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#### Our thesis is that disability is locked into an ontological antagonism due to the disability drive and the disabled death that is required to sustain notions of futurism – the 1AC presents itself as a savior with a material net benefit but fails to recognize that it is simply the savior in the asylum, and that asylum necessitates disabled death.

#### All subjectivities are governed by self reflection – the disability drive is a two tiered affective response of pity between the non disabled subject and the disabled object. Primary pity removes the ego’s ability to distinguish itself from the disabled other by forcing the self to reconcile with the fact that ability status is temporary. The temporariness of ability status exists in opposition to the egos investment in healthiness and control – to regain itself the ego invokes secondary pity - a distancing of the ego from disability by invoking emotions of superiority through sadness and a desire to eliminate disability from social consciousness through medicalization or institutionalization.

Mollow 15 (The Disability Drive by Anna Mollow A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy in English in the Graduate Division of the University of California, Berkeley Committee in charge: Professor Kent Puckett, Chair Professor Celeste G. Langan Professor Melinda Y. Chen Spring 2015) BL

A great deal of the pain and pleasure of primary pity center on questions about what, or who, this fallen self is. When most people think about pity, we refer to an affect in which, to adopt Edelman‟s phrase, we purport to “feel for the other.” But as with primary narcissism, in which the self has not yet been constituted, and therefore cannot be said to enter into intersubjective relations with an “other,” primary pity entails a mixing up of self and other such that the ego, in becoming permeable to pain that may properly belong to “someone else,” is profoundly threatened in its integrity. Primary pity is that intense pain-pleasure complex that is provoked by the image of a suffering other who, it seems momentarily, both is and is not one‟s self. This affective response can feel unbearable, as seen in Siebers‟s formulation: one “cannot bear to look…but also cannot bear not to look.” Primary pity is difficult to bear because it involves a drive toward disability (one cannot bear not to look), which menaces the ego‟s investments in health, pleasure, and control—because to contemplate another person‟s suffering is to confront the question, “Could this happen to me?” Such a prospect, although frightening, may also be compelling; in this way, primary pity replicates the self-rupturing aspects of sexuality. Indeed, the unbearability of primary pity reflects its coextensiveness with sexuality. Sex, or the Unbearable, a book coauthored by Edelman and by Lauren Berlant, argues that sex “unleashes unbearable contradictions that we nonetheless struggle to bear” (back cover). This claim accords with Freud‟s account of sexuality as a “pleasurable” “unpleasure” that the ego can never fully master or control (Three 49,75). As Leo Bersani puts it in his reading of Freud, “the pleasurable unpleasurable tension of sexual enjoyment occurs when the body‟s „normal‟ range of sensation is exceeded, and when the organization of the self is momentarily disturbed”; thus, “sexuality would be that which is intolerable to the structured self” (Freudian 38). Primary pity is also intolerable to the structured self, because it entails a fascination with the fantasy of a self in a state of disintegration or disablement. Secondary pity is something else, although it cannot wholly be differentiated from primary pity. Secondary pity attempts to heal primary pity‟s self-rupturing effects by converting primary pity into a feeling that is bearable. As with secondary narcissism, secondary pity involves both an attempt to get back to that ego-shattering state of painfully pleasurable primary pity, and at the same time to defend against that threat to the ego by aggrandizing oneself at someone else‟s expense. Secondary pitsy refers to all those ego-bolstering behaviors that most people think of when they talk about pity. Disabled people are all too familiar with these behaviors: the saccharin sympathy, the telethon rituals of “conspicuous contribution,” the insistence that “they” (i.e., nondisabled people) could never endure such suffering. More commonly known in our culture simply as “pity,” secondary pity encompasses our culture‟s most clichéd reactions to disability: charity, tears, and calls for a cure. Correlatives of these commonplace manifestations of secondary pity are the obligatory claims that disabled people‟s suffering is “inspiring.” Indeed, the speed with which conventional cultural representations of disability segue from overt expressions of pity to celebrations of “the triumph of the human spirit” highlights the ways in which secondary pity, as a defense against primary pity‟s incursions, reinforces the ego‟s fantasy of sovereignty. Secondary pity, in other words, can be seen as a variation of secondary narcissism: these affects enlarge the ego of the pitier or the narcissist at the expense of someone else. But primary pity is not the same as either primary narcissism, secondary narcissism, or secondary pity. Unlike primary narcissism, a feeling that emerges out of a relation to the world in which notions of “self” and “other” do not obtain, primary pity does depend upon the constructs of self and other, although these constructions are unstable and are continually threatening to come undone. Primary pity can thus be envisioned as a threshold category occupying a liminal position between the total denial of the other that is inherent to primary narcissism and the rigid structure of (superior) self and (inferior) other that constitutes secondary narcissism and secondary pity. My concept of primary versus secondary pity also differs from Freud‟s primarysecondary narcissism distinction at the level of genealogy. Like Freud‟s account of primary and secondary narcissisms, my model of primary and secondary pities involves a temporal transition; but whereas Freud imagines the movement from primary to secondary narcissism as a passage from an earlier to a later stage of an individual‟s development, the temporal shift from primary to secondary pity happens much more quickly than this. It happens in an instant: that moment in which we feel primary pity and then, almost before we can blink, deny