# R1 UT NC v SJ JY

## 1

### 1NC—OFF

#### Interpretation: topical affirmatives must defend recognizing an unconditional right to strike. To clarify, unconditional recognition cannot be contingent on a subset of workers or government.

#### Violation— the affirmative does not have to recognize every type of strike, only ones that do not infringe upon the rights of others.

#### The US legal dictionary defines unconditional as,

Us Legal, Inc., "Unconditional Law and Legal Definition," https://definitions.uslegal.com/u/unconditional/

**Unconditional means** without conditions; **without restrictions; or absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain

#### Restriction is based on conditions – that’s the aff since a right to strike is only recognized [in the case of ones that don’t infringe on other rights].

PEDIAA 15 [learning website], “Difference Between Prohibited and Restricted,” *PEDIAA*, 12 October 2015, <https://pediaa.com/difference-between-prohibited-and-restricted/>, beckert

Prohibited and Restricted are used in reference to limitations and prevention. However, they cannot be used interchangeably as there is a distinct difference between them. Prohibited is used when we are talking about an impossibility. Restricted is used when we are talking about something that has specific conditions. The main difference between prohibited and restricted is that prohibited means something is formally forbidden by law or authority whereas restricted means something is put under control or limits. What Does Prohibited Mean Prohibited is a variant of the verb prohibit. Prohibited can be taken as the past tense and past participle of prohibiting as well as an adjective. Prohibited means that something is formally forbidden by law or authority. When we say ‘smoking is prohibited’, it means that smoking is not allowed at all, there are no exceptions. Prohibit indicates an impossibility. This gives out the idea that it is not at all possible under any condition or circumstance. The term Prohibited goods is used to refer to items that are not allowed to enter or exit certain countries. For example, the government of South America lists Narcotic and habit-forming drugs in any form, Poison and other toxic substances, Fully automatic, military and unnumbered weapons, explosives and fireworks as prohibited goods. The following sentences will further explain the use of prohibited. Inter-racial marriages were not prohibited by the government. He was proved guilty of using prohibited substances. No one was allowed to enter the grounds; entry was prohibited. Prohibited imports are the items that are not allowed to enter a country. What Does Restricted Mean Restrict means to put under limits or control. Restricted can be either used as the past tense of restrict or as an adjective meaning limited. When we say something is restricted, it means that limits or conditions have been added to it. It does not mean that it is completely impossible. For example, Restricted goods are allowed to enter or exit a country under certain circumstances. A written permission can help you to import or export that item. Likewise, a restricted area does not mean that people are not allowed to enter; it means that a special permission is required to enter the place. Restricted information refers to information that are not disclosed to the general public for security purposes.

#### CX doesn’t check – preround prep was skewed which is during NC construction.

#### Voting issue for limits and ground. There are infinite working conditions they could spec in the plan which means their interp is always semantically incorrect since the right to strike is conditional in all other instances.

#### Stable ground --- a complete unconditional recognition is key to circumvention, Politics DAs, and CP competition. Making recognition probabilistic allows the aff to shift late in the debate to no link core positions.

## 2

### 1NC—OFF

#### The world is structured by forces of racialization which seek to police subjectivity in order to appease the will of Man – the 1AC’s call for legal recognition of personhood construct a grammar of the human which only articulates an outside to be occupied by the dominated. The role of the ballot is to deconstruct the western Man via black studies

Weheliye 14 (Alexander Weheliye; 2014; Duke University Press; *“Habeas Viscus:* *Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”*; accessed 11/17/21; ask me for the PDF; Alexander G. Weheliye is Professor of African American Studies and English at Northwestern University. He is the author of Phonographies: Grooves in Sonic Afro-Modernity, also published by Duke University Press.) HB \*brackets in original\*

Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future…that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. Liberal governing bodies, whether in the form of nation-states or supranational entities such as the United Nations or the International Criminal Court make particular forms of wounding the precondition for entry into the hallowed halls of full personhood, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4 Even more generally, the acknowledgment and granting of full personhood of those excluded from its precincts requires the overcoming of physical violence, while epistemic and economic brutalities remain outside the scope of the law. Congruently, much of the politics constructed around the effects of political violence, especially within the context of international human rights but also with regard to minority politics in the United States, is constructed from the shaky foundation of surmounting or desiring to leave behind physical suffering so as to take on the ghostly semblance of possessing one's personhood. Then and only then will previously minoritized subjects be granted their humanity as a legal status. Hence, the glitch Brown diagnoses in identity politics is less a product of the minority subject's desire to desperately cling to his or her pain but a consequence of the state's dogged insistence on suffering as the only price of entry to proper personhood, what Samera Esmeir has referred to as a “juridical humanity” that bestows and rescinds humanity as an individualized legal status in the vein of property.5 Apportioning personhood in this way maintains the world of Man and its attendant racializing assemblages, which means in essence that the entry fee for legal recognition is the acceptance of categories based on white supremacy and colonialism, as well as normative genders and sexualities. We need only to consult the history of habeas corpus, the “great” writ of liberty, which is anchored in the U.S. Constitution (Article 1, Section 9), to see that this type of reasoning leads to reducing inclusion and personhood to ownership.6 The Latin phrase habeas corpus means “You shall have the body,” and a writ thereof requires the government to present prisoners before a judge so as to provide a lawful justification for their continued imprisonment. This writ has been considered a pivotal safeguard against the misuse of political power in the modern west. Even though the Military Commissions Act of 2006, which denied habeas corpus to “unlawful enemy combatants” imprisoned in Guantanamo Bay, remains noteworthy and alarming, habeas corpus has been used both by and frequently against racialized groups throughout U.S. history, as was the case when habeas corpus was suspended during World War II, allowing for the internment of Japanese Americans. The writ has also led to gains for minoritized subjects as, for instance, in the well-known Amistad case (1839), in which abolitionists used a habeas corpus petition to free the “illegally” captured Africans who had staged a mutiny against their abductors. Likewise, when Ponca tribal leader Standing Bear was jailed as a result of protesting the forcible removal of his people to Indian Territory in 1879, the writ of habeas corpus affected his release from incarceration as well as the judge's recognition that, as a general rule, Indians were persons before U.S. law, even though Native Americans were not considered full U.S. citizens until 1924.7 Nevertheless, the benefits accrued through the juridical acknowledgment of racialized subjects as fully human often exacts a steep entry price, because inclusion hinges on accepting the codification of personhood as property, which is, in turn, based on the comparative distinction between groups, as in one of the best-known court cases in U.S. history: the Dred Scott case. In 1857, the Supreme Court invalidated Dred Scott's habeas corpus, since, as an escaped slave, Scott could not be a legal person. According to Chief Justice Taney: “Dred Scott is not a citizen of the State of Missouri, as alleged in his declaration, because he is a negro of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves.”8 In order to justify withdrawing Dred Scott's legal right to ownership of self, Chief Justice Taney's opinion in the decision contrasts the status of black subjects with the legal position of Native Americans vis-à-vis the possibility of U.S. citizenship and personhood: “The situation of [the negro] population was altogether unlike that of the Indian race. These Indian Governments were regarded and treated as foreign Governments…. [Indians] may, without doubt, like the subjects of any other foreign Government, be naturalized…and become citizens of a State, and of the United States; and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.”9 While slaves were not accorded the status of being humans that belonged to a different nation, Indians could theoretically overcome their lawful foreignness, but only if they renounced previous forms of personhood and citizenship. Hence, the tabula rasa of whiteness—which all groups but blacks can access—serves as the prerequisite for the law's magical transubstantiation of a thing to be possessed into a property owning subject.1 The judge's comparison underscores the dangers of ceding definitions of personhood to the law and of comparing different forms of political subjugation, since hypothetical Indian personhood in the law rests on attaining whiteness and the violent denial of said status to black subjects. Additionally, while the court conceded limited capabilities of personhood to indigenous subjects if they chose to convert to whiteness, it did not prevent the U.S. government from instituting various genocidal measures to ensure that American Indians would become white and therefore no longer exist as Indians. In other words, the legal conception of personhood comes with a steep price, as in this instance where being seemingly granted rights laid the groundwork for the U.S. government's genocidal policies against Native Americans, since the “racialization of indigenous peoples, especially through the use of blood quantum classification, in particular follows…‘genocidal logic,’ rather than simply a logic of subordination or discrimination,” and as a result “whiteness constitutes a project of disappearance for Native peoples rather than signifying privilege.”11 Beginning in the nineteenth century the U.S. government instituted a program in which Native American children were forcibly removed from their families and placed in Christian day and boarding schools, and which sought to civilize children by “killing the Indian to save the man,” representing one of the most significant examples of the violent and legal enforced assimilation of Native Americans into U.S. whiteness.12 Though there is no clear causal relationship between Taney's arguments in the Scott decision and the boarding school initiative, both establish that legal personhood is available to indigenous subjects only if the Indian can be killed—either literally or figuratively—in order to save the world of Man (in this case settler colonialism and white supremacy). Furthermore, the denial of personhood qua whiteness to African American subjects does not stand in opposition to the genocidal wages of whiteness bequeathed to indigenous subjects but rather represents different properties of the same racializing juridical assemblage that differentially produces both black and native subjects as aberrations from Man and thus not-quite-human. The writ of habeas corpus—and the law more generally—anoints those individualized subjects who are deemed deserving with bodies even while this assemblage continually enlists new and/or different groups to exclude, banish, or exterminate from the world of Man. In the end, the law, whether bound by national borders or spanning the globe, establishes an international division of humanity, which grants previously excluded subjects limited access to personhood as