# 2NC---Run for the Roses---Round 4

## K

### Impact---2NC

### Perm---2NC

#### 3. NEOLIBERAL DISAPPEARANCE---the perm is neoliberal technology of inclusionism that flattens differences AND coopts insurgent epistemologies.

Mitchell ’15 [David and Sharon Snyder; June 2; professor of English and Disability Studies at the Columbian College of Arts & Science; professor in the Department of Disability and Human Development at the University of Illinoise at Chicago; Biopolitics of Disability: Neoliberalism, Ablenationalism, and Peripheral Embodiment, “Introduction,” p. 3-5]

Most importantly, this book attempts to register some aftershocks among contemporary disability communities resulting from developments within neoliberalism that have, paradoxically, resulted in greater social visibility and participation for some disabled people. Shildrick explains the historical development of neoliberal disability in this manner: “I concentrate on the continuing discursive exclusion of disability within western and western inflected societies, and argue that at the very same time such states are making tremendous strides towards the formal integration of disabled people into the rights, obligations, and expectations of normative citizenship” (Dangerous Discourses 1). This increased presence results from practices of neoliberal disability tolerance to which we refer throughout this book as inclusionism. By inclusionism we mean to identify a term specifically associated with disabled bodies operative in the policy world of neoliberalism. Most significantly, inclusionism has found its most robust rhetorical home within the myriad diversity missions advanced by public education. Inclusionism has come to mean an embrace of diversity-based practices by which we include those who look, act, function, and feel different; yet our contention here is that inclusionism obscures at least as much as it reveals.

In queer theorist Sarah Ahmed’s words:

Perhaps the promise of diversity is that it can be both attached to those bodies that “look different” and detached from those bodies as a sign of inclusion (if they are included by diversity, then we are all included). The promise of diversity could then be described as a problem: the sign of inclusion makes the signs of exclusion disappear. (830–32)

Inclusion in this scenario allows for the embrace of some forms of difference through making them unapparent. The magical resolution of diversity based integration practices is achieved by “making bodies that look different” invisible, more normative. While Ahmed discusses the inclusionist problem specifically in terms of questions of racial diversity in institutions of higher learning, here we intend to use inclusionism in relation to crip/queer bodies as well. Because disability impacts all socioeconomic brackets of existence, diverse embodiments coexist in racialized, sexed, gendered, classed, and disabled bodies simultaneously. This coexistence represents the fraught intersection that inclusionism occupies within neoliberal systems.

Neoliberalism is diagnosed as the arrival, during the latter half of the twentieth century, of what Henry Giroux calls “hyper-market-driven societies [that] organize identities largely as consumers.” As such, neoliberalism offers few spaces from which to “recognize (our)selves outside of the values, needs, and desires preferred by the market” (Disposable Youth xiv). Within this limiting framework of consumptive recognition, however, neoliberal governance systems have opened up some opportunities for the potential inclusion of formerly excluded groups such as people with disabilities. The contention of this book is that meaningful inclusion is only worthy of the designation “inclusion” if disability becomes more fully recognized as providing alternative values for living that do not simply reify reigning concepts of normalcy. While an egalitarian concept of disability has sought to free disabled people from the restraints of able-bodied oppression (i.e., ableism), a nondialectical materialist account of disability—that which we refer to throughout this book as nonnormative positivism—pursues disability as something other than the oppressed product of social constraints (Snyder and Mitchell, Cultural Locations 10).

#### 5. TOKENIZATION---reactionary inclusions is abled-supremacy.

Mingus ’22 [Mia; January 16; American writer, educator, and community organizer who focuses on issues of disability justice; Leaving Evidence, “You Are Not Entitled To Our Deaths: COVID, Abled Supremacy & Interdependence,” <https://leavingevidence.wordpress.com/2022/01/16/you-are-not-entitled-to-our-deaths-covid-abled-supremacy-interdependence/>]

My people are dying and terrified. And you don’t seem to care. You don’t seem to care because you don’t see them–see us–as your people too. When you talk to me about racial justice or housing justice or healing justice or gender justice, who exactly are you talking about? Whose justice are you fighting for? Because it never seems to include disabled people or if it does, it is only in theory, not practice; only to make yourself look better. Or it is only when disabled people are in the room or when we initiate the conversation.

I do not wish to be your token politicized POC disabled friend or comrade. If you care about me, then I also need you to care about disabled people and disabled communities because if you don’t care about them, then you don’t care about me. If you care about me then I need you to check your abled entitlement and challenge abled supremacy, especially the current abled culture that deems disabled people as disposable in this pandemic.

### Link---Calculative Eugenics---2NC

#### The [ ] link is CALCULATIVE EUGENICS---that’s Colebrook.

### Link---Productive Necropolitics---2NC

### Ontology---AT: ADA---2NC

#### 3. It is neoliberal cruel optimism.

Todd ’16 [Anastasia; December 2016; Professor of Women and Gender Studies at ASU; Arizona State University, “’I Wouldn’t Want to Be Anyone Else’: Disabled Girlhood and Post-ADA Structures of Feeling,” p. 17-18]

However, as many scholars of disability argue, despite the ADA’s positioning by politicians as the “emancipation proclamation” for disabled folks, disability continues to significantly shape unequal distribution of resources (Maroto and Pettinicchio 2015; Mitchell and Synder 2015; Tremain 2015). “Employment disparities for disabled folks have grown” over the twenty-five year period since the ADA was signed into law, and “interpretations of the law have created major hurdles for disabled plaintiffs and, in many ways, rendered the ADA ineffective in changing employer attitude and practices” (Maroto and Pettincchio 2015, n.p.). Despite the material ineffectualness of the ADA, increasing cuts to Medicare and Medicaid that affect access to healthcare, rapid waves of gentrification that affect access to affordable housing, and increasing dependence on low wage flexible labor, the fantasy and promise of the “American dream,” as the blog post points to, persists. The American dream, as this blog articulates, could also be called the good life, which promises “upward mobility, job security, political and social equality, and lively, durable intimacy” (Berlant 2011, 3). This fantasy of the American dream, or the good life, is clearly fraying. Fraying “implies something slow, delicate, processual, something happening on its own time” (Berlant 2011, 196).

Further, as the following chapters illustrate, the disabled girl emerges under a particularly insidious spotlight cast by the contemporary post-ADA production of 18 disability, which can be characterized through the tension of these material failures and the framework of ablenationalism, or exceptional neoliberal inclusion efforts. Mitchell and Snyder (2015) argue that ablenationalism manifests through “open rhetorical claims of a new era of inclusion for people with disabilities issued by the state […] Disabled people now perform their representational work as a symbol of expansive neoliberal inclusion efforts” (116). These new practices of neoliberal disability tolerance, for example, diversity training, representation in advertising campaigns, creation of specific ‘disability markets,’6 “obscure as much as they reveal” (Mitchell and Snyder 2015, 4). Within these terms of ablenationalism, disabled folks have increasingly come to represent new forms of embodied value for the nation-state, thus certain disabled populations have been positioned less as “parasitic” to the nation’s resources. In this way, certain disabled folks are recapacitated into what Titchkosky (2003) terms, the “able-disabled.” Within this logic, disability is a “static thing” rather than a relationality, which is fluid and contextual (Fritsch 2013, 142). As a thing, “disability can be known, contained, marketed, consumed, profited from and solutions can be found” (Fritsch 2013, 142). The contemporary production of the disabled body as Sothern (2007) concludes, “must also be thought of as a space of the contradictions of neoliberalism—it is at once privileged as a site of inclusion, but that inclusion is also the promise of its exclusion” (146).

#### 4. It reinscribes the idea of the normative, able-bodied legal subject that disability is an anathema to.

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]

What is interesting about the majority judgment is that it was based in part on the court's particular reading of the legislative history about the number of people reckoned to be covered under the Act.72 This is not the place to introduce an extended discussion of this aspect of legal reasoning, suffice to say that the court, whilst acknowledging a *biomedical* definition of disability, erred in favour of an economic model of disability. Jerome Bickenbach explains the emphasis of this orientation:

Disability ... is a socially constructed category made necessary by inescapable features of collective action and founded upon an individual's incapacity to participate as a worker in the distribution mechanism founded on merit.

On the basis of such a model, the court concluded that the intention of legislators was to restrict the ADA's coverage to individuals whose impairments are not mitigated by corrective measures. 74 This chequerboard approach to the figuring of 'disability' by the courts exposes the tenuous nature of legal reasoning as well as the capacity of technological artefacts to confound and usurp seemingly self-evident formulations of 'disability'.

Instead of clarifying (securing) the meaning of disability and its relationship to the mitigation question, the *mitigation trilogy* of cases has provoked a series of new questions about the technological morphing of normalcy. At stake is the rendering of the species-typical functioning body. Although *Sutton*, *Murphy* and *Albertson* concluded that individuals who 'mitigate' their impairments must have those factors considered when evaluating whether they come under the lawful 'disability' definitions of the ADA, the matter of whether individuals have a *duty* to mitigate impairment (in the spirit of Key's and Tucker's argument) was not addressed. Furthermore, if individuals 'choose' not to engage technologies (aids and medications) that appear to mitigate their impairments, are they still considered disabled? For example, should a woman with no arms be required to wear a prosthesis or have a hand transplant in order to be considered 'disabled' under the ADA? Extending these questions a bit further, will current (and future) morphing technologies contribute to the framing of a *benchmark mitigated disabled body*,75 used to assess definitional conformity irrespective of the matter of usage or 'choice'? Will today's 'normal' body be superseded, becoming tomorrow's 'abnormal' body?

The law's ableist leanings (in this instance, the US Supreme Court) are exposed in its attempt to reframe disability subjectification. Yet such attempts at reinscriptions potentially enact two rather strange paradoxes. Advocates of the concept of 'elective disability' would deny individuals access to welfare/social security programs, because they have 'rejected' the normative path, whilst people who are considered to have 'mitigated' their disability, under *Sutton*, may not be covered under the ADA. We are left with a rather ambiguous possibility:, technologies that hold out the promise to eradicate/compensate 'disabled' bodies may, by default, create new sites of ontological and corporeal 'confusion'. At the same time, the underlying subtext figuring disability as anathema remains unchallenged. One wonders how far courts will proceed in deploying the concept of 'mitigation', especially in instances where the 'cure' is more risky than the 'effects' of the impairment? How far will legal reasoning take cognisance of the important issue of the high financial costs often associated with normalising treatments such as immunosuppressant drugs?

### Perm---AT: Author---Dermine---2NC

#### Dermine advocates for a significantly more radical proposal than the AFF, concludes labor law is too restrictive, and would sanction democratic ableist violence.

Élise 2AC Dermine 24. Université Libre de Bruxelles and Daniel Dumont, Professor of Social Security Law, Faculty of Law and Criminology, Centre for Public and Social Law, Université libre de Bruxelles, Belgium. Bueno, Nicolas (Ed.); ter Haar, Beryl (Ed.); Zekić, Nuna (Ed.) (2024) : Labour Law Utopias: Post-Growth and Post-Productive Work Approaches, ISBN 978-0-19-199556-9, Oxford University Press, Oxford.

