# 1NC R1 Yale

## 1

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#### Interpretation: Debaters must defend that the member nations of the World Trade Organization ought to reduce intellectual property protections for medicines and ought not generate offense external to the policy implementation.

#### “Resolved” means to enact by law.

Words & Phrases ’64

(Words and Phrases; 1964; Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Nations are defined territories with governments

**Merriam Webster** [Merriam Webster, 8-22-2021, accessed on 9-6-2021, Merriam-webster, "Definition of NATION", <https://www.merriam-webster.com/dictionary/nation>] Adam

Definition of nation (Entry 1 of 2) 1a(1): [NATIONALITY sense 5a](https://www.merriam-webster.com/dictionary/nationality)three Slav peoples … forged into a Yugoslavia without really fusing into a Yugoslav nation— Hans Kohn (2): a politically organized [nationality](https://www.merriam-webster.com/dictionary/nationality) (3)in the Bible : a non-Jewish nationalitywhy do the nations conspire— Psalms 2:1 (Revised Standard Version) b: a community of people composed of one or more [nationalities](https://www.merriam-webster.com/dictionary/nationalities) and possessing a more or less defined territory and government Canada is a nation with a written constitution— B. K. Sandwell c: a territorial division containing a body of people of one or more nationalities and usually characterized by relatively large size and independent statusa nation of vast size with a small population— Mary K. Hammond 2archaic : [GROUP](https://www.merriam-webster.com/dictionary/group), [AGGREGATION](https://www.merriam-webster.com/dictionary/aggregation) 3: a tribe or federation of tribes (as of American Indians)the Seminole Nation in Oklahoma

#### Medicines refer to physical substances.

American Heritage Dictionary of Medicine 18 The American Heritage Dictionary of Medicine 2018 by Houghton Mifflin Harcourt Publishing Company <https://www.yourdictionary.com/medicine> //Elmer

"A **substance**, **especially a drug**, **used to treat** the signs and symptoms of a **disease**, condition, or injury."

#### There are 4 types of IP the aff could reduce.

**Brewer 19** [Trevor Brewer, 5-16-2019, accessed on 8-11-2021, BrewerLong, "What Are The 4 Types of Intellectual Property Rights? BrewerLong", <https://brewerlong.com/information/business-law/four-types-of-intellectual-property/>] Adam

There are four types of intellectual property rights and protections (although multiple types of intellectual property itself). Securing the correct protection for your property is important, which is why consulting with a lawyer is a must. The four categories of intellectual property protections include: TRADE SECRETS Trade secrets refer to specific, private information that is important to a business because it gives the business a competitive advantage in its marketplace. If a trade secret is acquired by another company, it could harm the original holder. Examples of trade secrets include recipes for certain foods and beverages (like Mrs. Fields’ cookies or Sprite), new inventions, software, processes, and even different marketing strategies. When a person or business holds a trade secret protection, others cannot copy or steal the idea. In order to establish information as a “trade secret,” and to incur the legal protections associated with trade secrets, businesses must actively behave in a manner that demonstrates their desire to protect the information. [Trade secrets are protected without official registration](https://www.wipo.int/sme/en/ip_business/trade_secrets/protection.htm); however, an owner of a trade secret whose rights are breached–i.e. someone steals their trade secret–may ask a court to ask against that individual and prevent them from using the trade secret. PATENTS As defined by the [U.S. Patent and Trademark Office](https://www.uspto.gov/help/patent-help#patents) (USPTO), a patent is a type of limited-duration protection that can be used to protect inventions (or discoveries) that are new, non-obvious, and useful, such a new process, machine, article of manufacture, or composition of matter. When a property owner holds a patent, others are prevented, under law, from offering for sale, making, or using the product. COPYRIGHTS Copyrights and patents are not the same things, although they are often confused. A copyright is a type of intellectual property protection that protects original works of authorship, which might include literary works, music, art, and more. Today, copyrights also protect computer software and architecture. Copyright protections are automatic; once you create something, it is yours. However, if your rights under copyright protections are infringed and you wish to file a lawsuit, then registration of your copyright will be necessary. TRADEMARKS Finally, the fourth type of intellectual property protection is a trademark protection. Remember, patents are used to protect inventions and discoveries and copyrights are used to protect expressions of ideas and creations, like art and writing. Trademarks, then, refer to phrases, words, or symbols that distinguish the source of a product or services of one party from another. For example, the Nike symbol–which nearly all could easily recognize and identify–is a type of trademark. While patents and copyrights can expire, trademark rights come from the use of the trademark, and therefore can be held indefinitely. Like a copyright, registration of a trademark is not required, but registering can offer additional advantages.