property at the same time as it fortifies the supremacy of Man.13 The cruel irony of this fact is nowhere more pronounced than in the case of Henrietta Lacks, who died destitute after enduring great pain, but whose cervical cancer provided one of the first immortal cell lines to be successfully cultivated outside the biological jurisdiction of the human body. As such, even though they were not patented, the HeLa cells have served as the basis for not only scientific progress but also financial gain. The scientific and economic immortality of the HeLa cells, as they are known, stands in stark contrast to Henrietta Lacks's susceptibility to premature death at the age of thirty-one in 1951 and her family's continued poverty.14 If Henrietta Lacks's story and the ongoing narrative of the eternal life of the HeLa cells prove anything, it is that the hieroglyphics of the flesh subsists even in death, and that it has now been transposed from the outwardly detectable to the microscopic interior of the human, since it “can be invaded at any given and arbitrary moment by the property relations” (Spillers, “Mama's Baby,” 218). It would seem that persistence of the twin phantoms of racialization and property relations unsettle the promise of a subepidermal and cellular humanity as an absolute biological substance.15 More recently, as a result of his treatment for hairy cell leukemia at the UCLA Medical Center, John Moore's cancer cells were grown into a highly profitable immortal cell line (MO) patented by the University of California in 1984 without his knowledge. Subsequently, Moore sued the UC Regents, and in 1990 the California Supreme Court ruled that the law could not grant proprietorship over biological matter, at least not to those individuals from whom this zoe is expropriated. Though Moore was not granted even partial proprietary ownership of the patented cell line derived from his spleen, the court did rule “that the case was one of a breach of fiduciary duty and a lack of informed consent,” since the doctors who patented the cell line had not informed Moore of their maneuvers.16 The court was faced with determining whether the cell line belonged to the jurisdiction of Moore's body and, thus, “related to his rights of self-possession” or whether it represented “something different and artificial, belonging to its scientific makers. The court chose the latter, clearly influenced by the after the-fact nature of the quandary.”17 Rather than outlawing the proprietary ownership of cell lines derived from humans outright, however, the opinion of one judge in this ruling absolves the court of responsibility: “Whether…cells should be treated as property susceptible to conversion is not, in my view, ours to decide.”18 Though the law has no problem adjudicating who can possess a body, and therefore full humanity, the highest legal authority in the United States cedes the field to corporate interests when confronted with “choices…that define our essence.”19 Paradoxically, the particular biological material in question remains the property, at least nominally, of all humanity and is not proper to Moore the individual person: “Lymphokines, unlike a name or a face, have the same molecular structure in every human being and the same, important functions in every human being's immune system. Moreover, the particular genetic material which is responsible for the natural production of lymphokines, and which defendants use to manufacture lymphokines in the laboratory, is also the same in every person; it is no more unique to Moore than the number of vertebrae in the spine or the chemical formula of hemoglobin.”20 So, while the court grants personhood to human subjects in an individualized fashion that is based on comparatively distinguishing between different humans, when biological material clashes with the interests of capital, the court appeals to the indivisible biological sameness of the Homo sapiens species. Since the court's ruling does not place this slice of human flesh in the commons for all humans to share, it tacitly grants corporations the capability of legally possessing this material with the express aim of generating monetary profit. Considering that corporations enjoy the benefits of limited personhood and the ability to live forever under U.S. law, corporate entities are entrusted with securing the immortal life of biological matter, while human persons are denied ownership of their supposed essence.21 My interest here lies not in claiming inalienable ownership rights for cells derived from human bodies such as Lacks's and Moore's but to draw attention to how thoroughly the very core of pure biological matter is framed by neoliberal market logics and by liberal ideas of personhood as property. We are in dire need of alternatives to the legal conception of personhood that dominates our world, and, in addition, to not lose sight of what remains outside the law, what the law cannot capture, what it cannot magically transform into the fantastic form of property ownership. Writing about the connections between transgender politics and other forms of identity-based activism that respond to structural inequalities, legal scholar Dean Spade shows how the focus on inclusion, recognition, and equality based on a narrow legal framework (especially as it pertains to antidiscrimination and hate crime laws) not only hinders the eradication of violence against trans people and other vulnerable populations but actually creates the condition of possibility for the continued unequal “distribution of life chances.”22 If demanding recognition and inclusion remains at the center of minority politics, it will lead only to a delimited notion of personhood as property that zeroes in comparatively on only one form of subjugation at the expense of others, thus allowing for the continued existence of hierarchical differences between full humans, not-quite-humans, and nonhumans. This can be gleaned from the “successes” of the mainstream feminist, civil rights, and lesbian-gay rights movements, which facilitate the incorporation of a privileged minority into the ethnoclass of Man at the cost of the still and/or newly criminalized and disposable populations (women of color, the black poor, trans people, the incarcerated, etc.).23 To make claims for inclusion and humanity via the U.S. juridical assemblage removes from view that the law itself has been thoroughly violent in its endorsement of racial slavery, indigenous genocide, Jim Crow, the prisonindustrial complex, domestic and international warfare, and so on, and that it continues to be one of the chief instruments in creating and maintaining the racializing assemblages in the world of Man. Instead of appealing to legal recognition, Julia Oparah suggests counteracting the “racialized (trans)gender entrapment” within the prison-industrial complex and beyond with practices of “maroon abolition” (in reference to the long history of escaped slave contraband settlements in the Americas) to “foreground the ways in which often overlooked African diasporic cultural and political legacies inform and undergird anti-prison work,” while also providing strategies and life worlds not exclusively centered on reforming the law.24 Relatedly, Spade calls for a radical politics articulated from the “ ‘impossible’ worldview of trans political existence,” which redefines “the insistence of government agencies, social service providers, media, and many nontrans activists and nonprofiteers that the existence of trans people is impossible.”25 A relational maroon abolitionism beholden to the practices of black radicalism and that arises from the incompatibility of black trans existence with the world of Man serves as one example of how putatively abject modes of being need not be redeployed within hegemonic frameworks but can be operationalized as variable liminal territories or articulated assemblages in movements to abolish the grounds upon which all forms of subjugation are administered.

