y Yemen — 26 June 2014 Z Zambia — 1 January 1995 Zimbabwe — 5 March 1995

#### Intellectual property protections

Yinan Wang.2012 HANDLING THE U.S.-CHINA INTELLECTUAL PROPERTY RIGHTS DISPUTE – THE ROLE OF WTO’S DISPUTE SETTLEMENT SYSTEM. https://etd.ohiolink.edu/apexprod/rws\_etd/send\_file/send?accession=miami1336224534&disposition=inline

In short, intellectual property is “information with commercial value.”84 Primo Braga defines intellectual property rights as “a composite of ideas, inventions, and creative expressions and the public willingness to bestow the status of property on them.”85 The WTO has divided intellectual property rights into two broader areas—copyright and rights related to copyright; and industrial property. Copyright protects “[t]he rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films)… for a minimum period of 50 years after the death of the author.”86 Copyright also covers the rights of performers, such as singers, actors, and musicians, phonograms producers, and broadcasting organizations. Industrial property consists of trademarks (as well as service marks) and patents. Maskus defines trademark as “a symbol or other identifier that conveys information to the consumer about the product.”87 Trademark is the protection of distinctive signs which identify a product, company or service. If consumers believe that the mark is a reliable indicator of desirable characteristics of a good or service, they would be willing to pay a premium for the good or service. Related to trademarks is geographic indications, “which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin”.88 Other types of industrial property include primarily patents, but also industrial designs and trade secrets. According to Mertha, “[p]atents provide inventors with the right of exclusion from the use, production, sales, or import of the product or technology in question for a specified period of time”.89 Protection of these types of industrial properties is to “stimulate innovation, design and the creation of technology.”90

#### Medicine

Google No Date [Google. “medicine”. No Date. Accessed 8/6/21. <https://www.google.com/search?q=medicines+definition&rlz=1C1CHBF_enUS877US877&oq=medicines+&aqs=chrome.1.69i59l3j69i60.2379j0j7&sourceid=chrome&ie=UTF-8> //Xu]

the science or practice of the diagnosis, treatment, and prevention of disease (in technical use often taken to exclude surgery).

**Violation: x**

#### 1] Limits: their model has no resolutional bound and creates the possibility for literally an infinite number of 1ACs. It allows someone to specialize in one area 4 years giving an huge edge over people who switch research focus ever 2 months, which means their arguments are presumptively false because they haven’t been subject to well-researched clash.

**Vote neg for predictable limits and ground---allowing the aff to pick any grounds for the debate makes negative engagement**

2] Clash---forfeiting government action sanctions retreat from controversy and forces the negative to concede solvency before winning a link -- clash is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale -- that jumpstarts the process of critical thinking, reflexivity, and argument refinement. It’s also key to movement building—no critical testing means

#### TVA: <sabotage> - k2 new exportable strategies against ableism.

#### 1- SSD solves offense – if you read this on neg as a counter methodology

#### 2 – any DA to the TVA negates – proves that there’s workable clash under my interp.

#### Procedural fairness outweighs

#### (1) Evaluation – even if their arguments seem true, that’s only because they already had an advantage – fairness is a meta constraint on your ability to determine who best meets their ROB. Can’t weigh case since I couldn’t disprove it.

#### (2) Inescapable – every argument you make concedes the authority of fairness: i.e. that the judge will evaluate your arguments. Absent some judge-debater reciprocal relationship, they could just hack against or for you.

#### (3) Quality of discussion – Debate’s unique value is that it forces engagement and contestation of issues – but this is impossible if I don’t even know what to prepare for.

#### (4) We can always read into this stuff later but a loss is permanent

#### (5) Tangibility – voting aff has no terminal impact- it doesn’t educate anyone or cause us to make some societal shift whereas theory norms are set all the time like nibs and brackets.

#### DTD- T is question of models of debate and the damage is already done

#### No impact turns – a. higher layer bc it indicts the aff b. baiting c. illogical

#### CI- they have to proactively to justify their model and reasonability links to our offense

### k- ballot

#### The role of the ballot is to vote for the better team. Anything is self serving, arbitrarily limits the scope of engagement, and begs the question of the rest of the debate.

#### Reject framing arguments that parametricize content – debate should be an open forum to attack ideas from different directions – anything else staticizes knowledge which their ev would obviously disagree w/.