#### Violation –

#### At best they’re Extra-T, which is a voter for Limits since they can add any amount of infinite planks to the aff to solve for all neg arguments, or Effects-T which is worse, since any small aff can spill up to the res.

#### First, competitive equity –

#### A] Ground: they get to pick the topic ex post facto which incentivizes vague argumentation that’s not grounded in a consistent, stable mechanism – they’re playing dodgeball with hand grenades – caselists are concessionary, unpredictable, beaten by perms, and don’t justify their model.

#### B] Limits: their model has no resolutional bound and creates the possibility for literally an infinite number of 1ACs. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus ever 2 months. Cutting negs to every possible aff is a commitment even large squads can’t handle, let alone small schools like us. Counter-interpretations are arbitrary, unpredictable, and don’t solve the world of neg prep because there’s no grounding in the resolution

#### C] Causality- debating the resolution forces the affirmative to defend a cause and effect relationship, the state doing x results in y. Non topical affs establish their own barometer “I think x is good for me” that aren’t negatable.

#### D] Fairness is an impact –

#### [1] it’s an intrinsic good – some level of competitive equity is necessary to sustain the activity – if it didn’t exist, then there wouldn’t be value to the game since judges could literally vote whatever way they wanted regardless of the competing arguments made

#### [2] probability – your ballot can’t solve their impacts but it can solve mine – debate can’t alter subjectivity, but can rectify skews

#### [3] internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education

#### [4] comes before substance – deciding any other argument in this debate cannot be disentangled from our inability to prepare for it – any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff.

#### Second, switch-side debate –

#### A] It forces debaters to consider a controversial issue from multiple perspectives. Non-T affs allow individuals to establish their own metrics for what they want to debate leading to ideological dogmatism. Even if they prove the topic is bad, our argument is that the process of preparing and defending proposals is an educational benefit of engaging it. That’s good – cross was clear that having engagement is key to recognition and spreading literature

#### B] topical version of the aff solves – they can still have all their advantages under TVA – defend reducing IP as breaking down the ability of capitalism. There’s also success in people from the NCs theorization like Michael Wimsatt, a UC Berkeley debater who quarter-finalled reading policy positions while in a wheelchair. It’s unethical to destroy it for everyone when we can make reform.

#### Our model of dialogic communication and deliberation is crucial to overcoming entrenched ableist ideology---“good enough” deliberation leads to incremental improvements that pave the way to true equality.

Amber Knight, Assistant Professor of Political Science at Saint Louis University, “Democratizing Disability: Achieving Inclusion (without Assimilation) through “Participatory Parity”,” Hypatia vol. 30, no. 1 (Winter ‘15)

There is ample evidence to suggest that able-bodied people simply miss the mark when they are asked to think about life from the point of view of a person with a disability. A recent poll found that fifty-two percent of Americans would rather be dead than disabled (Disaboom 2008). Yet when you talk with people with disabilities they usually think that their lives are very much worth living. To explain these divergent perspectives, sociologists Gary Albrecht and Patrick Devlieger coined this phenomenon “the disability paradox.” They write, The disability paradox exists in two forms: first, people with disabilities report that they have serious limitations in activities of daily living, problems in performing their social roles and experience persistent discrimination, yet they say that they have an excellent or good quality of life; and, second, the general public, physicians and other health care workers perceive that persons with disabilities have an unsatisfying quality of life despite that fact that over 50% of these people report an excellent or good quality of life. (Albrecht and Devlieger 1999, 982) This paradox serves as a reminder that people are unable to transcend social privilege to think about issues objectively. Instead, it seems that many nondisabled people project their own fears and misconceptions about living with an impairment onto the lives of people with disabilities. As this analysis has shown, it seems that the **best way** to achieve **mutual understanding** **is not through** transcendence, **but by communicating** with others **across differences.** By engaging with those with disabilities, nondisabled citizens may **confront** **their** own **stigmatized ideas about impairment**, **learn to understand important aspects of disabled peoples’ lives, and** hopefully **make** better political decisions in the long run. They may also learn to think of themselves as temporarily able-bodied and come to grips with the reality that they too will likely experience disability at some point in their lives since human beings are unavoidably vulnerable to aging, illness, and impairment. Such a realization may **motivate all citizens** **to consider their own stake in creating just arrangements that enhance everybody’s opportunities to occupy public space.** Therefore, even though Fraser specifically acknowledges that gaps between procedural fairness and substantive justice **may occur**, she cautiously implies that fair deliberation in the absence of structural power asymmetries will foster **mutual understanding** and likely generate outcomes that further **reduce social disparities** (Fraser 2007, 331). This line of thought is certainly circular since substantive policies **that reduce disparities are** necessary **to ensure procedural parity**, **and just procedures are required in order to bring about just outcomes**. To escape this cycle and realistically apply her framework, Fraser proposes the idea of “good enough deliberation.” She explains: This expression refers to deliberation that, while tainted by power asymmetries and thus falling short of procedural parity, is “good enough” to generate outcomes that **reduce disparities**, **so** that the next round **of political argument proceeds on terms that are** somewhat **more fair and can be expected to lead to still better outcomes,** and so on. (Fraser 2007, 332) Fraser therefore remains optimistic that incremental changes **in the relations of deliberation will yield more** egalitarian decisions. From a disability perspective, this concept serves as a reminder that actively working to include people with a range of impairments in formal and informal democratic spaces is paramount to achieving substantive policies that procure social justice. In sum, preserving difference is in democracy’s best interest, since it not only follows through on the promise of preserving human dignity, but also leads to better deliberative outcomes that have the potential to benefit the public at large. The outcomes of deliberations cannot be determined in advance, but it is possible that interactions between able-bodied and disabled individuals may be **progressively transformative**. In any case, if people with disabilities are persistently isolated, marginalized, and excluded, individuals with disabilities are surely denied their human dignity, and the political community will never know what it is denying itself.