#### The mobilization of suffering towards political life is a move to create spaces of exclusion – the right to strike is complicit in the logic of humanism by enforcing the subjugation of the black subjects via the story of emancipation

Weheliye 14 (Alexander Weheliye; 2014; Duke University Press; *“Habeas Viscus:* *Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”*; accessed 11/18/21; ask me for the PDF; Alexander G. Weheliye is Professor of African American Studies and English at Northwestern University. He is the author of Phonographies: Grooves in Sonic Afro-Modernity, also published by Duke University Press.) HB \*brackets in original, and I do not endorse the ableist language of the evidence\*

Turning to the problematic of black suffering in enslavement and beyond, I highlight how the universalization of exception disables thinking humanity creatively. Because black suffering figures in the domain of the mundane, it refuses the idiom of exception. Mobilizing suffering that results from political violence as a conduit to new forms of life, however, requires some spatial and emotional distance from comparativity and the exception, since both often contain trace elements of calculability that deem some forms of humanity more exceptional than others. Conversely, putting into play interpretive devices such as the example and relation unearths differential variants of humanity severed from the dangling participles of particularity and calculability. Moreover, because full access to legal personhood has been a systematic absence within racialized minority cultures, the analyses of political violence that arise from them tend to neither describe this brutality in the idiom of dehumanization nor make legal recognition the focal point of redress. The conjoining of flesh and habeas corpus in the compound habeas viscus brings into view an articulated assemblage of the human (viscus/flesh) borne of political violence, while at the same time not losing sight of the different ways the law pugnaciously adjudicates who is deserving of personhood and who is not (habeas). That said, I am not making any claims about the desirability of flesh, the unmitigated agency it contains, or how it abolishes the violent political structures at its root, but rather I investigate the breaks, crevices, movements, languages, and such found in the zones between the flesh and the law. Finally, I am by no means endorsing political wounding as it appears in various human (and animal) rights discourses since the Enlightenment, where suffering becomes the defining feature of those subjects excluded from the law, national community, the human, and so on—while paradoxically also highlighting their equality with those ensconced firmly in the hegemonic sphere—insofar as it allows for recognition by the liberal state in order to assuage this pain and therefore claim to free the oppressed. Since the recognition of black humanity via the conduit of suffering before and subsequent to emancipation in the United States was used to subjugate black subjects in much more insidious and elaborate ways than de facto enslavement, the questions “Aren't I a Woman?” and “Am I not your brother?” lose, at the very least, some of their purchase. 24

#### Viewing suffering through a grammar of comparison only reifies the hierarchy of man – we need to adopt a relational subject positioning that implicates all forms of suffering – hierarchizing violence only serves to perpetuate the structures they critique

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Edouard Glissant describes relation as an open totality of movement, which “is the boundless effort of the world: to become realized in its totality, that is, to evade rest.”25 Relation is not a waste product of established components; rather, it epitomizes the constitutive potentiality of a totality that is structured in dominance and composed of the particular processes of bringing-into-relation, which offer spheres of interconnected existences that are in constant motion. Relationality provides a productive model for critical inquiry and political action within the context of black and critical ethnic studies, because it reveals the global and systemic dimensions of racialized, sexualized, and gendered subjugation, while not losing sight of the many ways political violence has given rise to ongoing practices of freedom within various traditions of the oppressed. As Richard Iton states, one of the principal goals of black politics has been “the always complicated struggle to make plain these denials of relationality and the commitment to thinking reflexively with regard to the extended problem space that is the modern/colonial matrix and to positively value discursive spaces in which black thoughts might occur.”26 Part of this project is to think the question of politically motivated acts of aggression in relational terms rather than through the passages of comparison, deviance, exception, or particularity, since they fail to adequately describe how specific instances of the relations that compose political violence realize articulations of an ontological totality: the constitutive potentiality of a totality structured in dominance composed of the particular processes of bringing-into-relation. More concretely, Lisa Lowe has suggested that we can no longer disarticulate “the study of slavery from immigration studies of Asians and Latinos or…separate the history of gender, sexuality, and women from these studies of ‘race.’ Native Caribbeans have been rendered invisible by both the histories that tell of their extermination in the sixteenth century and the subsequent racial classifications in which their survival is occluded.”27 While we should most definitely bring into focus the relays betwixt and between the genocide of indigenous populations in the Americas, the transatlantic slave trade, Asian American indentured servitude, and Latino immigration among many factors, we cannot do so in the grammar of comparison, since this will merely reaffirm Man's existent hierarchies rather than design novel assemblages of relation.

#### The alternative is an affirmation of Habeas Viscus – an embracement of the exclusion that perpetuates these moments of bare life in order to reorganize these spaces to become moments of resistance against western Man – the alt reconceptualizes these states of being in order to become imperceptible to the guise of Man to formulate anti-humanist paradigms by performing the subjectivity of the non-human

James 14 (Robin James; 11/26/14; It’s Her Factory; *“NOTES ON WEHELIYE’S HABEAS VISCUS: OR WHY SOME POSTHUMANISMS ARE BETTER THAN OTHERS”*; accessed 11/17/21; <http://www.its-her-factory.com/2014/11/notes-on-weheliyes-habeas-viscus-or-why-some-posthumanisms-are-better-than-others/>; Robin James is Associate Professor of Philosophy at UNC Charlotte and co-editor of The Journal of Popular Music Studies. Currently writing The Sonic Episteme: acoustic resonance & post-identity biopolitics in contract with Duke University Press) HB \*brackets in original\*