that we feel or have felt it. The denial is understandable: who wants to admit that one gets pleasure from the sight of another person‟s suffering—or, to make matters worse, that this pleasure derives in part from the specter of disability‟s transferability, the possibility that this suffering could be—and, fantasmatically, perhaps already is—an image of one‟s own self undone? Indeed, the model of primary pity that I have been constructing may sound a bit too close to sadism for some people‟s liking. Pity does come close to sadism, and at the same time, to masochism, which Freud theorizes as sadism‟s obverse. In “Mourning and Melancholia,” an essay that can be read as a sequel to “On Narcissism,” Freud approaches a distinction between primary and secondary masochism, which accords with my primary-secondary pity heuristic.122 If the story that I traced in “On Narcissism” could be summarized as “child gets breast; child loses breast; child gets breast back, albeit in a secondary, adulterated form,” the tale that Freud tells about masochism takes much the same form. In this story, subject loves object; subject loses object; and subject tries to get object back by becoming object, that is, by identifying with the object in such a way that object starts to seem—and perhaps in some ways is—part of subject‟s self. This last phase is a dysfunctional and disabling form of identification, Freud makes clear. Subject is still angry at object for having left it, and it takes out that anger on the object that is now part of itself. This is the reason that people suffering from melancholia are so hard on themselves, Freud says; the “diminution in…self-regard” that typically accompanies melancholia results from the subject‟s attacks on the loved-and-lost object that the subject has incorporated into its ego (“Mourning” 246). Freud had not wanted there to be such a thing as primary masochism; for a long time, he had insisted that sadism, or “aggression,” was the primary instinct, and that masochism was only a turning-inward of this originary aggression. But in “Mourning and Melancholia,” although Freud does not yet use the term “primary masochism,” he nonetheless gets at this concept. The problem of suicide, Freud notes in this essay, raises the possibility that the ego “can treat itself as an object” that it wants to destroy (252). When it comes to such an extreme act as suicide, the possibility of carrying “such a purpose through to execution” must, Freud surmises, involve more than a sadistic wish to punish others. Perhaps, then, there is an innate desire to destroy one‟s own self, Freud hypothesizes. If so, this self would not be a single thing: it would be “me” and at the same time, the lost object whose image “I” have internalized. Freud‟s notion of a primary masochism is tied very closely to his conceptualization of the drive. Beyond the Pleasure Principle, the text in which Freud first used the term “death drive,” was published three years after “Mourning and Melancholia.” In the later text, Freud‟s speculations about the death drive lead him to acknowledge that “there might be such a thing as primary masochism” (66). After all, Freud points out, the idea that either sadism or masochism definitively takes precedence over the other does not ultimately make much sense, as “there is no difference in principle between an instinct turning from the object to the ego and its turning from the ego to an object” (66). If sadism and masochism are ultimately indistinguishable obverses of each other, then pity, in both its primary and its secondary forms, would have to be both sadistic and masochistic. This is a deeply troubling possibility, but I suggest that trying to overcome pity will only make matters worse. There are many ways of trying to overcome primary pity, and each one ultimately aggravates the violence of primary pity. One way is the “pitiless” refusal of compassion that Edelman advocates (70). Another is the disability activist “No pity” injunction. A third example is secondary pity, as in the query, commonly addressed to disabled people, “Have you ever thought of killing yourself?”123 In this question, disabled people correctly hear the wish, “I‟d like to kill you.” Indeed, primary pity is so unsettling that our culture has been driven to “mercifully” kill people in the name of secondary pity. We have also been driven to lock people in institutions, to let them languish on the streets, to stare, to punish, and to sentimentalize—all, I would suggest, in the interest of not owning, not naming, not acknowledging that self-shattering, ego-dissolving, instantaneous and intolerable moment of primary pity. Because primary pity is tied up with the disability drive, it must, like the drive itself, be regarded as unrepresentable. However, I will quote at length from a passage of writing that comes close not only to representing primary pity but also perhaps to producing it. In his memoir, One More Theory About Happiness, Paul Guest describes an experience that he had in the hospital after sustaining a spinal cord injury when he was twelve years old: My stomach still roiled and it was hard to keep anything down. Late one night, a doctor came to my bedside, leaning over me, his hands knotted together. He seemed vexed, not quite ready to say anything. Used to the look, I waited. And then he began. “The acids in your stomach, Paul, because of everything you‟re going through, it‟s like your body, everything about it, is upset. That‟s why you feel so nauseous all the time. We‟re going to treat that by putting a tube into your nose and down into your stomach, so we can give you medicine, OK?” When he walked away, I felt something begin to give way inside me. Up until then, I‟d faced more misery and indignity than I would have thought possible. I lay there, numb and sick in a diaper, helpless. It was too much to bear, too frightening, a last invasion I could experience and not break, utterly. When he returned with nurses, I was already sobbing. Anyone so limited could hardly fight, but I tried. I tried. The neck collar prevented much movement, and any was dangerous, but I turned my head side to side, just slightly, a pitiful, unacceptable range. Fat tears rolled down my face like marbles. I begged them all, no, no, no, please no. “Hold him, hold him still,” the doctor said. Nurses gripped my head on either side. From a sterile pack, the doctor fished out a long transparent tube and dabbed its head in a clear lubricant. He paused almost as if to warn me but then said nothing.