#### Vote negative –

#### A] this procedurally evaluates whether their model is good, which is a prior question

#### B] they can’t get offense: we don’t exclude them, only persuade you that our methodology is best. Every debate requires a winner and loser, so voting negative doesn’t reject them from debate, it just says they should make a better argument next time

#### C] Exclusions are inevitable like the Cap K – we should draw them around reciprocal grounds

# Case

## 1NC

### 1NC – Top-level

#### 1] We are impact turning their attempts to make debate accessible.

#### A] It forces the judge into an inappropriate role – if their argument is voting aff makes debate more accessible, voting neg requires the judge saying debate should NOT be accessible, which entails a rejection of them, identity, and accessibility – debate’s just a game and tasking the judge with determining whether someone’s identity should be accepted is incredibly violent

#### B] It leaves zero role for the neg – our only ground is to say that debate should NOT be more accessible, or to just say nothing at all, which is a hobson choice that forces us to be non-responsive or offensive

#### 2] No 1AR Impact Turns, Independent Voters, or Perfcons – a] Resolvability: Either you auto accept all responses to 2NR standards and they auto win since I can't respond, or you intervene to give 2AR credence b] No infinite abuse: 1NC is 7 minutes and 1AC spikes check a c] Hurts engagement in strategies since you would just spam blip storms d] 7-6 time 2-1 speech skew

### 1NC – Presumption

#### Presumption flips neg against K affs – they have the burden of proof since they aren’t defending the rez. That’s key to ensure the neg has a shot at engagement.

#### Vote neg on presumption:

#### 1] Systems- the 1AC says institutions create social realities that replicate violence but in-round discourse does nothing to alter conditions. All you do is encourage teams to write better framework blocks.

#### 2] Spillover- they are missing an internal link as to why they need the ballot or why the reading of the aff forwards change. Empirically denied – judges vote on [x] all the time and nothing happens.

#### 3] Competition- debate is the wrong forum for change and competition moots any ethical value of the aff. Winning rounds just makes it seem like you want to win and a loss is internalized as a technical mistake.

#### 4] Voting aff doesn’t access social change, but voting neg resolves our procedural impacts. Have a high threshold for evidence not specific to debate.

Ritter ‘13 (JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1)

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually **incapable of creating any social change**, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with **nonapplicable** rhetorical **theory** that **fails to account for the unique aspects** of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: **“Can debate cause social change?”** Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen **not to prove this fundamental assumption**, which—as this article argues—is **merely a fiction** that is **harmful in** most, if not **all, respects**. The position that competitive interscholastic debate can create social change is more properly characterized as a **fiction** than an argument. A fiction is an invented or fabricated idea purporting to be factual but is **not provable** by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be **incredibly critical** of those fictions and adopt them only if they promote the activity and its purposes.

