# 1NC---Run for the Roses---Race 4

## OFF

### 1NC

#### Modern governance is constituted through the necropolitical maintenance of the sacrifice zone. The cost of progress is always dispossession, which necessitates drafting people into the zone of non-being to preserve violent structures. You must refuse the sacrifice zone at all costs because logics of exchange rhetorically maintain the sacrifice zone and sanitize eugenics.

Adebisi ’19 [Foluke Ifejola; December 17; Associate Professor at the Law School, University of Bristol whose scholarship focuses on decolonial thought in legal education; Foluke Africa, “Why I Say ‘Decolonisation is Impossible,’” https://folukeafrica.com/why-i-say-decolonisation-is-impossible/]

The epistemic world is predicated on two major lies. The first lie is that a majority of the people of the world and thus their knowledges and histories are inferior to the rest of the world. The second lie, allied to the first, is that humanity and specifically the supposedly superior portion of humanity is more important than everything else on this planet. The earth we walk on, the air we breathe, the seas, oceans, mountains, birds, animals, fishes, insects. And so I suggest again, maybe a little more strongly, that post-truth is not a recent arrival, but it is exceeding its original territory. Nevertheless, the disappearance of shared objective standards of truth, did not begin with the last shower of rain, but has always been washed away in bodies of water with forgotten names and forgotten histories and a million bodies hidden under them.

Decolonisation and Truth

Decolonisation is often perceived as a means to uncover these histories, but one of the pitfalls of its praxis in higher education is a fundamental misconception of what it requires, both in theory and in practice. It is often confused with any social justice endeavour, or as someone said to me recently, with ‘just being nice to people.’ The four main things decolonisation is confused with are, representation, inclusion, diversity and equality. If you have practiced and/or theorised in these areas, it quickly becomes clear that without critical thought, representation can become toxic and tokenistic, people could be included into spaces that are not safe for them, spaces historically and repeatedly designed to harm and exclude them. Diversity is a fact of life that cannot be promoted without explaining why it has been demoted. General statements of equality often ignore the process of othering and set an unequal normative standard of equality. In all of these schemes we focus on what we are fighting for, rather than what we are fighting against. All our lofty sounding words and good intentions pave the way to hell for groups who are almost routinely left out of our institutions. Notwithstanding that this hell we have paved the way for may be inside or outside of said institutions. The way is paved. The hell exists.

Decolonisation, I suggest, is something conceptually different. Tshepo Madlingozi, says decolonisation is always a disruptive phenomenon, Frantz Fanon calls it a violent process. Tuck and Yang describe decolonisation as nothing else but an undoing of colonisation. Joel Modiri in the video below defines it thus, ‘Decolonisation is an insatiable reparatory demand, an insurrectionary utterance, that always exceeds the temporality and scene of its enunciation. It entails nothing less than an endless fracturing of the world colonialism created.’

 ‘…an endless fracturing of the world colonialism created.’ What then is this world that colonialism created? And was this world not done away with at the end of empire? This is where people confuse the passing away of political colonial structures with the permanence of the colonial logics that drove the process and continue to drive and structure our institutions and our world. There are two overarching logics that I refer to here. One is the commodification of space and nature, the other is the commodification of humanity and variably valued labour. Built on these overarching logics is the mostly racial and gendered categorisation and hierarchization of peoples into those who labour and those who benefit from that labour. This system is given legitimisation by drafting people (the wretched/damned of the earth) into what Fanon calls the zone of non-being, according to Grosfoguel, this is below the line of the human. Hickel calls this zone the sacrifice zone. As Achille Mbembe’s work on the practice of necropolitics explains, political power is deployed globally to decide ‘who may live and who must die…’ in service of maintaining the world colonisation created.

Or as George Sefa Dei and Chizoba Imoka describe ‘To colonize … One has to equate the purpose of life to material acquisitions, affirm their personhood only through their ability to dominate/bully others, shrink their mental capacity so as not to respect/understand human diversity and rationalize a wide range of unfettered violence.’

Thus we must never forget that this categorisation of humanity always, always, always serves the purpose of marking for death and marking for life. Marking for visibility and marking for erasure and silence. Dispossession always serves the purpose of accumulation. ‘who may live and who must die…’

Therefore, and I reiterate very strongly, we cannot decolonise while relying on colonial logics of commodification of labour and space. This commodification is everywhere in UK HE. We have REF, TEF, KEF and the NSS. We have a varied assortment of university rankings… they all rely on logics of linking value to productivity, while also ignoring institutional racism, sexism, ableism, homophobia etc. These refusals to see, refusals to change, mean that we have strapped ourselves to a machine designed to destroy us. But we live in hope that before it does, at least it feeds us, sustains us for a while, unlike the poor benighted souls in the sacrifice zone, the wretched and damned of the earth, trampled under the wheels of the machine and then cast into the river with its forgotten names, its waters closing over their heads as they drift off into the silence. We do not remember their names. For most of them we never knew they names, never bothered to say those names. Too difficult to pronounce. Their bodies and their realities were too dissonant and distant, too foreign to fit into the normative frames of disciplines that did not consider the wretched and damned human at the dawn of the discipline’s inception. Now the discipline is complete, the canon closed and all it can do is fire out at a dying world.

#### Reformist logic expands and reiterates the ontological erasure and supplementarity of people with disabilities, rendering it into the nether realm of unthought

Campbell ’1 [Fiona Kumari; 2001; Professor of Disability and Ableism Studies in the School of Education & Social Work, University of Dundee; Griffith Law Review, “Inciting Legal Fictions ‘Disability’s’ Date with Ontology and the Ableist Body of the Law.” vol. 10]

Activists with disabilities have placed great trust in the legal system to deliver freedoms in the form of equality rights and protections against discrimination. Whilst such equalisation initiatives have provided remedies in the lives of some individuals with disabilities, the sub-text of disability as negative ontology has remained substantially unchallenged. We need to keep returning continually to the matter of disability as negative ontology, a malignancy, a body constituted by what Michael Oliver terms 'the personal tragedy theory of disability', wherein disability cannot be spoken about as anything other than an anathema: 'disability is some terrible chance event which occurs at random to unfortunate individuals' . Disability is assumed to be ontologically intolerable, inherently negative. Such an attitude of mind underpins most claims of social injury within the welfare state and is imbricated in compensatory initiatives and the compulsion towards therapeutic interventions. The presence of disability, I argue, upsets the modernist craving for ontological security.

The conundrum is not a mere fear of the unknown, an apprehensiveness towards that which is foreign or strange - the subaltern. Rather, disability and disabled bodies are positioned in the nether regions of 'unthought'. Let me explain further. The ongoing stability of ableism, 5 a diffuse network of thought, depends upon the capacity of that network to 'shut away', to exteriorise and unthink disability and its resemblance to the essential (ableist) human self. French philosopher-historian Michel Foucault explains:

The unthought (whatever name we give it) is not lodged in man [sic] like a shrivelled up nature or a stratified history; it is in relation to man, the Other: the Other that is not only a brother but a twin, born not of man, nor in man, but beside him and at the same time, in an identical newness, in an unavoidable duality. 6

We can see that, for the notion of 'ableness' to exist and be transmogrified into the sovereign subject of liberalism, there is a requirement for its constitutive outside: a logic of supplementarity. So, even though we can speak in ontological terms of disability as a history of unthought, this figuring should not be confused with notions of erasure by way of mere absence or exclusion. Rather, disability is always present, despite its absence in the ableist talk of normalcy, normalisation and humanness. In turn, the truth claims of disability are dependent upon discourses of ableism for their very legitimation.

This logic of supplementarity, imbued within modernism's unitary subject that produces the Other in a liminal space, in addition deploys what we may call a 'compulsion towards terror' - a terror, ontological and actual, of 'falling away' and 'crossing over' into an uncertain void of dis-ease. Such effects of terror may produce instances of disability hate crimes, 7 disability vilification and disability panic.8 Manifestations generated by this terror rarely enter the public domains, being excluded from law's permissible inquiry and codification. In other words, such erasure forecloses the possibility of pursuing legal remedies through the refusal of law's power to name and countenance oppositional disability discourses. Disability 'harms' and 'injuries' are only deemed bonafide within a framework of scaled-down disability fictions (read: definitions) rendered viable in law.

#### Disability is not merely the product of capitalist debilitation; it is the ground state of life. The 1AC’s move towards labor reform relies on a naturalized understanding of work as a moral good that presumes value is produced by labor, which reproduces ableness and capacity as the default conditions of life. The AFF’s investment in waged labor as liberatory means it can only ever re-shuffle the ableist command to work yourself to death.

Zavitsanos ’19 [Rebecca and Mara Mills interviewing Constantina Zavitsanos; January 9; associate professor of English and co-director of the Disability Studies program at Fordham University and associate professor of Media, Culture, and Communication and co-director of the Center for Disability Studies at New York University interviewing artist who works in sculpture, performance, text, and sound, teaches at The New School; Art Papers, “Constantina Zavitsanos on Disability, Debt, Dependency,” https://www.artpapers.org/giving-it-away/]

CONSTANTINA ZAVITSANOS: I think one of the things art does best is to deal with and in the impossible. And capitalism is always late to catch up to this work. Dependency and labor are often conceived in opposition to one another, but of course are more a slurry or shifting set. Okay, first, of course disabled people can and do work—both in the classically recognized sense and also because, you know, it’s hard work to be disabled, even if you’ve been barred from work, or are behind bars and working, or laid up in bed not working, which is to say resisting work, working resistance, or maybe some would say exercising the right not to work. Like we could easily say need-and-care or desire-and-in/value in place of dependency-and-labor. Marta Russell and Ravi Malhotra might get at this through their writing on disability and capitalism.2 … Disability and labor aren’t separate entities, which makes me think, okay, why are we being told they are? Why are we accepting these posits as positions? Like, what is separating this obviously already-enmeshed mess into these neat categories as antagonistic subjects? What is the seam of work?

MM: Sarah Rose’s book No Right to Be Idle: The Invention of Disability, 1840s–1930s is all about how disabled people have always worked, and how at a certain moment in industrial capitalism in the US, around World War I, only certain kinds of work got fairly compensated and other kinds of labor no longer counted as work.

CZ: This is a question for Marxism as well. We are told how capital depends on labor, how the dependency of the boss or landlord is parasitic on labor, a powerful host. But the obvious problem here is that dependency is not what’s wrong with the boss. We’re all dependent. The reason that the boss is bad is the opposite: the disavowal of that common dependency, and the cost at which that disavowal is extracted.

One problem is the construction of need as lack, when need is better understood as wealth, and simultaneously the construction of care as labor which has to find its recognition in exchange of some kind. I’m interested less in reciprocal give and take, than in something like a give-and-give, or take-and-take. What I mean is conveyed by the sexual senses of those terms, the way that to take it or to give it share meanings. The moment you enter a process of exchange, you’re inevitably surrounded by its excess or remainder, which always clouds or enriches it. This is especially true of “care work.” Until we start to see\* [understand] life as labor we will never really see\* [understand] work. We’ll stay like Wages for Housework, insisting, “We work!”—I’d like to include them in a crip understanding of life and labor, but I don’t think they are necessarily thinking with disability per se, so I’m just trying to help them out, because dependency and need are ground states for the question of reproduction in and beyond birthing and working.

Work is for one thing only, and that’s to provide for the needs or conditions of life, to condition life. All work is care work. Until we see all life-and-death as invaluable, which is to say until we work with and beyond the notion of the production of value by labor, and into the reproduction or transduction of invalue in the nonopposition of life and death, we won’t really recognize labor—precisely because we will have failed to recognize the dependency we share. This is debt.

And yes, need is a form of wealth. We are surplus, we are common, we are extra. We are a site of accumulation that is marked as disposable. But rather than figuring us as extra, I’m more interested in the disfiguring that disabled life offers to consensus-based reality, what it gives as waste and/or as abundance, which is to say what’s being given away or given a way or taking a way, making no way, again—that impossible life of dreams, art, you know, living in all those space-times deemed “extra.”

MM: I like what you’re saying about “giving it away.” Is this a motto for you as someone who works on debt? What does “giving it away” mean to you in terms of disability? Because earlier in our conversation you were, like, “I don’t want to define it, I want to give it away.”

CZ: I have a broad indefinition of disability—I haven’t defined it. I want to keep it indefinite and put it at the level of life. Disability is seen as akin to death, even deemed “a fate worse than death.” Whereas it’s quite obviously the ground state of life. Or, to put it more precisely, disability is one site of the nonopposition of life and death. I’m grateful to J. Kameron Carter for using that phrase in a conversation with my partner, Amalle—we have been thinking about it since.

MM: Do audiences recognize the role that disability plays in your work? Or rather, when do they? Where do you think disability exists in your work?

CZ: Disability runs through all my work. I usually say dependency because it gathers notions of debt and disability, which are also questions of labor and distribution. I think my works are often read through labor or through disability, rarely both. But my work isn’t organized by representations of labor or disability. A stack of debt has everything to do with disability because it’s about dependency. A bed is all bound up with labor because sleep, in whatever sense—restorative, recreative—reproduces the working body. I do some of my best work asleep. And my access bars piece [Specific Objects (stack), 2016] points to distribution—the standardized spacing of the bars on the wall draws on the history of access codes derived from disabled veterans’ body metrics and applied to disabled people at large under what’s deemed “universal design.” It’s also a readymade, which directly invokes questions of labor.

RS: The pressure to define disability in particular ways can’t be untethered from the violence of capitalism—there’s often a sense that we need to draw a circle around who counts and who doesn’t in order to make rights-based claims in ways that are legible within that system.

#### Labor protections entrench capitalist labor-normativity, commodify disability, and exclude those deemed precarious from social life.

Smilges ’23 [Logan; 2023; Assistant professor of English language and literatures at the University of British Columbia; Crip Negativity, “Life Strike,” p. 57-60]

Bringing questions about disability and labor together, as a life strike does, is a well-established practice in the disability community. Labor politics have been at the center of disability activism in the United States since the latter’s inception. As I describe in the first chapter, much of the impetus behind the disability rights movement in the 1970s was to advance educational and career opportunities for disabled people, thereby providing more accessible pathways to enter the workforce. As Tanya Aho argues, however, disability’s labor politics have historically done less to radicalize either labor or the category of disability than it has to produce variations of “labor-normativity” that domesticate the disabled citizen through waged work. Labor-normativity instrumentalizes the language of access and accessibility to secure disabled people’s employment “as a driving force of one’s life, a significant site of identity construction, and the major influence on one’s life cycle, daily rhythm, and imagined future” (2017, 322). By consistently centering issues of labor access and workplace accessibility without attending to the violence of labor-normativity, much of disability rights activism has embraced labor-living as necessary to our liberal citizenship and to our legibility as subjects.

Despite the importance of securing equitable opportunities and protections for disabled workers, we cannot forget that neither opportunities nor protections within neoliberal capitalism address the fundamental problem of liberal humanism—the true target of crip negativity’s bad feelings. Regardless of the efforts we make toward more and better jobs for disabled people, it remains the case that labor-normativity is designed to produce labor-living; that is, to induct disabled people into a socioeconomic system that disguises labor as life. This disguise works effectively so long as some forms of difference can be recuperated as marketable commodities while others continue to mark fungible populations for targeted debilitation. In the context of disability, access to labor cannot be achieved under capitalism without crystalizing the boundaries around the category of disability. Such crystallization ultimately obfuscates people’s crip labor, which does not aid the means of production, and further ossifies the disposability of people living on or beyond the margins of disability. In other words, it becomes more difficult to adduce the debilitating, stratified violence of labor-living when laboring itself is cited as evidence only of a person’s successful rehabilitation into social and civic life. How can we recognize when life isn’t working, for ourselves or others, if work is meant to make life worth living?

Unfortunately, answering this question becomes all the more challenging when we begin to unpack the layers of labor-normativity that have come to structure the scope and terms of contemporary disability politics. Some layers are relatively easy to parse, such as those commercialized variations of disability activism that trade in representation and visibility. A recent Victoria’s Secret ad campaign featuring multiple disabled models comes to mind (Miranda 2022). Efforts such as these are typically engineered to demonstrate a company’s or institution’s inclusivity by displaying disabled workers (e.g., lingerie models) or by acknowledging disabled people as a contingent of consumers (e.g., lingerie buyers). Bestowed with the capacity to both produce and consume, labor-normativity suggests, disabled people can effectively fold themselves into the social citizenship of neoliberal capitalism.