Queer vibes/frequencies/motion When considered only from the visual plane of Cartesian modernity or algorithmic biopolitics, the flesh appears only as “an exceptionally disembodied” (121) ether. If the subject’s body is primarily visible, something to be seen, (Sartre’s “The Look,” Fanon’s “Look, a Negro!,” Mulvey’s male gaze, hooks’s oppositional gaze), embodied flesh manifests in other sensory planes (or even queerly visualized planes). Weheilye explains: “While the Muselmaenner may have appeared withdrawn, passive, and lifeless, nourishment moved at the center of their being, because ‘the Muselmaenner retained selective receptivity for all food related stimuli: olfactory, gustatory, and auditory stimuli.’” (120). The flesh is not immobile; it just moves at frequencies that are invisible to the merely human eye (i.e., humanist modernity’s scopic episteme), but easily apparent to senses tuned to other registers, such as taste and audition. The “relational flesh speaks, conjures, intones, and concocts sumptuous universes (121), universes in registers inaccessible to Man’s view, but entirely accessible to different perceptual practices, practices attuned to, say, witch-crafty concoctions intoned outside modern Man’s myth/enlightenment dialectic. From the perspective of the human as Man, the flesh radiates with queer vibes, with lively movements that nevertheless appear as, perhaps we should say, static and undead because they oscillate at frequencies (e.g., the audible rather than the visual spectrum) that Man can’t recognize as his own. Or, as Weheliye puts it, “the flesh is not an abject zone of exclusion that culminates in death but an alternate instantiation of humanity that does not rest on the mirage of western Man as the mirror image of human life as such” (43). Though the flesh is the death of the human, it is not the end of existence. Flesh is a practice of not-being-human. Habeas viscus is a concept that re-tunes humanist philosophical practice, putting it out of phase with Man and in synch with the “miniscule movements, glimmers of hope, scraps of food, the interrupted dreams of freedom found in those spaces deemed devoid of full human life” (12). As I understand it, habeas viscus is what tunes us in to the movements of the flesh, to the vibes it transmits (e.g., as bodily practices, comportments, ways of not-being in the world of Man). The flesh does not have the “voice” of a liberal subject, mainly because it does not suffer a ‘wrong’. Its vibes are not audible as dissensus (in the strict Rancierian sense), as noise. Rather, from the perspective of liberal humanism, the flesh is inaudible because it vibrates beyond the humanly-accessible spectrum (thus the need to be more than human, to be something like an Afrofuturist alien or robot). Liberalism runs on a dialectic of constitutive exclusion/inclusion: the part-sans-part is tossed out, but then they make noise and this noise disrupts the mechanisms of exclusion, reformulating them into a different distribution of signal/noise that excludes somebody else’s voice as unintelligible noise. Neoliberalism accelerates this dialectic to the point that it appears to have run its course: everyone has a voice that is legitimately recognized as fully human, except for bare life, which is absolutely and irremediably silenced; it doesn’t even make noise, so its exclusion can never register as a source of dissensus. Bare life is the absolutization of exclusion. This is a story the left likes to tell about neoliberalism: it’s Ranciere’s story in Disagreement, it’s Fisher’s story in Capitalist Realism. It is the story that exclusion has been absolutized so There Is No Alternative, as they say, and that bare life is what occupies the space formerly occupied by something like the demos (i.e., by the rabble, those who grunted but did not speak (yet)). Weheliye thinks this account of neoliberailsm is just flat wrong. This space of supposedly absolute silence and exclusion is actually a site of “constitutive potentiality” (13). Exclusion constitutes the agency of Man. Habeas viscus is the potentiality that constitutes worlds after and beyond Man. These worlds are not alternatives to Man, “parts” without a proper, legible “part” in his world (i.e., they’re not worlds that can be compared to Man because they lack a common denominator with humanism). Rather, they are what is possible when we DTMFA, that is, when we cease to be bound by the gravitational pull of his universe. To be clear: he still goes on existing, he’s just not our direct or primary concern. Man and habeas viscus are products of the same process: depending on the angle from which you view it, either Man or fleshy potentiality appears as the outcome. The humanist perspective, which is brought into focus by white patriarchal epistemologies of ignorance, create the world of Man as, to use Charles Mills’s phrasing, a “virtual reality,” a “cognitive dysfunction that is socially functional” (RC 18). If the Racial Contract is what solidifies this “virtual reality” in law (habeas) and in heiroglyphics of the flesh (habits of cognitive/social functionality), habeas viscus is a materially-historically specific reality that functions as the “virtual” (in the strict Deleuzian sense) to this white supremacist, cis/heterosexist “virtual reality.” It is in this sense (ie insofar as it is specifically indexed to the racial contract) that “habeas viscus” is “an extrajuridical law of motion” (124). The hypervisible yet also illegible hieroglyphics of the flesh” (110): more brilliant than the humanist sun, the radiance of habeas viscus is both sparked and masked by the frequencies of Man (precisely so that it doesn’t burn him up).

## Case

### Framework

#### Ov – K ow on magnitude – the logic of what’s considered human and not human pushes black bodies to the periphery of personhood which is the ultimate form of oppression.

#### Off one point – a. masochists disprove this argument and prove that p+p are subjective and impossible to weigh between.

#### Off two point – a. new link – legal recognition only protects lives of some but always comes at the expense of black bodies and creates “zones of exclusion” – that’s weheliye 1

### OV

#### Vote neg on presumption – no I/L as to how a recognition increases strikes. The closest thing is the mishell card which talks about how rights should be restored but mentions fairer labor laws not the plan.

#### Their demand for a uniform rationality inculcates a violent technocratic eradication of irrationality while only recapitulating a tragic ontology of ressentiment. The substance of the aff is irrelevant if the form in which it was read shouldn’t have existed in the first place.