As explained in the book’s Introduction, conceptualizing utopias for labour law aimed to put ‘dots’ on the horizon to open the realm of the imaginary and thereby contribute to social change. In this concluding chapter, we propose to travel back downstream and suggest some modest guidelines on how we could start to build transition paths from where we are to the dots on the horizon, through the progressive transformation of social law. The authors in this book understand labour law broadly, often including social security law and employment policy law.1 To indicate this all-encompassing approach, we will use the term ‘social law’ since, in most continental European countries, the term labour law is understood in a more restricted sense that is limited to employment contracts and industrial relations. Since the various contributions to the book share a post-growth background, in that they recognize the limits of growth, we propose more specifically to sketch out some initial thoughts on how to pave the way towards ‘sustainable (or ecological) social law’. By this, we mean a system of social law that continues to meet the challenges of social justice but without transgressing planetary boundaries and endangering ecosystems.2 We will do this at the levels of ideas (Section III.A) and then policies (Section III.B).

II. Post-(Productive) Work Utopias: From the Fordist Crisis to the Imperative of Ecological Transition

Fuelled by the fading horizon of full employment in most Western countries, a series of reflections were conducted in the 1980s and 1990s on the relationship between work and non-work, that is, between the labour market activities on the one hand and the wide range of activities performed outside of it on the other. These were based on a critique of the centrality and contours of work in the context of de-industrialization.3 However, with the economic recovery and the decrease in unemployment at the end of the 1990s in most Western countries, this line of research found little echo in the policies carried out in these countries during the 2000s. Despite the severe economic crisis caused by the instability of the banking and financial system in 2008, the dominant political agenda, notably due to the influence of the European Union (EU), has remained more than ever focused on the cardinal objective of raising employment rates through activation measures, that is, by coercively increasing transitions from social security to the labour market,4 and growth-oriented macroeconomic policies. Lately, however, an important shift is observable in ideas on our social model’s future and our economies’ environmental impact. The post-productivist agenda is indeed strongly re-incentivized by the growing scientific consensus on the empirical need to break away from the growth obsession, as the present book shows.

After Langille (Chapter 2) reminds us of the importance of designing new utopias for labour law, Ter Haar (Chapter 3) outlines a shift in socioeconomic thinking. As she shows, some economic thinkers are moving away from the growth-driven free market economic paradigms towards a ‘social and environmental wellbeing paradigm’. This new paradigm will fundamentally alter the meaning, value, and position work has in society. Zekić (Chapter 4) and Carelli (Chapter 5) address this economic shift away from economic growth with more concrete ideas about work and labour law. Zekić discusses the centrality and meaning of work within the necessity of a degrowth agenda to respect the boundaries and needs of the planet. The traditional concept of decent work in labour law needs to be broadened to respect planetary boundaries, and its objective should be to contribute to individual flourishing. In addition, labour law must fundamentally reassess its purpose of redistributing labour, income, and wealth more fairly. Carelli drafts lines for an ecological labour law, which is to be universal and, in his view, encompasses all human activities (productive and non-productive, formal and informal, generating material and immaterial wealth, etc). Moreover, he argues ecological labour law is essential for degrowth because there will be no degrowth without resolving social problems, including anti-colonial struggles and attention to the Global South. Deva and Anand (Chapter 6) share this concern for workers in the Global South. As they demonstrate, the globalized economy has linked the Global North to the Global South, particularly through global supply chains. Hence, any strategy developed in the North, such as degrowth, must consider the needs and aspirations of workers in the Global South. Therefore, Deva and Anand plea for a differentiated degrowth model that combines a changed purpose of corporations in societies and more accountable transnational corporations. Lastly, like Carelli, they make a point that international labour standards for decent work need to be adapted and made more universal to include, among others, informal work.

Moving from the purpose of the economy as a whole to a post-productive work approach that reconsiders the quality of work for people and the planet beyond its mere economic value, Bueno (Chapter 7) dives deeper into the meaning of work for society and the individual. As Bueno illustrates, the market cares little for the social value of work and its impact on people’s wellbeing and the environment. To change this, he proposes a labour law system that revalorizes non-market work that is essential for society, individuals, and the environment and, simultaneously, deters high-paid market work that negatively impacts societal basic needs and the environment, such as speculation on housing prices and food.

Focusing on the essential needs of society, individuals, and the environment is currently difficult since our economic system is strongly grounded in the idea that property rights and preferences are mainly given by markets, which creates a wedge between private and public interests. Therefore, Tomassetti (Chapter 8) explores the idea of a real utopia of the commons based on a collectivistic and participative reconfiguration between the public and the private, which should create the space for a socioeconomic paradigm that will focus on the essential needs of society and the environment. Moreover, Tomassetti explains that labour in the commons is relational and solidarity-based, which would be supportive and consistent with new forms of non-market work in which social relations and ecological values are a priority. Encinas de Muñagorri (Chapter 9) continues on essential needs by addressing the heavily undervalued non-market care work in productivity-driven markets, despite the fact that its value for society as a whole is largely undisputed. Embracing ideas for a wellbeing economy, Encinas de Muñagorri explores how social law systems can be adjusted to protect paid and unpaid care work for its intrinsic societal value. Albin (Chapter 10) shows how this logic of property rights and productivism impacts the role of technology at work. To change this, she proposes a labour law system in which technology fulfils an accommodating role to workers (similar to an employer’s obligation to provide reasonable accommodation for disabled workers). Thus, instead of technology serving the employer’s interests of productivity and profits, it should be developed and used to accommodate the needs and wellbeing of workers and improve labour relations.

While the previous ideas are mostly based on a post-productive work approach, albeit in different ways, De Becker and Claus (Chapter 11) adopt a more radical post-work approach, as also envisioned by Carelli, by looking at the quantity of work that is needed in society. They explore paths to shift from a right to work to a freedom not to work, coupled with a right to laziness. The right to laziness distinguishes itself from the right to leisure since it is not about a time to recover from work; instead, it is a right not to engage in work. According to De Becker and Claus, getting there entails breaking the connection between work and social security by introducing a universal basic income. A basic income would liberate everyone from the need to work and, therefore, the risk of exploitation. On the issue of exploitation, Gamonal (Chapter 12) elaborates on non-domination approaches to labour law and suggests extending this approach to all those who work for another person or entity, from subordinated workers to migrants, domestic, prison, formal, informal, and paid as well as unpaid care workers. He suggests that this requires a better understanding of relations of power in these contexts, and a starting point for partly achieving it would be democratizing work environments through labour rights, such as the freedom of association and the right to strike.

III. From Utopias to Reality: Achieving Ecological Social Law

The utopias presented in this book give a general direction towards a future social model emancipated from the growth paradigm that takes planetary boundaries into account.5 In other words, they underline the need, as we would like to put it, for an ecological social law. In the remainder of this conclusion, we propose to explore the potential for an ecological transition of the current work and welfare legal system. Working with utopias opens the realm of the imaginary (see Langille in Chapter 2) and, therefore, of possibilities for achieving the desired social changes. However, identifying the transition paths is an important part of achieving it. How to achieve sustainable social law? We aim to illustrate with our conclusions how the ideas presented in this book could be used to set paths for such a transition.

To identify these transition paths, we suggest basing our approach on Bloch’s formula of ‘objectively real possibilities’.6 This approach suggests that while having ‘dots’ on the horizon of the future is stimulating, in the end, the transition cannot come from a top-down remodelling of existing structures. Instead, a prospective approach gains from taking root more directly in our present situation in order to develop proposals with a higher threshold of social acceptability, which are thus more likely to be reappropriated by social actors while turning these into reality. Especially since the law is plural, at its margins, there are already mechanisms and devices at work that break with the dominant growth paradigm and which could be progressively extended and systematized. Herein lies a ‘latent utopia’, with a possible future.7 This ‘interstitial’ strategy is also followed by some of the authors in this book (eg Tomassetti) and the one defended by the sociologist Erik Olin Wright in his pivotal book Envisioning Real Utopias.8 It is an approach that will lead us to formulate post-productive work proposals rather than envisioning a post-work society. We will conclude that social law should be emancipated from the economic growth paradigm without getting rid of work altogether; we will explain why.

Let us now turn first to the field of ideas (Section A) and then to that of policies (Section B).

A. The Right to Ecosocially Useful Work as Guiding Principle

The human right to work, which lies at the basis of all our social law, has been mainly limited to productive work, meaning work that contributes to economic growth. But at the same time, the right to work includes a right to free choice of employment. Although choices depend on the labour market, this freedom served as a safeguard against the exacerbation of the duty to work. The right to work has thus emerged both as an instrument of the growth paradigm and a means of recognizing aspirations for self-fulfilment.9

As explored by several authors in this book, in the world of tomorrow, the right to work could become the legal forum for a democratic reflection on finding a way out of the growth paradigm. Such debate may confirm that our post-industrial economies are effectively trapped in an insoluble dilemma between the persistence of structural unemployment and the rise of in-work poverty, which would lead to a debate redefining the contours of the right to work. A possible outcome of those debates may be that it is impossible to offer the entire working population employment that is both productive and freely chosen, which may lead to a path in which our societies could legitimately decide to untie the right to work from the growth paradigm. Beyond the social dimension, the question of reformulating the right to work should also fit more broadly into the ecological transition imperative. In the framework of a new social contract, the right to work would no longer be concerned only with economically productive work but with any socially valued activity, regardless of whether or not this activity contributes to economic growth while paying, by contrast, due attention to its social usefulness and environmental impact (cf Ter Haar, Zekić, and Carelli).

Emancipating the right to work from the economic growth imperative would not, in our view, imply abandoning the promotion of work, provided that it should be conceived in a much broader perspective than is currently the case (as evoked in many chapters). Some advocate the pure and simple discarding of the right to work, as it is considered both alienating for its ‘beneficiaries’ and fictitious for those excluded, in favour of a right to a guaranteed income. That would mean replacing the right to work with a right to be freed from work (or even with a right to laziness, as proposed by De Becker and Claus).10 This argument is often based on libertarian premises and the consideration that work has no value in itself: each individual should be free to determine the importance they attach to work.11

Like most authors in this book, we do not think that getting rid of work should be the goal per se. Indeed, in our (Western) societies, individual fulfilment and self-esteem remain profoundly linked to the feeling of usefulness and social recognition provided by activities, among which work plays an important role.12 For this reason, one should be careful not to celebrate too quickly ‘the disintegration of our Great Integrator, work’.13 In any case, the formula seems to be wrong on a factual level, in the sense that the scientific research available invalidates for the moment the repeated apocalyptic prophecies about ‘the end of work’, even if the digitalization of the economy clearly represents a major challenge given its more marked impact on low-skilled workers.14 In the same vein, empirical data do not show that we would be witnessing an explosion in the number of ‘bullshit jobs’, to use the expression popularized by David Graeber; quite the contrary, even if the existence of meaningless jobs is obviously a social ill that needs to be tackled.15

What would make sense is seeking to enshrine a form of right for everyone to freely engage in various socially useful activities throughout their life, with an intensity and in ways that vary across time and with each of them ‘backed up by protection for living’.16 That is also the general direction in which most of the contributors to this book are heading. When reconstructed in this way, work would no longer be a purely economic issue; it would also become a political question,17 since it would become necessary to define the activities deemed valuable for the community through democratic deliberation rather than by referring to the market.18 It is along this view that Bueno (Chapter 7) suggests a new role for labour law to identify and promote undervalued essential jobs in the market and, conversely, deter high-paid market jobs that increase the costs of essential needs and, therefore, the costs of living and ultimately the need to work more to fuel the growth.