#### The rob –

#### 1. Competition- The competitive nature of debate wrecks the interactive nature of debate – the judge must decide between two competing speech acts and the debaters are trying to beat each other – this is the wrong forum for interaction

#### 2. Spillover- How does educational orientations spill over beyond this space? Empirically denied – judges vote on this on this time and nothing ever happens.

#### 3. Prescription- certain interactions are prescripted – eg subjectivity– can’t be reformulated so easily

#### 5. No evidence for the power of the ballot – debate specific – negate on presumption.

**Ritter 13**[Michael, JD UTexas Law, B.A. cum laude Trinity University. September 2013. “Overcoming the Fiction of ‘Social Change Through Debate’: What’s to Learn From 2Pac’s Changes?” <https://docs.wixstatic.com/ugd/9896ec_8b2b993ec42440ecaab1b07645385db5.pdf>]

Up to this point, this article has shown how each of the essential components of “**competitive interscholastic debate**” makes it very different from any other kind of debate. But one thing that is persuasive in any kind of debate is some sort of properly conducted study (or even a mere survey) that provides empirical proof or even substantial anecdotal support. To date, **none of the many academics** who coach or participate in the debate community have published a study or survey to support **the social change fiction**. (Perhaps they have tried, and discovered they were just wrong.) But until such an empirical study of competitive interscholastic debate is conducted, **students, judges, and coaches should not take it for granted**

Debate is good

A] Self-reflexivity: The process of debate teaches us to understand opposing viewpoints and further create nuanced strategies through iterative refinement which means it turns the aff

B] Constitutive rules: They still participate in rules like speech times, disclosure norms etc which means they don’t subvert anything

C] Scholarships- Debate gives low income debaters the possibility to get scholarships and materially improve their lives. Impact turning debate good is the functional equivalent of impact turning the very livelihood of some people.

D] Portable Skills- The process of debating and drafting political solutions teaches us the language of policy makers which helps us mobilize political action in the future to materially reduce violence. Materiality outweighs because it’s the only tangible impact while their impacts are abstract at best

E] Self-Defeating- Them claiming and advocating for debate being bad is happening in the debate space which proves institutions are inescapable and are requires for the process of subversion which only our model solves

F] Safety- Debate is a literal home for many identity debaters who cannot come out to their parents or be open about their preferences elsewhere. Proven by many identity teams that I know saying that debate was their ‘second home’. Collapsing debates pedagogical value destroys a safe place for these people

### Case

#### A – Systems – the 1AC argues that material institutions create the social realities that replicate violence but ceding the state refuses to alter these conditions

#### B – Spillover – the aff assumes that its advocacy of a certain affect is sufficient to result in the liberation of the flesh BUT they are missing a robust internal link to solving oppression inside OR outside the round

#### C- Ineffective-there’s no benefit to affirming the aff in debate-the round won’t spill up since nobody monitors individual rounds-means they don’t get their subjectivity offense – debate never solves the ontological revolution

### Cards

#### Abstract critique keeps us from forefronting political reform to create material change for disability.

Ruckelshaus 17 [Jay, Rhodes Scholar and graduate student in political theory at the University of Oxford, and the founder and president of Ramp Less Traveled, a nonprofit organization that helps students with spinal cord injuries pursue higher education. 01/18/17 "The Non-Politics of Disability.” <https://www.nytimes.com/2017/01/18/opinion/denouncing-trump-wont-help-disability-rights.html>] JCH-PF