#### The 1ACs imagining of a future is complicit in the logic of rehabilitative futurism that will always already render the disabled body as ontologically negative. imagining a better future is threatened by the notion of disabled child meaning futurism requires the cure or elimination of disability.

**Mallow 15** The Disability Drive by Anna Mollow A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy in English in the Graduate Division of the University of California, Berkeley Committee in charge: Professor Kent Puckett, Chair Professor Celeste G. Langan Professor Melinda Y. Chen Spring 2015 // UTDD

“Let us begin our reexamination of Tiny Tim with a discussion of No Future, a text in which Tiny Tim takes a prominent position. No Future is a text with a target: the book takes aim at “the Child whose innocence solicits our defense,” a trope that Edelman names as the emblem of an ideology that he terms “reproductive futurism” (2). According to Edelman, commonplace cultural invocations of the figure of the Child (“not to be confused with the lived experiences of any historical children”) uphold “the absolute privilege of heteronormativity” (11, 2). Defying pronatalist social imperatives, Edelman names queerness as “the side of those not fighting for the children‟” (3) and urges queers to accept the culture‟s projection of the death drive onto us by saying explicitly what Law and the Pope and the whole of the Symbolic order for which they stand hear anyway in each and every expression or manifestation of queer sexuality: **Fuck the social order and the Child in whose name we‟re collectively terrorized; fuck Annie; fuck the waif from Les Mis; fuck the poor, innocent kid on the Net; fuck Laws** both with capital ls and with small; **fuck the whole network of Symbolic relations and the future that serves as its prop.** (No Future 29) Elsewhere, I have argued that No Future‟s impassioned polemic is one that disability studies might take to heart. Indeed, the figure that Edelman calls **“the disciplinary image of the innocent‟Child” is inextricable** not only from queerness but also **from disability** (19). **For example, the Child is the centerpiece of the telethon, a ritual display of pity that demeans disabled people.** When **Jerry** Lewis counters disability activists‟ objections to his assertion that a disabled person is “half a person,” he **insists that he is only fighting for the Children: “Please, I’m begging for survival. I want my kids alive,”** he implores (in Johnson, Too Late 53, 58). **If the Child makes an excellent alibi for ableism**, perhaps **this is because**, as Edelman points out, **the idea of not fighting for this figure is unthinkable.** Thus, **when Harriet** McBryde Johnson **hands out leaflets protesting the Muscular Dystrophy Association, a confused passerby cannot make sense of what her protest is about. “You‟re against Jerry** Lewis!” he exclaims (61). **The passerby’s surprise is likely informed by a logic** similar to that **which**, in Edelman‟s analysis, **undergirds the use of the word “choice” by advocates of legal abortion: “Who would, after all, come out for abortion or stand against reproduction, against futurity, and so against life?”** (16). Similarly, **why would anyone come out for disability, and so against the Child who, without a cure**, might never walk, might never lead a normal life, **might not even have a future at all? The logic of the telethon**, in other words, **relies on an ideology** that might be **defined as “rehabilitative futurism,”** a term that I coin to overlap and intersect with Edelman‟s notion of “reproductive futurism.” **If**, as Edelman maintains, **the future is envisaged in terms of a fantasmatic “Child,” then the survival of this future-figured-as-Child is threatened by** both queerness and **disability. Futurity is habitually imagined in terms that fantasize the eradication of disability: a recovery of a “crippled” or “hobbled” economy, a cure for society’s ills, an end to suffering and disease. Eugenic ideologies are** also **grounded in both reproductive and rehabilitative futurism: procreation by the fit and elimination of the disabled, eugenicists promised, would bring forth a better future.**” (68-69)

**1AC ev rehighlighted**

#### Vote negative to affirm NO future and unyielding pessimism – only a refusal of this world disrupts systems of optimism – a negative ballot refuses to breathe life into the world.