For us, the shift towards a right to a guaranteed income that is not linked to integration runs the risk of ‘disembedding the economic from the social’, to use Karl Polanyi’s terminology,19 and of a democratic disinvestment of the market sphere. Therefore, the right to an ecosocially valued activity appears, compared to the libertarian version of the right to a basic income, more aligned with a philosophy of rights that conceives rights as a forum for exchange and debate on the construction of the common, rather than a source of fragmentation of society into strictly individual aspirations.20 Perhaps this formula—that of a right to ecosocially useful work as a guiding principle—is likely to bring together and crystallize what is present in embryonic form in most of the chapters.

B. How Social Law Can Valorize Ecosocially Useful Activities

How can the right to engage freely in ecosocially valued activities be realized in practice? How can social law better value care and activities that do not produce value in an economic sense but other values for people and the planet? Which path should we follow?

In this quest, there is one proposal that has become inescapable today, and it is the subject of a particularly lively international debate, notably in the degrowth movement: that is, instituting a universal basic income, a minimum floor income that would be totally unconditional.21 While some proponents of the universal basic income see it as the materialization of a right to income that is disconnected from work—and we have just laid down our argument about this, others who are committed to maintaining the right to work argue that guaranteeing such an unconditional income would be the best way to effectively secure the possibility of engaging in socially useful activities.22

Avenues other than the basic income, which are less present in the discussion, seem more ‘latent’ in our social model and, therefore, more likely to break through. They deal with the promotion and protection of activities beyond paid employment. On the rewriting of our legal grammar of socio-occupational integration, the ‘Supiot Report’23 seems very useful for starting to rethink the practicalities of a post-growth social law—although it primarily intended to respond to the social challenges that the Fordist compromise was no longer able to meet in post-industrial societies. As its title, Beyond Employment, suggests, the key idea is that work should no longer be reduced to employment, which is, after all, but one facet of it, namely that of work rented out on the market. Work, in fact, as presented above and by many authors in this book, encompasses many other types of human activities referred to as non-market values and are carried out outside the market: vocational training, political commitment, community involvement, family care, etc. On the basis of this observation, the report proposes to allocate to individuals diversified ‘social drawing rights’,24 which would allow each person to finance different forms of work outside the market while benefitting from a certain continuity of protection. The aim would be to accommodate the multiplicity of human aspirations in order to increase opportunities to engage in activities other than those geared towards production and consumption, thus increasing their freedom in work and throughout their working lives.

Although this would be only a beginning, as more structural questions regarding the purpose of our economies, their relation to the environment, and the meaning and value of work must continue to be addressed, as done in this book, we believe that this line of thinking is based on objectively real possibilities. Indeed, certain legal provisions already present in the toolkit of social law systems encourage the development of socially useful activities, even if in a very hesitant way and without any real overarching logic: leaves of absence allowing for a better reconciliation between private and family life and professional life, salarization of useful but not very economically productive activities, exemptions from the obligation to look for work for non-employment benefit recipients, etc. In one sense, ‘the cart has gone before the horse, with elements of a new welfare architecture being . . . developed in the absence of an ecosocial blueprint’.25 Already present for a long time in the interstices of our social law but little conceptualized, and even less coordinated, these mechanisms are all potentialities waiting to be amplified in the perspective of a relaxation of the productivist paradigm under the banner of an enlarged right to work.

In this perspective, Nicole-Drancourt proposes ‘to inscribe socially useful activities in a legal bond that would elevate them to the rank of “work”, without a hierarchy of recognition’.26 That would imply formally recognizing the contribution to the construction of a sustainable society of a whole range of human activities that do not fit the matrix of productive work in the economic sense, precisely by attaching social rights to them (as in Zekić’s chapter). Whereas, at present, social protection is still largely tied to productive work, tomorrow, it could be a socially useful activity—whether productive or not—that would be the trigger.27 In other words, the vector of eligibility to entitlements would become the contribution to social and ecological utility rather than to GDP growth.

<<EMORY STARTS>>

Let it be clear, however, that in our view, not all ecosocially useful activities should necessarily give rise to the same rights in an undifferentiated way (as advocated, eg, by Carelli). Rather, it is a matter of ensuring a continuum of protection, with a view to better accommodating the idea that every human being is, at least potentially, a producer, a citizen, and an individual engaged in private and family life. Accordingly, while an ambitious reform of social law must undoubtedly ‘take greater account of non-market work, in particular child-raising and care work for elderly parents, which is as vital to society as it is ignored by economic indicators’28 (as also outlined by Encinas de Muñagorri), the aim of full participation in economic and social life must not be pursued to the detriment of equal access to the labour market. Rather, it should encompass the latter in a broader yet coherent package. Diversifying social rights should thus constitute a means of simultaneously meeting the aspiration of many women to achieve greater fulfilment in the professional sphere and that of many men to reduce its grip on their lives. In the same way, it should also be a way of meeting the often-thwarted desires at the top and bottom of the social ladder for greater equality in the various spheres of activity, typically (classic) employment for those who are excluded from it or live on its margins.

Setting the path into new directions and understandings is obviously a huge undertaking, the plan and execution of which still have to be elaborated. All the more so since, politically, productivism is one of the few ‘invariants’ of social democracy:29 ‘the general idea remains firmly anchored that our social systems depend on growth to survive’.30 We will not enter this discussion here except to underscore that this path could constitute an ‘offensive’ response to the surge of the tough variant of activation policies. Faced with the reinforcement of counterpart demands indexed on the sole perspective of a short-term reintegration into the labour market, social democrats sometimes tend to retreat into a very defensive posture, denying any merit, even potential, to the logic of activation in order to take refuge in incantatory calls to restore the ‘post-World War II moment’. Instead of falling into what Habermas described as the ‘fundamentalism of the great refusal’,31 it would be a matter of proposing, on the basis of orientations that are, in fact, already budding in our positive law, another type of activation, an activation that is ecosocial and innovation-friendly,32 that is, one that encourages and supports the diversity of contributions, lifestyles, experiences, and choices—in short, autonomy.

### Ontology---2NC

#### ‘Examples’ of ‘positive legislation’ prove our theory of power---‘inclusivity’ is a tool to foreclose opposition to the ableist structures of the law, while reinforcing disability negativity.

Campbell ’1 [Fiona; 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]

In 'Neo-liberalism, Discrimination and the Politics of Ressentiment', Margaret Thornton, 39 in contrast, provides an optimistic reading of a politics of ressentiment. Whilst this picture may appear attractive in its treatment of disability subjectification, Thornton's treatment fails to adequately consider the impact of negative ontologies of disability upon the formations of disability subjectivities in law.

Whilst critically reviewing Australia's Disability Discrimination Act 1992 (Cth) (DDA), Thornton concludes that neo-liberalism and its shift from equal opportunities to equal responsibilities provides evidence that disabled people can only be assimilated (accommodated) if they appear like their benchmark confreres and do not make too many economic demands on the system. As Thornton puts it: 'Neo-liberalism is discomforted by prophylactic measures that are perceived as impediments to the freedom to pursue profits. 0 Indeed, the tensions between the necessity to work on the 'unproductive' disabled body in order to make it 'productive' in a recessionist economy grow increasingly evident.41

Despite this rather disastrous situation, Thornton argues that not all is lost, for people with disabilities are still able to 'come out' about disability discrimination (by using anti-discrimination legislation) and thereby enact positive images of disability via a process of ressentiment. The forces of ressentiment, she argues, produce a groundswell of dissatisfaction by people with disabilities where such sentiment can be deployed as a positive force. Whilst recognising that ressentiment can produce other emotions aside from righteous anger - such as passivity or fear - the response Thornton suggests can be attributed to the vulnerability of a person speaking from an institutional location.42 I am less optimistic.

It is not only those disabled people confined by an institutional location who display emotions of antipathy, ambivalence and fear. All people with disabilities to some extent confront the daily challenges of internalised ableism when negotiating daily existence in a world that erases our value. 43 I am more inclined to propose that neo-liberalism's engagement with minority identities provokes a politics of ressentiment on behalf of the 'majority'. 44 We only need to remind ourselves of the cries of 'special rights', legislative rollbacks and reactive campaigns both in Australia and in the United States.

The increased use of disability-related anti-discrimination legislation might induce a new way of thinking about citizenship, with disabled people having 'the tenacity and conviction that one is right to be able to complain of discrimination'. 4 5 Yet disabled people's complaints are required to be funnelled into the enunciatory processes of reductionist and single-cause classifications, interpreted both within and outside law through a paradigm of ableism.46 There are always possibilities for resistance; however, a positive politics of ressentiment is always in danger of being chipped away and unravelled when the legal prescriptions of disability and foregoing remedies foreclose oppositional renderings of disability and play into (provoke) the internalised ableism of the complainant.

As a device of social change, is the concept of 'social injury' recuperative or transgressive of the structures of liberalism? As a tool of opposition, the 'social injury' approach appears to offer a way out of the loop of discriminatory practices. Yet one cannot help being suspicious of a practice that fabricates the elasticity and inclusiveness of the liberal polis. The enduring strength of liberalism lies in its capacity to rewrite and repair the edges of its domain and recuperate any flaws that may expose its fundamentalist and ableist basis/bias.

What I have been attempting to do so far is foreground the problematic project of inserting 'disability' uncritically into the neo-liberal project of freedom claims without firstly examining the benchmark legal subject and its relationship to disability as negative ontology. In addition, I have considered the strategy of bringing complaints based on claims of 'social injury' and the limitation of that approach given the overwhelming deployment of internalised ableism. The fact remains that disability is not viewed as a neutral category. Rather, it is laden and underpinned by a view of tragedy that makes possibilities of 'pride' difficult. In the next section, I discuss a particular example of battles over the legal definition of 'disability'.

#### Disability is the master trope for inhumanity. Pathological line-drawing make ableism an ontological logic of elimination, manifesting in symbolic violence---that’s especially true in academic spaces like debate.