Ossewaarde 10. Marinus Ossewaarde, Associate Professor in Sociology at the University of Twente, “*The Tragic Turn in The Re-Imagination of Publics: Resentment and Ressentiment*,” Animus 14, 2010

For Nietzsche, the Heraclitean vision sees the truth about reality while tragedy subsequently transforms this unbearable absurdity of life into an aesthetic public, without masking the horror itself. The Socratic dialectic and its Apollonian publics intellectually involve people who are incited to search for the good in the realm of ideas, in spite of the phenomenological flux and absurdity of things. Dionysian publics do not try to check the becoming of reality, but instead, incite the participants to live it as art, by making them become part of the story itself. In Socratic dialogues, disputing friends critically question all established orders in their search for the rational or good order. Both the Dionysian and the Apollonian publics can disturb an established order and institutions. The urge to control drives bureaucracies, which, in order to effectively fix one type of reality, have to destroy all forms of publics that have the potential to upset order. In modern societies, bureaucracies impose an enlightenment model of rational order devoid of mythical content and uncertain self-knowledge, upon a reality that is thereby made fully intelligible, controllable and correctible. Nietzsche considers the European enlightenment as the modern successor to the Socratic myth-annihilation, which characterizes the Apollonian publics.8 The enlightenment movement’s confidence in the capacity of reason and its belief in the rational order of reality are Socratic in origin. However, Nietzsche suggests that the enlightenment goes steps further than Socrates in its annihilation of myth. Although Socrates ridicules and destroys the legendary tales of the tragedians, his dialogues are premised upon the myth of the Delphic oracle (which revealed that there was no one wiser than Socrates). And, although Socrates maintains that reason rather than myth is the foundation of European culture, reason, the nous, is itself a mythical entity (Nietzsche 2000: 72): the ‘voice of reason’ is the ‘divine voice’ of Socrates’ daimonion, which makes itself be heard in the dialogues (Nietzsche 2000: 75). In the Dialectic of Enlightenment, Max Horkheimer and Theodor Adorno, inspired by Nietzsche (c.f., Wellmer 1991: 3), maintain that the enlightenment movement postulates a vision of reason that is devoid of mythical content. Enlightenment reason, in its origin, seeks to make people think for themselves and to liberate them from their fears and superstitions, but, in the modernization process, it becomes an instrument that serves bureaucratic objectives, such as enforcing laws effectively, fixing a machine, or making a business run more efficiently.9 Horkheimer and Adorno (2007: 57) emphasize that Nietzsche, like Hegel before him, had grasped this pathology of enlightenment reason that turns into a bureaucratic instrument. The reduction of the Socratic nous to an instrumental reason has far-reached political and cultural implications. Enlightenment reason provides the static concepts, mummified categories, classifications and catalogues that are required to construct bureaucratic limits and boundaries, which in turn rationally order reality (Honneth 2007: 70). Dialogical or democratic practices have no place in such a technical organization of reality. Bureaucracies, whose function is to implement the enlightenment or any other theoretical model of reality, have no need for the Socratic publics and consider dialogues and the need for intellectual justification rather troublesome and disorderly (Gouldner 1973: 76; Gardiner 2004: 35). The (potential) participants of Socratic dialogues are turned into bureaucratic subjects, like workers, consumers and clients, that is, into ‘spectators without influence’, whose lives are governed by the enlightened power elites and civil servants (Honneth 2007: 33). The identity of bureaucratic subjects is determined by typically large and powerful organizations, such as government agencies and enterprises (Mills 1956: 355). The Enlightenment movement is, in Nietzsche’s words (2000: 85), ‘the most illustrious opponent of the tragic world-view.’ Horkheimer and Adorno stress that the enlightenment movement, or perhaps more exactly, some kind of process deriving from it, eventually comes to substitute the plebeian entertainment of mass culture industries for the tragic art of the aesthetic publics. According to Nietzsche, bureaucratic subjects who live in a disenchanted world in which myths are annihilated by Apollonian reason cannot bear the horrific and absurd truth about their own existence.10 The subjects of the culture industries no longer have the opportunity to participate in enchanting tragic myths that cultivate powerful passions and the Dionysian will to live, which characterize Nietzsche’s ‘good European’. The entertainment provided by manufactured images and commodity forms, like music productions, films, television programmes and glossy magazines, ensures that the absurdity of life and the Dionysian abyss are forgotten (Horkheimer and Adorno 2007: 159).11 Being thoroughly rationalized, such subjects cannot develop the mythical imagination or a certain sensitivity that would have allowed them to ‘live the tragedy’ in and through the aesthetic publics. In a bureaucratic culture, subjects cannot experience, feel or live the tragic fate of the Dionysian hero, because, as Nietzsche (2000: 45) insists, shielded by bureaucracies, they are not ‘equipped for the most delicate and intense suffering.’ Bureaucracies expect and demand passive obedience from their subjects, which makes cultural movement nearly impossible. Such passive spectators or so-called ‘consumers of art’ (Shrum 1991: 349; 371), are, Horkheimer and Adorno (2007: 155; 166) point out, deluded en masse, governed to take refuge in comfortable, boring and mindless bureaucratic forms of entertainment. Culture industries provide ready-made experiences to a passive public that is willing to buy them to fill the emptiness of a disenchanted world and appease the cowardly fear of living in the flux, which they explicitly experience in temporary relationships and the continuous flow of new products and changed consumption patterns. The experience of the flux can also be more implicit or unconscious, resulting in a sort of malaise, feeling of insecurity or restlessness. However, the escape from life into a manufactured dream-world of cultural productions does not really quench the thirst, as the Socratic dialogue and the Dionysian festival do, which, therefore, allows the culture industry to carry on with its provision of manufactured dream-worlds, to fill an emptiness that never decreases.