Other layers of labor-normativity can be trickier to identify. Consider, for instance, the forms of disability advocacy that aim to broaden the horizon of employment opportunities for disabled people (Owen and Harris 2012). Since many welfare programs, excluding the dramatically underfunded Supplemental Security Income (SSI), require a current or recent employment record, disabled people are often forced to compete for unsafe and underpaid jobs. Even with antidiscrimination laws in place, many disabled people struggle to find work, especially work that is relevant to their passions and interests. As a result, those who do secure employment wind up hesitant to raise concerns about the conditions of their labor for fear of retaliation (Kumar, Sonpal, and Hiranandani 2012). Expanding employment opportunities promises to alleviate the pressure placed onto disabled workers to settle for undesirable jobs, and it shifts the burden of competition to employers, encouraging them to improve working conditions to attract and retain employees. Within this framework, the law of supply and demand is reappropriated to demonstrate a demand for work among disabled people with the hopes of stimulating a rise in the supply of accessible and desirable jobs.

The problem with reappropriating the law of supply and demand is that it acquiesces to capitalism as a necessary condition for achieving equity for disabled people. As Nirmala Erevelles argues, creating more jobs neglects to address the fact that access to waged work is an individual solution to a systemic problem. Increasing employment opportunities may extend social citizenship to some disabled people, but it also reinforces the contingence of social citizenship on employment—a contingence that capitalism weaponizes against the most vulnerable populations. Under capitalism, there will never be enough work to go around; labor must remain competitive. Those individuals deemed least likely to aid in “the accumulation of profit,” which generally include people with intellectual disabilities, folks with limited access to education, people with a history of incarceration, and undocumented people, will never be offered safe and reliable employment—at least, not until another fungible population comes to take their place (2002, 19). People occupying this category of state-sponsored precarity become “immaterial citizens” whose primary function is to bear the brunt of capitalism’s failures (21). Since it is an essential condition of capitalism that demand outpace supply, an entire class of individuals must remain out of work in order for the total supply of jobs to remain lower than the demand for them. The resulting, requisite class of nonworkers is not only blamed for failing to fulfill their civic-qua-consumer responsibilities under neoliberalism but also strategically excluded from social citizenship in order to preserve the currency of citizenship itself.

Efforts to improve employment opportunities for disabled people are steeped in the rhetoric of integrative access that fuels labor normativity. Entrance to the workforce only appears liberatory in a context in which labor remains a metric for human valuation. It seems to me that the most productive—by which I mean politically generative—relationship between disability and labor is one that refuses to be such a metric. Rather than wedging the category of disability into neoliberalism as a meager modification to capitalism, it is worth asking whether disability might launch a more fundamental challenge to labor-normativity. What if there were a crip labor politics that cared less about disabled people’s employment or employability than about cripping labor and interrogating the ableist conditions under which labor-living is rendered quotidian?

#### Collective bargaining reinforces the medical model that deems disability as fixable and economic.

Basas ’11 [Carrie; 2011; Associate Professor of Law at the University of Washington; St. John’s Law Review, “A Collective Good: Disability Diversity as a Value in Public Sector Collective Bargaining Agreements,” vol. 87]

The Industrialist model present in this sample of collective bargaining agreements is grounded in a medical approach to disability that represents disability as the injury that happens to the individual worker and his or her family. This approach is deeply focused on the individual and his or her problem. The Industrialist model encompasses the following variables: workers’ compensation and/or workplace injury; sick leave and/or the Family Medical Leave Act; insurance; and disabled dependents. To be included in an Industrialist approach to disability, the collective bargaining agreement simply had to include disability in the discussion of one of these variables; it did not have to satisfy all of the variables.

These variables represent the kinds of provisions that an employer and union might focus on if they were concerned about restoring and reintegrated an injured worker or a worker distracted by the demands of an ill family member. An example of this kind of contract approach is one that only discusses disability in the context of workers or their family members getting sick:

For employees hired prior to October 1, 2005, the [health insurance] coverage of the employee's family shall include the employee, employee's spouse and unmamed [sic] children under the age of nineteen (19). This coverage shall be extended to age twenty-two (22) in the case of employee's children who are full-time students. Disabled dependent children will maintain coverage even after the age of twenty-two (22) as long as medical documentation is provided. – Ypsilanti Community Utilities Authority (2005)

The implications of this kind of medical focus is that it might preclude understandings of disability as a social barrier and civil rights issue, ignore issues of disability discrimination in the workplace, and fail to provide mechanisms for addressing disability as an access concern at work.

The Industrialist was, by far, the most dominant approach to disability. Thirty-five percent of the agreements had a pure Industrialist approach, while another forty-six percent had some elements of an Industrialist approach combined with the other models; in total, eight-one percent of the agreements were Industrialist. Surprisingly, not all of the collective bargaining agreements contained these kinds of provisions, even though they could be regarded as the basics of considering health issues in the workplace. However, even if this approach was not universal, it did reveal that disability, as a medical problem, was the most prominent definition and understanding of disability in the context of the agreements.

The Industrialist is closely tied to the demands of labor itself. American history, particularly in the workforce, tracks the evolution of approaches to disability that is largely informed by the industrial and military conditions of the time. 89 The medical model, in particular, was a response to workplace injuries resulting from increased industrialism in the late nineteenth century, and later, into the period post-World Wars, the returning of disabled veterans. 90 The idea was to fix the person’s broken mind or body to more readily reincorporate that person into society and production. The end goal was to make the person as normal as possible. 91

This model also stems from concerns about workplace safety and desires to take care of one’s own. 92 Embedded within it is the paradigm of the worker-as-breadwinner that has become injured because of work itself. 93 The employer provides health and disability insurance to offer protections to the worker as he or she attempts to recover. For example, consider this framing of disability as addressed by insurance:

The Employer shall continue to provide each employee with short-term disability insurance coverage without cost to the employees. Any changes to the current plan must be negotiated with the union. – Clatsop Behavioral Healthcare (2009)

Secondary to this approach is another view of disability—that of disability as happening to the family (e.g., children, spouse, elder), not the breadwinner, and the need for the primary wage earner to be able to respond to those disruptions.

The Industrialist model tracks unions’ general comfort with assisting their own when the disability is the “fault” of the employer or workplace conditions. 94 Inherent to this approach is the sense that work can be a dangerous place, particularly in blue-collar occupations. 95 When the workplace injures someone, everyone should stand ready to assist. When injuries or illness occur at home, a reasonable time should be allotted for the primary wage earner to attend to his other duties vis-à-vis a disabled dependent. This model is layered with working class concerns, masculinity notions, and disability-as-injury frameworks. 96

The striking exception to the injured male worker approach is the collective bargaining agreements’ approach to pregnancy. Seven collective bargaining agreements (four under the Industrialist model, one under Compliance, and two that fit none of the models), discuss pregnancy as a form of disability. These contracts vary in length from 19 to 96 pages, with the mean being 60.4 pages. Of those, only four elaborate on other kinds of disability. Given that neither the Pregnancy Discrimination Act nor the Americans with Disabilities Act treats normal pregnancy as a form of disability, these agreements go beyond the law in recasting disability. 97

In conformity with the Pregnancy Discrimination Act, and in accordance with University policy, Employees affected by disabilities resulting from pregnancy, child birth and related medical conditions are treated the same as Employees affected by other disabilities. – Wayne State University (2005)

Here, the contract language is somewhat unclear if the pregnancy needs to be incapacitating or disabling, or simply that pregnancy itself is a disability.

What pregnancy-as-disability provisions have in common with the Industrialist, however, is the sense that disability is a form of injury or deviation—temporary or not—that happens to the normal person. 98 Pregnancy as a form of disability is temporary, positive, and desirable. Some of these agreements contain provisions to address it without comprehensively handling other forms of disability that may be permanent, unwanted, or aberrational. Granted, having any pregnancy provisions is forward thinking in some contexts, but these agreements arguably just shift the discussion from one traditional category of disability—men injured on the job—to otherwise healthy women bearing children. Consistent with that argument is the appearance of pregnancy-as-disability provisions in collective bargaining agreements in pink-collar jobs, such as secretarial, nursing, human services, and schools. 99 Indeed, all of the agreements with these provisions came from these fields.

In sum, disability, in this model, is stripped down to what it does to the body and the mind, and perhaps, the finances of the disabled worker or the worker with a disabled dependent. It does not consider the social or civil rights aspects of disability, nor disability as an identity or point of pride. 100 Arguably, it also does not make room for the disabled worker who arrived to the first day of work with his or her disability. Disability here is unfortunate, the consequence of industrialism: long hours, dangerous machinery, enduring fatigue, and repetitive environments. 101 Because the worker structures his or her [their] life around work, employers and unions need to be accountable for what happens during those hours. They also need to be cognizant of other factors that could affect the worker’s ability to be productive, such as disabled family members. To a lesser extent, workplaces must be flexible when it comes to how pregnancy disables or limits women’s productivity at work.

#### There is no labor law without eugenics. Collective Bargaining appeals to fears of debilitation which solidifies the ableist boundary of productivity as rationality.

Williams ’24 [Clare; October 18; Lecturer in Law at Kent Law School, University of Kent; Industrial Law Journal, “Ability Capitalism: Law’s Constitutive Role in Constructing Disability,” https://doi.org/10.1093/indlaw/dwae043]

Firstly, disability discrimination ‘is a distinct but complex form of oppression, based on the (negligibly to substantially) greater expense to capital of the labour power of impaired people’.158 Reasonable adjustments, as well as sick leave and so on, cost money. But the reproduction of disabled labour-power, including required assistive aids and additional care, also entails greater expense. In a system of capitalist logics where individual competition between workers informs the production of surplus value, those unable to normalise themselves fully—that is, inter alia, to reduce the costs of the reproduction of their own labour-power—are inevitably likely to realise reduced wages when selling that (devalued) labour-power. The funding of social care, for example, then emerges as one decommodification strategy with potential to challenge the devaluing of disabled labour-power and the resulting disability employment and pay gaps. However, social welfare as decommodification strategy seeks the normalisation of the disabled bodymind, aligning it ever more closely with the ableised ideal worker. It does little to challenge the underlying capitalist logics which produce the oppression, and which rely on concepts of inclusion and its dialectical inverse, exclusion, for the form and function of markets in the first place.159

Secondly, despite above-average union representation of disabled workers, the lack of effective collective bargaining mechanisms in recent decades on matters of disability equality suggests a disinterested union sector and a reduced bargaining power in the labour market.160 Diversity of ability differentiation means that collective bargaining potential is reduced, especially considering that different disabilities are likely to require different adjustments. A one-size-fits-all decommodification strategy challenging ability oppression is likely to satisfy no one. Similarly, ongoing stigmatisation of disabled people disincentivises workers from identifying or declaring themselves as ‘disabled’, further limiting the pool of potential collective bargainers. Additionally, membership organisations like trade unions cannot represent people who cannot be members, even if they would like to be. Thus, exclusion from the labour market precludes organised collective bargaining against said exclusion, echoing a consensus that disability equality is more a matter for government policy than collective bargaining.161

Thirdly, in contrast to other grounds of oppression, ability has come to be a defining rationality determinative of the productive-reproductive boundary, and it both structures and populates these locations of activity. The universally inclusive welfare state was premised on the basis of ‘industrial citizenship’, which similarly presupposes labour market activity.162 While ableised labour markets presume labour mobility, this ableist norm is frequently unattainable to those with non-standard bodies, minds and energy, especially in a wider, relational context of relying on (local) healthcare provision and (local) family and community support. This creates a double-bind for disabled workers who, facing increased barriers to labour market participation in the first place, are less likely to enjoy the ‘industrial citizenship’ and social welfare protections that derive from labour market participation and are thus similarly excluded from the possibilities of labour migration, be this local or global.

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These examples of how and why ability capitalism might require different decommodification strategies hint at a wider issue which is the possibility that in mitigating ability capitalism through shifts in market norms, we can end up entrenching or exacerbating other forms of oppression. Ashiagbor notes that numerous factors such as the ‘privatisation of the public sector, deindustrialisation, the rise of the service economy, decline in trade union power and employer preferences for flexibility’ have meant shifts away from the standard employment relationship that the law is able to ‘see’, pushing racialised workers to the periphery of the labour market where they are disadvantaged.163 Yet while labour market flexibility has produced detrimental effects for racialised workers, certain forms of flexibility have proven to be radically effective inclusion mechanisms for those with ability differences, as The Great Prefiguration illustrated.164 This underscores the need for an intersectional analysis of labour market inclusion that can understand the complex ways in which labour markets re-co-construct myriad forms of oppression, whether on grounds of gender, race, ability, class, sexual orientation, or others.165 B. Prefiguration: ‘Unbounding’ the Labour Market? As earlier sections have noted, however, the coronavirus disease 2019 (COVID-19) lockdowns and the consequent, albeit brief, normalisation of remote working shifted some tacit preferences and assumptions of labour market participation. In other words, The Great Prefiguration challenged assumptions of where and when work tasks could and should be performed, challenging normalised, ableised standards to which individual workers are expected to conform. In shifting the landscape of labour market norms, analytical sites at which inclusion or exclusion on grounds of ability were realised similarly shifted, altering the context in which the underlying efficiency calculus of the reasonable adjustment of remote working was calculated. The resulting benefits for disabled workers suggest that, while ex post rights-based narratives and other decommodification strategies may be more or less effective, when combined with shifts in processes of normalisation through prefiguration, pathways to and sites of meaningful resistance might emerge. In other words, exogenous labour market shocks that mandate alternative labour practices, and that demand adjusted ways of working by non-disabled workers, has powerful potential for radical challenges to the reproduction of ability capitalism beyond the labour market.166 This leads to two propositions. The first is that prefiguration, or asking all workers to act as if different sets of labour market norms existed, holds potential for challenging ongoing inequalities on grounds of ability, although noting that prefiguration need not be the product of traumatic external market shocks such as a pandemic. At the present time, as the recall of labour to places of co-presence come to dominate once again, employer cries of ‘back to normal’ risk rolling back the inclusion gains witnessed.167 Further empirical work is needed to establish the extent to which the prefiguration of alternative preferences and norms might have changed the underlying calculus of the reasonable adjustment of remote working, and any lasting inclusion impact this might have had.168 However, it is reasonable to expect that employer experiences of remote working might have shifted some of the contextual preferences and assumptions in which reasonable adjustment requests are calculated. Secondly, research is also needed to understand the implications of different patterns of inclusion for the re-co-construction of rationalities of disability beyond the labour market, the production of ability capitalism and ongoing pathways to its meaningful challenge. This might include the role of collective bargaining in ‘institutionalising social rights and protecting workers within the labour market rather than from the market’.169 Now that patterns of inclusion have been experienced by disabled workers resulting from the normalisation of remote working, it is reasonable to assume a stronger voice in arguing for their embedding in labour markets. Notably though, as the previous section has explored, the limitations of collective bargaining vis-à-vis disability, and the mutually constitutive relationship between productive and redistributive spheres that constructs disability raise questions as to how effective collective bargaining by disability groups might be as a decommodification strategy without the inclusion of all workers in any challenge to ability capitalism. 6. CONCLUDING REMARKS

<<PARAGRAPH BREAKS RESUME>>

This paper has used insights from law’s constitutive role at the econo-socio-legal nexus to suggest a theory of ability capitalism. The construction and invisibilisation of ways in which categories of ability that are so central to the operation of capital accumulation come to be ranked, and whereby bodies deemed less exploitable are devalued, requires further investigation both in the context of labour markets and beyond. An exploration of law’s constitutive role suggests that insights from commodification processes might be instructive. Dis/ability-as-rationality is an essential aspect of the political economy of labour market management, and is both integral to, and constituted by the law. And, while the law codes and ranks bodies, dis/ability status and patterns of inclusion and exclusion through processes of commodification, it performs the necessary role of maintaining the ontological security of ableism through making standard bodies and relations visible whilst eliding or masking the non-standard.170 Thus, the econo-socio-legal nexus that emerges as constitutive of labour markets, and systems of capitalisms more widely, comes to construct technologies that are generative of both ableised workplaces and rationalities.