Maher ’24 [Anthony & Justin Haegele; March; Director of Research and Professor of Special Educational Needs, Disability and Inclusion in the Carnegie School of Education; professor and the director of the Center for Movement, Health and Disability in the Department of Human Movement Sciences at Old Dominion University; British Journal of Sociology of Education, “Beyond spatial materiality, towards inter- and intra-subjectivity: conceptualizing exclusion in education as internalized ableism and psycho-emotional disablement,” pp. 531-546]

We are not the first and hopefully will not be the last to explore the ways and extent to which ableism permeates the culture of education. For instance, ableism has been explored empirically in education policy and initiatives (Timberlake Citation2020), teacher education (Broderick and Lalvani Citation2017), medical education (Jain Citation2020), social work education (Kattari et al. Citation2020), art education (Penketh Citation2017) and physical education (Maher, van Rossum, and Morley Citation2023). Our conceptualization of ableism is situated in critical disability studies scholarship and influenced by the work of Fiona Kumari Campbell. According to Campbell (Citation2001, Citation2019), ableism permeates all cultural formations, including education, in that it is inextricably bound to the hegemonic ideologies, values, logics, traditions, practices, interactions and forms of representation that produce a particular kind of mind-body-self that is projected, promoted, and celebrated as perfect, species typical, and therefore essential to being considered fully human. Those individuals and groups that do not conform to this conception of ‘the human’, which according to posthuman feminist Rosi Braidotti (Citation2013) is tied to Enlightenment period ideals best represented via Di Vinci’s white, western European, nondisabled Vitruvian Man, are cast as sub- or less than-human. As such, disability is cast as ‘a diminished state of being human’ (Campbell Citation2001, 44) because disabled people, especially those that inhabit mainstream education spaces, threaten normative and ableist percepts of how the mind-body-self should think, look, move, be and become. It follows then that ableism is an intersubjective mode of symbolic power and domination (Bourdieu Citation1991) that permeates all social relations and interactions in the cultural fields of education, producing processes and systems of entitlement for nondisabled students, and oppression, marginalization, and exclusion for disabled students because they do not conform to normative expectations. According to Goodley et al. (Citation2019):

Schools [and education generally] are built upon highly regulated principles and policy discourses of individual achievement and progression. They are inherently individualistic and reward the entrepreneurial achievements of self-governing learners. The school is a literal and metaphorical ableist playground (p. 987).

As such, ableist educational systems, and hegemonic logics relating to policy construction and enactment, curriculum, pedagogy, and assessment, act as what Antonio Gramsci called mechanisms of cultural (re)production (Hoare and Nowell-Smith Citation1971) by contributing towards creating hierarchized notions of the mind-body-self through the ‘differentiation, ranking, negation, notification, and prioritization of sentient life’ (Campbell Citation2019, 287–288). We see this most starkly through the Neoliberal performative culture of schools that is perpetuated through high stakes testing, league tables, state-orchestrated inspections (such as Ofsted in the UK), curriculum, and teacher education (see Apple Citation2017; Ball Citation2016). Such Neoliberal performative cultures shape perceptions of cognition and corporeality and thus the construction of legitimate forms of ability-related capital. Students who are positioned and perceived as possessing such capital are privileged over others. Too often, hegemonic beliefs about capital are based on normative perceptions of how the (able) mind-body-self should think, look, and move, thus resulting in many disabled students and some with special educational needs experiencing what Bourdieu (Citation1991) considered symbolic violence because, according to empirical research conducted by Goodley et al. (Citation2019), Lynch, Simon, and Maher (Citation2023) and Maher, van Rossum, and Morley (Citation2023), their cognitive and corporeal abilities are judged negatively and thus subordinated through an able-mind/body gaze. In this regard, the able-mind/body gaze infiltrates associated practices that work to police and regulate nonnormative mind-body-selves by, empirical research by Maher, van Rossum, and Morley (Citation2023) suggests, using normative tools for assessing learning, learner progress and learner achievement as a way of reinforcing ableist normalcy.

According to Wolbring (Citation2008), ableism is so pervasive that it manifests as common-sense cultural ideologies and discourses underpinning taken-for-granted logics and thus is considered ‘the natural’ or ‘common sense’ way of being (in schools). So much so, in fact, that ableism becomes internalized; that is, it shapes the individual and collective habitus or personality structure (Elias Citation1978). It can be said, therefore, that ableism is structural, cultural, intersubjective, intrasubjective, and psycho-emotional in nature (Reeve Citation2020). Disabled young people are not immune to the internalization of ableist modes of thinking, doing and being, which act as a form of exclusion because they can lead to psycho-emotional disablement by impacting negatively on their self-esteem, self-confidence, mental health, and general well-being because they attempt, and often fail, to hold themselves to often unrealistic ableist thresholds (Reeve Citation2020). Hence, it is crucial that ableism-critical perspectives are utilized to disrupt, dislodge, and transform hegemonic ideologies, discourses, and practices that subordinate the nonnormative mind-body-self because of the negative consequences it can have for their sense of self and personhood. We hope that this article, which centers the lived, embodied experiences of disabled students to conceptualize exclusion as inter- and intra-subjective experiences of internalized ableism and psycho-emotional disablement, contributes in some small way to that cause.

Exclusion as internalized ableism and psycho-emotional disablement

Much of the work done by sociologists and disability scholars has been anchored to a social understanding of disability and thus focused on challenging spatial forms of exclusion to improve the material and social conditions of disabled people, especially in relation to access, opportunities and participation in education, employment, and housing (Oliver Citation2013). Far less attention has been given, however, to exploring exclusion as inter- and intra-subjective experiences that impacts the psycho-emotional wellbeing of disabled people, especially disabled students. For many disability and disabled scholars, this neglect is tied to a reluctance to personalize disability for fear of stoking the individual, medical, pathological, deficit and tragedy discursive fires that have been (and still are) bound to disability (Shakespeare Citation1994). Nonetheless, rather than thinking about disability as being external to the individual and collective, our thinking aligns with that of Shakespeare (Citation1994) and Braidotti (Citation2013) who contest that the (disabled)mind-body-self is a bio-psycho-social-cultural-political entity that is neither inherently good or bad, but instead exists and has meanings ascribed to it in the different material and social spaces that it inhabits. It is for these reasons that we explore how the structural forces that shape material and social spaces, whether that be segregated, integrated, or mainstream, influence how disability and exclusion are lived, embodied, and felt.

For us, the first component of exclusion as an inter- and intra-subjective experience is the lived, felt, and embodied experience of psycho-emotional disablement. Our conceptualization of psycho-emotional disablement is inspired by, but not anchored to, the work of Carol Thomas (Citation2001, Citation1999) and Donna Reeve (Citation2020, Citation2004, Citation2002). The genesis of psycho-emotional disablement as a tool to think with, make sense of and construct meaning about inter- and intra-subjectivities of disability is tied to Thomas’ (re)wording of the Union of the Physically Impaired Against Segregation’s (UPIAS, 1978) definition of disability. Thomas developed the UPIAS’s definition to include a focus on the impact of disablism on psycho-emotional wellbeing:

Disablism is a form of social oppression involving the social imposition of restrictions of activity on people with impairments and the socially engendered undermining of their psycho-emotional well-being (2007, 73).

According to Reeve (Citation2020), psycho-emotional disablement is both structural and interactional in nature, thus meaning it can be experienced indirectly or directly. For instance, the natural and built contours of a school can restrict access to material and social spaces if lifts, ramps, or electronic doors are not installed or in good working condition. Moreover, government, local council and school funding models may limit the services and provision that teachers are able to use, regardless of integrated or segregated space or place, to meet the needs and abilities of some disabled students. For example, a lack of learning assistant support, or even limited access to colour overlays or low vision aids because of financial pressures, can impact detrimentally on disabled students’ experiences of school and thus their psycho-emotional wellbeing. Finally, but by no means lastly, school curriculums and assessment arrangements may be normatively standardized and thus not appropriate to meet the needs and abilities of some disabled students. All these structural issues, which are shaped by those with their hands on the levers of power in government and education, none of whom disabled children will have met or even know, work to disable some disabled students, elicit or support feelings of exclusion, and impact negatively on their psycho-emotional wellbeing (Reeve Citation2020). Indeed, inaccessible material and social spaces, limited specialized services and resources, and poorly designed curriculum and assessments are forms of symbolic violence (Bourdieu Citation1991) that are exercised upon disabled students, making them feel that they are out of place, part of an undesirable and unwanted minority, and more of a burden than an asset (Haegele and Maher Citation2022; Reeve Citation2020). It is here where our conceptualization of exclusion extends beyond materiality, and thinks more so about the feelings, subjectivities, and psycho-emotional wellbeing experienced by disabled people. In other words, structural forms of oppression can impact negatively on the ways and extent to which disabled students feel that they belong, are accepted and are valued in the material and social spaces that their mind-body-selves inhabit (Haegele and Maher Citation2022).

Together with indirect, structural forms of oppression, we conceptualize exclusion as direct, interactional, and thus intersubjective forms of psycho-emotional disablement. We tie this to Shakespeare’s (Citation1994) and Hughes’ (Citation2007) work on the ‘disavowal of disability’. For Shakespeare (Citation1994), disavowal of disability is the projection of unwanted fears about mortality, dying and physicality onto disabled people and is thus inextricably tied to what Shildrick (Citation2020) calls the psycho-emotional framework of ableism. For us, it is a clear indicator of the ableism that saturates the culture of schools and thus the interactions that shape the material and social spaces within them (Campbell Citation2019; Goodley et al. Citation2019). The disavowal of disability manifests in the everyday micro-interactions – what Campbell (Citation2001) calls the microaggressions – that disabled students have with all of those who are part of their relational networks in schools, such as teachers, support staff and same aged-peers. Being stared at, laughed at, talked about, and even not talked to are all examples of the everyday symbolic violence (Bourdieu Citation1991) experienced by disabled students that can lead to feelings of exclusion and (ontological) invalidation. It is perhaps (un)surprising to know that disabled students are much more likely to experience bullying, both physical and symbolic, when compared to their nondisabled same-aged peers (Jessup et al. Citation2018; Ktenidis Citation2022). Such bullying is indicative of the symbolic power (Bourdieu Citation1991) that can result in marginalization and ostracization and, accordingly, mean that feelings of belonging, acceptance, and values are difficult to come by (Haegele and Maher, Citation2022; Slee, Citation2019). In fact, inter- and intra-subjective feelings of marginalization have been identified through empirical research as a threat to fundamental psychological needs of belonging and self-esteem for youth (Crouch et al. Citation2014) to a stronger degree than forms of physical bullying (Benton, 2011). Marginalization and ostracization can, according to empirical research conducted by Eisenberger and Lieberman (Citation2004) and Kawamoto, Ura, and Nittono (Citation2015), be intersubjectively experienced as social pain. Defined as a distressing experience arising from the perception of actual or potential psychological distance from social groups or close others (Eisenberger and Cole Citation2012), social pain is inextricably tied to group power dynamics and social interactions and relationships and has been shown through research to share neural similarities with physical pain (Eisenberger and Lieberman Citation2004). Over time, microaggressions and experiences of social pain build as a critical mass to impact negatively on the psycho-emotional wellbeing of disabled students (Reeve Citation2020). The negative effects of social pain on mental health and well-being are well-established in empirical research, where social pain has been linked to a range of deleterious psychological health indices, such as depression, anxiety, and reduced life satisfaction (e.g. Liu and Alloy Citation2010).