### Contention 1

#### Alt causes prove their internal links are non-unique, the pandemic and general wealth inequality just keeps unrest among workers going

Semuels 10/8 (Alana Semuels; 10/8/21; Time Magazine; *“U.S. Workers Are Realizing It's the Perfect Time to Go on Strike”*; accessed 10/19/21; <https://time.com/6105109/workers-strike-unemployment/>; Semuels was a Gerald Loeb Award finalist in 2014 for her series about the diminishing power of employees at the workplace. She was named "Journalist of the Year" at the 2009 Los Angeles Press Club Awards. She also won a feature writing award from the Society of Business Editors and Writers in 2011. She also received an award from the Society of Business Editors and Writers in 2017 for a story, "The Problem With Rolling Back Regulations." Semuels traveled to Japan and Sweden in the summer of 2017 as an Abe Fellow for Journalists, sponsored by the Social Science Research Council.) HB

Greater income inequality, more strikes Part of the support of unions and organizing may come from Americans’ discontent with growing inequality, much as inequality a century ago galvanized a labor movement then, says Tom Kochan, a professor of work and employment research at MIT. There are a growing number of billionaires in America–708 as of August—with a net worth of $4.7 trillion as of August 17. That’s more than the total net worth of the bottom 50% of Americans. “I think the accumulated effects of the loss of good jobs in manufacturing, stagnant wages, growing inequality, and the growing disparity between executives and managers and the workforce—all of that is fueling increases in organizing,” he says. Some of this labor activism was happening before the pandemic, Kochan says, when even the government’s strike tracker showed an uptick in unrest. Teachers in states like Arizona and Oklahoma started striking in 2018 because of low pay and a lack of public funding. In 2020, NBA athletes walked out of a playoff game to protest the shooting of Jacob Blake in Kenosha, Wisc. The year 2019 saw 25 work stoppages involving 1,000 or more workers, the most since 2001. In 2017, 48% of non-unionized workers said they would vote to join a union if given the chance, higher than the share who said that in 1995 (32%) and 1977 (33%), according to Kochan’s research. The pandemic worsened working conditions for thousands of workers like Deyo. Kellogg workers at a plant in Battle Creek, Mich., told the local news that they were lauded as heroes for working 16 hour days, seven days a week during the pandemic, and rather than reward them, the company recently decided to offshore some of their jobs. They went on strike on Oct. 5. Musicians at the San Antonio Symphony say they voluntarily accepted an 80% pay cut last season, and that the symphony then proposed first to permanently cut their pay by 50% and then to cut the number of full-time members from 72 to 42. They went on strike on Sept. 27.

#### No Solvency – their Grzebyk evidence isolates an increase in worker power being necessary - Strikes barely move the needle in terms of worker power – companies just hire fill-in workers which decks strikes ability to change anything

Semuels 10/8 (Alana Semuels; 10/8/21; Time Magazine; *“U.S. Workers Are Realizing It's the Perfect Time to Go on Strike”*; accessed 10/19/21; <https://time.com/6105109/workers-strike-unemployment/>; Semuels was a Gerald Loeb Award finalist in 2014 for her series about the diminishing power of employees at the workplace. She was named "Journalist of the Year" at the 2009 Los Angeles Press Club Awards. She also won a feature writing award from the Society of Business Editors and Writers in 2011. She also received an award from the Society of Business Editors and Writers in 2017 for a story, "The Problem With Rolling Back Regulations." Semuels traveled to Japan and Sweden in the summer of 2017 as an Abe Fellow for Journalists, sponsored by the Social Science Research Council.) HB

Do strikes work? For their part, employers say that they’re being fair, and that workers are being unreasonable. Kellogg provides workers with benefits and compensation that are among the industry’s best, a company spokesman, Kris Bahner, said in a statement. The company says it has not proposed moving any jobs from the Ready to Eat Cereal plants, which are the plants where the workers are striking, as part of negotiations. The San Antonio Symphony said, in a statement, that the union and the symphony agreed to a 25% reduction in weekly salary for the 2020-2021 season, but that because there were fewer performances and because fewer musicians could fit on stage because of social distancing guidelines, some musicians did make 80% less than they would have made in a normal season. The symphony needs to make “fundamental changes,” a spokesperson said, and it cannot afford to spend more than it makes through ticket sales and donations. Carolyn Jackson, the CEO of St. Vincent’s, where Deyo and hundreds of other nurses are striking, says that the nurses are trying to push a 1:4 nurse to patient ratio that Massachusetts voters rejected by a large margin in 2018. The hospital has done research and decided its staffing is appropriate, and that its staffing ratios are in fact better than most other hospitals in the state, she says. Ryan says the hospital announced it was hiring 100 permanent replacement nurses in May during a COVID-19 surge, and that the striking nurses are insisting on getting their old positions back. That the hospital is not budging speaks to the fact that despite this increase in worker activism, workers may not gain much more power in the long run. Over the last 40 years, the government has made it much more difficult for workers to both form unions and to strike, says Heidi Shierholz, the president of the Economic Policy Institute, a progressive think tank. Amazon was able to effectively interfere in a union vote among its workers this spring, she says, preventing the union from succeeding. Of course, a hearing officer at the National Labor Relations Board has recommended that the board throw out the results of the Amazon election and do it over, which speaks to a resurgence of government support for labor. President Joe Biden said he wanted to be “the most pro-union President leading the most pro-union administration in American history.” Labor has support at the state and local levels too: California Gov. Gavin Newsom recently signed a packet of pro-worker bills, including one that prohibits companies from imposing quotas on warehouse workers that prevent them from following health and safety law, and another that prohibits employers from paying workers with disabilities less than the state’s minimum wage. And in January, New York City Mayor Bill de Blasio signed a bill that forbids fast food restaurants from firing workers unless the employer has just cause, making New York City the first jurisdiction in the country that essentially ended at-will employment. But even that support may not be enough to force a widespread change of working conditions in an economy where employees haven’t had much leverage since before the Great Recession, or earlier. Even some of the recent strikes haven’t led to workers’ desired outcomes. A five-week Nabisco strike recently ended with many of workers’ demands met, for instance, but the company still won the ability to pay weekend workers less than they do currently. As for Jess Deyo and the Worcester nurses, many have been forced to move on. After Deyo’s unemployment benefits ended and her health insurance premiums spiked, she decided she needed to find another job so that she could support her family. She’s a single mother. She found a job working as a nurse at a doctor’s office, where she says she feels more appreciated than she’s ever felt at work. The hours are better and she finally feels respected. But she makes $13 less an hour.