### 1NC – AT: Crippistemology

#### Crip politics aren’t interersectional – they alienate individuals via racial and class differences. Sherry 13

[Sherry, Mark (Mark Sherry is a brain injury survivor and Associate Professor of Sociology at The University of Toledo. His community advocacy has been focused on brain injury and disability hate crimes.). “Crip Politics…Just ‘No.’” <http://www.thefeministwire.com/2013/11/crip-politics-just-no/> November 23 2013. DOA: 18 November 2017. WWCC]

**Those who do choose the term “crip” as an identity tend to be privileged people. “Crip” is the new fashionable term among disability studies academics.** It has become particularly trendy among those whose focus is literary studies. However, I think that **if they spent more time with disabled people, and less time thinking about disability in terms of textual analysis and narrative, they would have a different perspective.** This is not hard. **Find the women at your local domestic violence shelter and ask if any have suffered a concussion or brain injury as a result of domestic violence. Listen to their gut-wrenching, painful stories. Feel their pain. And at the end of it, ask them “Now, do you mind if I call you crip from now on?”** **Go to a meeting of your local People First organization, where those with cognitive impairments meet and support each other.** You don’t have to even ask anyone whether they would mind if you used the term “crip.” Just listen to the noticeable absence of such terms in their discussions. **They will talk about disability politics – about rights, responsibilities, and relationships – but they won’t use such a trite, trendy cliché as “crip politics.” Or go to the local homeless shelter. Get to know the people there over time**, as they won’t trust you if they’ve never seen you before**. Learn about their personal histories. You can bet they will have been assaulted;** hate crime and homelessness go together. And if you want to find out whether they’ve had mental illness, be very careful how you approach the topic. These are vulnerable people we are talking about. **Socially isolated, impoverished, and struggling for basic survival. Learn to appreciate their dignity. If you call any one of them a “crip,” it’s you who was lost dignity, not them.** Go speak with people who are applying (and have possibly been rejected for) Social Security Disability. Disability benefits are not evenly distributed among the community, which affects poor people of color the most**. Go to one of the community agencies for people of color in Los Angeles and ask the people, “Are you a crip?” You’ll offend every one of them. That’s because the term “crip” has a long history** – one **that is racialized, classed, gendered, and gang- related. Being a “crip” is not a metaphor of being a ‘bad ass’ disabled person, as many privileged academics seem to assume. It’s an actual gang, and people who’ve made deliberate choices to avoid the violence of street life deserve respect and recognition for not being a crip. For a** **privileged (usually White) disabled academic, calling oneself a “crip” might seem radical, if not trendy. But** using such a term in the context of **the safety of academia masks enormous embodied,** classed, gendered, sexualized, racialized **privilege.**

#### Within the disability community, the term crip privileges physical disability and alienates most of the movement.

Sherry 13

[Sherry, Mark (Mark Sherry is a brain injury survivor and Associate Professor of Sociology at The University of Toledo. His community advocacy has been focused on brain injury and disability hate crimes.). “Crip Politics…Just ‘No.’” <http://www.thefeministwire.com/2013/11/crip-politics-just-no/> November 23 2013. DOA: 18 November 2017. WWCC]

If a concept in disability studies – such as “crip” theory – can gain such wide usage in the academy alongside such disparagement in the community, there is a need to change the academy. McRuer is right – nondisabled people can choose to call themselves “crip.” Doing so is a performative act; and disabled people usually lack the social resources to control what their nondisabled peers do. But claiming a “crip” identity as a nondisabled person is not a sign of being “radical.” It is a sign of being out of touch, of being privileged and feeling empowered to claim other people’s experiences as your own. This could be avoided if disability studies in the U.S. worked in closer partnership with a wide variety of disabled people in the community. **That is not to deny that some disabled people do actively call themselves “crip.” But a genuine engagement with the wide representation of disabled people in the community – those affected by blindness, deafness, learning disabilities, intellectual impairments, neurodiversity, brain injuries, and psychiatric symptoms – would show that very few disabled people in this setting identify themselves as “crip.” So if the term alienates so many of the people it is supposed to represent, what is its attraction**? Partly, there is academic trendiness: **new lingo is always seen as a sign of intellectual growth**. **It’s also a second-wave phenomenon: the basic premise of disability studies** (that disabled people have different experiences which are often ignored, sidelined, or excluded) has been fairly well established. Second-generation theorists want to develop new concepts, explore new fields, and challenge the canons of the first wave. This is fine to a certain degree, **but** **this particular form of identity politics is deeply problematic. It is inherently rooted in physicalism. Physical impairments are simply one among many; there is no justification for prioritizing a term associated with their embodiment and their politics as opposed to any other. The discursive links between “crip” and “cripple” are dense and difficult; but that connection could be widely made and would alienate people who do not have physical impairments.** It would be akin to imposing a “survivor” discourse on all disabled people – it may work for some people, such as brain injury survivors, cancer survivors, and psychiatric system survivors – but it would not resonate with others, such as people with congenital impairments, sensory impairments, neurodiverse people, and so on. There is no ethical justification for imposing this mode of representation on people with quite dissimilar bodies, minds, senses, and experiences**.**