Selck 16 Selck, Michael L. "Crip Pessimism: The Language of Dis/ability and the Culture that Isn't." ( Jan 2016). // UTDD

“**The disabled are dying and with them dis/abled culture is being eradicated.** In the time between formulating this project and its completion already **too many disabled souls have been taken from this world, including pivotal disability studies influences for this research.** I barely had enough time to mourn the loss of disability advocate and inspiration porn critic Stella Young before grieving the loss of disability studies exemplar Tobin Siebers. **Attached to the grief I feel as a result of the fading disability studies community is** the perpetual grief I harbor since my disabled Father’s suicide and in turn **the grief concomitant to the claiming of a disabled identity.** I choose to start out this project with **grief** because it **communicates the tenor of this research; this is not the disability studies project of inspiration or utopia. My** entry point to the **disability studies dialogue is riddled with grief, anger, and pain and it is as such that this project plots a course of disability research that attempts to make a space free from the ideological constraints of optimism.** The language surrounding dis/ability is highly political. Entire words, phrases, and identities are stretched between, in, and out of the nexus of dis/ability. The choice, for instance, to include a backslash in the word dis/ability represents for Goodley (2014) a desire to delineate and expand each of the categories in the face of global neoliberalism. My initial research inquired about the impact of dis/abled terms and phrases. I went to interrogate rhetoric like “special education”, “handicapable”, and one of the most glaringly overused insults in the American education system “retard”. **The scholarship I was coming up with was plentiful but was for the most part located entirely outside of intercultural communication programs** like the one I was attending. For the most part the few and far between intercultural communication projects about dis/ability I was able to locate were without modal complexity and didn’t bear semblance to so many of my own experiences. **I was beginning to notice a layer of optimism that has been communicatively imprinted upon the negotiation of dis/abled identity.** The angst started to manifest as I questioned if I was in the correct field or if dis/ability even was ‘cultural’. **I felt a very real cultural erasure of dis/ability in academia and ultimately that glaring lack of consideration is what pushed me to performance studies. I** first **worked to close the apparent research gap by crafting a collaborative performance** titled Under the Mantle (UTM), **which put dis/ability, communication scholarship, and pessimist philosophy on stage. The larger purpose of this research report is to antagonize the erasure of dis/ability from communication studies by autoethnographically analyzing the crip-pessimist performance** art project Under The Mantle.” (1-2)

#### The role of the ballot is to vote for the debater that best disrupts the notions of progress within the confines of civil society – they do not get to weigh the case, if we win that their starting point is flawed then they should not be able to leverage their end point.

Selck 2 (Selck, Michael L. "Crip Pessimism: The Language of Dis/ability and the Culture that Isn't." ( Jan 2016)) BL

Despite the fact that a large basis of American culture is founded on ability, dis/ability rarely enters the dominant public communication sphere. The unpleasant and visceral questions that accompany communication about dis/ability have been strategically re-zoned and relocated like so many dis/abled patients, veterans, and transients. Yet, when conversation about dis/ability does seem to permeate the ideological walls of ability the messages are inspirationally distorted and optimistic. My time researching dis/ability in academia found that the conversation there mimicked the exploitive inspirational humaninterest trope found in cinema and journalism. To break the optimistic silence I set out with a performance art piece titled Under The Mantle to advance a theme of crip-pessimism, which intended to raise the stakes of contemporary dis/ability research. The beginning of this essay takes the time to detail the vast theoretical backgrounds of critical disability theory and philosophical pessimism. In the following section I reviewed intercultural communication literature for dis/ability because much of the theory literature I drew from existed outside the communication studies discipline. The evidenced lack of intercultural dis/ability artifacts up against a dis/ability centric performance art project necessitated an interdisciplinary multi-method framework. In that framework I demonstrate how autoethnography is significant to dis/ability studies because it illuminates even the most mundane able-bodied norms. In the final sections I offer a textual description of the performance and hone in on three explicit arguments that augment traditional thinking about dis/ability and communication. The trouble I encountered with dis/ability research in communication studies has to do with the way American culture understands offensive communication. Political correctness as a disciplining communication concept dictates what terms are socially acceptable at a given time. Political correctness underscores how many communication studies programs operate within the rubric of conflict (Wilderson, 2010). The thinking that suggests simply avoiding offensive terms will diminish oppression is within the rubric of conflict because it understands the oppression as materially reconcilable. What crippessimism does, and what UTM performed, is skepticism that speaking inspirationally and avoiding speaking offensively about dis/ability would end disablism. Instead I argued that what dis/ability represents is an antagonism, it is an oppression so much more foundational to the core of American values that linguistic reforms would not even scratch the surface. The significance of antagonism is that it raises the stakes of dis/ability research. The end goal of research should not be to service the meta-theoretical assumptions of the paradigm (Kuhn, 1962), because consequently the researcher never stops to ask if the assumptions of the paradigm are ethical, valid, or effective. Crippessimism is a call for some demolition and redistribution of communicative identity paradigms. If the radical promise of our theories is nothing more than a call for social stability then they are complicit in the neoliberal eugenic project. We need to theorize so that there is nothing already ‘given’ or taken for granted. Often in those moments, like the moments of so many textbooks, the underlying optimism goes completely unquestioned. Crip-pessimism as a theme is characterized by negotiating debates surrounding the efficacy of identity politics. Arguments that fit within the theme ask why the disabled should abandon their bodies in the political sphere. Social death has already occurred, the dis/abled are being rendered culturally unintelligible and physically fungible. So what we need when we are having discussions about how to progress is a theosry that breaks down the notion of progress. The recognition and need for a theory like this comes about when we ask central dis/ability questions like: ‘when did eugenics end?’ and ‘where is disability in U.S. society before and after the passage of the Americans with Disabilities Act?’ and ‘globally has the Convention on the Rights of Persons with Disabilities reconciled the antagonism of disablism?’. These are the questions that I want to end on and encourage communication and dis/ability scholars alike to take up. As scholars and mass media engines continue to project dis/ability within the rubric of conflict our collective reliance on capitalism and neoliberalism grow deeper. It is my hope at the end of this project that my voice both in performing and in writing encourages more scholarship detailing the omnipresence of disablism in American culture. Under The Mantle is a reminder to me that all representations of dis/ability have consequences and in many cases all we need to witness those consequences is a slight perspectival shift.