#### War is indelibly intertwined with disability via a constant process of mutilation AND impairment. The AFFs view of war as an exception AND its attempt to cure warfare is an oxymoron that perfects the war-machine into insidious avenues.

Castrodale ’18 [Mark Anthony; 2018; Ph.D., professor of social sciences at the University of Sheffield; Manifestor for the Future of Critical Disability Studies, “Disabling militarism: Theorising anti-militarism, dis/ability and dis/placement,” p. 68-74]

War and militarism evoke the dis/human (Goodley and Runswick-Cole, 2016). ‘War tears, rends. War rips open, eviscerates. War scorches. War dismembers. War ruins’ (Sontag, 2003, p.8). Belser expands on this:

War is indelibly intertwined with disability … Warfare operates in large part through the deliberate production of disability. The bodies of combatants come to be killed, to bear wounds, to be maimed. Even beyond the ordinary facts of battle, the symbolic discourse of conquest is bound with disablement. Victors often subjugate the bodies of the conquered though calculated acts of mutilation, through the intentional production of impairment. (Belser, 2015, p. 189)

Militarism operates on the visceral level to reconstitute human subjects and refashion institutions to proliferate militarised mentalities. Militarism fragments, dis/places and (re)organises bodies. Through ripping, shredding, poisoning, burning and eviscerating flesh, bodies are torn. Bones crushed, blood spilt, wars make messes out of people and, for some, medals are awarded. Yet, as Belser cautions, ‘we must be careful with the way we deploy disability… negative assessments of disability can lead us to “write off” certain bodies as nothing more than wrecks and ruins. Ableist assumptions can lead us to imagine certain lives as untenable, to figure certain people as nothing more than casualties’ (Belser, 2015, p. 194) and tragic victims.

The body represents a pedagogic site of investment (Titchkosky, 2012). Inflicting disablement on enemies’ bodies represents victory – a disabled enemy is weakened, frail, easily conquered. ‘In the cultural grammar of conquest, defeat disables the nation. Wounded marked, and disabled bodies make tangible the brutal incursions of imperial power’ (Belser, 2015, p. 189). At the individual and state levels, to disable a soldier, enemy target, resource, technology is to incapacitate, reduce or eliminate ability. To disorganise, disconnect, disorientate, displace, disembody, dismember, dispossess are all disabling strategies.

Impairment is calculated within trade-offs such as protective armour characteristics such as weight of gear and how this mediates a soldier’s ability to move. When disability is represented as a foreseeable or calculable cost of war, who among us in the military–industrial–academia nexus derives profits? Funding from private and public coffers is channelled to rehabilitate injured warriors with loss of limb, spinal cord injuries, and mental health-related issues. New technological and pharmacological rehabilitative interventions are also used on civilian populations.

War has also become aesthetically revered as essential to promote progress – this can be seen through the innovation of a new disembodied, high-tech, smart, more precise war. Human progress is viewed as the move toward an indestructible, sane, mouldable, hyper-able-bodied man who has finally triumphed over all adversaries, including madness and death. Disability is the justification as to why we may transform our warlike ways. Drones, in the form of unmanned vehicles, mitigate the risk of warriors to be injured or disabled. Prosthetics may permit redeployment of soldiers and render them work-ready and economically productive (Serlin, 2004) as independent mobile civilians. ‘One of the benefits of militarism is that advanced technologies developed in the battlefield trickle down to domestic markets … to enhance the quality of (disabled) civilian life’ (Erevelles, 2011, pp. 136–137). Rehabilitative technologies transform, redesign and reinvent bodies (Serlin, 2004). ‘Shaping the boundaries of the body is a work in “progress” of the political, social and moral kind … rehabilitation is not a curing science, but a practice in physical, moral, and aesthetic enhancement’ (Cohen, 2012). Prosthesis design engineers and shapes new subjectivities. Technology, aesthetic form, functionality and bodies blend seamlessly, transforming impaired subjects into new cyborg beings (Masters, 2005). What Puar (2009) refers to as debility, via the tactical expansion of impairment, is central to the military-industrial-academic complex.

Discursively dis/ability is part of the war logic, serving as material and symbolic fodder for ethical justification of new military risk mediating weaponry, soldiers’ gear, strategies and technologies. Disabled soldiers become subsequently reabsorbed in the military-industrial-academic nexus as sites of investment, objects of enquiry and innovation.

Helping and harm, curing and killing, medicine and warfare – these are not opposite terms that can be held apart if we want to grapple with the relations between neuroscience and war. Rather, we must see medicine and war as symbiotic: medicine propels war and vice versa. (Howell, 2016, p. 12)

Disabled veterans are often pathologised, absolving military of responsibility for trauma, where the language of the Diagnostic and Statistical Manual of Mental Disorders (DSM) and post-traumatic stress disorder (PTSD) are operationalised (Spring, 2016). Post-war veterans may partake in brain mapping for neuro-imagining charting, exploring PTSD treatments, and as test subjects for biotechnologies that cure paralysis, rehabilitate mobility and movement – they represent exoskeleton-users among other research subject–object functions (Howell, 2016; Bogue, 2009). They engage in sport, competition, fitness programs such as Soldier On, and the Invictus Games (‘invictus’ meaning unconquered). If rendered fit enough, injured soldiers are sometimes asked to return to active duty, to become redeployed. The predominant signification a veteran should not represent is as a site of military contestation. They must ‘soldier on’, refuting weakness or impairment and triumph over themselves, to remain unconquered. They must be fit (GarlandThomson, 2011). Disability must not limit them, and universities represents sites where soldiers may return to rejig, (re)learn, and (re)cast their societal fit (see Petri, Jenson, Day, and Gotto, 2016).

Militarised knowledge

There is a need to examine how (in)sane and dis/abled subjectivities are (re)crafted through academically disciplined scholarship. The military-industrial-academic complex is a profitable enterprise and universities have now come to exist as ‘hypermodern militarized knowledge factories’ (Armitage, 2005, p. 219), now resembling a military character, promoting military capability and preparedness. Moreover, universities are sites implicated in defence contracts, engineering weaponry, communication technologies, robotics, biotechnologies – all operationalised to support a perpetual war-ready military mentality (ibid.).

Within the military–industrial–academic complex all disciplinary knowledges are implicated. ‘What could once only be imagined in science fiction is now increasingly coming to fruition: drones can be flown by thought in human brains: pharmaceuticals can help you forget traumatic experience, or produce feelings of trust to encourage confession in interrogation’ (Howell, 2016, p. 1). Militarised knowledge–truth regimes are central to life–death struggles in the bio-political management of life itself and imaginings of (post)humanity (Braidotti, 2013) and posthuman ways of war (Cudworth and Hobden, 2015). Drawing on Howell (2016), we must ‘grapple with the complexity of ethical questions about the contemporary relationship between war and science … When war efforts shapes funding priorities, multiple disciplines including medicine, are shaped by these military priorities’ (Howell, 2016, p. 17).

Academic scholarship is mediated through a militarised ethic and funding regimes. Koopman (2016) cautions that the very nature of the knowledges we produce may become weaponised. Koopman (ibid.) attests that geographers need to contest militarised co-option and collusion of their scholarship. Similarly, anthropological research has been mobilised for military-oriented applications (Price, 2011). Research outcomes are influenced by the militarisation of university science (Johnson, 2015).

The psy-sciences are militarily instrumentalised with damaging (a/e)ffects (Howell, 2016; Jaffee, 2016). Direct linkages between psy-sciences and military–academic knowledge applications abound. Notable recent work by Efrat Gold (2016) titled By any other name: An exploration of academic development of torture and its links to the military and psychiatry details unethical academic military psy-science that recruited university students (who were offered payment) as research subjects exposed to torturous sensory deprivation, isolation, restraint and immobilisation. As Howell (2016, p. 3) attests, ‘war is not only a destructive force, but also a productive one’. Diagnostic labels such as soldier heart, nostalgia, shell-shock, PTSD, traumatic brain injuries and polytrauma share common war–biomedical improvisations of origin (ibid.). ‘Trauma is being radically reconfigured as a neurological problem, a brain problem, and more generally as an injury’ (Howell, 2016). PTSD is depoliticised through the championing of ‘medico-technological interventions’ (Jaffee, 2016, p. 2) which stifle and placate imagination for political activism and normalise ‘conditions of perpetual war’ (ibid). It therefore bears repeating that, due to the immense physical and psychological harms, ‘Critical disability studies scholars cannot be silent about the disabling effects of imperialist wars’ (ibid., p. 7).

War, science, technology and society coalesce. The knowledge we produce is not innocent. We must collectively refute militarised research which hijack free pacifist intellectual thought, narrowing what can be thought and said by constructively aligning scholarship and funding regimes in ways which hold academics hostage to state-corporate colluded militarised imperatives.

Militarised ecologies

Militarised interventions ravage land and dis/place people. They render certain persons as existing in the wrong place and the wrong time, coded out of place (Hansen and Philo, 2007), and thereby subject to disproportionate violence. As Belser attests:

The body burden, the disabilities and disablement fall unequally, press hardest on those who have the least: the farmworkers on the frontlines of pesticide exposure, the men and women and children who pick electronic discards to recycle toxic trash, those who inhabit the bombed out cities, the kids who play in the rubble junkyards of high-tech war. (Belser, 2015, p. 194)

The ecological link between disability and military presence is clear. Warfare is characterised by a permanent crisis entailing conflict, occupation, training, prowling, shaping and controlling global landscapes through the use of force and pervasive discursive militarised net. Relentless wars are fought on multiple fronts (Bacevich, 2005).

Militarism also creates disabling conditions through degradation of natural and social environments. Ecological military devastation disables. As Taylor (2004) attests, militarism (re)produces socio-material conditions of disablement linked to other systems of oppression and degradation:

Disability is an obvious example of the need for fundamental structural reform … We epitomize many ways in which our political and social systems need to change. We are often born out of war, financial inequality, and environmental degradation. My disability is a birth defect caused by a US Air Force contractor that illegally polluted my neighborhood’s ground water. They buried toxic chemicals near our community’s wells for over forty years, but did not bother to remedy the situation even after awareness of the damage was raised; most likely this is because the area was inhabited by poor Latino families and residents of a local Indian reservation. Thousands of people died or became impaired due to the Air Force’s negligence. Unfortunately, my case is not rare.

Taylor (2004) understands her ‘birth defect’ as the direct result of the war complex that poisoned her local environment and consequently damaged people, causing harm and death. As with her case, the outcomes of militarised violence hurt often the most vulnerable, alienated, marginal members of societies. Indeed, militarism levies greater violence and massacre against the poor, disabled, Mad, blacks, women, Indigenous and marginalised subjects in the global south (Berghs, 2014). Impaired women encounter rape, abduction, abuse, precarity, displacement, and limits to their mobility (ibid.). In this manner, environmental, economic, social and political systems are intricately bound to broader militarised ideologies which devalue some humans and privilege others’ existences. Certain disabled subjectivities are made in these militarised sites where chemical warfare produces burns, landmines truncate limbs (Cohen, 2012), drones flying overhead produce psychological effects, and nuclear weapons leave lasting generational devastation (Gross, 2010).

It is also worthy to note that humans are not the only lives diminished by militarism. Animals have a long history of being incorporated in war efforts (Cudworth and Hobden, 2015; Veterans Affairs Canada, 2012). Animals are used as weapons, as bomb detectors, carriers of ammunition, supplies and message, organ donors, and objects of military research (Johnson, 2015). Animals are bred, trained for war efforts, and kept and traded as prized possessions. In the vast science of war animal movements and coordination, communications have informed new advances in military technologies and robotics. Taking inspiration from nature, the albatross drone soars, swarm tactics are employed, and robotic mule devices climb and carry heavy loads. All life becomes militarised material.

Privilege becomes linked to mobility, and the ability to choose when and where to move, to exist in safe, inhabitable, clean places. This able-bodied privilege allows able-bodied/sane subjects to survive and thrive with less violent precarious existences in comparison to Mad and disabled subjects. Freedom is inherently linked to movement, the ability to move and be moved, and the power to place oneself firmly, staying put.

Conclusion: disabling militarism and developing an anti-militarism praxis

The need to counter these militarised ways of being (Castrodale, 2015) represents a pedagogical imperative in the sense that we teach and learn how to be militarised subjects. Militarism shapes subjectivities crafting personhoods, it represents a curriculum and pedagogy (Falk, 2008) that is always in plain sight, yet co-opting everything in such a way to remain inconspicuous as violence that is well camouflaged. Militarism evokes dis/ability. From strategies, to weaponry, to communications technologies, to fitness, to augmentation and enhancement, dis/ability is the most salient unspoken discourse.

I centred my discussion on the military–industrial–academic complex where militarism operates on the levels of embodiment, disciplinary knowledges, and subjectivity. I urge disability scholars to critique ableist–sanist dis/ ability and mental health research, policies, practices and discourses in academic realms. How are dis/ability, mental illness, war, violence and militarism being translated into profit-ability under neoliberal regimes of thoughts and practices though our scholarship?

Critical disability and Mad studies scholarship represent a platform from which militarism may be resisted, critiqued and countered (Castrodale, 2015). Unpacking how disability discursively serves as a justification for military strategies, weapons designed to impair (Gross, 2010), and as rehabilitative technologies for soldiers requires more scholarly attention.

I believe that ‘CDS [critical disability studies] is a field that is inherently anti-military’ (Castrodale, 2015, p. 100) as it disrupts discourses of disability as a problem and instead critiques ableist–sanist societal attitudes and practices. In imaging future directions for scholarship in critical disability and Mad studies, I therefore advocate:

* A deepening critical focus on socio-spatiality, militarism and dis/placement directly incorporating disabled and Mad persons’ perspectives.
* A sustained relentless intersectional critique centring on higher educational institutions’ ableist/sanist policies and practices. This includes an ongoing critical introspective evaluation of existing disability studies programs.
* A critical focus on war, militarism, and Big Pharma – critically examining newgenic (Malacrida, 2016) discourses of augmentation and enhancement, and unpacking new robotic, genetic and rehabilitative technologies.
* Imagining new pedagogies informed by anti-militarist critical disability and Mad studies (Castrodale, 2015, 2017).

There is a need to examine systems, structures, discourses, hierarchies, regimes of thoughts and actions which dis/able and make us militarised by design. Disability-politic philosophers must apprehend and elucidate the savagery of our times and contest the militarisation of all biological life (Johnson, 2015).

Understanding the relations constituting dis/abled and Mad subjects requires recognition that ‘war is not an exceptional and distant event, but a process that is intertwined with what we call “civilian” life’ (Howell, 2016, p. 18) and that our academic involvement in knowledge-power relations are embedded within this militarized-academic nexus. As militarism takes aim at all life, critical scholars must expand their disciplinary terrain to focus more deeply on complex dis/abling/maddening environmental relations. We must forge new ethical and sustainable human–plant–animal–object–technological anti-militaristic ethical vital interactions.

#### Environmental progress occurs at the expense of disabled bodies prioritizing able-bodied narratives, ensuring capitalist exploitation.

Larrington-Spencer ’21 [Harriet, Deborah Fenney, Lucie Middlemiss, Aleksandra Kosanic; 2021; Research Fellow at the University of Westminster, Ph.D., University of Manchester; Senior Researcher at the King’s Fund, Ph.D. in Sociology and Social Policy from the University of Leeds; Professor of Environment and Society from the University of Leeds; Senior Lecturer at the Liverpool John Moores University in Climate Change and Sustainability; Diversity and Inclusion in Environmentalism, “Disabled environmentalisms,” Ch. 2]

People can be excluded from environmentalist practices due to their material circumstances, sometimes including physical exclusion for bodily reasons. Some bodies can easily travel by bike, others cannot; some can exist off-grid, some cannot; some can reduce the water and energy consumption associated with cleanliness practices, some cannot (Fenney and Snell, 2011; Fenney, 2017; Fenney Salkeld, 2016, 2019). Environmental campaigns often target what are considered as ‘convenience items’ – for example, plastic straws, prepackaged produce and wet wipes. However, what these campaigns often fail to consider is that items considered as ‘convenient’ by non-disabled people can often be central to the health and independence of disabled people. Bendy plastic straws can be essential for drinking, and drinking at the correct angle, for some mobility-impaired people and single-use straws are often much more hygienic than reusable straws. Pre-chopped produce supports people with limited hand dexterity as well as energy-related issues to maintain independence in cooking. Wet wipes can be critical to support some disabled people to have control over their own hygiene.