### 1NC – State Good

#### Legal reforms for people with disabilities are good---the alt is unlimited deference to discriminatory state statutes that lock in the aff’s impact

Michael E. Waterstone, Ziemann Fellow and Professor of Law, Associate Dean of Research and Academic Centers, Loyola Law School Los Angeles, “DISABILITY CONSTITUTIONAL LAW,” ‘14 Emory Law Journal 63 Emory L.J. 527

Despite (and perhaps because of) constitutional setbacks, and as result of fierce advocacy and legislative prowess, modern advocates for the disability cause have a **highly effective** **statutory scheme,** which in many ways outpaces that of other groups. Title I of the ADA prohibits discrimination against people with disabilities in employment and provides that employers need to make reasonable accommodations, at their own expense, to facilitate the inclusion of people with disabilities in the workplace. n114 Section 504 of the Rehabilitation Act prohibited discrimination against people with disabilities in programs that received federal financial assistance, n115 and Title II of the ADA effectively extended these provisions to all state and local government programs, services, and activities. n116 Title III of the ADA is an analogue to Title II of the Civil Rights Act of 1964, n117 requiring that privately owned places of public accommodation not discriminate against people with disabilities, which includes making reasonable modifications to facilities and practices when doing so would not constitute an undue burden. n118 The Individuals with Disabilities Education Act gives parents a broad range of procedural and substantive rights with the goals of including students with disabilities in the educational system and getting them appropriate services to facilitate this [\*547] inclusion. n119 The Fair Housing Act, as amended, requires that certain residential dwellings be constructed and designed in an accessible manner. n120 And the Help America Vote Act, amongst other things, requires that each polling place have one polling machine that enables people with disabilities to vote secretly and independently. n121 These statutes go beyond what **any heightened constitutional protection could provide because they extend deep into the private employment and accommodations spheres.** Advocates have the challenging work of making sure these civil rights protections are **enforced** and implemented, which, as I have examined elsewhere, is a monumental task. n122 And the historic disinclination of public enforcement officials to take the lead in many areas of these laws both complicates this task and makes it more pressing. n123 This being the case, and given the disinclination of the current Supreme Court to expand heightened equal protection status to any new groups, is any discussion of disability constitutional law really worth having? In this Part, I suggest why **disability constitutional law should be part of the strategy to advance the rights of people with disabilities.** This position has both a pragmatic and normative basis. Accepting and working within the constitutional framework established by Cleburne ultimately carries costs in the political and legislative arena. The ADA has **already been challenged** as exceeding its constitutional bases, n124 and such attacks will continue and intensify. **Not gaining constitutional ground is** tantamount to losing it, n125 **and will ultimately** undermine the success of anylegislativestrategy. And there are areas where Cleburne still operates to disadvantage categories of people with disabilities - particularly those with mental disabilities - in their interactions with the state. This happens in areas like **family law, commitment proceedings**, the **provision of state benefits** **and** licensing**, and** voting**, amongst other**s. [\*548] Reviewing recent constitutional litigation in both state and federal courts demonstrates that the more contextualized vision of equal protection, which some hoped Cleburne might stand for, is beginning to appear, just not for people with disabilities. More normatively, progressive theorizing about the Constitution **is already happening**, and the disability cause is **diminished** by not being a part of this conversation. Framing rights in constitutional ways carries a certain permanence and gravitas, and engages courts differently in the process of constitutional culture than bringing claims that a particular statutory right has been infringed. A. Doctrinally, Cleburne Still Matters Cleburne still casts a large shadow. n126 States still have laws that are facially discriminatory against people with disabilities, usually on the basis of mental disability. These exist in areas like family law, voting, commitment proceedings, and the provision of benefits. Within family law, some states require consideration of mental disability in determinations of parental fitness or otherwise link mental disability to a termination of parental rights. n127 For example, California has a statute that authorizes the superior court to set aside a decree of adoption within five years of its entry where the adopted child manifests a developmental disability or mental illness as a result of conditions that existed prior to the adoption and of which the adoptive parents had neither knowledge nor notice. n128 A different California statute requires reunification services for parents and children but denies them to mentally disabled parents. n129 Similar statutes exist in other states. n130 States also restrict the right [\*549] of people with mental disabilities to get married. For example, Tennessee law provides that "no [marriage] license shall be issued when it appears that the applicants or either of them is at the time drunk, insane or an imbecile." n131 Kentucky law provides that "any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a ... misdemeanor." n132 Based on laws like this, parents with disabilities face state proceedings to remove children from their care. n133 The National Council on Disability recently issued a report, Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children, concluding that "clearly, the legal system is not protecting the rights of parents with disabilities and their children." n134 [\*550] Some of these statutes have been challenged under the federal Equal Protection Clause. In most instances, courts cite Cleburne for the proposition that people with disabilities are not a protected class, and exercise **almost unlimited deference** to the state's purported justifications as rational. For example, in Adoption of Kay C., plaintiffs challenged California's statute authorizing a court to set aside an adoption for a child with an undisclosed mental disability. n135 After noting that people with disabilities were not entitled to heightened scrutiny under Cleburne, California offered the justification of promoting the state's interest in adoption. n136 In response to the plaintiff's argument that there was no evidence the statute actually functioned to this end, in upholding the statute the court reasoned,