Disability rights enjoy a seemingly ironclad moral consensus, an ostensible unanimity that is striking given America’s entrenched polarization and the antagonism surrounding other identity movements. Many are wary of L.G.B.T. rights or the Black Lives Matter movement, but it seems beyond the pale — almost cruel — to oppose disability rights. Nobody wants to be anti-disability. Initially, this harmony would seem helpful. Free from partisan discord, advancements for the approximately 57 million Americans with disabilities should be easier to achieve, borne aloft by the wings of certain progress. Why, then, do rampant unemployment and educational disparities endure, and why does success remain the exception? I think part of the reason is the insulation of our pro-disabled political consensus. Its logic is rooted not in any deep belief in the equal worth of citizens with disabilities, but rather in a general aversion to disability. This is related to the charity impulse that has always surrounded disability — and has constrained liberation efforts by assuming that inequities are unfortunate but natural realities to be mitigated through compassion, rather than politically structured injustices. There is also a profound lack of disabled people in the public sphere, meaning any substantive discussion that does occur is extremely rare. I suspect many people I talk to about disability maintain an implicit hope that, if they nod as vigorously as possible, the issue will simply go away. In this way, support for disability rights is similar to the act of expressing perfunctory thanks to military veterans. It temporarily absolves us of the responsibility to address the heart of the matter. Moreover, the apparent moral consensus may be mostly superficial. In trying to enact accessibility, disability advocates encounter increasing resistance as the effort and costs involved in proposals come closer to being realized. (Consider the neighborhood store that decides it’s just too costly to install a ramp, or the community lecture that excludes deaf attendees by refusing to hire a sign-language interpreter.) Instead of facilitating change, false unity actually restrains change. It stifles the more substantive conversations true progress requires. And our inability to speak honestly — and contentiously — about disability shows how the politics of disability is in this sense non-political. We are the worse for it. In addition to greater participation in the public sphere, true progress for citizens with disabilities will require a willingness to confront the issues head-on, even when — especially when — citizens disagree on competing solutions. We must politicize disability — not in the cable-news, grandstanding kind of way, but in the term’s more formal sense. The work of the Belgian political theorist Chantal Mouffe can help illuminate what’s at stake. Mouffe begins with the premise that human relations are inherently antagonistic: Political change always requires controversial transfers in power or prestige, and it is an illusion to imagine politics without confrontation. Per this “agonistic” conception of democracy, a healthy political order is one that prefers vigorous, good-faith argumentation to complacent consensus. Until we publicly recognize real disagreements surrounding disability and accessibility, Mouffe would insist, we are doomed to a vacuous, empty debate that is neither political nor productive. Recall the Kovaleski incident. I’m not suggesting that the abhorrence of Mr. Trump’s actions is open to legitimate questioning. But in their forcefully reassuring comments and messages, my friends prevented any serious discussion of disability at the level where reasonable disagreement does exist. Where will the money come from to fund disability employment schemes? How do we even define “disability”? Despite — and, I would argue, partly because of — the broad condemnation of Mr. Trump for his insensitivity, there was no substantive public discussion of such issues. You may be thinking, haven’t we had enough politics lately? Maybe it’s a blessing that disability isn’t as political as it might be; it avoids the drama and messiness that now seem to define our common life. Avoiding politics might be possible if disability were an exclusively private affair. But it is fundamentally a public concern, affecting everyone directly or indirectly and revealing our obligations to one another as members of a democratic society. Issues of accessibility can be fully addressed only through public institutions and collective effort. For the disability community, there is no answer but politics. But politics need not be repulsive. That’s the beauty of Mouffe’s agonism: By legitimating clashing arguments and welcoming them into the political fold, unproductive antagonism becomes constructive, and compromises emerge.

### 1NC---Occupied UC Berkeley

**The University is a site of social death, the mass grave of Western culture and the aff’s fantasy of radicalizing debate plays into the hands of the system by denying the violence innate to the university system itself---turns every aff impact**

**Occupied UC Berkeley 10** (“The University, Social Death, and the Inside Joke,” <http://news.infoshop.org/article.php?story=20100220181610620>)

Universities may serve as **progressive sites** of inquiry in some cases, yet this does not detract from the great deal of military and corporate research, economic planning and, perhaps most importantly, **social conditioning occurring within their walls**. Furthermore, they serve as intense **machines for the concentration of privilege**; each university is increasingly staffed by overworked professors and adjuncts, poorly treated maintenance and service staff. This remains only the top of the pyramid, since a hyper educated, stable society along Western lines **can only exist** by the **intense exploitation** of labor and resources in the third world. Students are taught to be **oblivious to this fact**; liberal seminars only serve to obfuscate the fact that they are themselves complicit in the death and destruction waged on a daily basis. They sing the college fight song and wear hooded sweatshirts (in the case of hip liberal arts colleges, flannel serves the same purpose). As the Berkeley rebels observe, “Social death is our **banal acceptance** of an institution’s meaning for **our own lack of meaning**.”[43] Our conception of the social is as the death of everything sociality entails; it is the failure of communication, the refusal of empathy, the abandonment of autonomy. Baudrillard writes that “The cemetery no longer exists because modern cities have entirely taken over their function: they are ghost towns, cities of death. If the great operational metropolis is the final form of an entire culture, then, quite simply, ours is a culture of death.”[44] By attempting to excel in a university setting, we are resigning ourselves to enrolling in what Mark Yudoff so proudly calls a cemetery, **a necropolis to rival no other**.  
Yet herein lies the punch line. We are studying in the cemeteries of a nation which has a cultural fetish for things that refuse to stay dead; **an absolute fixation with zombies**. S