## Case

#### Communicative spaces privilege those who can conform to marketable forms of affect by rewarding normality and conformity and marginalizing those who are deemed incompetent. The drive to perform means the disabled bodies are always constituted by affective labor and regulated to the bottom of the communicative register causing violence and exclusion. Form B4 Content.

**St. Pierre 13** (PhD Student at the University of Alberta; Department of Philosophy; M.A. in philosophy from the University of Alberta Canadian Disability Studies Association. Victoria, BC. June 2013.) BL

My talk investigates the means through which **disability is constituted by affective labour** and neoliberalism. Paralleling the shift from modernization to postmodernization of labor, the constitution of disability has likewise been changed. There are accordingly two questions that will structure my exploration: 1) how are disabled subjects marginalized within an information economy and 2) what kind of disabled subjectivity does informationalization produce? This is largely a new area of inquiry for me and as such I welcome ideas of how to further these questions. To start off, allow me to rehearse a simple truism: capitalism produces competition. Simon Clarke notes that “the intensiﬁcation of the demands of capital throws more and more people into the ranks of the unemployable. The accumulation of capital necessarily leads to the polarisation of overwork and unemployment, prosperity and destitution” (25). As has been well noted within disability studies, this competition notoriously privileges the able-bodied since those bodies **which cannot move** quickly or efficiently, unable to meet the demands of labour intensification, are the first to be cut from employment. If this resulting exclusion was true within industrial capitalism, then it is even more so within neoliberalism. Here, knowledge and education are translated as human capital to be exploited, and asetheticization gains centre stage. Here,the performance of competencies is a necessary trait since skill no longer determines competency; what is furteher needed for full-participation in the socio-economic system **is to project the right sort of image as a marketable and desirable embodied subject**. In this way, it is not uncommon for the compulsion to appear normal and able-bodied to overshadow one’s actual skills. The phenomenon of advertising and marketing the self trades upon communication. Unlike human knowledge and education, I suggest that communication is not capital per se, but serves a more basic function as the conductive medium through which human capital becomes salient and exploitable. Communicative disabilities are the most obvious examples of disabilities marginalized here, but **the drive to perform competencies in normalized fashion allows all disabled bodies to be exploited** in ways impossible within industrial capitalism. To explain this move, I turn to Michael Hardt and affective labour. In his ground-breaking piece “Affective Labor,” Hardt outlines the succession of economic paradigms since the middle ages: “a first paradigm, in which agriculture and the extraction of raw materials dominated the economy; a second, in which industry and the manufacture of durable goods occupied the privilege position; and the current paradigm in which providing services and manipulating information are at the heart of economic production” (90). **The most recent shift of post-modernization, from the secondary sector to the tertiary, marks the overshadowing economic importance of knowledge, information, communication, and affect**. It is not that industrial production and the extraction of raw materials cease to play an important role, but rather that their role has been redefined through the informational economy such that production has become informationalized. Hardt argues that **within this economy, the quality and nature of labour has shifted from material—the production and selling of “stuff”—to immaterial labour—labour that produces immaterial goods.** In particular, there are three types of immaterial labour: 1) industrial production that has been informationalized 2) labour of analytic and symbolic tasks 3) production and manipulation of affect (which requires actual or virtual human contact and proximity). This third category is the one that most interests both Hardt and myself, for while those with communicative disabilities are generally disadvantaged by the move to an informational economy and immaterial labour, affective labour **significantly** reshapes the terrain of disability. The first two forms of immaterial labour are directly concerned with the exchange of information and knowledge; affective labour produces affect: “a feeling of ease, well-being, satisfaction, excitement, passion—even a sense of connectedness or community” (96). In the most obvious sense, affective labour describes the service industry—Disneyland is in the business of selling a particular experience—but affective labour has also reconstituted the socio-economic terrain such that material goods are not sold anymore; that is, Starbucks does not sell coffee, but Zen, wholeness, and friendship while Mazda sells not cars but a lifestyle of freedom and adventure. **The creation and manipulation of affect is central**. Affective labour collides economy and culture, insofar as “production has become communicative, affective, de-instrumentalized, and ‘elevated’ to the level of human relations” (96). Through affective labour the human is constituted as a node of informational conductivity in relation to systems of communication between the production and consumption of commodities. Since communication is that which holds the fluid socio-economic structure of post-modernization together, informational conductivity becomes key to competing and surviving. Existing as informational nodes, **those with communicative disabilities distort and put stress on the mechanisms of production and are therefore disadvantaged in highly competitive markets** that exploit human capital. Yet labor is not only produced communicatively, but reciprocally produces informationally structured subjectivities. While Hardt does not here make this connection, affective labour dissolves the informationally closed body-as-organism/body-as-machine constituted by industrialism and ushers in the informationally open posthuman. Through affective labour, communicative disability thus threatens posthuman subjectivity by being unmalleable and impermeable to information flow. Those who are disabled communicatively are further marginalized insofar as affective labour is particularly concerned with producing marketable affects. This has led to the aestheticization of socio-economic space. The common fear, anxiety, and discomfort experienced in the presence of disability—the disruption of the perceptual field—is now internal to the production of capital. The marketable product of affective labour depends upon aesthetically normalized human contact, communication, and projection of ability and the self. The drive to advertise ourselves troubles the borders of ‘disability’ and oppresses those who, for example, stutter, far beyond what was experienced in industrialized capitalism. In this way, neoliberal ableism and affective labour stretch the conception of a normalized body to often unlivable proportions. It is of course true that the stigmatization and enfreakment of the disabled body was economically marginalizing within industrial capitalism (and before), however, the turn to affective labour collapses any previously existing space between asethetics and economics. Consider this response of one forthright interviewer to Marty Jezer, a stutterer: “I’m going to be frank. You’ve got all the qualifications to be a good copywriter. But in advertising it is image that counts. Executives aren’t as impressed by talent and creativity as they are by a person’s ability to fit in . . . Take care of your speech and come back. You’ll never get a job in advertising until you learn to talk.” Jezer’s marginalization is twofold: in the first place, he is marginalized by disrupting information flow since according to post-modernization, the entirety of journalism is structured by informationalization. Yet secondly, **the drive to perform competencies in a normalized fashion runs roughshod over bodies affectively abnormal**. Jezer’s marginization is inseperable from the asethetics of human interaction and the production of marketable affect. **While people with explicit communicative disabilities are the most obvious examples of those sidelined within an informational economy, all disabilities are reconfigured by neoliberalism and affective labour.** Through the logic of affective labour all disabilities, like all abilities, are now communicative. Bodies now primarily produce not material goods but affect and are situated within communicative socio-economic networks. Thinking seriously about communication and disability may thus be an important move in pushing disability theory further, into uncharted territory.