### Contention 2

#### Off Berlin – Aff doesn’t solve – card isolates alt causes like poor monetary management as being reason for inequality- not a lack of r2s

#### Off Mishell – A. Solvency deficit done on ov. B. 1NC – Squo Solves – Strikes Happen Now and People Approve

#### Squo solves – increasing approval by the general population and a large proliferation of strikes across the US prove

Semuels 10/8 (Alana Semuels; 10/8/21; Time Magazine; *“U.S. Workers Are Realizing It's the Perfect Time to Go on Strike”*; accessed 10/19/21; <https://time.com/6105109/workers-strike-unemployment/>; Semuels was a Gerald Loeb Award finalist in 2014 for her series about the diminishing power of employees at the workplace. She was named "Journalist of the Year" at the 2009 Los Angeles Press Club Awards. She also won a feature writing award from the Society of Business Editors and Writers in 2011. She also received an award from the Society of Business Editors and Writers in 2017 for a story, "The Problem With Rolling Back Regulations." Semuels traveled to Japan and Sweden in the summer of 2017 as an Abe Fellow for Journalists, sponsored by the Social Science Research Council.) HB

Thousands of workers have gone on strike across the country, showing their growing power in a tightening economy. The leverage U.S. employees have over the people signing their paychecks was amplified in Friday’s jobs report, which showed that employers added workers at a much slower-than-expected pace in September. The unemployment rate fell 0.4 percentage points during the month, to 4.8 percent, the government said Friday, and wages are continuing to tick up across industries as employers become more desperate to hire and retain workers. In the first five days of October alone, there were 10 strikes in the U.S., including workers at Kellogg plants in Nebraska, Michigan, Pennsylvania, and Tennessee; school bus drivers in Annapolis, Md.; and janitors at the Denver airport. That doesn’t include the nearly 60,000 union members in film and television production who nearly unanimously voted to grant their union’s president the authority to call a strike. Jess Deyo is one of nearly 700 nurses who have been on strike as part of the longest healthcare strike in Massachusetts history. For the past seven months, Deyo has reported for duty at the hospital in Worcester, Mass. where she worked as a nurse for more than 15 years, sometimes bringing her daughters, and standing outside through the chills of spring and the heat of summer. The nurses are demanding higher nurse-to-patient ratios after a harrowing 19 months of working during a pandemic. “There’s no choice to give up on the strike,” she says. “It’s bigger than us—it’s for everyone.” Most of these strikes aren’t counted by the federal government, which in the 1980s started only tracking strikes that involved 1,000 or more workers and that lasted one full shift or longer. There have only been 11 of those so far this year, according to government data, at places like Volvo Trucks and Nabisco. But academics at Cornell University launched a strike database on May 1 that uses social media and Google alerts to keep track of all the strikes and protests happening in the U.S., even if they involve just a few workers. The database shows a picture of growing worker activism, of small actions that tell a story of how people at workplaces small and large are feeling after 19 months of a global pandemic, says Johnnie Kallas, a PhD student who is the director of Cornell’s Labor Action Tracker. It has documented 169 strikes so far in 2021. “Workers are fed up with low pay and understaffing, and they have more labor market leverage with employers needing to hire right now,” he says. “You are seeing a little bit more labor unrest.” Of course, compared to half a century ago, there still aren’t many strikes in the U.S. There were 5,716 strikes in 1971 alone, according to government data from when the government tracked smaller strikes. And the share of unionized workers in the U.S. is near an all-time low, with just 12.1% of workers represented by unions last year. But the activism comes at a time when approval of labor unions—even among Republicans—is trending upwards—and when a low unemployment rate is giving leverage to workers who have long put up with poor conditions and pay. A Gallup poll released in the beginning of July showed that 68% of Americans approve of labor unions, higher than it had been in years and up significantly from the 48% approval in 2009 during the throes of the Great Recession. The poll also showed that 47% of Republicans said they approved of unions—the highest share since 2003—and that 90% of Democrats did.