#### Embracing futurity is necessary for liberation – even if they are right that disabled violence is an ontological phenomenon – it should not be treated as such b/c it denies agency and engenders violence

Kafer 13 - MA, PhD, Claremont Graduate University 2005, BA, Wake Forest University 1993 (Alison, 5/16/13, Indiana University press, “Feminist, Queer, [disabled]”, pages 45-46)EB

Thus my desire for [disabled] futures is, as Heather Love puts it, “a hope inseparable from despair.”97 I feel this hope—and the hope has the fierce intensity that it does— because it is birthed out of and coexists with this despair about our impoverished imaginations. What I need is to follow some of these longings out, even if they put me in the realm of fantasy. Changing our imaginations, suggests Judith Butler, allows us to change our situations. Fantasy carries a “critical promise,” she argues, “allow[ing] us to imagine ourselves and others otherwise.”98 This intermingling of recognition and absence, of despair and hope, renders my desire quite queer. Queer in that my want, my longing, my pleasure intensifies with the queerness of these [disabled] bodies, these [disabled[ futures. Queer, too, in that in imagining [disabled] futures, I mean more than particular, identifiable bodies. I mean possibility, unpredictability, promise: the promise of recognizing [disabled] where I did not expect to find it, the possibility of watching “[disabled]” change meanings before my eyes. I name this desire “queer” in part because of its ambiguity. Becoming more “visible”—by increasing and publicizing the presence of disabled people in public, perhaps—does not guarantee acceptance or inclusion, especially for those not already privileged by race and class.99 As feminists from Minnie Bruce Pratt to Bernice Johns on Reagon to Chandra Talpede Mohanty have cautioned, the desire for home, for familiarity, often leads to naïve evocations of community.100 Thus, in naming and experiencing this desire, I am likely misreading and misrecognizing the bodies and practices of others. I am, in other words, finding both disability and desire where they don’t necessarily belong—surely a potentially queer and [disabled] move. This desire, these imaginings, cannot be separated from the [disabled] pasts behind us or the [disabled] presents surrounding us; indeed, these very pasts and presents are what make articulating a critical [disabled] futurity so essential. To put it bluntly, I, we, need to imagine [disabled] futures because disabled people are continually being written out of the future, rendered as the sign of the future no one wants. This erasure is not mere metaphor. Disabled people—particularly those with developmental and psychiatric impairments, those who are poor, gender-deviant, and/or people of color, those who need atypical forms of assistance to survive—have faced sterilization, segregation, and institutionalization; denial of equitable education, health care and social services; violence and abuse; and the withholding of the rights of citizenship. Too many of these practices continue, and each of them has greatly limited, and often literally shortened, the futures of disabled people. It is my loss, our loss, not to take care of, embrace, and desire all of us. We must begin to anticipate presents and to imagine futures that include all of us. We must explore disability in time

#### The world is getting better for folks with disabilities, the ADA and other innovations prove that institutional progress is possible and futurism is good.