#### Metaphors of overcoming silence equate experiences of those unable to do so as inauthentic.

Chen 13 (Mel Y Chen, “Asian American Speech, Civic Place, and Future Nondisabled Bodies”, p. 91-92, http://uclajournals.org/doi/abs/10.17953/amer.39.1.n6t6477372245h46)

Following Piepzna-Samarasinha in her call to envision alternative methods of organizing and activism, I am interested in how contemporary public protest and slogans—many of which are mobilized in community organizing—articulate themselves (sometimes in subtle ways) in terms of race and disability. I consider how these slogans both construct a certain audience of address and, as part of their less apparent consequences, erase or render impossible others. With a focus on Asian American constructs and disability politics, I look at the idealized future bodies implicated in protest slogans dependent on common political appeals to imagined able-bodiedness or nondisability. In particular, I am concerned with the well-known slogan “silent no more,” which is utilized in a host of contexts across the ideological spectrum, from domestic violence awareness campaigns to anti-choice, anti-abortion testimonials. “Silent no more” appeals are arguably constructed on ideals of white liberal civic (speechly) participation and political representation. These ideals have endured throughout decades of formation of what Wendy Brown calls “the collective insurrectionary subject.”7 For the “silent” in the activist engagements of “silent no more” to at once be a metaphor for a condition of disenfranchisement or oppression and to also always have the possibility of being literally interpreted suggests an implicit but generally unacknowledged effect of expelling and banishing all things “silent” to the past, and hence also from a possible future. As Brown writes, “the belief that silence and speech are opposites is a conceit underlying most contemporary discourse about censorship and silencing.”8 The use of “silence” in the context of protest speech also assumes that to speak—to “break the silence”—is to reverse or overcome a dynamic in which speechlessness is equated with powerlessness. In addition, the silence-speech bifurcation enables the assumption, according to Brown, that “when an enforced silence is broken, what emerges is truth borne by the vessel of authenticity or experience.”9 Thus when silence endures, the capacity for truth-telling or “authentic” experience is presumed to be absent, or at least muffled. What is meant by silence and speech, of course, is always an open question. Silence and speech are multiplicitous in meaning, as feminist writers such as Audre Lorde and Adrienne Rich have noted.10 If we begin with perhaps the most literal kind of silence, we assume it means no perceivable, differentiated sound—an absence of detectable frequencies. In linguistics and language studies, silence can certainly be understood as an absence of (meaningful) linguistic production, along the lines of what Brown glosses as negativity. It can also be understood as integral to speech, in the case of the phonetic class of plosives such as “t,” “p,” in which no auditory signal is produced until the short burst which completes the plosive articulation. Silence also operates integrally to speech, in the form of a pause, a demarcation of a turn, or the completion of an idea. Silence can also be understood as a positive linguistic entity in itself, a “communicative device” particular to a given cultural arena and serving a special function. Thus, silence can function as a refusal to participate, or as an observance or show of respect. However, such accounts seem still to focus on the structural significance of silence and hence they do not account for the many incidental silences that fall out of discomfort: the loss for words, the lack of authority to speak, the experience of risk, or the start-up time of making an effort in a new language. When non-English-speaking immigrants or those who have non-normative modes of speaking enter the consideration, silence itself necessarily becomes more complex. For instance, sign language users are frequently depicted as “silent,” but the auditory linguistic criterion of silence only applies to oral speech, not signing. Even the idea that signers are “soundless” is unfounded; the attribution of “silence” derives more from assumptions and audist ideology than from actual practice. There are many examples of both this stereotype and efforts to gainsay it. For instance, Karen Nakamura, in her anthropological study of the cultures and politics of deafness in postwar Japan, observes that “gatherings of deaf people are rarely silent. The deaf parties that I attended were just as raucous as any hearing gathering of Japanese people.”11