This is also not simply about the physicality of bodies. Mental health can also be a material factor in exclusion. Mental health problems can lead to fatigue which necessitates using more energy-intensive modes of transport. People can face difficulties using crowded public transport due to panic attacks, making car use a necessity. Furthermore, medication, for either mental or physical health, is sometimes stigmatised by environmentalists as coming from ‘big pharma’ (Fenney Salkeld, 2019).

The built environment

Material circumstances and barriers to environmentalism relate not only to the materiality of the body but also to the materiality of living. Barriers to environmentalism can be in terms of meetings being held in rooms only accessible by stairs (Fenney, 2017). This is common as much environmental activism is unfunded and free meeting spaces are less likely to have access facilities, such as ramps and lifts. Spaces of environmental activism, such as public protests, frequently do not have Changing Places (fully accessible toilet facilities), or even any toilet facilities, within close proximity.

Social barriers

Given that disability is rarely discussed in relation to environmentalism, it is not surprising that campaigns to promote active travel or banning plastic straws do not take into account the needs of disabled people. Worse than this is the creation of stigma towards disabled people (for not acting ‘correctly’) through environmental campaigning. Campaigns that call for a total ban on items that enable disabled people to live their lives (e.g. plastic straws, cars, etc.) not only have health and independence implications for disabled people, but can also label disabled people as anti-environmental, and result in public shaming and policing of their actions. For instance, the widespread campaign against single-use plastic straws in 2019 has resulted in these no longer being readily available in public places. This puts those disabled people who need to use straws to drink at risk, as well as making it more risky to be disabled and drinking in public.

Note that stigmas associated with disability are widespread in society, with many people holding disableist (prejudice against disabled people) or ableist (an assumption of non-disability) views (Chapman, 2020; Renke, 2020). Such prejudiced viewpoints can also be traced through the environmentalist movement, which tends to place a high social value on self-sufficiency, the use of ‘natural’ products (as opposed to the medication and technology that keep some disabled people alive), and the strength of the human body in nature, for instance (Fenney, 2017; Ray and Sibara, 2017). The expectation by the movement that environmental activists will be non-disabled is, in itself, likely to be stigmatising, and to create additional barriers to participation.

Institutional barriers

Participation in environmentalism, either through everyday practices or within activist organisations, movements and demonstrations, is often perceived as indicative of non-disability by punitive institutions, such as the police, or state departments, for instance, the Department for Work and Pensions (DWP). Disabled people’s participation in environmentalism can be considered evidence of exaggeration or fictionality of disability and thus require regulation and disciplinary action. For example, in 2018, Lancashire Police admitted passing on details and video footage of disabled anti-fracking protesters to the DWP, considering ambulatory wheelchair use a ‘clear suggestion that fraud may be being committed’ (Rahim, 2018). This resulted in a number of disabled anti-fracking activists being contacted by the DWP for benefits reassessments (Pring, 2018). More recently, it has emerged that Greater Manchester Police has a written agreement with the DWP to pass on the details of any disabled person taking part in protests in the region (Pring, 2019).

Breaches of disabled people’s right to protest create a culture of fear, where legitimate engagement in environmental activism risks illegitimate sanctions (Pring, 2018, 2019). Similarly, the link between physical activity and assumed physical ability can limit disabled people’s participation in active transport. In their annual survey of disabled cyclists, Wheels for Wellbeing (2018) found that 49% of respondents were worried that their benefits would be withdrawn or reduced as a result of being physically active, and 17% reported that this worry deterred them from cycling or caused them to cycle less or give up cycling. These concerns are legitimate – 6% reported that they have had benefits reduced or withdrawn as a result of cycling and being physically active.

Financial barriers

Being disabled is expensive. Disabled people face extra costs in order to have the same standard of living as non-disabled people (Scope, 2019). These include higher transport costs, expensive equipment, paying more for housing and paying more for energy. For disabled adults these costs amount to an average of half the household income (after housing costs). Disabled adults are also more likely to be unemployed and more likely to live in poverty than non-disabled adults (Scope, 2019), exacerbating financial pressure for many disabled people. Disability and income poverty are strongly correlated and, as such, households can be affected by a double constraint. This is an issue of distributive justice and also impacts on households’ access to participation in some environmentally friendly practices. Equally, income is closely related to environmental impact (Oswald et al., 2020), with people on higher incomes having higher impacts, and as such disabled people are likely to have smaller impacts on average.

A classic example of reducing environmental impact in everyday life is replacing private car use with emission-free travel such as cycling. Cycling as active travel for disabled people is a particularly promising lower-impact transport solution considering that many disabled people find cycling easier than walking (Wheels for Wellbeing, 2019). However, while standard two-wheel bicycles can be purchased relatively cheaply and are widely available second-hand, the same cannot be said for non-standard and adapted cycles which disabled people may need. These include equipment such as trikes, handcycles, recumbents and electric cycles, the cost of which can easily extend into thousands of pounds. In addition to the higher costs of purchase, there are also cost implications in terms of secure storage and insurance due to their larger size and higher value. In the UK, while the mobility component of disability benefits can be used for Motability and private car access, there is no provision for covering non-standard cycles. This means that disabled people have to cover the higher cost of accessing more environmentally friendly travel themselves.

Temporal barriers

Another example of reducing environmental impact in everyday life is replacing private car use with public transport, such as buses and trains. However, there are implications in terms of time added as a result of inaccessibility. In the UK, while the majority of buses are now accessible for people with mobility aids, there is often only one wheelchair space per bus. Waiting time is then extended for a person who requires this space if it is occupied by another disabled person or by non-disabled users and is not being regulated by the driver. As the majority of trains and stations in the UK are not designed for level boarding, ramp access is needed for mobilityimpaired people. However, in addition to ramp access being steep and sometimes dangerous, mobility-impaired disabled people are required to pre-book and depend upon station assistance. This not only reduces flexibility in travel but also has significant implications when station assistance fails to materialise and disabled people are unable to (dis)embark. These failures in support provision increase journey times as well as create significant frustration, making public transport an inconvenient form of travel compared to private vehicles.

Public transport use during the coronavirus (COVID-19) pandemic is also riskier for people who are particularly vulnerable to the effects of the virus. External shocks such as these have particularly pronounced effects on disabled people. This is why it is doubly important to pay attention to the potentially regressive effects of environmental policy and practice on disabled people – there can be less flexibility in the way that people are able to cope with changes in their lives. This is compounded given that disabled people earn less (as above), and these inequalities will be even more exacerbated in the Global South. Hence, we can also see how mobility can be (further) restricted if policy increases the cost of car use without protecting or excluding people with mobility impairments.

The personal costs – being the disabled killjoy

Being involved in environmental activism, just as being involved in any social activity, is likely to bring disabled people into contact with ableist and disableist views (as in ‘social barriers’ above). Given the limited recognition of disabled people in the environmental movement, there is extra labour in being disabled as an environmental activist. Symbolic exclusion and violence have an important impact on activists, which are sometimes difficult to document. How do we measure non-participation or offence caused by particular framings of environmentalism? Disabled people who wish to participate often find that the impetus is upon themselves to highlight and resolve access issues. The labour of this is time-consuming, preventing disabled people from participating more fully in environmental activism itself. To undertake such labour is also exhausting and one can both be worn down and become down when having to continuously push against what has already been constructed with little regard for diversity (Ahmed, 2017). And through this process, the disabled body – building on the work of Ahmed (2017) – becomes the ‘killjoy’. By highlighting inequalities in accessibility, as well as the specific challenges associated with a disabled-inclusive environmentalism, disabled people kill joy (Brooks and Snelling, 2018). By highlighting inequalities in accessibility, disabled people may be considered ‘wall makers’ (Ahmed, 2017, p. 252) – drawing attention away from the environmental concerns central to the activist movements themselves. Disabled people who call out the symbolic exclusions they witness may be met with denial or accused of not caring about the environment or of damaging or distracting from movement aims, thus further alienating them from environmental activism.

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Disability and environmentalism in the academic context As previously mentioned, to date there has been limited work that directly addresses environmentalism and disability. In this section we outline the ‘so-far’ contributions to this field, recognising opportunities to develop this work through links to the broader critical body of work on social inequalities and justice in environmentalism documented in this book. We look below at how disability studies understand the environment and how environmental studies understand disability and then outline more recent engagements, recognising the necessity for more critical and transformative approaches. Disability studies on the environment While the environment is a central concern within disability studies, the focus has almost exclusively been on the built environment and ensuring that the built environment is accessible to disabled people (Kafer, 2013; Ray and Sibara, 2017) – in other words, overcoming ‘material barriers’, some of which we have identified above, and ensuring an enabling built environment for the materiality of disabled bodies. A few examples of what overcoming material barriers involves would be – providing level-access or ramp access to buildings, disabled parking spaces, Changing Places toilet facilities, dropped kerbs and signal-controlled pedestrian crossings. This focus on the built environment within disability studies is situated within the social model of disability. The social model of disability recognises that many of the barriers to full and meaningful participation in society that disabled people face would not exist if the physical and social environments in which people live were adapted to accommodate a diverse range of embodiments and interactions (Thomas, 1999). Such barriers within the built environment, as well as social barriers, institutional barriers and financial barriers, are all discussed above within the context of environmentalism. The social model recognises that, as a result of barriers external to disabled people themselves, disabled people face a form of social oppression, that is, disablism. A related concept useful to this work is ‘ableism’. Ableism describes how society is generally organised from a non-disabled viewpoint, and thus ignores or minimises other experiences and embodiments. An unquestioning able-bodied ‘normal’ implicitly positions disabled people as ‘abnormal’ (Imrie, 1996), rather than addressing the assumptions that underlie how society has constructed what normal is deemed to be. Ableism underlies many of the issues disabled people face when trying to engage with environmental movements (Fenney, 2017), in addition to any overt disablism they may face. Environmental studies and disability Within environmental scholarship there is engagement with disability, most commonly in terms of public health and the impact of environmental degradation on disabled bodies or disabled bodies as the outcome of degraded environments (Ray and Sibara, 2017). For example, climate change is expected to disproportionately affect disabled people (Smith et al., 2017; Kosanic et al., 2019a). The higher intensity and frequency of extreme weather events, such as cyclones, hurricanes, extreme precipitation events, heatwaves, cold waves, droughts and storm surges, will affect disabled people more severely (Beniston and Stephenson, 2004; Zwiers et al., 2013; Walsh-Warder, 2016; Baker et al., 2017). Slow onset impacts such as sea level rise, or impacts on ecosystems, such as changes in the geographical distributions of species including latitudinal, longitudinal and altitudinal changes, or changes in phenology, genetic diversity, species declines, invasive species intrusions and extinctions also might pose a greater threat to disabled people (Parmesan and Yohe, 2003; Kosanic et al., 2019b). In the epoch of the Anthropocene, climate and environmental change can exacerbate underlying conditions (e.g. through the mental and physical health impacts of extreme climatic events or pandemic situations) or can make disabled people susceptible to disaster-related injuries, displacement, vector- or waterborne diseases (e.g. malaria, EVD4, Zika) and potentially lead to higher mortality (Whitmee et al., 2015; Watts et al., 2018). Given that climate change poses longterm pressures to ecosystems and societies, impacting human well-being, migration, infrastructure and settlements, further impact on disabled people will be important to research, monitor and to take into account in policy (Bell et al., 2020). For example, it is known that Small Island states have already experienced devastating climate change impacts due to sea level rise (Ourbak and Alexandre, 2018; Petzold and Alexandre, 2019). Furthermore, populations closely connected to nature and whose livelihoods are dependent on nature (i.e. indigenous and local populations) are at the highest risk in relation to climate change. Within indigenous and local communities, disabled populations, particularly children and women, will be the most vulnerable (Omolo and Mafongoya, 2019). Without the sustainable use of nature, quality of life and human well-being is jeopardised and can further deteriorate the human benefits from nature (MartínLópez et al., 2012; IPBES, 2019). These services have been described as ‘ecosystem services’ (ES) and defined as benefits that humans gain from the rest of nature – provisioning (e.g. food, timber and water), supporting (e.g. soil formation and retention, nutrient cycling and water cycling), regulating (e.g. local climate and air quality, pollination, carbon sequestration and storage) and cultural (e.g. spiritual, place attachment, recreational and aesthetic). These functions of services are essential for human quality of life and well-being (Liu et al., 2010; MEA, 2005; Kosanic and Petzold, 2020). A recent new concept of nature contributions to people (NCP) evolved aiming to include different values and stakeholders in order to better understand human–nature relationships (Diaz et al., 2018; IPBES, 2019). Similarly to ES, the NCP are organised into three broad groups: regulating (e.g. regulating soil or climate), material (e.g. food and energy) and non-material (e.g. recreation, inspiration and spiritual) (Díaz et al., 2019; IPBES, 2019, Pascual et al., 2017). Provisioning and demand of NCP is, in many cases, context specific and could differ among marginalised groups (e.g. indigenous or disabled populations). For example, provisioning or demand for non-material NCP can be different for someone with a sensory impairment (i.e. relating to hearing or vision). Material NCP (food in particular) may not be evenly distributed among disabled and nondisabled children. This may result in malnutrition in disabled children (Adams et al., 2012; Kerac et al., 2014). In order to reach a just and sustainable future, we need to secure a broad range of NCP to meet needs and achieve a good quality of life (MEA, 2005; Diaz, 2020).

<<PARAGRAPH BREAKS RESUME>>

A second body of work in environmental studies centralises environmental exposure, toxicity and subsequent body burdens (Kafer, 2013; Ray and Sibara, 2017). Within this work, disability is often conflated with injustice (Kafer, 2013), with the disabled body, arising from such toxic environments, then commonly utilised to motivate public environmental movements (Di Chiro, 2010). There are parallels here with the framing of the wilderness as a place in which strong (male) bodies overcome adversity, and in which disability is seen as a threat, or risk to these strong bodies, arising from accidents in wild places (Ray, 2013). In both cases, the disabled body is positioned as a cautionary tale, an outcome of accident, or environmental degradation, rather than a whole human being with interests in environmental damage beyond their own body.

Positioning disabled bodies as unfortunate outcomes of human or natural environments echoes the medical model of disability, which is rooted in the discourse of disability as ‘tragedy’, and which offers only individualised solutions such as rehabilitation or cure to help a disabled person overcome their impairment (Oliver, 1990). While rehabilitation is not intrinsically negative, its misapplication can lead to people being forced into narrow ‘able’ embodiments and the devaluing of others. This model was the dominant way disability was viewed until the second half of the 20th century. In the 1960s and 1970s, groups of disabled activists began to develop an alternative model – known as the social model, set out above – to better describe their experiences.

#### The 1ACs impact frame is a form of utilitarian calculus that determines which lives are worth living, rendering disabled life disposable AND makes extinction inevitable.

Colebrook ’18 [Claire; 2018; Edwin Erle Sparks Professor of English, Philosophy, and Women's, Gender, and Sexuality Studies at Penn State; After Extinction, “Lives Worth Living: Extinction, Persons, Disability,” p. 152-160]

Even though the specific concepts of extinction and disability are rarely linked explicitly, the two concepts are inextricably intertwined in discussions of what counts as a life worth living. Indeed, the grand Socratic notion that the unexamined life is not worth living is not only normative (which is almost unavoidable) but normalizing: to privilege the life of examination is to open up a history that will generate the individual, reflective, deliberative, and rational subject, but to make a claim about a life not worth living is to hint at the long history that will extinguish, eliminate, harness, and evaluate unworthy lives, and will do so precisely by way of capacity. Outside explicit work on extinction and outside the rich field of disability studies, it is possible to find constant and complex linkages between the question of the worth of life (its capacity or ability) and whether such a life ought to exist. Many such arguments are utilitarian; and while utilitarianism might seem to be but one branch of (analytic) philosophy, part of my argument will be that as a conception of the liberal subject of capacity gains ascendency and takes on increasing value in neoliberal arguments for autonomy, and as the planet faces accelerated and mass extinction, a utilitarian logic becomes increasingly dominant.