o perhaps the goal should not be to go **“Beyond Zombie Politics”** at all. Writes Baudrillard: “The event itself is **counter-offensive** and comes from a strange source: in every system at its apex, at its point of perfection, it **reintroduces negativity and death**.”[45] The University, by totalizing itself and perfecting its critiques, has spontaneously **generated its own antithesis**. Some element of sociality refuses to stay within the discourse of the social, the dead; it **becomes undead**, **radically potent**. According to Steven Shaviro’s The Cinematic Body, “zombies mark the dead end or zero degree of capitalism’s logic of endless consumption and ever expanding accumulation, precisely because they embody this logic so literally and to such excess.”[46] In that sense, they are almost identical to the mass, the silent majorities that Baudrillard describe as the ideal form of resistance to the social: “they know that there is no liberation, and that a system is abolished only by pushing it into hyperlogic, by forcing it into excessive practice which is equivalent to a brutal amortization.”[47]  
Zombies do not constitute a threat at first, they shamble about their environments in an almost comic manner and are easily dispatched by a shotgun blast to the face. Similarly, students emerge from the university in which they have been buried, engaging in random acts of symbolic hyperconsumption and overproduction; perhaps an overly enthusiastic usage of a classroom or cafeteria here and there, or a particularly moving piece of theatrical composition that is easily suppressed. “Disaster is consumed as cheesy spectacle, complete with incompetent reporting, useless information bulletins, and inane attempts at commentary:”[48] Shaviro is talking about Night of the Living Dead, but he might as well be referring to the press coverage of the first California occupations.  
Other students respond with horror to the encroachment of dissidents: “the living characters are concerned less about the prospect of being killed than they are about being swept away by mimesis – of returning to existence, after death, transformed into zombies themselves.”[49] Liberal student activists fear the incursions the most, as they are in many ways the most invested in the fate of the contemporary university; in many ways their role is similar to that of the survivalists in Night of the Living Dead, or the military officers in Day. Beyond Zombie Politics claims that defenders of the UC system are promoting a “Zombie Politics”; yet this is difficult to fathom. For they are **insistent on saving the University**, on **staying ‘alive’**, even when their version of life has been **stripped of all that makes life worth living**, when it is **as good as social death**. Shaviro notes that in many scenes in zombie films, our conceptions of protagonist and antagonist are reversed; in many scenes, human survivors act so repugnantly that we celebrate their infection or demise.[50]  
In reality, “Zombie Politics are something to be championed, because they are the politics of a multitude, an inclusive mass of political subjects, seeking to consume brains. Yet brains must be seen as a metaphor for what Marx calls “the General Intellect”; in his Fragment on Machines, he describes it as “the power of knowledge, objectified.”[51] Students and faculty have been alienated from their labor, and, angry and zombie-like, they seek to destroy the means of their alienation. Yet, for Shaviro, “the hardest thing to acknowledge is that the living dead are **not radically Other** so much as they **serve to awaken a passion for otherness** and for **vertiginous disidentification** that is already latent within our own selves.”[52] In other words, we have a widespread problem with aspiring to be this other, **this powerless mass**. We seek a **clear protagonist**, we cannot avoid **associating** with those we perceive as ‘still **alive’**. Yet for Baudrillard, this constitutes a fundamental flaw:  
"at the very core of the 'rationality' of our culture, however, is an exclusion that precedes every other, more radical than the exclusion of madmen, children or inferior races, an exclusion preceding all these and serving as their model: **the exclusion of the dead and of death.**"[53]  
In Forget Foucault, we learn the sad reality about biopower: that power itself is fundamentally based on the separation and alienation of death from the reality of our existence. If we are to continue to use this conception, we risk failing to see that **our very lives** have been turned into a **mechanism for perpetuation of social death**: the banal **simulation of existence**. Whereas socialized death is a starting point for Foucault, in Baudrillard and in recent actions from California, we see a return to a reevaluation of society and of death; a possible return to zombie politics. Baudrillard distinguishes himself as a connoisseur of graffiti; in Forget Foucault, he quotes a piece that said “When Jesus **arose from the dead**, he became a **zombie**.”[54] Perhaps the reevaluation of zombie politics will serve as **the messianic shift** that **blasts open the gates of hell**, the **cemetery-university**. According to the Berkeley kids, “when we move without return to their tired meaning, to their tired configurations of the material, we are engaging in war.”[55] Baudrillard’s words about semiotic insurrectionaries might suffice:  
"They **blasted their way out** however, so as to **burst into reality like a scream**, an interjection, **an anti-discourse**, as the waste of all syntatic, poetic and political development, as **the smallest radical element** that **cannot be caught** by any organized discourse. Invincible due to their own poverty, they **resist every interpretation** and **every connotation**, no longer denoting anyone or anything."[56]