### Link---AT: Trump---2NC

### Link---AT: Author---Coutu---2NC

#### Labor law fails.

Michel 2AC Coutu et al. 23. Professor of labor law and legal sociology at the University of Montreal, L.L.D. in legal theory and legal sociology from the University of Laval. Ruth Dukes, professor of labor law and deputy director of research at the University of Glasgow School of Law. Gregor Murray, Ph.D. in business and industrial relations from the University of Warwick. "Labour Law and Industrial Relations: Toward Renewal?" *Industrial Relations*, 78(4), 12-13.

Given the pervasiveness of fissuring and the consequent casualization and commercialization of work relations, one central concern today is to demonstrate how labour and employment laws are failing to protect the most vulnerable and lowest paid workers and are thus contributing to rising inequality. This is happening because such workers are deemed to fall outside the scope of the law (Dubal, 2017; Hayes, 2017), or because the law is routinely breached by employing organizations, with little reason to fear any significant consequences for their breaches (Kocher, 2009; Vosko, 2020). These concerns have been exacerbated by globalization (Hepple, 2005), by new technologies (Supiot et al., 2001), by the COVID-19 pandemic (Ewing and Hendy, 2020) and by climate change (Doorey, 2015). For scholars concerned about how particular laws and social arrangements affect workers, and society as a whole, these are crucial lines of enquiry that provide new empirical and normative openings for labour law to dialogue with the social sciences. Like early scholars working in the field, researchers who employ empirical methods today tend to be pluralist in their definition of law, which includes not only formal legal rules but also how such rules are interpreted, applied or otherwise utilized in concrete situations (Edelman, 2016; Kirk, 2021) and supplemented with workplace and sector-specific organizational and social norms (Ioannou, 2001).

#### BUT, proves our framework offense.

Michel 2AC Coutu et al. 23. Professor of labor law and legal sociology at the University of Montreal, L.L.D. in legal theory and legal sociology from the University of Laval. Ruth Dukes, professor of labor law and deputy director of research at the University of Glasgow School of Law. Gregor Murray, Ph.D. in business and industrial relations from the University of Warwick. "Labour Law and Industrial Relations: Toward Renewal?" *Industrial Relations*, 78(4), 12-13.

Finally, there is undoubtedly a need to come up with new forms of regulation, new institutions and new actor strategies through experimentation. Such renewal should be a central focus of a more integrated study of work and employment. In line with Arthurs’ observations on labour law (2011), we need to understand how these fields of study can be used to challenge hegemonic institutions and initiate alternative approaches. We especially need to understand how organizations, institutions and other actors can experiment and show resilience in the search for new solutions to resolve the many challenges in the world of work – a process that lies at the heart of this renewal (Ferreras et al., 2020; Murray et al., 2020).

### Link---Precision War---2NC

### Link---Narrative Prothesis---2NC

#### The [ ] link is NARRATIVE PROTHESIS

### Link---AT: Turn

#### ‘Link turn’ and ‘inclusion solves’ is wounded attachment that cements debility---biocapitalism structures labor reforms and leads to the otherization of the disabled subject.

Fritsch ’15 [Kelly; May 2015; Ph.D. Candidate in Social and Political Thought, York University; Canadian Journal of Disability Studies, “Gradations of Debility and Capacity: Biocapitalism and the Neoliberalization of Disability Relations,” vol. 4]

Instead of critically evaluating dominant culture and working to replace it with something else, Brown argues that wounded attachments lead groups to strive for the material, social, and political wellbeing enjoyed by the very social elites whose privilege produced their suffering and marginalization. By enunciating and making claims for themselves through “entrenching, dramatizing, and inscribing [their] pain in politics” a suffering group hold “out no future — for [themselves] or others —that triumphs over this pain” (406). Wounded attachments lead to an unproductive but self-sustaining loop: because one identifies through their own suffering, a future without suffering would cause them to cease to exist. As such, they continuously reiterate their suffering and, thus, demand that everyone put their intellectual and affective energies into the source of their suffering as opposed to alternative political relations that would produce a more just and less oppressed future.

Neither dismissing the suffering any group faces, nor abetting the social relations that are at the root of that suffering, Brown instead wants to foster ways in which a group can enunciate and perform its historical oppression so as to not entirely delimit themselves but open themselves up to modes of healing that produce new and more just social relations. And because the wound or suffering that defines a marginalized group works to detach their suffering - and, thus, their group identity - from the ways in which that group participates in dominant culture, those wounds can cause others to suffer as well. As such, Sara Ahmed (2004) argues that enunciating and performing historical and contemporary injustices must also open up any oppressed group to the suffering they cause others through the few privileges they enjoy.

By focusing on normal/abnormal, or abled/disabled, rather than on gradations of debility and capacity, disabled people hang onto an understanding of themselves as being excluded in a way that is not productive for fighting the neoliberal biocapitalist conditions in which disabled people are situated. One such wounded attachment is expressed in the desire of disabled people to be included in the workforce, from which they are largely excluded, despite the ways in which such a goal can re-inscribe the competitive, individualized, entrepreneurial subject formation that is key to neoliberalism’s success. This wounded attachment pre-empts certain critiques of the violence of neoliberalism more generally; critiques that would orient disabled subjects towards a future that rejects inequitable labour practices and the desire to be good neoliberal subjects. This wounded attachment and the desire to be included closes avenues of political discussion and action that recognize and work to counter the suffering such inclusion would perpetuate for others — including other disabled subjects.

Just as Brown wants to approach suffering from an obtuse angle and not negate it, Puar takes up debility and capacity not to “disavow the crucial political gains enabled by disability activists globally, but to invite a deconstruction of what ability and capacity mean, affectively and otherwise, and to push for a broader politics of debility that destabilizes the seamless production of abled-bodies in relation to disability” (2009, 166). In doing so, Puar asks: “How would our political landscape transform if it actively decentered the sustained reproduction and proliferation of the grieving subject, opening instead toward an affective politics, attentive to ecologies of sensation and switchpoints of bodily capacities, to habituations and unhabituations, to tendencies, multiple temporalities, and becomings?” (2012, 157). While Puar may be interested in decentering a liberal political subject, rather than rehabilitating a grieving subject through intersectional politics, debility and capacity can be a means to open up the suffering of disabled people and their communities in multiple ways that could allow for a more just future for everyone.

Disability’s wounded attachments do not just foreclose the future, but they also obfuscate the present. In particular, by arguing that the distinction between normal/abnormal and its conflation with abled/disabled continues to inform the medical field’s or an employer’s understanding of disability is to misunderstand the differential equations that organize significant portions of biocapitalism and neoliberal labour practices. While disabled subjects certainly do confront such ableism when they present themselves to a doctor to be authorized as “disabled enough” to receive or keep disability-specific social subsidies and services, this interaction is only one component of disability relations that does not address the ways in which the biotech fields focus on manipulating incomplete gene sequences or regenerating degenerating muscle fibres to see what they can do and not if they can be made normal. Similarly, by demanding that work places be made accessible and that ableist biases not prevent disabled subjects from being hired, disability politics risks obfuscating the calculations that determine which disabled subjects are employable. By identifying through the suffering caused by a definitively ableist society, disability scholars and activists risk misunderstanding the mobilizations of neoliberal biocapitalism.

The question thus becomes how to let go of attachments to disabled exclusion and reframe disability in terms of the ways in which neoliberal biocapitalism enables some to be differentially capacitated and others to be debilitated and left for “slow death”. It is not so much about abandoning critiques of ableism or denying that disabled people face oppression. Rather, it is about being attentive to the ways in which differential inclusion functions, being attentive to who gets to have grievances, how neoliberal biocapitalism capitalizes on those grievances, and the ways in which disability activists and scholars are implicated in their (re)production.

And yet, while disability rides the profitable line between capacity and debility, it is still not a form of being that is entirely desirable. Further, disability rights, access, and accommodations had to be fought for; they were not granted through benevolence, and many gains were only possible when they also happened to be profitable. The question thus remains how to attend to differential forms of capacitation and debilitation while remaining invested in a politics that affirms disability as a life worth living and without disability necessarily needing to be made worthy through a speculatively profitable future.

#### Investment in the labor regime is sacrifice---markets are semiotically linked to the ‘able-bodied’ worker.

Woodworth ’17 [Jamie; Spring 2017; International Master’s Programme in Human Ecology, Human Ecology Division, Department of Human Geography, Faculty of Social Sciences, Lund University; Lund University Publications, “Neoliberal Capitalism and Debilitation: A Case Study of Disability, Political Economy & Environment in Sweden,” p. 26-34]

The goal of this section is to unpack the popular political sloganism of the Swedish mo International Master’s Programme in Human Ecology derate party conflating more jobs with more prosperity, and to point out that instead of hailing work as a totalising good for the economy, we should instead investigate work in capitalist economies as a potential source of personal and economic debilitation. Specifically, I levy a critique against hegemonic notions of productivity, and how they are semiotically linked to the archetype of what McRuer calls the “able-bodied worker” (McRuer 2006).

I want to start this section on the note of this central inquiry: do more jobs actually create more prosperity, as the Swedish Moderate Party argues, and can this rationale hold as a justification for greater neoliberalisation of economic structures in pursuit of such? Roland Paulsen, in his dissertation, “Empty Labor: Subjectivity and Idleness at Work,” proffers a dissenting voice to the more jobs, more prosperity equation in positing that a “critique of work” has become “increasingly relevant as productivity grows and the eulogized ambition to ‘create jobs’ echoes more and more hollowly” (Paulsen 2013, 13). His argument, grounded in both old-school and newschool Marxist theory, takes up Sweden’s labor market as a launch point to a greater observation: that work has become effectively “black boxed”6 in political leveraging. That is to say, a serious inquiry into the inherent structure of work and its relationship to prosperity, rarely enters the fora of politics or public critique. Instead, it is mobilised as an ideological item evaluated only by the measure of its external veneer, rather than true internal qualities. This is well evidenced in the Moderate Party’s voyage into majority power, which was largely buoyed by their catchy sloganism of more work, more pie (the most archetypal metaphor for prosperity). Yet, the thing about pie is that you can’t tell the filling from looking at the crust—is it not the most essential black box, then? In elaboration of this point, Paulsen alleges “it is as if we lose our capacity to think and react as soon as we enter the workplace, whereas we are able to resist all types of domination as soon as we step out” (Paulsen 2013, 26). Work has become so entrenched in the public eye as a complete and utter good for economic revival, that any oppression that results from its very ideological and structural premises can slide by unexamined and forgiven. These lines of critique, lodged in the Marxist tradition, and fruitfully propounded upon by the first generation of the Frankfurter school,7 continue to remain salient in modern workplaces. Today, these theories and critiques of “Neofunctionalism,”8 the “rational iron cage,”9 and the “stupefying effects of work” (first brought up by Plato, actually), must be exhumed as modes of resistance to the flawed job-prosperity linkages in contemporary political mobilisation (Paulsen 2013, 13-14). Russell takes up the matter of pie in saying, “Identity groups are competing for ‘our’ piece of a reduced pie, when what we need to do is demand a transformation that delivers a bigger pie—one big enough for all of us.” (Russell in Roulstone 2002, 638).