Utilitarianism is a motif that will necessarily haunt questions of extinction and capacity: as resources and the capacity to survive become threatened, decisions will need to be made regarding the worth of life. Precisely in this respect, it is utilitarianism that has also articulated the most offensive position on disability. By “offensive,” here, I am not referring to an affect or emotion but rather—as in the manner of a military offensive—to a direct and forthright targeting of what has been set aside as “disabled.” Here it might seem that a utilitarian approach is partial and that there are other ethical paradigms, which of course there are, but I want to argue that the extreme positions that utilitarianism has yielded bring to the fore what is implicit in a broader history of ethics focused on personhood and a life worth living. One of the objections to calculations of utility would be by way of a deeper or inviolable conception of the person, but this too relies on distinguishing between what counts as “utility” and what would warrant a mode of “dignity” beyond calculation. For Nussbaum, the key stakes of justice lie in considering what counts as a dignified life, where dignity includes capacities that extend beyond social utility and mutual advantage. Her claim is that dignity should be the basis for social entitlements and that we attribute dignity not for rational and active powers but for “our” animal fragility: “bodily need, including the need for care, is a feature of our rationality and our sociability; it is one aspect of our dignity, then, rather than something to be contrasted with it.”4 This is perhaps why Nussbaum’s title refers to “species membership,” as though feeling and caring for one’s kind (which would, in part, include nonhuman animals) are not only a recognition of dignity but dignify one’s own life. To suffer, to be fragile, is to possess a life worth living. Here Nussbaum refers to the value and enhancement (beyond strict utility) of caring for others and of having social relationships with those whose capacities are not those of the classic rational individual. Her approach on capacities “includes the advantage of respecting the dignity of people with mental disabilities and developing their human potential, whether or not this potential is socially ‘useful’ in the narrower sense. It includes, as well, the advantage of understanding humanity and its diversity that comes from associating with mentally disabled people on terms of mutual respect and reciprocity.”5

Nussbaum presents her account as a broadening of theories of human justice by way of a more classical conception of the life worth living, one not reduced to narrow notions of mutual advantage. Even though her discourse and disciplinary terrain might appear to be strictly philosophical, the very mode of posing the question of what we owe to a life is really (ultimately) the question that presses itself upon human civilization now, and always. As “we” look to the future and the sixth great extinction event, the question of who and what survives will be imposed upon us. Utilitarian approaches to this question are, as I have already suggested, offensive, but they are because they disclose something offensive—or combative, violent, conquering—in the philosophical tradition of dignified humanity and the life worth living. In this respect, disability is neither a recent nor a local concern: the very formation of the Greek polity is based on the exclusion of those with lesser capacities. Even though, as Lennard Davis has argued, the notion of the “normal” body is very recent and is quite different from earlier cultures’ conception of an ideal body that no actual member of the species achieves, the exclusion of those who do not possess the proper potentiality of political humanity has been at the basis of the history of the Western polity.6 When Nussbaum argues for an expanded sense of capacities, she nevertheless, and necessarily, maintains the question of the life worth living. This classic philosophical question always and necessarily invokes ability, or, more accurately, disability, and this in two respects. Not only are subjects defined by way of powers (of reason, deliberation, and empathy) but those capacities in turn are enabled by a history of technologies and archives on which “able” subjects are increasingly dependent. At the very least, definitions of proper political persons rely on quite specific capacities that, even in expanded scenarios, are not all-inclusive. More importantly, the quite specific concept of the liberal, deliberative, rational, and empathetic subject depends on a history of “enlightenment” that disabled many lives, by way of exclusion, colonialism, resource depletion, or expropriation. In a world where not all lives matter to the same extent, the concept of disability is precisely what enables political inclusion, privilege, and personhood. When Peter Singer argues, in a manner that appears to be exceptional, and exceptionally offensive, that rationality and autonomy (and not species membership) are the capacities that would preclude us from being right in killing another human being, he is taking part in a far broader offensive that is definitive of the philosophical epoch oriented around the question of the life worth living.7 For Singer, what matters when considering a life and its worth is not that life’s capacities but its capacity to suffer; however, this nevertheless raises the worthiness and power of affect. What has proven to be so shocking about Singer’s work is his highlighting of a rationality already at work in claims regarding human dignity: we have already deployed notions of value and worthiness, values that Singer wishes to shift from species membership or supposed rational powers to affective powers. Not only is the question of the life worth living offensive (in its implicit generation of an unworthy life) but the life worth living is—for all its rhetoric of autonomy and power—a life of dependence and incapacity, generated through a history of enlightenment that is a history of appropriation, plundering, brigandry, excessive consumption, and energy profligacy. The Cartesian reflective subject is utterly dependent on networks of labor and technology that bolster his power while remaining outside immediate command; and as the history of enlightenment progresses, so does felicitous incapacity. “We” become more and more powerful by way of networks—the Internet, data, cheap goods, cheap skills—that rely on others’ capacities. Our exceptional political ability as subjects of reason is twinned with intensified incapacity, just as our autonomy is ultimately dependent on a history of ongoing slavery. Could we have the able political subject of deliberation and reason without the planet-destructive history of industrialism and globalism that at once enables and disables what has come to be known as humanity? Could there have been a tradition of “the life worth living” without a global industry that generated unworthy and dis-abled lives? And is not the question of the life worth living, the capable life, intertwined essentially with dependence and incapacity?

What I want to question here is whether such a question can have any coherence at all in an epoch of extinction: to ask about lives worth living is necessarily to be offensive, valuing the worth of some lives over others, and thereby waging violence (however slow) against some forms of life. If, as I would also argue, any epoch of thriving and fecundity takes place at the expense of some lives, then all ages are ages of extinction. What makes our time—the sixth mass extinction—more intense is that questions that have always haunted political personhood are now becoming more explicit. The interrelated problem of capacity and extinction has not only determined the human lives that are deemed to be worth living but has also generated the liberal political person whose autonomy, productivity, super-intelligence, and heightened capacity for urbanity is the Anthropos of the Anthropocene, the “man” whose cost to the planet is too exorbitant to reckon.8 When (today) utilitarian arguments are explicitly offensive, or make the claim that some lives ought not be lived, they reveal the offensive (combative, polemical, violent, barbaric, sacrificial) nature of what has called itself civilization. If this civilization, today, is facing extinction and is therefore pressed—more than ever—to consider ways of “weighing lives,” it may either continue with ever more nuanced and expanded conceptions of the worth of life, or it may regard this question itself as an indictment of the very rationality it seeks to save. Phrased differently, we might say that the problem of disability runs to the very heart of the extinction-logic that enables the political tradition of the person. Both those who assume that the human species—because of certain capacities—has a prima facie right to survive and those who calculate that human life as such is not worth living (for all their seeming extremity) are expressing a broader logic of the proper potentiality of a highly normative conception of human flourishing. As an example of the prima facie “right to humanity,” I would cite Rebecca Newberger Goldstein’s defense of Wilfrid Sellars and philosophical progress. The rational image we have of ourselves, even when at odds with scientific evidence about the irrational causes of our behavior, will generate an ongoing history of coherence and inclusion, where the rational “we” extends itself to value others:

Gregarious creatures that we are, our framework of making ourselves coherent to ourselves commits us to making ourselves coherent to others. Having reasons means being prepared to share them—though not necessarily with everyone. The progress in our moral reasoning has worked to widen both the kinds of reasons we offer and the group to whom we offer them. There can’t be a widening of the reasons we give in justifying our actions without a corresponding widening of the audience to which we’re prepared to give our reasons. Plato gave arguments for why Greeks, under the pressures of war, couldn’t treat other Greeks in abominable ways, pillaging and razing their cities and taking the vanquished as slaves. But his reasons didn’t, in principle, generalize to non-Greeks, which is tantamount to denying that non-Greeks were owed any reasons. Every increase in our moral coherence—recognizing the rights of the enslaved, the colonialized, the impoverished, the imprisoned, women, children, LGBTs, the handicapped . . .—is simultaneously an expansion of those to whom we are prepared to offer reasons accounting for our behavior. The reasons by which we make our behavior coherent to ourselves changes together with our view of who has reasons coming to them.

And this is progress, progress in increasing our coherence, which is philosophy’s special domain. In the case of manumission, women’s rights, children’s rights, gay rights, criminals’ rights, animal rights, the abolition of cruel and unusual punishment, the conduct of war— in fact, almost every progressive movement one can name—it was reasoned argument that first laid out the incoherence, demonstrating that the same logic underlying reasons to which we were already committed applied in a wider context. The project of rendering ourselves less inconsistent, initiated by the ancient Greeks, has left those ancient Greeks, even the best and brightest of them, far behind, just as our science has left their scientists far behind.

This kind of progress, unlike scientific progress, tends to erase its own tracks as it is integrated into our manifest image and so becomes subsumed in the framework by which we conceive of ourselves.9

For all its manifest worthiness, the notion of a progressive “self-image” that gains in ongoing global coherence, alongside scientific progress, sees its path of self-correction as improving with more and more human life taking part in the journey of development. One could make the rather obvious point that such a notion of “progress” by way of inclusion and ongoing “self-image” precludes other ways of thinking about human and nonhuman life that do not involve self-image (or some shared normative conception of “the human”), but in addition to the colonialist mentality of self-justification, one might ask about the price paid for such a history of philosophical progress. Would not other modes of life—such as those without an overinvestment in “self-image” or “the” human—have generated a quite different history of the planet? Such a question cannot be asked if a certain mode of human reason is an unquestioned good. But just as the inflation of human personhood precludes asking the question of the loss and extinction of other lives with other capacities, certain arguments for the extinction and annihilation of part or all of humanity also assume the value of the person—a single life with its specific coherence, value, and meaning. (Not only is such a notion historically and culturally specific, and tied to a highly normative conception of human self-awareness, it is also this self with an unquestioned right to the “good life” of reflection, reason, and self-determination that has generated the Anthropocene.)

When this prima facie right to life has been questioned, it has, more often than not, been by way of the same norms of capacity, will, autonomy, and personhood that supposedly make life worth living. David Benatar has argued that the human species as such should—after rational consideration—decide that it ought not exist. If we were to calculate the pleasures and pains of human existence, then not only would we decide on nonexistence as the best way to ensure the reduction of suffering, we would also realize that while there is an imperative to eliminate suffering, there is no symmetrical imperative to bring persons into being to generate pleasures or well-being. Benatar does not see a performative contradiction in being a will who decides that it is better not to exist as a willing being; once we come into being, there is a rational reason to persist in our being and live as well as possible, but that does not entail that we should will other lives to come into being. Benatar’s argument is an intensified form of an argument that has profound implications for disability.10 Peter Singer has argued that being human is not sufficient to justify a life worth living and that the calculus of pain, suffering, and living well should prompt us to choose the lives of some animals—who could enjoy lives free of suffering—over the lives of some humans, whose quality of life would not count as living well. It is for this reason that Singer can at once argue that animals ought not be killed for human consumption and that some forms of infanticide are legitimate. For Singer, it is the lack of rationality, autonomy, and a certain appreciation of life (rather than being human) that renders life not worth living:

The fact that a being is a human being, in the sense of a member of the species Homo sapiens, is not relevant to the wrongness of killing it; it is, rather, characteristics like rationality, autonomy, and selfconsciousness that make a difference. Infants lack these characteristics. Killing them, therefore, cannot be equated with killing normal human beings, or any other self-conscious beings.11

Singer expands on this point by considering a specific type of disability and what it precludes:

To have a child with Down syndrome is to have a very different experience from having a normal child. It can still be a warm and loving experience, but we must have lowered expectations of our child’s ability. We cannot expect a child with Down syndrome to play the guitar, to develop an appreciation of science fiction, to learn a foreign language, to chat with us about the latest Woody Allen movie, or to be a respectable athlete, basketballer or tennis player.12

This degree of disability does not necessarily warrant infanticide or abortion, but what does count is development; the more capacity a being develops, the less ethical it is to terminate a life. If parents choose to abort an “abnormal” fetus, then they do so at a stage prior to the development of the capacities that would make killing unethical; the same applies to infanticide. It is not species membership but capacity that counts.

Both Benatar and Singer rely on a strict utilitarianism; species and sentiment aside, one should decide on whether a life is worth living in general, where worthiness can (at the very least) be determined by an absence of suffering. In contrast with arguments that begin from the sanctity of the person, one begins with a calculus: a good life is a free self-determining life. If one accepts the premise of a life worth living, then certain lives become candidates for nonbeing. (For Singer, this is the profoundly disabled, whereas for Benatar, it is humanity as such.) It seems that questions of utility, or of what counts as a life with a sufficient degree of pleasure (or meaningfulness, or autonomy), lead inevitably to questions of human nonbeing: are there some lives that simply should not be? One might respond to this by objecting that the calculus of decision presupposes that which it claims to have justified; the subject who is doing the calculating, who is deciding on what ought to survive and how lives ought to be weighed, is—needless to say—a certain type of subject. This subject has the following capacities: a sense of “a” life, a sense of capacity (with rationality and autonomy being of significant importance), a sense of “humanity” as a global whole of which one is a member, and a manner of looking at life in terms of worthiness. One should not need too much training in anthropology, history, or critical race studies to discern the highly specific nature of these capacities.

This is not just to make a point about the poverty and brutality of Western reason and its normalizing gestures; it is also to say that many of the critiques of that same universal subject—such as those who argue for the worth of other lives, or those who value life as such for whatever reason—nevertheless take part in a rationing of life that is offensive. Here I draw again on the necessarily offensive/combative character of any assessment of the worth of life. Even if the worth of life is defined by less strictly utilitarian categories such as “meaning” or “dignity,” a certain capacity for calculus, for considering something like human life as such, and then the value of “a” life, allows for the claim that certain lives might be justifiably extinguished and enables a life of high capacity (high production, high reason, high technology) that has precipitated the sixth mass extinction.

#### Vote NEG to reject the 1AC in favor of a critical phenomenology of accessibility AND disability justice

Valentine ’20 [Desiree; 2020; Philosophy Professor at Marquette University studying the intersections of Critical Philosophy of Race, Feminist Philosophy, Queer Theory, and Disability Bioethics; Puncta Journal of Critical Phenomenology, “Shifting the Weight of Inaccessibility: Access Intimacy as a Critical Phenomenological Ethos,” vol. 3]

Critical phenomenology begins from a set of philosophical (and sociopolitical) assumptions concerning the self and the world that differs from rights-based approaches to accessibility. The subject of critical phenomenology is not the bounded, unified individual we find in rights-based approaches. Rather, in attending to the structures of lived experience, critical phenomenology provides a relational, intersubjective understanding of the self. Beginning from this notion of the self, the stakes of accessibility are (re)clarified. If our social world is not comprised of individuals conceived of as bounded units for accessibility programs to “bring into” its existing organization, then accessibility can be expanded to include attention to some of the most fundamental elements of our ways of living, acting, and being. Accessibility would thus be about intervention at the level of our sedimented patterns of relating and belonging. Additionally, critical phenomenology is particularly attentive to how our familiar patterns of inhabiting the world are informed by structural patterns of oppression. Methodologically, a critical phenomenological approach aims to “[suspend] commonsense accounts of reality in order to map and describe the structures that make these accounts possible, to analyze the way they function, and to open up new possibilities for reimagining and reclaiming the commons” (Guenther 2019, 15). Accessibility beyond a rights-based framework and informed by critical phenomenology would thus attend to a host of intersecting oppressions—ableism, racism, sexism, sizeism, classism, heterosexism—to name a few.