#### Aff fails – doesn’t account for neoliberal exploitation and categorization is key to activism

Vehmas & Watson 13 (Simo Vehmas & Nick Watson, “Moral wrongs, disadvantages, and disability: a critique of critical disability studies”, p. 646-648)

Critical disability studies and justice

The influence of CDS and its challenge to the assumption that disability is a uniform condition have enabled the emergence of new ideas on disability. In particular, this has enabled the development of a theory that can take account of not only impairment effects but also can include class, ethnicity, sexual orientation or cultural identities. It has also argued for the re-emergence of a new political identity, one where a solidarity that was previously built on a common single identity is replaced by one that incorporates multiple voices including representatives from across the range of constituencies. The politics that it seeks to develop will be the ending of the single interest group identity of the disability movement to be replaced by single-issue groups campaigning for different social issues. To paraphrase Lister (1998, 74), if disability and impairment are simply to be ‘deconstructed into a kaleidoscope of shifting identities’ and ableist discourses, **there will be no disabled people left to either fight for the right to be, or to be a citizen.** If the principles of CDS are evaluated critically in the light of disadvantage, its analytical and political value becomes questionable. Its relativism and its suggestions that impairments are ethically and politically merely neutral differences are false. Impairments often have very tangible effects on people’s well-being, many of which cannot be explained away by deconstruction (for example, Shakespeare 2006; Thomas 1999). Recognizing impairment effects is necessary in order to secure proper treatment and social arrangements that enhance disabled people’s well-being and social participation. CDS runs the risk of dismissing not only the personal experiences of living with impairment, but also the significance of the differences between socially created disadvantages. These disadvantages that often result from oppressive social arrangements, are very much real and take place in different ways for different disadvantaged groups. Disabled people typically experience disadvantage in relation to the market and capitalism, and they have to a large extent been excluded from employment and from equal social participation, respect and wealth (Wolff and De-Shalit 2007, 26). On top of these materialist disadvantages, disabled people are stigmatized as deviant and undesirable, and also subordinated to various oppressive hierarchical relations. For disabled people to achieve participatory parity, they require more than recognition; **they need material help, targeted resource enhancement, and personal enhancement** (Wolff and De-Shalit 2007). Disability is rooted in the economic structures of society and demands redistribution of goods and wealth. In contrast to some other oppressed groups, disabled people require more than the removal of barriers if they are to achieve social justice. This extra help might be small – for example, allowing a student with dyslexia extra time in an examination – through to complex interventions such as facilitated communication, a job support worker or 24-hour personal assistance. Whatever the size, it is an extra cost both to employers and to the state. These are real needs and represent real differences. Without an acceptance of these differences it is hard to see how we could move forward. Whilst these ‘real differences’ can be presented as the result of dominant ableist discourses where disabled people’s needs are regarded as extra cost, this does not solve the problem. The problems disabled people face require **more than ideological change**, and ideological change is of little use if it does not result in material change. CDS **fails to account for the economic basis of disability** and offers only the tools of deconstruction and the abolishment of cultural hierarchies to eradicate economic injustice. This, as Fraser (2000) has argued, would be possible in a society where there were no relatively autonomous markets and the distribution of goods were regulated through cultural values. In such a society, oppression based on identity would translate perfectly into economic injustice and maldistribution. This is far from the current reality where ‘marketization has pervaded all societies to some degree, at least partially decoupling economic mechanisms of distribution from cultural patterns of value and prestige’ (Fraser 2000, 111). Markets are not controlled by nor are they subsidiary to culture; ‘as a result they generate economic inequalities that are not mere expressions of identity hierarchies’ (Fraser 2000, 111–112). The disadvantage related to disability is to a great extent a matter of economic injustice, and before this injustice can be corrected we have to be able to identify those individuals and social groups that have been disadvantaged by social arrangements. Whilst this does create and foster categories and binaries between groups of people, it also requires some sort of categories to start with; namely, the various categories of disadvantage. Both the social and physical mechanisms that produce human diversity are real, and they produce tangible differences that cannot be challenged, let alone abolished, merely by pointing out the wanton nature of difference, and deconstructing the meanings attached to disability. Changing the social conditions that disadvantage and disable some people demands that the diverse, sometimes dualistic, reality of social advantage and disadvantage between different groups of people is recognized. This is exactly why group identities based on, for example, impairment, gender, or sexuality have been invaluable tools in the resistance against discrimination and oppression – in the fight against socially produced disadvantage. Confident, positive disability identity has enabled many disabled people to actively challenge the status quo that disadvantages them and to claim rights and power and participation in dominant institutions. Being different from the so-called normal majority is no longer considered to conflict with a good life, equality and respect. Quite the opposite, positive realization of one’s difference has been liberating and empowering to many disabled people (Shakespeare 2006; Morris 1991). For a radical and active disability movement to emerge and for disabled people to take action on their own account, they have to see themselves as an unfairly marginalized or disadvantaged constituency and a minority group (Shakespeare and Watson 2001). The category disabled/ non-disabled is a good abstraction that can **enable the development of communities of resistance**, and without it is hard to see how these could develop. CDS is premised on the idea that difference acts as a precursor to the normalizing of behaviour and a requirement to treat people differently and, importantly, less favourably. There is, however, no evidence to suggest that the categories that are applied to disabled people create an unnecessary divide between disabled and nondisabled people. You could equally make the point that without these categories we would not know what it is we have to do, what actions we have to take or what services we have to put in place to include disabled people. Indeed, for many disabled people the disadvantages they are subjected to arise not as the result of domination but through neglect and the denial of services and through society failing to take responsibility for those in need. As Wolff (2009, 114) points out: ‘anti-discrimination policy needs to identify a group to be protected.’ In other words, it is impossible to fight the oppression of a group of people that does not exist. Recognition of impairment is also crucial regarding legislation and policy that aim to protect disabled people against discrimination. The point of anti-discrimination legislation is to protect people from discrimination on the basis of their physical and mental properties, not on their opportunity to achieve equal participation and respect. Thus, ‘the parallel to race and gender is not disability but impairment’ (Wolff 2009, 135).