Arguably, the pie at least needs to be more equitably distributed, and perhaps reconstituted—but must the filling be more jobs, no matter what jobs they are, and under whatever conditions they demand? Even if these conditions, as many Marxist theorists aver, impoverish people of freedom, time, thought, and emotion (Paulsen 2013, 13-15)? In light of this, what system transformation can deliver more pie for less “stupefying” work? Paulsen’s takes up this question by way of finding an alternative to the “false consciousness” promoted by the labor system in first exposing the visibility of the job market’s failure to produce better quality of life (Paulsen 2013, 37). He quotes a 2007 study into Sweden’s work satisfaction: “a growing majority of the working population says that they would quit their current job if they had the economic possibility to do so,” and the majority of Swedes would prefer “future productivity gains to be cashed in as reduced working hours rather than higher wages” (Sanne in Paulsen 2013, 15). Work, for many people is unsatisfying, exhausting, and life-draining. This is what my research points to as well.

In my interviews, I took up jobs as a starting point to get people to open up about their experiences of disability. Garland-Thomson underscores in her work that “nowhere is the disabled figure more troubling” to hegemonic capitalism and western individualist ideologies “than in relation to the concept of work” (Garland-Thomson 1997, 46). It is in jobs that disability is often most pointedly felt, especially if the workplace fosters standards of labor that exceed one’s ability. Further, national ideologies of work that are grounded in untenable regimes of productivity are devitalizing in and of themselves, prompting the “debilitation” of so-called abled bodies. So, if most “able-bodied” Swedes feel blighted by the labor regime they live in, how is it for those “not able bodied” and how do such shared experiences of exhaustion collapse the distinction between those able and unable?

Olivia is a retired child psychiatrist who worked at a large hospital in Malmö, the largest city neighboring Lund, for 20 years. Now on sick pension in her early 60s, she has come to an acceptance that she can never work again.

“I had a kind of depression when you work too hard considering your ability. I worked very very hard. I stopped sleeping. I nearly slept nothing; I was crying every day when I came home from work … It wasn’t possible or healthy for me to go on.

In the years since she stopped working, she has spent a lot of time in the local psychiatric hospital in therapy, in treatment, and at the Fountain House, trying to relocate herself as an autonomous individual outside of work. When I asked her what caused her exhaustion, she sat reflecting for a moment and said how she used to blame herself, that she felt a lot of shame.

“In my life I have always been ambitious… [But], it made me feel bad to think about my work. There were some other doctors who reacted [the same as me]. You could say that I’m rather sensitive… I don’t think it’s curious that it was me that couldn’t go on … [When I couldn’t work anymore], I felt grief, anger—I felt that I had failed. I stopped thinking about it, because it hurt so much.”

And then she said, with some time, she could qualify this feeling in saying that the requirements of being a doctor in that hospital were unreasonable.

“There needs to be less patients for each doctor. Everybody thinks that the fact that you’re a doctor that you should cope with everything, emotionally, and other aspects.”

What I find most interesting about Olivia’s case is her double entendré in perspective. She is a psychiatrist who was limited in her ability to practice psychiatry because that practice itself rendered her psychiatrically ill. Bringing up Olivia’s case exemplifies the new “cult of productivity” that has abounded in contemporary labor markets, wherein people are held to increasingly competitive and untenable standards of ability (Paulsen 2013, 18). Pointedly, it is within this schema of hyper-productivity that the “debilitating” effects of labor are observable. Within capitalist logic, a high level of productivity is prescripted in order to extract the highest degree of surplus labor value within a workforce (Marx 1887, 421). Marx explicates this phenomenon as such:

“It will be remembered that the rate of surplus-value depends, in the first place, on the degree of exploitation of labour-power. Political Economy values this fact so highly, that it occasionally identifies the acceleration of accumulation due to increased productiveness of labour, with its acceleration due to increased exploitation of the labourer” (Marx 1887, 421).

From this perspective, one can see how the debilitating effects of capitalist labor markets are not externalities to its process, but direct and necessary consequences of its very operational logic. It makes more sense to exploit, debilitate, dispose of, and recruit new workers within capitalist schemas, than to foster workable and sustainable wage relations. This system is held intact by the common held belief that productivity is a measure of “moral” character, and that hard work is not a punishment, but a personal duty to carry out (Garland-Thomson 1997, 47). Across the Western post-industrial world, exhaustion and busyness have become the new “badge of honor” (Paulsen 2013, 18)—and, within this new labor regime, shame has become the true democratic. I will go into the role of shame as a modality of capitalist discipline further in the section on normative critique.

In sum, the main point I want to highlight here is that the contingency between capitalist reproduction and maximum exploitability of workers shifts the focus from an imperative to buffer the economy with more jobs, to an imperative to improve quality of life within existing jobs. If less emphasis was put on highly productive individual workers in a schema of highly competitive marketplaces and industry prestige, there would be room to accommodate for “social solidarity” as a means to creating more “social resilience” for a greater majority of the population (Bauman 2007, 2). In a Marxian perspective, it makes more sense to provide people with a tenable quality of life, and invest in them as productive members of society within healthy and workable margins, instead of defaulting to a strategy which encourages a high turnover of workers who are often “debilitated” by unrealistically high standards, and shuffled between multiple jobs within a lifetime. Zygmunt Bauman describes this latter phenomenon as “liquidity.” Within a liquid system, individuals are exposed to the “vagaries of commodity-and-labor markets” inspiring more “division, not unity” by putting “a premium on competitive attitudes” (Bauman 2007, 2). In Olivia’s case, she was debilitated by work to the extent that she felt compelled to exit from the labor market permanently, and no longer felt “able” to compete in the turbulent flows of labor and market standards. In essence, she no longer fit into the normative form of, what McRuer calls, the “able-bodied worker” (McRuer 2006): the hegemonic paradigm for the modern laborer within capitalism. Casper put it this way:

“Many people get burned out in the labor market. And that is really scary. And that’s my opinion. I don’t think it’s the people who are sick. I think the system creates these symptoms. Not always, but in many ways. We are not lone animals. We are communal. And it’s very easy to lonely in this country.”

Bauman relates to this point in pointing out that in neoliberal systems, there is “more privatisation of troubles, yet more loneliness and impotence, and indeed more uncertainty still” (Bauman 2007, 14). In current economic evolutions which encourage competitive individualism, alienation and exhaustion often ensue; and thus it is no surprise that socio-economic frameworks lodged in such consequences inspires further fear and obedience to the status quo.

Furthermore, under current labor norms, and neoliberal systems more broadly, “nearly all bodies are referenced as debilitated and in need of market commodities to shore up their beleaguered cognitive, physical, affective, and aesthetic shortcomings” (Mitchell 2015, 12). In other words, under current paradigms of capitalist individuality and competitiveness, people are made to feel constantly incomplete, disabled, and entrenched in an ongoing journey to achieve unattainable ideals of selfhood. If the body is broken down by standards of labor that are unattainable by regular physical standards, there are commodity bandages to bring a person “back up to par.” Puar puts it well in saying that “the wealthy can purchase the fantasy of a regenerative body at the expense of the health of the other, less valuable bodies” (Puar 2009, 167). This is powerfully exemplified in the case of many pharmaceuticals. For example, ritalin and adderall10 are increasingly consumed by college students and professionals alike in attempt to improve performance. By the standard of pharmaceutically enhanced bodies, the latent human body becomes debilitated in comparison. In this way, the pervasiveness and the tactical use of disability is tangible. It transcends borders of mental and physical measurement as they are medically prescribed, they are actively expanded and mutated to capture the small and fabricated shortcomings we all experience daily. Compensation can extend beyond medicine; it can take the form of many different consumptive patterns—buying more prestige goods, clothes, or personal relationships. There’s a clear desire for normalisation among all people. It is these forms of performative and material “insufficiency” that are universally disabling for people living within highly neoliberal, competitive systems, whether or not they identify explicitly with the term “disability.” In sum, the capitalist state has manufactured a perfect feedback loop: wherein it exploits workers to debilitation, and then offers them a market remedy at a premium price to shore themselves up as workers again. In this way, the cult of productivity endures.

Conclusively, I have levied four main points in this section. In order, 1) the cult of productivity is a functional contingency of capitalism, 2) in capitalist schemas, untenable productivity standards incur debilitation of the labor force, 3) in consequence, the focus of political mobilisation should shift from an imperative to create more jobs to instead an imperative to improve the quality of existing jobs, and 4) capitalism provokes a feeling of material insufficiency in all people, whether or not they necessarily feel debilitated or identify as disabled. The gist of this section is to convey how capitalism attenuates the labor force through unrealistic productivity standards and promulgation of fabricated material insufficiencies. These factors are necessary operators within capitalism’s process of accumulation, and need to be interrogated for their debilitating effects on the singular human body and body politic alike.

4.2.2 Creating a reserve army of labor

The purpose of this section is to further elaborate on which ways neoliberal capitalist systems absorb disabled bodies into the labor market. Pointedly, how are “debilitated” bodies conditioned by neoliberalism and how are they used as reinforcements to extant hierarchies of power? I argue that the disabled labor force can be described as a “reserve army of labor” to processes of capitalist accumulation (Marx 1887). The absorption of disabled bodies into labor markets as such encourages economic precarity as well as physical, psychological, and economical debilitation therein. For this reason, I follow with Russell’s argument that “the socalled ‘disabled’ body is one of the conditions that allow the capitalist class to accumulate wealth” (Russell 2002, 212).

Often times, the laborers who are employed in short term, insecure, precarious jobs, are people with disabilities. Disabled populations are overwhelmingly funneled into unstimulating work environments, requiring little training, technical skill, or education (Russell 2002). The rationale for this market tendency is both generative and derivative of the categorical definition of “disability.” At its apotheosis, disability was a term derived from labor relations: it was first summoned as a category in the 1800s to designate individuals who were unable to work due to injury (Mitchell 2015, 211). Russell argues that “the disability category was essential to the development of an exploitable workforce in early capitalism and remains indispensable as an instrument of the state in controlling the labour supply today” (Russell 2002, 213). In explanation of Russell’s point, disabled workers have historically been, and still are, loftily excluded from much economic participation, on the grounds of their “inability” to maintain skilled jobs. Today, “disabled people are being re-aligned to compete for entry-level employment” (Grover 2005, 705) and scholars argue that they now compose a readily available “disposable workforce” for capitalist production to tap into (Russell 2002; Mitchell 2015; Grover 2005). Further, not only are disabled workforces funnelled largely into mindless labor, the labor in and of itself engenders mindlessness. The unstimulating work environment has been lamented on by a long lineage of political economists in the Marxist tradition, particularly the Frankfurter School. In 1951, C. Wright Mills eulogized the “loss of craftsmanship” in industrial practice, and the mind-numbing “robotism” promulgated therein (Mills in Paulsen 2013, 30). André Gorz argues the same, in disavowing repetitive, immaterial labor as an injurious phenomenon which “disqualifies the senses, steals the certainties of perception, [and] takes the ground from under our feet” (Gorz in Paulsen 2013, 32). These workplaces are, in essence, lacunas of labor requiring little to no “ability,” and consequently fail to enable people to exercise their skills. McRuer takes up this narrative as one of the “ablebodied worker,” whose identity is similarly produced and sustained through factory discipline, and has come to encompass the new “public identity” within capitalist states (McRuer 2006, 88). Simply put, my line of argumentation follows that, 1) the construction of the normative, able-bodied worker lays the foundation for capitalist reproduction, 2) the able-bodied worker is conditioned by and produced within lacunas of unstimulating labor, 3) the unstimulating work environment is a necessarily debilitating one in the way it encourages robotism and mindlessness, 4) disabled people are both absorbed into and created from such regimes of labor, and 5) workplace regulation as such inspires obedience to the system because it discourages free thought, self-empowerment, and therein resistance.