Fundamentally, I propose that access is not a practical and isolated thing or event. It is not about what one person or institution can do for another person but involves an ongoing, interpersonal process of relating and taking responsibility for our inevitable encroachment on each other. At base, access intimacy invites attention to our fundamental intersubjectivity, our inherent vulnerability, and the asymmetries of power in any relationship. Beginning from these assumptions, the question of whether access needs are met cannot fully be answered via attempts at equalizing or accommodating (though these are nonetheless necessary elements of access in our present moment). It must be answered through the development of individual and collective (re)orientations, ways of being responsive to our primary interdependence.

I. DISABILITY ACTIVISM: ACCESSIBILITY, RIGHTS, AND JUSTICE

Accessibility has been a vital concern for those concerned with disability rights and justice. The tensions between disability “rights” and “justice,” however, illuminate the different resonances “access” can have. In a rights-based framework, where the norms of inclusion and equality are paramount, access becomes mainly about specific logistical achievements of “accommodation” (Mingus 2017). For example, disability activism in the late 20th century U.S. succeeded in establishing legal provisions through the Americans with Disabilities Act (ADA) requiring most business and facilities to provide “reasonable accommodation” for all disabled clients, customers, and members of the public.2 This has mainly included addressing mobility constraints with ramps or elevators or providing communication accommodations such as braille or captions. More recently, this has also included the use of content or trigger warnings to address mental health conditions.

The radical nature of the ADA at the time of its inception and today should not go understated. Working against a history of social and physical isolation and discrimination of disabled individuals, the ADA helped to conceptually transform the focus on disability as a so-called “defective” state of an individual to a “defective” state of society, demonstrating the move from a medical model to a social model of disability (Silvers 1996).3

<<Footnote 3 Starts>>

The ADA did not create the social model of disability, which was born in the UK in the 1970s; rather, the ADA used the social model of disability in its language and policies.

<<Footnote 3 Ends>>

At their best, legalistic approaches have fundamentally and forcefully altered built environments to allow for a range of individuals with various disability statuses to literally be together in space. The ADA signaled a public attempt at rectifying the exclusion of disabled individuals, thus contributing significantly to the necessary material and symbolic anti-ableist transformation of society. Yet too often in practice rights-based frameworks fall short of the radical transformative potential of disability activism by allowing legalistic, accommodationist inclusion to be its pinnacle achievement. Such accommodationist inclusion allows for change only insofar as the central structures and values of society are maintained. For example, independence remains valorized and so “access” amounts to disabled individuals independently accessing those spaces that non-disabled individuals can now access. The focus here is on individual inclusion into such spaces, rather than the radical alteration of these spaces to prevent the need for individual accommodations in the first place.4 The legalistic, rights-based framework of access ultimately assumes independence as a condition of equality and then presumes equality as a matter of sameness, thus leaving intact fundamental pillars of an ableist society.

Certain assumptions regarding the ontological status of the self, the sociopolitical landscape, and the goals of liberation are evident here. First, a rights-based platform holds a liberal, atomistic view of the self. That is, the bounded, singular individual is the locus of concern—access accommodations are directed at or for the individual. Additionally, rights-based frameworks employ a reactive approach to the way in which the organization of society is expected to change. The primary goal is fitting disabled individuals into a world constructed through ableist thought and practice rather than transforming the conditions of such a world in the first place. The goals of liberation in a rights-based platform thus include granting greater individual freedoms in an accommodationist fashion.

Various problems arise with the rights-based framework. First, accessibility remains positioned as a retroactive “fix.” This framework fails to anticipate disability in the world and correspondingly fails to build a world where disability is assumed, centered, and valued. Rights-based notions of accessibility generate the façade of aspirational total independence and self-reliance, neglecting to acknowledge the ways in which no one fully “independently” accesses spaces or relies on themselves to achieve their goals. Our agency or our ability to access spaces (both built and social) is supported (or not) given one’s proximity to the norms and values of a given society.5 Take for example the norms of our current capitalist society and the case of chronic illness, pain, or fatigue. In capitalist societies, bodies are evaluated in terms of their productivity and their ability to contribute to a competitive economic market. In this context, rights-based accessibility accommodations more often than not entail what Aurora Levins-Morales describes as “better access to exploitation [and] greater integration 4 Consider the discourse and practice of the accessibility philosophy of “universal design” here. In brief, universal design is defined as “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” (The Center for Universal Design, 2008). 5 Consider here María Lugones’s discussion of “active subjectivity” in Pilgrimages/Peregrinajes (2003). into a profit-driven society that is driving thousands of species toward mass extinction and making the planet uninhabitable for humans” (2019, 51). If this is the case, the “work” of rights-based accessibility ends where capitalism begins and a whole host of bodies and minds remain structurally precluded from access-related care and concern. Bodies and minds that cannot be accommodated by a capitalist system that emphasizes efficiency and productivity and produces alienation and exploitation (and oftentimes disability itself) are left out of rights-based discussion of access, narrowing our field of concern for fighting ableism and advancing more liberatory futures. Levins-Morales continues: “The last thing we need is more opportunities to do our part in keeping the interlocking wheels of class, white supremacy, heteromale supremacy, and imperialism turning” (51).

If we are to truly transform our present ableist world, we need to seek fundamental changes to such norms, values, and ways of being, knowing, and acting. Accessibility is not simply about logistics or building a “check-list” style response to inaccessibility (e.g., do we have ramps, braille, etc.). There is a difference between a reductive notion of physical access as accommodation and a more transformative notion of physical access that begins with a commitment to broaden access from the start. The latter views access as embedded in the reasoning for creating built environments themselves; bringing together differently embodied folks becomes a core design feature. Additionally, a radical conception of access goes beyond physical means and demands attention to the wealth of social, emotional, and mental diversities of ways to inhabit the world. The use of content warnings has marked a transition from ignoring to recognizing various psychological diversities. However, when used to “accommodate” students by merely excluding them from the classroom space or from engaging with the material, content warnings do little to anticipate and construct a space acknowledging a range of social and psychological backgrounds.6 Rather, understanding, anticipating, and valuing such a range of experiences is key to developing a more just and anti-ableist world. Transformative notions of access attend to the conditions in which we are able to (or not able to) materially and socially build the types of communities we want. In this way, a deeper understanding of accessibility concerns practices of world-making (and re-making) themselves rather than inclusion into an already existing (ableist) world.

#### Prioritize epistemic orientations that refuse debate as a space of militarized education and productivity. That orientation is key to producing subjects that challenge ableism and eugenic violence.

Castrodale ’15 [Mark; 2015; Ph.D., professor of social sciences at the University of Sheffield; Gendered Militarism in Canada, “A Critical Discussion on Disabled Subjects Examining Ableist and Militarist Discourses in Education,” Ch. 5]

Drawing on the works of Foucault (1984, 1994, 1995, 2003), one sees that gendered and disabled bodies are constituted discursively through webs of knowledge-power relations, and subjects may also work to constitute themselves. Examination of the intersection of gender and disability may shed new light on the ways in which bodies are constituted in various educational sites in potentially disempowering and empowering ways. In Discipline and Punish Foucault (1995) discusses disciplinary tactics and the “ vast science of war ” (p. 168) that applies to “ the general foundation of all military practice, from the control and exercise of individual bodies to the use of forces specific to the most complex multiplicities ” (p. 167).. Military knowledges represent a body of knowledge of how to know, move, coerce, discipline, and govern people (Foucault, 1995). Foucault demonstrates military knowledge as a foundation of tactics, procedures, manoeuvres, exercises , and functions, which may be used to regulate and shape entire societies, thereby extending into educational realms.

According to Foucault (1995), discipline entails a series of calculated measures, methods , and techniques aimed at observing, knowing, ranking, and rendering bodies useful and docile. For Foucault , a disciplined docile body may be corrected, controlled, and regulated as an “ object and target of power, ” where in every society individuals are subjected to “constraints, prohibitions, or obligations” (p. 136). Discipline increases the forces of the body in terms of socio-economic utility and decreases forces of resistance to encourage obedience (Foucault, 1995). All bodies may be enhanced. The perfect body, in military terms, is mouldable, moveable, and trainable (Foucault, 1995).

Militarization entails seeking advantages, advancing a position, finding tactical opportunities, and developing new technologies. Coordinating bodies that are unpredictable and unruly becomes troublesome. Militaries have been interested and invested in bodies, in making bodies perform certain spatio-temporally coordinated tasks (Foucault, 1995). For militaristic purposes bodies are trained, observed, organized, located, fixed, coordinated together or independently, and moved in rhythmic timings and particular places. Foucault describes this ideal soldier as a male

who could be recognized from afar; he bore certain signs: the natural signs of his strength and his courage, the marks, too, of his pride; his body was the blazon of his strength and valour...the soldier has become something that can be made; out of a formless clay, an inapt body, the machine required can be constructed; posture is gradually corrected; a calculated constraint runs slowly through each part of the body, mastering it, making it pliable, ready at all times, turning silently into the automatism of habit. (p. 135)

Soldiers’ bodies thus represent mouldable bodies that can be trained in the service of their country; they are oxymoronically disposable and indispensable citizens (see Taber, Chapter 4 of this volume, for a discussion of the latter).

Disabled bodies are often characterized as deviant, labelled and sorted according to biomedical , psychological disciplinary fields of knowledges (Murray, 2007), understood as imperfect, faulty, fat, weak, penetrable, and leaky (Shildrick, 1997). The disabled body is seen as deficient, abnormal, and in need of fixing. Disability is associated with dependence, and the disabled body often represents an “entity to be conquered” (Batts & Andrews, 2011, p. 558). Urla and Terry (1995) assert that “scientific and popular modes of representing bodies are never innocent but always tie bodies to larger systems of knowledge production and, indeed, to social and material inequality ” (p. 3).

Unpacking the constitution of all bodies entails critically thinking about the biomedical gaze (Foucault, 2003), dividing practices, hierarchical rankings, and normalizing judgments (Foucault, 1995), the materiality of bodies (Butler, 1993), the carnal politics of embodiment, and theorizing relating to the intersection of disability, gender, sexuality, race, and class. According to Goodley (2011), “a body or mind that is disabled is also one that is raced, gendered, trans/nationally sited, aged, sexualised and classed” (p. 33). Seeking to improve bodies deemed to be weak and fragile, military operations have developed bio-robotic, technological inventions such as the exoskeleton , which may enhance balance, speed , agility, and efficiency of movement and increase load -carrying capacity (Bogue, 2009). Not only do these technologies support direct military objectives, but they extend into the civilian arena, improving and rehabilitating disabled bodies often to move further and function faster in accordance with able-bodied norms. All bodies may be blended with bio- medical , militarized technologies to render them more useful and productive.

CDS offers avenues to critically examine military technologies in relation to how they shape the mattering of bodies. Technologies relating to augmentation and enhancement are of particular military interest. The ways in which bodies are moulded to fit and function with new technologies create hybrid bodies and perhaps new cyborg-body identities (Harraway, 1991). As an example, the prosthetic limbs of the model and athlete Aimee Mullins are imbued with aesthetic form and function. Thompson (2004) comments on how she “counters the insistent narrative that one must overcome impairment rather than incorporating it into one’s life and self, even perhaps as a benefit.…Mullins uses her conformity with beauty standards to assert her disability’s violation of those very standards. As legless and beautiful, she is an embodied paradox, asserting an inherently disruptive potential” (p. 97).

Thus, socio-cultural standards of beauty and ability are tied to norms of gendered performativity, connected in a nexus of function and form, aesthetic norms and norms surrounding movement, and ability in various spaces and contexts. To transgress these norms is to violate the “ideal” of “able-bodied” and the “ways of being, or moving, that…approximate more closely to the bodily actions and practices of ‘able-bodied’ people” (Price & Shildrick, 2002, p. 67).

As militarized technologies, ideals, standards, and values enter educational realms and inform pedagogical practices, it is essential to critically evaluate new educational technologies, examining how they relate to the ways in which teachers and learners are constituted. Such technologies may reflect normalized, gendered, and able-bodied ideals and reinforce dominant ways of thinking and being in the world. For Falk (2008), all pedagogies may represent military pedagogies because education is a strategic weapon that shapes individuals’ subjectivities as nation-states vie for power. As such, “education doesn’t win hearts and minds. Education makes them” (p. 2).

#### The role of the judge is to interrupt debates disabling environment, refuse the inevitable 2AC call to normativity, AND sever the distinction between structure and procedure.

Castrodale ’18 [Mark Anthony; 2018; Ph.D., professor of social sciences at the University of Sheffield; Manifestor for the Future of Critical Disability Studies, “Disabling militarism: Theorising anti-militarism, dis/ability and dis/placement,” p. 66-68]

Disability represents a discursive-matter of interest well situated in the military-industrial-academia nexus. Critical disability and Mad studies scholars often examine disability as the social oppression of impaired persons where there is no single way of knowing or understanding disability (Taylor, 2004) nor madness (see LeFrançois, Menzies, and Reaume, 2013). These fields represent areas that root disablement not in individuals but in disabling environments and socio-political-economic structures (Castrodale, 2015). Similarly, Mad studies centres its discussions on the examination of psy-violence, the oppression of consumers, survivors, ex-patients (c/s/x), and how sanism negatively impacts the lives of Mad/crazy people (Beresford and Russo, 2016; Costa, 2014; LeFrançois, Menzies, and Reaume, 2013; Reville and Church, 2012; Russo and Beresford, 2015). Mad studies and self-identifying Mad subjects are reclaiming the term mad from its pejorative roots (Costa, 2014).

Dis/abled subjectivities are mediated by socio-spatialities (Lefebvre, 1991; Soja, 2010) and alienated through unequal geographies (Soja, 2010). As Soja (ibid., p. 105) states, ‘space is filled with politics and privileges … justice and injustice, oppressive power and the possibility for emancipation’. A radical rethinking of socio-spatial-temporal norms requires an intersectional focus, a sustained look at power-knowledge embodiment-materiality and space (Foucault, 1984). Within the military–industrial–academic nexus, how do Mad and dis/abled subjects matter, that is, how do they materialise and have meaning (see Butler, 1993)?

Fitting is contingent and contextual – people fit in accordance with socio-spatial-temporal norms. We are enmeshed in our geographies. For Garland-Thomson (2011, p. 592), therefore:

The concept of misfit emphasizes the particularity of varying lived embodiments and avoids a theoretical generic disabled body that can dematerialize if social and architectural barriers no longer disabled it … the concept of misfitting as a shifting spatial and perpetually temporal relationship confers agency and value on disabled subjects at risk of social devaluation by highlighting adapt-ability, resourcefulness, and subjugated knowledge as potential effects of misfitting.

Mis/fitting attends to ‘how the particularities of embodiment interact with the environment in its broadest sense, to include both its spatial and temporal aspects’ (Garland-Thomson, 2011, p. 591). Mad and dis/abled subjects are thereby intelligibly–materially understood as mis/fitting subjects in relation to ableist/sanist socio-spatial-temporal ideals.

Fit is relevant when unpacking able-sane socio-spatial privilege. ‘Finding one’s fit entails negotiating spatial-temporal norms, rethinking the material-embodiment-space nexus, and unpacking institutional power-knowledge webs enabling and constraining different spaces, embodiments, and fits’ (Castrodale, 2015, p. 374). This troubles how our contingent fleshiness becomes measured in relation to the Western dominant normate aesthetics of a man who is white, able-bodied, athletic, thin, and proportioned (Garland-Thomson, 1997). ‘Environmental fit makes nondisabled people less aware of their own embodied privilege’ (Hamraie, 2013, np). Able-bodied sane normative privilege is thus a reduction/absence of mis/fitting socio-spatial violent friction that wears on bodies and minds. Ableist/sanist friction productively works to grind misfitting people into a conformist sane, abled-bodied shape.

As an example of new fitting military–civilian technologies, a prosthetics limb may have a range of motion beyond that of congenital limbs. As Cohen (2012) attests, ‘prosthetic incorporations call attention to the limits and boundaries of our bodies and the broader contexts to which they are connected’. Prosthetic advances expose our human parts as lacking, as less capable and hardy than our potential cyborg futurities (Haraway, 1991). As technologies of fit, prosthetics have socio-cultural significance, lubricating the body-function-spatiality-context mismatch, easing the body–space fit (see also Garland-Thomson, 2011). Prosthetics may also be transgressive.