#### The imaginary body ego trapped in the imagine of the symbolic becomes the way the material body is lived. There remains a fundamental gap between the imaginary body and the real body. The affirmative is fundamentally a failed project.

**Breu 16** Christopher Breu, “Identity vs. Embodiment: A Materialist Rethinking of Intersex and Queerness” symplokē, Vol. 24, No. 1-2, Materialisms (2016), pp. 65-79 Published by: University of Nebraska Press // UTDD

“To add to this list, I think we need to focus on embodiment as distinct not only from identity, but from all of these other dynamics as well. While it intersects with each of these dynamics it is important to emphasize embodiment in its resistance, intransigence, malleability, and agency. The advent of the material turn enables us to theorize this more fully, by refusing to merely see the body as a discursive production or as what Butler in 1994 called a process of materialization. **In the conception of the body** I want to argue for, **materiality isn’t just a passive site of** inscription or **construction, culture’s and language’s plaything, but also something that actively** intervenes, insists, resists, and **exerts agency. One way of theorizing** this form of **embodiment**, one I employed in Insistence of the Material, **is to use the** developmentalist **account of the real and the imaginary** in Lacan. **The imaginary body**, for Lacan, **is one that is produced by the** phantasmatic **mapping of the body** that takes place during the mirror stage. **This imaginary** body, or what Freud terms the **body ego**, is a phantasmatic construction, one that both **differs from the material body as it also becomes the way in which the material body is lived.** Thus, **the imaginary body can exist in contradiction with the material body, even as it provides the subject’s apprehension of the material body.**18 **The real body** in Lacan **functions as uncoded materiality. It is those aspects of the material body that elude or exist in tension with symbolization and imaginary mapping.** Such a conception of the real body would posit it as, to use Clough’s language in a different context, “an autonomic remainder.” Another way to posit a conception of **embodiment** that **exists in tension with language, culture and the symbolic**, would be to use Graham Harman’s speculative realist account of objects as withdrawn.19 What Harman means by this is that the “phenomenal reality of things for consciousness does not use up their being.”20 Such a concept then, whether using Lacan’s language, Harman’s language, posits objects (what I would want to define as material entities, in contradistinction to Harman, who oddly argues that his theory of objects is not a form of materialism) as always partially exceeding and in partial tension with any attempt at symbolic naming or conscious apprehen- sion. **Such an understanding of materiality in relationship to embodiment would always posit a tension and gap** (and perhaps a negative dialectic) **between identity and embodiment, the language by which we signify, understand, and construct our or others’ sense of embodiment as well as the material dimensions of embodiment itself.** I want to suggest a similar gap or tension also has to be posited between our actions on the body (including medical and scientific actions) and the materiality of the body itself. This gap isn’t a literal one, indeed medicine often impinges on the body in violent if also often necessary ways, but a conceptual one. **It is the positing of a crucial disjunction** a not all **at the heart of any of our engagements with matter** including the matter of the body. Levi Bryant helpfully casts this gap in the language of excess: **materiality partly exceeds any attempt to apprehend, shape, control, or dominate it.**” (72-73)