### Critical Phenomenology---Alternative---2NC

#### In the context of labor, life striking solves.

Smilges ’23 [Logan; 2023; Assistant professor of English language and literatures at the University of British Columbia; Crip Negativity, “Life Strike,” p. 53-64]

A life strike is a crip negative response to the work of life or to chronic labor-living. Inspired by anti-work politics and labor movement rhetoric, a life strike pursues a total relinquishing of all labor beyond what is required for our sustenance. Life striking may include refusing waged work, but such a refusal is neither required nor sufficient. Life striking is a broader bowing out, a spiritual retrenchment, a pulling back into oneself as a way to call oneself forth again. To strike from life is to strike from the modes of relation and integration organized around labor that claim to know us, to define us, and to make us whole. To strike from life is to die to the world as it’s extracted and sold back to us, so we might find in ourselves another life—another way to live—that is more attuned to the bodyminds we have, to how we want to occupy them, and to how we want them to occupy the world.

<<TEXT CONDENSED, NONE OMITTED>>

Cripping Labor Politics 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? This question has already been answered in part by disability justice activists who have imagined models of care, mutual aid, and interdependence that sidestep the compulsory nature of work under capitalism to embrace community networks that celebrate each person’s unique strengths and capacities. I am especially fond of Leah Lakshmi Piepzna-Samarasinha’s thinking on “care webs” that proposes care as a “collective responsibility,” a social mapping of what people need and what they can offer (2018, 33). The metaphor of a web gestures toward care’s scope and complexity. Care should not be reducible to static roles of giver and receiver, nor should only one person be responsible for all of the care that another person needs. Instead, care should be distributed across a community. We each maintain different skillsets, privileges, and levels of access to resources that others need at different times, in different ways, and to different degrees. The care that my lover offers me is different from the care I offer him; likewise, the care I offer my lover is not the same that I offer my friend Gavin—nor is the care he gives me the same that I pay my therapist to provide. Care takes as many shapes as the bodyminds that require it. Similar to bodyminds, care is fluid, situated, personalized, and sometimes intimate. Care can also be exhausting, frustrating, laced with jealousy or resentment, and at times overwhelming. Another reason I admire Piepzna-Samarasinha on the topic of care is their willingness to wrestle with the challenges that accompany sustaining care webs in a society that remains unsuited to such community-based forms. Caregiving burnout can happen. Access friction is real. What I need and what others have to offer do not always align. What I have to give isn’t always what others demand. Sometimes two people’s needs rub up against each other in a way that hurts our hearts. “I’ve often seen crip-only spaces fill with feelings of betrayal and hopelessness when we cannot fulfill some of our friends’ needs,” Piepzna-Samarasinha admits (65). It’s easy to feel let down by our communities when our care needs go unmet. It’s even easier to feel angry when others ask us for care while we’re still waiting to receive care ourselves. The challenge of care webs is not building them but maintaining them through the rain, dust, and wind that are grief, difference, and change. This maintenance is its own kind of crip labor that, while necessary in the long battle against neoliberal capitalism, comes at a steep cost. The cost is labor-living: feeling like the care we are meant to gladly give is yet another form of work. Extractive. Depletive. Debilitative. Sometimes even our efforts to liberate ourselves from work can feel like more of the same. Sometimes the work of cripping labor ends up crippling us.

<<PARAGRAGH BREAK RESUMES>>

How to Strike a Life

It is in recognition of life’s many, overlapping labors—waged and unwaged, economic and relational, social and personal—that I am convinced of the need for a life strike. As an intentional and temporary lapse of labor, a life strike erects boundaries around oneself in order to heal from the wounds of labor-living. Admittedly, a life strike is unsustainable and, not unlike efforts to create more jobs, an individualistic response to a systemic problem. However, unlike the individualism of waged work, which is meant to conceal the structural flaws of capitalism, the individualism of a life strike empowers each of us to honor our unique needs to ensure the long-term sustainability of care-based communities. It is a way for me to acknowledge when the life I’m living has become too laborious, perhaps so much so that it doesn’t feel much like a life at all anymore.

A life strike could take many forms, depending on the severity of a person’s labor wounds and the material conditions of their lives. In an ideal world, people could strike from life quite literally and hibernate like bears for months at a time. I wish people could quit their jobs and delete their email accounts and hole up in a cabin in the woods or spread out on a beach or hike an entire continent with no timeline or schedule. For some folks, these kinds of strikes are possible, and for those folks, I am genuinely so happy. But the reality is that most of us cannot afford to strike from life in such a way because we have laborious responsibilities that cannot be feasibly or ethically avoided. I’m thinking of parents with young children. I’m thinking of disabled adults who require assistance with one or more daily tasks. I’m thinking of people with limited incomes or who have frequent doctors’ appointments or who are incarcerated or who are the primary caregivers for a partner, family member, or friend. I’m thinking of most of us, for whom the possibility of a consummate life strike just isn’t going to happen.

I would like to believe, nevertheless, that life striking does not need to be totalizing in order to be valuable. As Kathi Weeks explains in her crucial book The Problem with Work, a refusal of work according to an anti-work politics “is not a renunciation of labor tout court, but rather a refusal of the ideology of work” (2011, 99). Life striking is not only about ending the practice of labor-living but also about revising our orientation to labor-normativity. Crip negativity exposes labor-normativity for what it is: a prime example of the fundamental failures of liberal humanism expressed through neoliberal capitalism. Crip negativity invites our bad feelings toward the ideology of work. It also recognizes our collective existence in relation to this ideology, as well as the ways this ideology shapes and delimits the feasible refusals at our disposal. Crip negativity allows us to reject the world as it is and yet remain cognizant of our place in it. Life striking, as a practice of crip negativity, is no exception: it is at once ambitious in its intention and flexible in its terms. A life strike might mean quitting a job, but it might also mean cutting back your hours. A life strike could include a lengthy getaway to a remote location, but it could also be a long weekend in your apartment with no scheduled events. A life strike might be cutting ties with someone, but it might also be a series of honest conversations that clarify your boundaries. Borrowing from Sunaura Taylor, a life strike “implies a right not to work as well as a right to live,” which is to say that the purpose of striking isn’t only to refuse labor but also to allow our festering bad crip feelings to break open a new life (2004, 11). A new life unbound or undefined by the labor we perform. A new life that is irreducible to our labor, whether that labor is work or care or self-sustenance. A new life that “challenges the mode of life now defined by and subordinated to work” (Weeks 99). A new life that is filled with living.

As I admit earlier in this chapter, I make no claim to knowing what a living-filled life is like. I am still in pursuit of it, still in the process of renegotiating my relationship with labor. I’m still figuring out how to strike from my own life. At the moment, I am learning how to rest, utterly and deeply. I am taking comfort in the guidance of Tricia Hersey’s Nap Ministry, which explains, despite its name, that rest is “about more than naps” (2020b). Rest, which is one form that a life strike might take, is inventive. Situated at the nexus of Black liberation theology, womanism, Afrofuturism, reparations theory, somatics, and community organizing, the Nap Ministry theorizes rest as “layered, nuanced and an experimentation” that lends itself to improving the conditions of our world by giving us the time and space to imagine it differently (Hersey 2021). By envisioning my life strike as a restful experimentation, I can admit that I don’t know what its results will be or how it will end for me. Bowing out from labor-living doesn’t always require a plan for ducking back in. Sometimes deciding to strike is enough for now; deciding to rest is enough for now; choosing to experiment with your “enough!” can be enough for now. And then in time . . .

Perhaps my strike will encourage someone else to strike as well—in their own way and suited to their own labor-living injuries. Life striking, like all crip negative practices, is most powerful when it encourages our bad crip feelings to be felt collectively. While there is value laden in each of our individual strikes, a single strike does not harness the communal energy that crip negativity promises. It is only “when we stand in the gaps for each other and decide to be relentless in our support and witness,” Hersey writes of rest, that “we can shift community” (2020a). Standing in the gaps means listening when someone says they’re too tired or trusting that others will listen when you admit you’re exhausted. It means taking over when someone says they can’t make it or being gentle with yourself when you’re the one who doesn’t come. It means showing up when someone says they need you and being brave enough to ask for help when you need it. It means expecting that sometimes everyone in your care web will need life strikes at once and being willing to stick it out through conversations after midnight to ensure everyone gets what they need.

Life striking, though demanded individually, is practiced in community. It is with “a radical understanding of interconnectedness,” says Hersey (2020a), that we can collectively negotiate refusal. Both one at a time and all together, we insist that we are not doing this anymore. We will not take part. We will not give more of ourselves. We refuse the access we’ve been given. It is not enough; it is too late; it is to a room we don’t want to occupy. We are taking a nap. We are breaking up. We are leaving. We are done for now, for today, for forever. We are indulging our bad crip feelings. We are on strike.

## Case

### Overview---2NC

#### Employment protections---like firing restrictions---are distinct and separate from collective bargaining.

Stone ’92 [Katherine Van Wezel; 1992; Professor at Cornell Law School and the Cornell School of Industrial and Labor Relations; The University of Chicago Law Review; “The Legacy of Industrial Pluralism: The Tension Between Individual Employment Rights and the New Deal Collective Bargaining System,” vol. 59]

With the old system of collective bargaining fading away, something new is emerging to take its place. In the past decade, state legislatures and courts have created a plethora of new employment rights for individual workers—rights not to be fired abusively, rights for privacy on the job, rights to be free of drug testing, rights to be free of sexual harassment, rights for whistleblowers, and so forth. Paradoxically, these new individual employee rights are emerging just as labor's collective rights are waning. Do these new individual rights signify a fundamental change in the system of legal regulation of employment in this country? Or are they merely an accretion to, or embellishment of, the New Deal system of collective bargaining? This question is important if we want to understand what is happening to the law governing labor relations and influence its future course. If the New Deal system of collective bargaining is collapsing, and if a new system is emerging, it is important to recognize that fact, and initiate a public debate about the strengths and weaknesses of the new system, the old system, and others that might be imagined.