#### Autonomous experimentation fails

King, 16—has been active in campaigning for refugee rights and against border controls for over a decade, has taught at the University of Nottingham and worked as a caseworker with the British Refugee Council (Natasha, *No Borders: The Politics of Immigration Control and Resistance* pg 39-42, dml)

But to what extent are these experiments in autonomy ever entirely autonomous? In response to Richard Day’s book on the newest social movements, Richard Thompson argues that it’s unrealistic to talk about creating wholly autonomous social structures because ‘[t]he second they’re consequential is the second they’ll be noticed [by the state]. At that point, it becomes impossible to break the cycle of antagonism by will alone. They will come after us’ (Thompson n.d., emphasis added). In other words, experiments in autonomy are rarely (if ever) entirely free from a relation to the state, or from state antagonism, and we are rarely able to ignore that antagonism. We may antagonize the state, but we are forced also to respond to the state, as a form of self-defence. This has happened time and time again, from the steady illegalization of squatting in Europe, and the tightening of laws around private property, to the infiltration by the CIA of the Black Panther movement, to the struggle between the Zapatistas and the Mexican state. We see this in the struggle for the freedom of movement when, continuing with the examples above, the EU employs Frontex special missions on the Turkish/Greek borders, or when the living spaces of people without papers are raided or destroyed. Whether people have been forced to, or they have seen it as the best strategy, the history of struggles for liberation has been one that included demands on the state. Often this has taken the form of engagement in a politics of rights and/or recognition. From the movement of the Sans Papiers in France, to ‘a Day without Migrants’ in the USA; from campaigns that fight against the detention and deportation of people without papers, to struggles against police violence, resistance through forms of visible collective action have been central to struggles against the border. In most cases such struggles have made demands on the state, particularly through seeking recognition as a group, and through making claims to rights. But to what extent are demands for rights and/or recognition part of a no borders politics? Demands for rights and recognition have played a big part in the struggle for the freedom of movement. Yet there has been a long history of criticism over the politics of citizenship. Rights claims, for example, have been seen as essentially reinforcing the role of the state as the benefactor and grantor of rights, and reinforcing the notion that rights represent entitlements applicable to those who fit certain descriptions of being a human (cf. Arendt 1973 [1951]; Barbagallo and Beuret 2008; Bojadžijev and Karakayali 2010; Elam 1994). From this perspective, demands for rights and representation amount to disputes over the allocation of equality and therefore can only ever achieve a redistribution of that equality, rather than undermining the idea that equality is somehow qualified in the first place. As Imogen Tyler says, ‘[c]itizenship is a famously exclusionary concept, and its exclusionary force is there by design. The exclusions of citizenship are immanent to its logic, and not at all accidental. Citizenship is meant to produce successful and unsuccessful subjects. Citizenship, in other words, is “designed to fail”’ (Tyler, quoted in Nyers 2015: 31). Similar variations of this critique have appeared in the autonomy of migration debate. Representation can also be thought of as a bordering technology that seeks to pacify and discipline expressions of autonomy (or attempts at escape) (Papadopoulos et al. 2008). In other words, the politics of citizenship is problematic because it only ever brings people into the state. ‘Of course migrants become stronger when