Militarised spatio-temporal regimes materially shape dis/abled subjects’ embodied materiality and play a constitutive role in discursively mediating who fits, and who is deemed to embody all that is unfit (ibid.). Fitness relates to a biomedical gaze, regimes of truths, observations, calculations and exercises (Foucault, 2006). As Goodley and Runswick-Cole (2016, p. 6) attest, ‘Dis/ability usefully disarms, disrupts and disturbs normative, taken-for-granted, deeply societally engrained assumptions about what it means to be human …’. Our conceptions of a hyper-masculine, able-bodied, strong, fit, autonomous soldier rest on the uber-able soldier subject. Discourses of fitness pervade militaristic ideology. Those devalued and deemed unfit are in need of exercise regimes and training to adjust their deficient selves. ‘Not all bodies are granted the status of persons (let alone of human)’ (Goodley and Runswick-Cole, 2016, p. 7). Ideals of hyper-masculine able-bodied soldiers are cast as brave warriors, as opposed to frail feminised disabled subjects (Castrodale, 2015). Constitutions of devalued humans are evoked as a rationale as to why they rightfully may be harmed or perish.

Garland-Thomson’s (2011) concept of mis/fitting is useful as an explanatory theory of how Mad and disabled subjects experience socio-spatial alienation, violence and injustice. Spaces may be purposefully designed to exclude misfitting persons, whose conducts are misaligned with dominant socio-spatial norms, from actively participating in certain environments (Hamraie, 2013). Within such a socio-spatial dialectic (Lefebvre, 1991), our subjectivities are mediated by space and we (re)act back to agentically craft spaces.

## Case

### Civil Service ADV---1NC

#### No solvency. Trump gets the last word---he’ll override civil servants’ judgements and defund their work.

McFerran ’25 [Lauren; February 21; JD, senior fellow at The Century Foundation; Century Foundation, "Trump Executive Order Could Prevent Independent Agencies from Protecting Workers’ Rights," https://tcf.org/content/commentary/trump-executive-order-could-prevent-independent-agencies-from-protecting-workers-rights/]

On February 18, President Trump issued an executive order purporting to assume control over independent administrative agencies, including those that hear and decide individual cases involving workers’ rights and protections, such as the National Labor Relations Board (NLRB). Independent agencies were carefully designed by Congress—decades ago—to ensure that they can act in accordance with the law, unaffected by political influence or presidential favoritism. Giving the White House such direct and unprecedented control over independent agency leaders’ decisionmaking—including the ability to override their legal judgments and defund their work on specific matters—destroys these agencies’ neutrality.

In terms of the workplace, this radical assertion of White House influence strongly suggests that critical worker rights and protections could go unenforced—or even that particular White House allies could effectively be treated as exempt from accountability for the laws that protect American workers.

The Executive Order Functionally Eliminates These Agencies’ Independence

The order, entitled “Ensuring Accountability for All Agencies,” purports to “improve the administration of the executive branch” and “increase regulatory officials’ accountability to the American people” by asserting unprecedented new presidential powers to control the operations and decisionmaking of agencies designed by Congress to be insulated from political influence. These new powers include:

giving the president and the U.S. attorney general the ability to override the agency’s own interpretation of the law it administers;

giving the director of the Office of Management and Budget (OMB) the authority to control expenditure of the agency’s funds, including defunding “particular activities, functions, projects or objects”;

requiring independent agencies to submit any new regulations to OMB for substantive review;

requiring all “agency heads” (including, it would seem, each individual member of bipartisan boards such as the NLRB, whether Republican or Democrat) to employ a “White House Liaison” as a senior staffer in their offices;

requiring independent agency chairmen to “regularly consult with and coordinate policies and priorities with the directors of OMB, the White House Domestic Policy Council and the White House National Economic Council”; and

giving the director of the OMB the authority to establish and evaluate the “performance standards and management objectives” for independent agency heads.

The scope of the order’s impact on the ability of independent agencies to make policies or regulations is clear on its face: instead of exercising independent, expert judgment (as Congress intended), these agencies would now make policy on behalf of the White House and serve their statutory missions only when expressly given White House permission. While the order purports to restore “sufficient accountability to the President,” it is more accurately viewed as a clear intrusion on the authority of Congress to determine that insulating such agencies from political control over their day-to-day decisionmaking serves the public welfare. Indeed, the full scope of the White House’s efforts to intrude on independent agencies’ autonomy is made clear by a second order, issued the next day, requiring all federal agencies—including independent agencies—to work with their “DOGE team leads” and OMB and identify for possible elimination all existing agency regulations that are not, in the view of these external actors, based on the “best reading” of the underlying law. Independent agencies have not historically been subject to such a highly politicized regulatory review process, because they have, up until now, been treated as actually independent.

Instead of exercising independent, expert judgment (as Congress intended), these agencies would now make policy on behalf of the White House and serve their statutory missions only when expressly given White

#### Trump will violate CBAs, drag out the process, and receive no penalty.

Calemine ’24 [Jody; January 22; JD, senior fellow and director of labor and employment policy at The Century Foundation; Century Foundation, "Remedying Employers’ Unlawful Refusal to Bargain," https://tcf.org/content/commentary/remedying-employers-unlawful-refusal-to-bargain/]

What typically happens today when an employer refuses to bargain in good faith shows just how broken the NLRB process is for protecting worker rights during bargaining. If an employer is dragging their feet to avoid bargaining a contract, workers can file an unfair labor practice charge. A trial is then held, and appeals are heard. It can take years of litigation, at which point—after years of not bargaining or the most superficial, bad-faith bargaining from employers—the remedy handed down by the NLRB is borderline pointless.

Understanding how the NLRB process became so ineffectual in preventing employers from delaying bargaining requires going back over half a century to 1970, in a case called Ex-Cell-O Corporation, the National Labor Relations Board limited the standard remedy for an employer refusing to bargain in good faith to the following: the employer must post a notice in the workplace promising that it will bargain in good faith and is issued an order to do so. That’s it. Since Ex-Cell-O, in each case where an employer has refused to bargain, the employer is simply ordered—after breaking the law for years—to start obeying the law it was already obligated to obey. In especially egregious cases, the NLRB might award the very rare “special remedy” of reimbursing the union for its bargaining costs, for when it wasted time negotiating with a bad faith employer. Under Ex-Cell-O, however, the most injured party—the workers denied their opportunity to bargain and win something better—are not compensated.

When union-busting companies take advantage of the NLRB’s toothless remedies, as was fashioned in Ex-Cell-O, the central policies of the NLRA—protecting the right to organize and promoting collective bargaining to improve the lives of workers’ and minimize industrial strife—are undermined. And this situation has been going on for over half a century when it comes to bargaining a first contract.

Ex-Cell-O Undermines the Right to Organize

One of the NLRA’s central policies is protecting workers’ right to organize. Workers organize so that they can improve their wages and working conditions and have the dignity of a voice on the job—and that voice is given its formal power at the bargaining table. By refusing to bargain, an employer can buy itself years of delay in ever allowing that voice to be effective. For an anti-union employer, unconcerned with its public image, the law, as it has been enforced, invites this lawbreaking approach. Under Ex-Cell-O, by dragging out the bargaining, the best outcome for the anti-union employer is that its workers give up and vote out their union. The worst outcome is that the employer is ordered to do the thing it was supposed to do in the first place: start bargaining.

In workplaces with high employee turnover—often a result of the very working conditions that the workers formed a union to improve—the employer’s refusal to bargain and the long road of litigation that ensues mean that by the time the employer is finally ordered to bargain, the composition of the bargaining unit that voted in favor of unionizing has changed drastically. That is, the bargaining unit’s pro-union majority may have been eliminated by attrition and turnover.

Consider Amazon. The average Amazon warehouse worker lasts eight months on the job. Twenty-one months have passed since Amazon’s Staten Island warehouse workers voted for a union, and the company has not agreed to a single collective bargaining session.

Or consider Starbucks. The average tenure for the plurality of Starbucks baristas is one to two years. Yet it’s been two years since the first stores organized a union, and not a single contract has been reached at any of the more than 370 Starbucks stores that have voted to unionize. The company continues to stall meaningful bargaining, insisting on making the process as inefficient as possible.

When employers avoid meaningful negotiations for years, many of the workers who originally voted to unionize so that they could collectively bargain are no longer around to even see the promised collective bargaining take place. Such an outcome doesn’t vindicate the right to organize but rather renders its exercise futile for countless workers.

Ex-Cell-O Invites Industrial Strife

Another central policy of the NLRA is promoting collective bargaining to minimize industrial strife. But under Ex-Cell-O, the ineffectiveness of the NLRB’s remedy for an employer refusing to bargain invites industrial strife. Workers need not take the employer’s lawbreaking sitting down. They have a right to engage in concerted activity, such as picketing or going on strike. While the legal machinery inches forward to finally impose an order on the employer to obey the law, workers can try to speed up the employer’s compliance by mobilizing. Workers can wage public campaigns, workplace actions, consumer boycotts, and strikes to press the employer to start bargaining in good faith. The employer’s refusal to bargain and the NLRB’s ineffective remedies not only encourage but practically demand industrial strife as a response from employees. Indeed, when it passed the NLRA, Congress itself noted this causal link, finding that employers’ refusals to accept collective bargaining had been causing the strife that the NLRA intended to resolve.

The upside of this concerted activity by workers is that it can build a militant labor movement. The downside is that it can be resource-draining and time-consuming, all for purposes of simply convincing an employer to obey the law. And even if the workers are successful, they are not compensated even one penny for all the losses they incurred before an employer’s compliance with the law is achieved.

The Losses Incurred by Workers

Workers unarguably endure losses when companies fail to bargain in good faith. Workers typically unionize in the first place because they have bills to pay but they aren’t earning a living wage, or because they have children who count on them but they don’t have predictable schedules, or because they have serious medical issues but no affordable health plan. Each week that passes while the employer refuses to bargain over these issues is another week of lost opportunity to address these issues at the bargaining table. The self-help that workers are forced to engage in due to NLRB toothlessness—for instance, going on strike for several days—often translates into further loss. When workers walk off the job to press their employer to obey the law, they lose wages. When they spend their time at a picket or rally or flyering the public, they lose time that could have been spent earning money or enjoying their family—all because of the employer’s illegal refusal to sit down and bargain in good faith.

#### Admin state fails.

Beek ’22 [Michael Van; July 23; Director of Research for the Mackinac Center for Public Policy, The Hill, “Pandemic failures expose problems of the administrative state,” https://thehill.com/opinion/healthcare/3570569-pandemic-failures-expose-problems-of-the-administrative-state/]

State governments used an unprecedented level of executive power to respond to the COVID-19 pandemic. Governors and other state officials tried to control entire state economies and even our private interactions. The impact these measures had on overall public health is not yet known, but there were many blunders made along the way. These failures expose some inherent problems of the administrative state — the vast landscape of departments and agencies that make up the executive branch of government.

One must separate intent from reality to understand how the administrative state functions. These bureaucracies are meant to enforce the laws the legislature creates. They should be focused on carrying out the policy goals pursued by these elected representatives. In reality, bureaucrats get their marching orders from governors.

This explains why, when governors issued controversial orders in response to the pandemic, the administrative state supported them unequivocally. Although staffed by experts who claim that they are impartial and guided only by evidence, state bureaucrats generally just went along with whatever policies their governors chose. Given their radically different responses to COVID-19, it was as if each state bureaucracy followed its own unique version of “the science.”

This highlights an important shortcoming of the administrative state: It is highly susceptible to groupthink. Governors call the tune and bureaucrats fall in line. There are no mechanisms to ensure opposing viewpoints are heard, much less considered. This feature might be useful in the rare instances when emergency action is required, but it is disastrous as a standard operating procedure.

This groupthink helps make sense of the pandemic policies that made no sense. Remember when former Mayor Bill de Blasio reopened beaches in New York City but prohibited swimming in the waters lapping those shores? Barbecuing was also specifically outlawed. For a few weeks in Michigan, Gov. Gretchen Whitmer allowed the use of boats — except those powered by a motor. She permitted people to walk a golf course — but not while carrying and occasionally swinging golf clubs. The rest of this page could be filled with examples of nonsensical policies that were obviously pointless and performative.

It is difficult to imagine how governors and their bureaucratic advisers came up with these bizarre rules. The administrative state may operate in a bubble where blatantly bad ideas receive little or no substantial pushback. State officials seem disconnected from reality when they issue arbitrary orders that are unlikely to make a difference when applied in the real world.

Another problem with letting governors and the administrative state run the show is that they are susceptible to the pleading of special interest groups. One reason that schools remained closed for so long in many states and cities was the influence of teachers unions. They have a long-established, cozy relationship with government officials. Unions can more easily persuade public officials than could, say, a group of concerned but politically unsophisticated parents.

#### Soft power is over and overwhelms AFF solvency.

Nossel ’25 [Suzanne; May 9; JD, President and CEO of Freedom House; Foreign Policy, “Joseph Nye Was the Champion of a World That No Longer Exists,” https://archive.ph/qaB1S]

Over the last eight years, the foundations of the belief system that Nye helped construct have corroded beyond repair. The first Trump administration showed the world a bombastic, mercurial, and sometimes ruthless side of U.S. power. A humbled Biden administration proclaimed that America was “back” only to struggle to reconcile its commitment to newfound humility with the ability to project power persuasively in an interSnational landscape that, as Nye had predicted, was growing progressively more diffuse and contested.

The initial months of Trump’s second term have brought a stunning abdication of Washington’s commitment to soft power that Nye helped instill. The current administration has dismantled the U.S. Agency for International Development (USAID); cut funding for civil society groups engaged in humanitarian and human rights work; recast Voice of America as a mouthpiece for the pro-Trump One America News Network; curbed immigration and foreign visas; attacked U.S. universities and research; and reduced Washington’s global diplomatic footprint.

Meanwhile, Trump’s indifference to the trans-Atlantic alliance; indulgence of Russian President Vladimir Putin; threats against Canada, Panama, and Greenland; and ricocheting tariff policies have cracked the bedrock of the country’s postwar identity.

Nye witnessed this unwinding. Just a week before his death, he said in an interview with CNN’s Jim Sciutto, “I am afraid President Trump doesn’t understand soft power. If you think of power as sticks and carrots and honey, he leaves off the honey. But if you could have the three reinforce each other, you get a lot more done. You can also economize on carrots and sticks if you have the attraction of honey. So when you cancel something like USAID humanitarian assistance, or you silence the Voice of America, you deprive yourself of one of the major instruments of power.”

#### Renewables fail.

Rees ’23 [William E.; January, Professor Emeritus at the University of British Columbia and former director of the School of Community and Regional Planning the UBC, Ph.D. in population ecology from the University of Toronto; The Journal of Population and Sustainability, “Overshoot: Cognitive Obsolescence and the Population Conundrum,” vol. 7, no, 1]

Reductionist blinkers on, green energy advocates tend to gloss over or dismiss the evidence that the much-vaunted renewable energy transition isn’t really happening as advertised. In 2021 fossil fuels still provided ~82 percent of the world’s primary energy; to put it in temporal terms, oil, coal and natural gas powered the globe for 300 of 365 days; hydro and nuclear power contributed forty days; modern non-hydro renewables – solar panels, wind turbines – where most investment is going gave us just eighteen days. Modern renewables produce electricity, but even in this domain fossil fuels are the largest contributors at 61 per cent of the world’s power supply; non-hydro renewables provided twelve per cent wind and solar only about nine per cent (from data in BP, 2022). A big part of the problem is that growth in demand for energy due to rising incomes and burgeoning populations in middle and low-income countries often outstrips the build-out of modern renewable sources (Chaurasia, 2020; Heinberg, 2022). But there are many other obstacles to a smooth energy transition: politically acceptable technologies are largely fossil-fuel (FF) dependent in manufacturing and installation; the associated mining, refining and transportation are otherwise ecologically problematic; renewables, hydrogen included, still face numerous technical problems; RE equipment/infrastructure is not ‘renewable’, it wears out and is merely replaceable (mostly using FF); grid-scale wind and solar generation is actually costlier than alternatives and becomes more expensive the higher their share of production; there are emerging supply-chain issues; and, in any case, electricity cannot substitute for many uses of FF (Heinberg, 2022; Schernikau et al., 2022; Seibert and Rees, 2021; Rees, 2022a; Michaux, 2021a,b; Turiel, 2020a,b). Even if all such problems were overcome, to replace just 45 per cent of FF use with electricity by 20307 would require building the equivalent of ~1.2 times the entire present cumulative global stock of wind and solar installations every year for the next seven years (based on data from BP, 2022), generously assuming that one unit of wind/solar electricity = ~2.6 units of FF energy; that all uses of FF can be electrified; and that there will be no increase in demand for energy). This is obviously an impossible scenario. Indeed, there is no practical way to quantitatively substitute electricity for fossil fuels on a climate-friendly schedule. The fact is that, despite the significant uptake of modern renewables in the electricity sector and the ebullient assertions of RE advocates, atmospheric CO2 concentrations are still increasing (Figure 1). We should also note that practical carbon-capture-and-storage techniques at scale continue to elude us; to imply that such non-existent technologies will help achieve net-zero emissions by 2050 adds to the dangerous illusion that a smooth energy transition is underway (Spratt and Dunlop, 2021; Dyke et al., 2021).8 As matters stand, the world will blow past the 1.5 C° and likely also the 2.0 C° global warming limits set by the IPCC. Earth has already warmed by >1.1 C° and prominent climate scientists assert that, due to the prevailing energy imbalance and short-term lag effects, ‘more than 0.5°C additional global warming is [already] in the pipeline’ (Hansen, 2018: 9; see also Spratt and Dunlop, 2021). Indeed, we are currently on track for ~2.7 C° warming and catastrophic climate damage.