Lee Lawrence, Christian Science Monitor, “Possibility unbound: 25 years of progress for those with disability,” ’14, http://www.csmonitor.com/USA/Society/2014/1116/Possibility-unbound-25-years-of-progress-for-those-with-disability

There is no question that, to many with impairments, **the modern world can still prove a daunting and sometimes downright inhospitable place**. **But** nearly **25 years after** President George H.W. Bush signed the Americans with Disabilities Act (**ADA**), **an increasing number in the United States are living** more empowered, less restricted lives.The telecommunications infrastructure and all those man-made **spaces** collectively referred to as “the built environment” – which includes cities, architecture, transportation, even parks – “**are dramatically more accessible** **today than they were in 1990** when they passed the ADA,” says Andrew Imparato, executive director of the Association of University Centers on Disabilities and former president of the American Association of People with Disabilities. **Services**, too, have **expanded**, **from transit systems** offering riders with disabilities free familiarization and safety programs to **specialized guides** at museums **to** a growing number of designers developing **clothing** with a variety of specific needs in mind. **The ADA** – “our crowning achievement,” as Mr. Imparato calls it – **set the country on a** new course. Those who have come of age since 1990 have “grown up in more integrated settings and generally have higher expectations for what is possible for people with disabilities to achieve in work and in life than did the generations that came before them,” Imparato says. **Advances in technology have triggered a** sea change. **Mainstream innovations** such as Siri double as assistive technologies, while robotics, bionics, and 3-D printers have **revolutionized** the **design and manufacture of prostheses**. And mobile phones and tablets have opened an entirely new field: apps. An ever-growing list of applications ranges from **hearing aids** to **maps** for people with low vision to communications methods for children with autism. Looking forward, **experts point to another major factor in advancing quality of life**: **the bubble of aging baby boomers**. Among people under 65, an estimated 8.5 to 14 percent have a disability. **In the over-65** **population, some estimates are** as high as **50 percent.** Just as baby boomers have set trends in everything from spending habits to dating and child rearing, **boomers with disabilities** **are** **not going to scurry off to the margins of society**. **They’re going to** demand **services and products.** Many believe this will benefit society at large. At the Indiana Institute on Disability and Community, Phil Stafford talks about progress “on the cultural front .... I think that those without disabilities have a kind of a taken-for-granted perspective on the world that we are shocked out of when we understand what daily barriers people might encounter.” This might be an announcement some can’t hear, a website others can’t access, or doorknobs yet others can’t grasp. The light goes on, Mr. Stafford says, when people see “someone use their elbow to open a door that has a lever handle. People might say ‘I never thought of that.’ It’s not great world-shaking change, but it’s those minor encounters that **make us aware.”**

### 1NC – IdPol

#### The framing of identity as solely based on personal experience absolves the oppressor of responsibility and limits emancipatory potential.

Bhambra 10 [U Warwick and Victoria Margree (School of Humanities, U Brighton, Identity Politics and the Need for a ‘Tomorrow’, [https://www.academia.edu/471824/Identity\_Politics\_and\_the\_Need\_for\_a\_Tomorrow\_)] Re-Cut Justin](https://www.academia.edu/471824/Identity_Politics_and_the_Need_for_a_Tomorrow_)%5d%20Re-Cut%20SJWen)