they become visible by obtaining rights, but the demands of migrants and the dynamics of migration cannot be exhausted in the quest for visibility and rights’ (ibid.: 219). I have a lot of sympathy with these arguments, and because of them am extremely suspicious of a politics of citizenship. But when it comes to actual practices of struggle against the border, a resolute stand against such strategies seems naïve, and insulting to those who have taken part. Migrant-led struggles have often been claims for rights, and ultimately I don’t want to dismiss such practices because they are philosophically problematic. In fact, sometimes to appeal to rights or recognition is the only available strategy in situations of extreme vulnerability, where people’s options are highly limited. Recognizing that we are in relations of power right now means also recognizing that our situation is imperfect and that we have to struggle in our (imperfect) reality. Youssef, a long-time activist for the freedom of movement in Greece, himself of North African descent, talked about the need for pragmatism in tactics; that sometimes we must engage with the state in order to bring about greater freedoms now. ‘Today, in Creta, in Chania, they will catch five people. How can I take them from the jail? I have something in the police station, OK. I have to talk with them today. OK? But tomorrow I can fuck him. He’s not my friend. He’s not my comrade. OK. We are talking today. Tomorrow we are fucking’ (interview, Youssef). His statement reflects how many practices that refuse the border often come out of necessity. In other words they’re rarely part of some intentional or ‘noble’ act to become a rights-bearer, say, and more often pragmatic decisions based on the need to alleviate immediate situations of oppression. A no borders politics seeks to go beyond claims to representation and rights that ultimately stand to reinforce the state. But claims to representation and rights can sometimes do this too. Building on Foucault’s idea that power can be both positive and empowering or negative and dominating, Biddy Martin and Chandra Mohanty suggest that fighting oppression involves seeing power in a way that refuses totalizing visions of it and can therefore account for the possibility of resistance, as in creating something new, within existing power relations (Martin and Mohanty 2003: 104). Suggesting that representation only ever brings people into power therefore means rejecting a vast range of moments when the oppressed have voiced their refusal to be reduced to non-beings outside of politics (Sharma 2009: 475). In other words, resistance is not only or always a reaction to the constraining effects of dominating power, but can also express power as something positive and liberating. From the Black Panthers to the Sans Papiers, demands for representation, when carried out by minority groups for themselves, can challenge the role of dominant power over that group and create new, emancipated subjectivities (Goldberg 1996; Malik 1996). Depending on who it is that acts, then, in some cases demands for recognition/rights can be a radical and transformative political act (Nyers 2015. See also Butler and Spivak 2007; Isin 2008; Nyers and Rygiel 2012). As Nandita Sharma suggests, in response to Papadopoulos et al.’s book Escape Routes, we must recognise that making life and fashioning our subjectivities are intimately intertwined and making ‘new social bodies’ … is not the same as bringing people back into power through identity politics (or identity policing). It is important to recognise that there are significant qualitative differences between subjectivities. There are those that Papadopoulos et al. rightly discuss as bringing us directly back into power – and which account for most of the subjectivities that people hold today (‘race’, ‘nation’, ‘heterosexual’, ‘homosexual’, ‘native’ and so on) – but there are also those that are born of practices of escape. (Sharma 2009: 473, emphasis in original)