#### No connection between in-round prescription and out-of-round solvency: the legal system is predisposed to ignoring plan-style advocacies. The repeated assertion that “prescription is politics” locks academics inside a circular and failing mode of subjectivity. The in-round impact is massive violence

Schlag ‘9 (Pierre, Distinguished Prof. @ U. of Colorado and Byron R. White Professor @ Colorado Law School, “Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)” 97 Geo. L. J. 803, pp. 828-830)

In terms of social organization then, there may be something to be said for creating a professional corps (lawyers) whose modes of communication are widely shared and relatively standardized. Notice that if this is the objective, then the only place where that sort of standardized communication can be widely shared is somewhere close to the middle of the bell curve. Both intellectual sloth and intellectual excellence are, by definition, aberrant and thus detract from our efforts at standardization.

Thus, training for mediocrity does serve a social function (within limits, of course). Mediocrity is not the only aim here. One would like this mediocrity to be the best it can be. We would like legal professionals to share a language and a mode of thought and, at the same time, for that language and mode of thought to be as perspicuous and intelligent as possible. Given the omnipresence of the bell curve, these desiderata are obviously in tension. The economists would likely talk about achieving “the optimal degree” of intelligence and mediocrity at the margin, but my sense is this will only get us so far.

For law professors, the tension is bound to be somewhat frustrating. What many law professors would like—because many of them are intellectually inclined—is to bring intelligence to bear within legal discourse. This is bound to be a somewhat frustrating venture. Legal discourse is not designed to produce intelligence and, frankly, the materials and the discourse can only bear so much.

Good judgment, groundedness, reasonableness—any of these virtues is often enough to snuff out real thinking. Indeed, whatever appeal good judgment, groundedness, and reasonableness may have for a judge or a lawyer (and I am prepared to say the appeal is considerable), such virtues are not particularly helpful to intellectual achievement. On the contrary, intellectual achievement requires the abandonment of received understandings. In fact, I would go so far as to say that intellectual vitality (at least in the context of a discipline like law) requires some degree of defamiliarization, some reach for the exotic. The thing is, those sorts of efforts are not going to get very far if they constantly have to answer to good judgment, groundedness, reasonableness, and the like.

And at this point, I would like to flip the argument made earlier in the paper. Here, I would like us to think of appeals to good judgment, groundedness, and reasonableness in legal thought as appeals to mediocrity. Making people see things involves things far different from good judgment, groundedness, or reasonableness. It involves a kind of artistry—a reorientation of the gaze, a disruption of complacency, a sabotage of habitual forms of thought, a derailing of cognitive defaults. This is part of what a really good education is about. Constant obeisance to good judgment or groundedness or reasonableness, by contrast, will systematically frustrate such efforts.57

This is all rather vexing. Legal academics—with aspirations to intellectual excellence—are thus destined to play out the myth of Sisyphus. The main difference, of course, is that Sisyphus had a real rock to push up a real hill. The law professors’ rock and hill, by contrast are symbolic—imaginative constructions of their own making. Arguably, pushing a symbolic rock up a symbolic hill is substantially easier than doing it for real. At the very least, it is easier to fake it and to claim success. At the same time, though, the symbolic nature of the exercise perhaps makes it more transparently pointless. As between these two points, there is a certain dissonance. On the one hand, we are dealing with pushing rocks up hills—and that is surely hard work. On the other hand, the rocks and hills are of our own imagination—so it should be easy. This is very confusing.58 My best guess (and I offer this only as a preliminary hypothesis) is that the dissonance here might yield a certain degree of neurosis.59

Still the question pops up again: “So what?” So what—so you have maybe seven thousand-something law professors in the nation and you know, maybe ninety-six percent are engaged in a kind of vaguely neurotic scholarship. So what? Maybe it’s borderline tragic. Maybe, these people could have done so much better. None of this, by the way, is clearly established. But let’s just assume, it’s true.

Who cares? Seven thousand people—that’s not a lot of people. Plus, it’s hard to feel for them. I know that nearly all of them would be us (but still). It’s an extraordinarily privileged life. So why care about this?

Here’s why. The thing about legal scholarship is that it plays—through the mediation of the professorial mind—an important role in shaping the ways, the forms, in which law students think with and about law.60 If they are taught to think in essentially mediocre ways, they will reproduce those ways of thinking as they practice law and politics. If they are incurious, if they are lacking in political and legal imagination, if they are simply repeating the standard moves (even if with impressive virtuosity) they will, as a group, be wielding power in essentially mediocre ways. And the thing is: when mediocrity is endowed with power, it yields violence. And when mediocrity is endowed with great power, it yields massive violence.61

All of which is to say that in making the negotiation between the imprinting of standard forms of legal thought and the imparting of an imaginative intelligence, we err too much on the side of the former. (Purely my subjective call here—but so is everybody else’s.) Another way to put it is that while there is something to be said for the standardization point made earlier, generally, standardization is overdone.62