There is a plausible argument that the newly emerging individual employment rights are an evolution of the pre-existing system of collective bargaining. After all, the new individual employment rights seem perfectly compatible with the system of collective bargaining. Indeed, they might enhance labor's strength in the workplace by setting a floor above which unions negotiate. They might also strengthen unions by removing the more general issues from the bargaining table, thus permitting unions to focus on those issues of particular concern to each workplace. This more finely-tuned form of bargaining could strengthen loyalty at the local level and thereby create stronger labor organizations. Greater individual employment rights might also remove sources of conflict within unions. Externally imposed employment terms represent tradeoffs made by a legislature or court, rather than by unions-tradeoffs between the young and the old, the black and the white, and so forth. Thus they spare unions the potentially divisive effects of making such decisions themselves.

However, despite the variety of ways in which external employment rights could be benign or even beneficial to organized labor, the rise of individual employment rights has not had that effect. Rather, there is a tension between the new individual employment rights and the New Deal system of collective bargaining, a tension that means, concretely, that organized workers do not share in the benefits of the new employment rights. Examining why this is so will enable us to see that the newly emerging system is a distinct and separate form of legal regulation. And recognizing that reality will enable us to confront the normative issue: What system of legal rules is best suited for regulating employment relations?

#### “CBRs” ONLY vest rights to the process of bargaining.

Reinis ’16 [Mitchell N. Reinis, Rowena G. Santos, Stephen B. Higgins, and Kathleen E. Kraft; April 15; attorney by at Thompson Coburn LLP; “California v. United States DOL,” Reply in Support of Plaintiffs' Motion for Summary Judgment; United States District Court for the Eastern District of California, Sacramento Division, Lexis+]

C. The Department's Other Arguments Conflate 13(c)(1) and 13(c)(2), Improperly Rely on NLRA Case Law, Employ an Inapplicable Preemption Doctrine, and Do Not Rationally Distinguish PEPRA From the Law Impacting MBTA.

The Department asserts that Plaintiffs can argue that 13(c)(2) protects the "collective bargaining" process only by ignoring 13(c)(2)'s use of "collective bargaining rights." The Department's suggestion that 13(c)(2) protects more than process, however, improperly conflates the distinct protections afforded by 13(c)(1) and (2) 8 and conflicts with 13(c)'s legislative history and Donovan. Congress intended for 13(c)(2) to protect "collective bargaining," a term that by definition means a "procedure looking toward the making of collective agreements." 9 And Donovan clearly described 13(c) as protecting the process of meaningful, good faith negotiations. 10 767 F.2d at 950-51; id. at 953 (13(c) "protects the process of collective bargaining"). The Department knows this; it has acknowledged 13(c)(2)'s protection of process in its decisions on remand (ECF No. 100 at 26, S.A.R. at 25), its pending motion (id. 99-1 at [\*10] 14: "collective bargaining rights … are … rights to a process"), and in prior certification decisions. 11

[\*11]

The Department attempts to salvage its overreliance on NLRA case law by arguing those cases determine what Congress intended the "generic" term "collective bargaining" in 13(c) to mean. (ECF No. 107 at 14-15.) True, Congress did not "employ a term of art devoid of all meaning," but the Department need look no further than Donovan to divine the meaning of "collective bargaining rights" Congress incorporated into 13(c). "Then as now, collective bargaining was universally understood to require, at a minimum, good faith negotiations, to a point of impasse, if necessary, over wages, hours and other terms and conditions [\*12] of employment." Donovan, 767 F.2d at 949; see id. at 950 (holding that "continuation of collective bargaining rights" requires that employees "be represented in meaningful, 'good faith' negotiations with their employer over wages, hours and other terms and conditions of employment").

#### You can lead Trump to experts, but you can’t make him drink!

Kelly ’25 [Mary Louise, Selena Simmons-Duffin, and Domenico Montanaro; August 8; American broadcaster and author; reports on health policy for NPR; NPR's senior political editor/correspondent; NPR, "How a distrust of experts is shaping government policy under Trump," https://www.npr.org/2025/08/08/nx-s1-5494569/how-a-distrust-of-experts-is-shaping-government-policy-under-trump]

MARY LOUISE KELLY, HOST:

Last week, the Trump administration canceled approximately $500 million in contracts to develop mRNA vaccines that protect the nation against future viral threats. The move alarmed public health experts. That was big news. But disregarding the advice of experts is nothing new for this administration, whether it's about health policy or other areas of government work like, say, the economy or foreign aid, just to name two. We want to hear more about the broader implications of that distrust of science and expertise, so for the next few minutes, we're going to turn the microphone over to two NPR reporters who have been following this closely - health policy correspondent Selena Simmons-Duffin and senior political editor and correspondent Domenico Montanaro.

DOMENICO MONTANARO, BYLINE: This decision at HHS canceling all this money for mRNA vaccines is kind of wild to me because it feels like a reversal from Trump's first term. He pushed to develop these vaccines in the first place.

SELENA SIMMONS-DUFFIN, BYLINE: Yeah, you know, it is, in some ways, a dramatic U-turn from the first Trump administration, which was in place when the COVID-19 pandemic began. So under Trump, the National Institutes for Health and private pharmaceutical companies collaborated to create vaccines incredibly fast. And you remember that effort was called Operation Warp Speed. And the speed was possible because the vaccines were built using this relatively new mRNA platform. The vaccines weren't perfect. There were a lot of breakthrough infections, but they are credited with saving many, many lives and preventing hospitalizations. And since that success, many scientists have been excited to figure out what else mRNA technology can do.

However, mRNA vaccines have also been a longtime target of Robert F. Kennedy Jr., who is now the U.S. health secretary. He built his reputation and fortune by disparaging vaccines and suing drugmakers and regulators. He once tweeted that the COVID vaccines were, quote, "a crime against humanity." And even though he reassured senators during his confirmation hearing he wasn't going to bring his anti-vaccine activism to this new, very powerful role, that's exactly what he has done, and this is the latest example of that. And President Trump seems to be happy with this development, even though he used to call Operation Warp Speed and the vaccines it produced a miracle.

MONTANARO: Yeah. I mean, he's not going to put his neck out there, you know, to stand up for them anymore as a miracle, as he did describe them. But, you know, the fact is COVID was a huge political problem for Trump. He was trying to find anything that would help solve the problem and help him politically. But his handling overall of that is arguably why he lost in 2020. You know, many in his base turned on the vaccines. So Trump had to wind up walking this very fine line.

There was a huge overlap with RFK Jr.'s base of people who'd long, you know, been seen as on the fringe, and Trump needed them in 2024. But Trump really doesn't have very strongly held beliefs on this topic. You know, remember, he's also expressed his own skepticism about vaccines, so now Trump's allowing RFK Jr. the room to run, regardless of the best science because his movement and that of so many right-wing populist movements around the world, by the way, are dependent on this distrust of expertise.

SIMMONS-DUFFIN: Yeah. And, you know, Secretary Kennedy has really disparaged the Department of Health and Human Services, which he now oversees. He's laid the blame for American population - the American population's relatively poor health on rank-and-file HHS employees. He says they failed to improve America's health for decades. He's pointed to that as justification for abruptly firing approximately 10,000 workers, shutting down federal labs, canceling billions in funding for public health departments and researchers. And he doesn't just say these experts are ineffective. He told Lara Trump on Fox News that they're deliberately manipulating the truth.

(SOUNDBITE OF ARCHIVED RECORDING)

ROBERT F KENNEDY JR: There's all kinds of biases, and we need to have a system in place that will account for those biases and that will produce the best gold-standard science for Americans and evidence-based medicine.

SIMMONS-DUFFIN: Kennedy talks about gold-standard science constantly, but he doesn't really define what he means. He said in his confirmation hearings this isn't just a label he uses for research whose results fit with his preconceived beliefs. He says it's more objective than that. But gold-standard science is not a term that's used among scientists, and he seems to be using it as a filter for what research gets funding and credibility and what can be brushed aside.

MONTANARO: Yeah. And Kennedy isn't the only member of this administration with a deep distrust of experts. You know, there's this anti-elitism, anti-intellectualism, this distrust in the experts. It's really something that's fueled Trump's politics. That was made explicit in the October vice presidential debate. Listen to now-Vice President JD Vance then strongly disagreeing with the idea that it's important to listen to the experts - in this case - about health.

(SOUNDBITE OF ARCHIVED RECORDING)

VICE PRESIDENT JD VANCE: So many of the drugs, the pharmaceuticals that we put in the bodies of our children are manufactured by nations that hate us. This has to stop, and we're not going to stop it by listening to experts. We're going to stop it by listening to common sense wisdom, which is what Donald Trump governed on.

MONTANARO: Yeah. In other words, don't believe the experts. Believe Donald Trump. And look, they told us. They've been telling us. Think about trade, which was the first part of JD Vance's answer, as well as health care - what we're talking about here. And the strategy here is undermine institutions and experts and believe in that one person, then they can sell you anything.

SIMMONS-DUFFIN: You know, it is striking to me how Secretary Kennedy seems to assume bad intent among experts, as if expert consensus is a kind of collusion, and only outsiders without expertise in certain fields have the bravery to see things clearly. You know, think about how he fired the outside panel of vaccine experts and replaced them with his own handpicked roster, including people who have spread misinformation about vaccines.

You know, he points to historical examples of when scientists got things wrong to imply that all science that experts stand behind - especially if it contradicts his ideological beliefs - is also maybe wrong. And that's really a misrepresentation of how science works and a dark view of what motivates the experts in health and science. You know, he's leading from a place of distrust. And even though the public doesn't have high trust in public health experts or federal agencies like CDC and FDA, Kennedy has extreme views on things like vaccines that don't reflect popular opinion.

MONTANARO: And they used to have very high opinions of those institutions but...

SIMMONS-DUFFIN: Yeah.

MONTANARO: ...Leadership matters. And this is what happens when leaders undermine expertise. And that's, frankly, one of the biggest problems in our society, that we can't agree on a shared set of facts and then be able to argue about which policies are the right ones to lead the country. It makes it extraordinarily hard to find any degree of unity when everything is viewed through a partisan political lens.

#### Trump disregards expert input, especially intel---purges are a symptom, not cause

Risen ’25 [James; June 24; two-time Pulitzer Prize winning reporter; The Guardian, "Trump is not interested in listening to US experts on Iran’s nuclear program," https://www.theguardian.com/us-news/2025/jun/23/trump-israel-iran-nuclear-facilities-cia]

In the past, the US intelligence community’s assessments on the state of the Iranian nuclear program – developed in the aftermath of its failures on the Iraqi WMD issue – acted as a restraint on the actions of successive presidents, from Bush through Obama and Biden. All of them faced pressure from Israel to take action against Iran, or at least to let Israel bomb the country.

The difference today is not that the intelligence reporting has significantly changed.

It is that Trump is now more willing to listen to Israel than his predecessors and is also deeply suspicious of the Central Intelligence Agency. And by firing so many staffers at the national security council and conducting an ideological purge throughout the rest of the national security community since he returned to office, Trump has made it clear that he is not interested in listening to the experts on Iran and the Middle East. Trump underscored his skepticism of the experts when he recently told reporters that “I don’t care” about the US intelligence community’s latest assessment that Iran still wasn’t building a bomb.