We suggest that alternative models of identity and community are required from those put forward by essentialist theories, and that these are offered by the work of two theorists, Satya Mohanty and Lynn Hankinson Nelson. Mohanty’s ([1993] 2000) post-positivist, realist theorisation of identity suggests a way through the impasses of essentialism, while avoiding the excesses of the postmodernism that Bramen, among others, derides as a proposed alternative to identity politics. For Mohanty ([1993] 2000), identities must be understood as theoretical that enable subjects to read the world in particular ways; as such, substantial claims about identity are, in fact, implicit explanations of the social world and its constitutive relations of power. Experience – that from which identity is usually thought to derive– is not something that simply occurs, or announces its meaning and signiﬁcance in a self-evident fashion: rather, experience is always a work of interpretation that is collectively produced (Scott 1991). Mohanty’s work resonates with that of Nelson (1993), who similarly insists upon the communal nature of meaning of knowledge-making. Rejecting both foundationalist views of knowledge and the postmodern alternative which announces the “death of the subject” and the impossibility of epistemology, Nelson argues instead that, it is not individuals who are the agents of epistemology, but communities. Since it is not possible for an individual to know something that another individual could not also (possibly) know, it must be that the ability to make sense of the world proceeds from shared conceptual frameworks and practices. Thus, it is the community that is the generator and repository of knowledge. Bringing Mohanty’s work on identity as theoretical construction together with Nelson’s work on epistemological communities therefore suggests that, “identity” is one of the knowledges that is produced and enabled for and by individuals in the context of the communities within which they exist. The post-positivist reformulation of “experience” is necessary here as it privileges understandings that emerge through the processing of experience in the context of negotiated premises about the world, over experience itself producing self-evident knowledge (self-evident, however, only to the one who has “had” the experience). This distinction is crucial for, if it is not the experience of, for example, sexual discrimination that “makes” one a feminist, but rather, the paradigm through which one attempts to understand acts of sexual discrimination, then it is not necessary to have actually had the experience oneself in order to make the identiﬁcation “feminist”. If being a “feminist” is not a given fact of a particular social (and/or biological) location – that is, being designated “female” – but is, in Mohanty’s terms, an “achievement” – that is, something worked towards through a process of analysis and interpretation – then two implications follow. First, that not all women are feminists. Second, that feminism is something that is “achievable” by men. 3 While it is accepted that experiences are not merely theoretical or conceptual constructs which can be transferred from one person to another with transparency, we think that there is something politically self-defeating about insisting that one can only understand an experience (or then comment upon it) if one has actually had the experience oneself. As Rege (1998) argues, to privilege knowledge claims on the basis of direct experience, or then on claims of authenticity, can lead to a narrow identity politics that limits the emancipatory potential of the movements or organisations making such claims. Further, if it is not possible to understand an experience one has not had, then what point is there in listening to each other? Following Said, such a view seems to authorise privileged groups to ignore the discourses of disadvantaged ones, or, we would add, to place exclusive responsibility for addressing injustice with the oppressed themselves. Indeed, as Rege suggests, reluctance to speak about the experience of others has led to an assumption on the part of some white feminists that “confronting racism is the sole responsibility of black feminists”, just as today “issues of caste become the sole responsibility of the dalit women’s organisations” (Rege 1998). Her argument for a dalit feminist standpoint, then, is not made in terms solely of the experiences of dalit women, but rather a call for others to “educate themselves about the histories, the preferred social relations and utopias and the struggles of the marginalised” (Rege 1998). This, she argues, allows “their cause” to become “our cause”, not as a form of appropriation of “their” struggle, but through the transformation of subjectivities that enables a recognition that “their” struggle is also “our” struggle. Following Rege, we suggest that social processes can facilitate the understanding of experiences, thus making those experiences the possible object of analysis and action for all, while recognising that they are not equally available or powerful for all subjects. 4 Understandings of identity as given and essential, then, we suggest, need to give way to understandings which accept them as socially constructed and contingent on the work of particular, overlapping, epistemological communities that agree that this or that is a viable and recognised identity. Such an understanding avoids what Bramen identiﬁes as the postmodern excesses of “post-racial” theory, where in this “world without borders (“racism is real, but race is not”) one can be anything one wants to be: a black kid in Harlem can be Croatian-American, if that is what he chooses, and a white kid from Iowa can be Korean-American”(2002: 6). Unconstrained choice is not possible to the extent that, as Nelson (1993) argues, the concept of the epistemological community requires any individual knowledge claim to sustain itself in relation to standards of evaluation that already exist and that are social. Any claim to identity, then, would have to be recognised by particular communities as valid in order to be successful. This further shifts the discussion beyond the limitations of essentialist accounts of identity by recognising that the communities that confer identity are constituted through their shared epistemological frameworks and not necessarily by shared characteristics of their members conceived of as irreducible. 5 Hence, the epistemological community that enables us to identify our-selves as feminists is one that is built up out of a broadly agreed upon paradigm for interpreting the world and the relations between the sexes: it is not one that is premised upon possessing the physical attribute of being a woman or upon sharing the same experiences. Since at least the 1970s, a key aspect of black and/or postcolonial feminism has been to identify the problems associated with such assumptions (see, for discussion, Rege 1998, 2000). We believe that it is the identiﬁcation of injustice which calls forth action and thus allows for the construction of healthy solidarities. 6 While it is accepted that there may be important differences between those who recognise the injustice of disadvantage while being, in some respects, its beneﬁciary (for example, men, white people, brahmins), and those who recognise the injustice from the position of being at its effect (women, ethnic minorities, dalits), we would privilege the importance of a shared political commitment to equality as the basis for negotiating such differences. Our argument here is that thinking through identity claims from the basis of understanding them as epistemological communities militates against exclusionary politics (and its associated problems) since the emphasis comes to be on participation in a shared epistemological and political project as opposed to notions of ﬁxed characteristics – the focus is on the activities individuals participate in rather than the characteristics they are deemed to possess. Identity is thus deﬁned further as a function of activity located in particular social locations (understood as the complex of objective forces that inﬂuence the conditions in which one lives) rather than of nature or origin (Mohanty 1995:109-10). As such, the communities that enable identity should not be conceived of as “imagined” since they are produced by very real actions, practices and projects.