#### No nuke terror---no interest AND too complex.

Mueller ’22 [John; 2022; Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies, Professor Emeritus at Ohio State University; CATO Institute, “Nuclear Proliferation,” https://www.cato.org/cato-handbook-policymakers/cato-handbook-policymakers-9th-edition-2022/nuclear-proliferation]

The Prospects for Atomic Terrorism

Alarm about the possibility of nuclear weapons proliferating to terrorists has been raised repeatedly over the decades. In the wake of 9/11, many commentators were predicting that terrorists might well set one off by 2014.

Alarm has tapered some in recent years because it has become increasingly evident that terrorist groups have exhibited only limited desire and even less progress in going atomic. Perhaps, after a brief exploration of the possible routes, they have discovered that the tremendous effort required is scarcely likely to succeed.

One route a would‐​be atomic terrorist might take would be to receive or buy a bomb from a generous, like‐​minded nuclear state for delivery abroad. That route, however, is highly improbable. The risk would be too great—even for a country led by extremists—that the source of the weapon would ultimately be discovered. Moreover, the weapon could explode in a manner or on a target the donor would not approve—including, potentially, on the donor itself.

Some observers have worried about “loose nukes,” weapons that can be stolen or bought illicitly. However, Younger’s observation remains relevant: nuclear nations are very serious about the security of their weapons. Moreover, finished bombs are usually outfitted with safety devices that are difficult to defeat.

Most analysts believe that a terrorist group’s most promising route would be to attempt to make a bomb using purloined fissile material—plutonium or highly enriched uranium. However, as the Gilmore Commission—an advisory panel on terrorism and weapons of mass destruction—stressed in 1999, building and deploying a nuclear device presents “Herculean challenges.” As it noted, the process requires a lengthy sequence of steps; if each is not fully met, the result is not simply a less powerful weapon but one that can’t produce any significant nuclear yield at all or can’t be delivered.

Physicists who have studied the issue conclude that fabricating a nuclear weapon “could hardly be accomplished by a subnational group” because of “the difficulty of acquiring the necessary expertise, the technical requirements (which in several fields verge on the unfeasible), the lack of available materials and the lack of experience in working with these.” Others stress the “daunting problems associated with material purity, machining, and a host of other issues” and conclude that the notion that a terrorist group could fabricate an atomic bomb or device “is farfetched at best.”

The notion that terrorists could come up with a nuclear weapon seems remote. As with nuclear proliferation to countries, there may be reason for concern, or at least for interest and watchfulness. But alarm and hysteria are hardly called for.

### Presidency ADV---1NC

#### Democratic peace is empirically bankrupt and spurious, BUT democracies are more war prone.

Bakker ’24 [Femke; March 22; Assistant Professor at the Institute of Political Science at Universiteit Leiden, Ph.D. in Political Science from Leiden University; Hawks and Doves: The Flawed Microfoundations of Democratic Peace Theory, “What About Democratic Peace?” Ch. 8]

Contribution to democratic peace theory

The findings of this study contribute in several ways to our understanding of normative and institutional democratic peace theory. These explanations for the democratic peace assume that specific political structures, the formal and informal structures of liberal democracy, influence decision-makers significantly and subsequently alter their behaviour. However, these assumptions are normative and grounded on specific political-philosophical ideas rather than being empirical facts. Yet democratic peace theory uses these assumptions as if they were empirical facts. As an explanation, democratic peace theory thus rests on normative foundations. I tested these assumptions, the actual micro-foundations of democratic peace theory, and showed that these are empirically unsupported.

First of all, liberal norms exist not only in liberal democracies but also within other regime-types. The liberal-democratic samples showed to have the highest level of liberal norms on average, as is expected by democratic peace theory, but the other regime-types also show to have, on average, positive levels of liberal norms. Liberal norms are thus not absent within other regime-types. The distribution of liberal norms within all three samples varies in similar patterns, which indicates that, within different regime-types, liberal norms fluctuate similarly. Furthermore, liberal norms neither influence the willingness to attack of decision-makers of liberal democracies nor decision-makers of other regime-types. The only, rather small but significant, influence of higher levels of liberal norms (in all three countries alike) was on the willingness to negotiate.

These results indicate that the philosophical idea that liberal democracy morally teaches its citizens to become better people does not find support in the empirical world. Liberal norms are internalised in people irrespective of the regime-type and its socialization processes. Liberal norms seem to be human norms that are capable of developing in all people, regardless of the regime-type they are born in. The results indicate that the internalisation of liberal norms happens as part of the process of self-development and not as a result of socialisation within the structure of a political regime. Therefore, liberal norms could better be called liberal values.

Earlier experimental studies of the democratic peace (Geva et al. 1993; Geva and Hanson 1999; Johns and Davies 2012; Z. Maoz and Russett 1993; Mintz and Geva 1993; Rousseau 2005; Tomz and Weeks 2013) have instrumentally assumed liberal norms to be present and influential within liberal democracies. They did not measure whether norms were actually present, and they did not test whether they indeed exerted influence as hypothesized. Neither did they compare the levels and influence of liberal norms in liberal democracies with evidence from autocracies. If the results of the current study suggest anything, it is that the theoretical underpinnings of these earlier studies need to be revisited.

Secondly, regime-type showed to have no influence on the willingness to attack, or the willingness to choose other relevant policy options, of decision-makers in all three samples alike. Regime-type thus did not influence decision-makers from liberal democracies significantly, as would be expected by democratic peace theory. This non-finding is not in line with earlier micro-level studies. These studies showed that regime-type did influence the willingness to attack: individuals from liberal democracies were more willing to attack autocracies over democracies (Bakker 2017; Geva et al. 1993; Geva and Hanson 1999; Johns and Davies 2012; Mintz and Geva 1993; Rousseau 2005; Tomz and Weeks 2013).

The question is how the findings of this study relate to previous scholarship. An investigation of the results showed that the non-influence of regime-type was not an artifact of the research design. Participants received the treatment of regime-type as intended, which indicates that they incorporated the information about the regime-type of the opponent in their decisionmaking process.

Four aspects might explain the differences in outcomes. Firstly, this study disconnected regime-type from the perception of threat by providing the information about the regime-type separately from other factors surrounding the conflict that might, in themselves, trigger a threat. As the studies of Johns and Davies (2012) and Geva and Hanson (1999) showed, it is hard to pinpoint the exact effect of regime-type when socio-cultural factors are part of the mix and might interact implicitly with regime-type. By separating the behaviour of the opponent (in this case, invasion and the use of hard power) from regime-type, the findings of this study might indicate that it was not regime-type that triggered participants in earlier studies, but another threat from the conflict scenario itself.

Second, and related to the former point, is the measurement of regime-type. This study used a hypothetical scenario about hypothetical countries, to make sure that participants would not be influenced by their specific preconceptions about real-world conflicts and countries. Most of the earlier studies (Bakker 2017; Geva et al. 1993; Johns and Davies 2012; Mintz and Geva 1993; Rousseau 2005; Tomz and Weeks 2013) used non-hypothetical countries and, moreover, relied (to a greater or lesser degree) on plausible real-world conflicts in their scenarios. Their scenarios might have triggered responses based on real-world perceptions, not only about the regime-type of the countries but possibly also about other features of these countries.

Thirdly, another point related to measurement. In this study, the regime-types were indicated by a neutral description of the practices of a liberal democracy and an autocracy, rather than by explicitly naming such regimes. No negative words were used to describe their practices, to make sure that no possible bias was triggered that might increase the perception of threat. The participants responses to subsequent questions showed that they perceived the regime-types as intended, which means that they understood what type of regime was meant, even although no specific or negative wording or con- notation was used. Most studies (Bakker 2017; Geva et al. 1993; Geva and Hanson 1999; Johns and Davies 2012; Mintz and Geva 1993; Rousseau 2005; Tomz and Weeks 2013) measured the regime-type of the opponent by explicitly naming the regime-type: democratic and autocratic/dictatorship, respectively. These words have strong and possibly negative connotations that might have triggered threat responses that are less connected with what a specific regime-type entails.

Lastly, the relevance of including other explanatory factors within the design should be explained. This study built on a previous study (Bakker 2017), in which the willingness to attack an autocracy over a democracy was tested and compared between the results of individuals from a liberal democracy with the results of individuals from an autocracy. This comparison proved to be fruitful:

The democratic experimental group showed to be more peaceful towards other democracies, just like previous studies showed. However, the comparative perspective brought a new insight: because the autocratic citizens were overall more peaceful towards all regime-types the comparison showed that actually the democratic participants were not more peaceful towards other democracies, but rather more war-prone towards autocracies. These findings are important in the light of theoretical refinement, and show that we cannot simply assume autocratic individuals to be war-prone, as democratic peace theory does. (Bakker 2017, 538).

However, multivariate analysis showed that the significant influence of regime-type on liberal-democratic individuals disappeared and did not have any explanatory value when the analysis controlled for other factors. In other words: the influence of regime-type lost its salience and showed to be marginal and not significant, because the multivariate analysis showed that the perception of threat of the conflict mattered, as well as actor-centric factors such as hawkishness (2017, 539).

Earlier micro-level studies did not compare the results for liberal democracies with the results for autocracies. They measured regime-type in several explicit ways that might have triggered different threat responses, for which no control was implemented. Moreover, they did not disentangle regime-type from other potential threatening factors. Although these studies are valuable for our understanding of democratic peace theory, all in all, this study shows that the factor regime-type as a reason for choosing to go to war should be considered more carefully.

Populism is inevitable---nativism, anti-science, and conservative traditionalism.

#### No nuclear populism impact.

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In their essay “Upsetting the Nuclear Order: How the Rise of Nationalist Populism Increases Nuclear Dangers,” Oliver Meier and Maren Vieluf highlight some important aspects of nationalist-populists’ decision-making styles and argue that they could lead to greater nuclear danger and undermine the global nuclear order. The authors also challenge the traditional notion of responsible and irresponsible nuclear-weapon states. These aspects of nationalist-populist leaders’ influence on nuclear decision making have not been studied in any detail before; the article thus represents an important contribution to the academic literature on nuclear decision making and nuclear danger. Despite its importance as a first cut, there are a number of drawbacks in the argument.

It is undoubtedly true that nationalist-populist leaders have shown a distinct attitude toward foreign and defense policies and choices. But whether this also impacts nuclear-weapons decision making is a bit more uncertain because that decision-making remains a significantly distinct arena for policy makers. More significantly, the choice of nationalist-populist leaders—former US President Donald Trump, UK Prime Minister Boris Johnson, Indian Prime Minister Narendra Modi, and Russian President Vladimir Putin—is questionable. That Chinese President Xi Jinping is not categorized as a nationalist-populist leader is surprising. While there may not be an electoral process that keeps Xi and the Chinese Communist Party (CCP) in power, Xi and the CCP appear conscious that the legitimacy of the party is maintained by the policies of Xi and his party. They have carefully used populism in pushing their policies, even if the manner in which Chinese public perceptions are managed may be different. Xi’s anti-corruption drive, for instance, was propelled primarily by careful use and nurturing of public anger. In foreign policy, the CCP has again carefully nurtured and managed public opinion to gain support for policy. The manner in which China responded to South Korea after the latter’s decision to deploy the American THAAD (Terminal High Altitude Area Defense) missile-defense system is a case in point: China aroused popular anger against South Korean supermarkets such as Lotte. Therefore, the authors’ suggestion that China does not “rely on an internal in-group versus out-group dichotomy to justify their leadership” may need to be reconsidered. The absence of Pakistan from the authors’ categorization of nationalist-populist leadership because the civilian leadership does not hold much influence in nuclear decision making is also puzzling because the military leadership in Pakistan has also been careful to nurture its role and use public opinion for both domestic and foreign-policy purposes. Meier and Vieluf's analysis essentially implies that a country with a democratic leader who has a populist style is far more dangerous than a country that has an authoritarian leader or has a military that controls nuclear weapons for narrow institutional reasons. As we see from the Russian invasion of Ukraine, as well as many other cases, such narrowly based leadership can potentially make far greater mistakes in foreign and security policies than democratic leaders whose popular base is much wider. In the Russian case, the issue may not as much be about populism as authoritarianism.

There has definitely been some loose talk about the use of nuclear weapons by nationalist-populist leaders, but the consequence of such loose talk should also not be exaggerated. For instance, Modi’s 2019 campaign was primarily focused on demonstrating that he was tough on national security by invoking India’s conventional military retaliation to Pakistan’s terrorist attacks without focusing on nuclear threats. In other words, threats of nuclear escalation were not characteristic of his “tough on national security” persona. There was only one offhand, oblique remark regarding nuclear weapons. Nevertheless, Indian analysts also have raised concerns about the statement from Prime Minister Modi in which he said that India was not keeping nuclear weapons “for Diwali” (an Indian festival that features firecrackers). Indian analysts such as the respected former foreign secretary Shyam Saran have criticized the reference, writing that any reference to nuclear weapons must be carefully made because it could otherwise lead to misinterpretation and misunderstanding among external observers.

But more significantly, there is little indication that such rare statements have led to any change in India’s nuclear strategy or nuclear posture, or led to a higher alert status. Moreover, potential adversaries did not respond to these as might be expected in a case of heightened nuclear danger. While loose talk about nuclear weapons is certainly not advisable, conflating that with rising nuclear dangers is exaggerated. In the cases of both Modi and Trump, we did not see any subsequent heightening of nuclear danger or any revelation of change in their respective nuclear postures. This suggests that the role and use of such rhetoric is to impress domestic audiences and that external actors understand it as such.

This is not to suggest that the threat of nuclear proliferation and heightening of nuclear dangers should be minimized. But there is no reason to exaggerate the threat either. This brings me to the point of evidence. Have we seen any new state pursuing nuclear weapons in response to such populist rhetoric? The answer is categorically negative. On the other hand, we have seen that other factors are pushing states to develop or acquire nuclear weapons—in particular, the increasingly aggressive behavior of some nuclear powers. For example, there is increasing discussion about and consideration of the nuclear-weapons option in countries such as Japan, South Korea, and even Saudi Arabia and Australia,Footnote1 all of which are being driven by actual security concerns as a consequence of aggressive behavior by countries such as China, North Korea, and Iran. The Ukraine crisis vividly illustrates why small states might be tempted to develop or acquire nuclear weapons. Similarly, China’s continued aggressiveness toward Taiwan could lead other currently non-nuclear-weapon states to consider nuclear weapons if China conducts a successful invasion of the island state. These would appear to be much more important and consequential drivers of nuclear decision making than the rhetoric of a few populist leaders who do not appear to be taken seriously.