# 1NC

## 1

#### Interpretation debaters must ONLY defend fiat of the hypothetical enactment of a policy that the member nations of the World Trade Organization ought to reduce intellectual property protections for medicines – cx checks

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

Words & Phrases ’64

(Words and Phrases; 1964; Permanent Edition)

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

#### Nations are defined territories with governments

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

Definition of nation

 (Entry 1 of 2)

1a(1): [NATIONALITY sense 5a](https://www.merriam-webster.com/dictionary/nationality)three Slav peoples … forged into a Yugoslavia without really fusing into a Yugoslav nation— Hans Kohn

(2): a politically organized [nationality](https://www.merriam-webster.com/dictionary/nationality)

(3)in the Bible : a non-Jewish nationalitywhy do the nations conspire— Psalms 2:1 (Revised Standard Version)

b: a community of people composed of one or more [nationalities](https://www.merriam-webster.com/dictionary/nationalities) and possessing a more or less defined territory and government Canada is a nation with a written constitution— B. K. Sandwell

c: a territorial division containing a body of people of one or more nationalities and usually characterized by relatively large size and independent statusa nation of vast size with a small population— Mary K. Hammond

2archaic : [GROUP](https://www.merriam-webster.com/dictionary/group), [AGGREGATION](https://www.merriam-webster.com/dictionary/aggregation)

3: a tribe or federation of tribes (as of American Indians)the Seminole Nation in Oklahoma

#### Medicines refer to physical substances.

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

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

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

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

There are four types of intellectual property rights and protections (although multiple types of intellectual property itself). Securing the correct protection for your property is important, which is why consulting with a lawyer is a must. The four categories of intellectual property protections include:

TRADE SECRETS

Trade secrets refer to specific, private information that is important to a business because it gives the business a competitive advantage in its marketplace. If a trade secret is acquired by another company, it could harm the original holder.

Examples of trade secrets include recipes for certain foods and beverages (like Mrs. Fields’ cookies or Sprite), new inventions, software, processes, and even different marketing strategies.

When a person or business holds a trade secret protection, others cannot copy or steal the idea. In order to establish information as a “trade secret,” and to incur the legal protections associated with trade secrets, businesses must actively behave in a manner that demonstrates their desire to protect the information.

[Trade secrets are protected without official registration](https://www.wipo.int/sme/en/ip_business/trade_secrets/protection.htm); however, an owner of a trade secret whose rights are breached–i.e. someone steals their trade secret–may ask a court to ask against that individual and prevent them from using the trade secret.

PATENTS

As defined by the[U.S. Patent and Trademark Office](https://www.uspto.gov/help/patent-help#patents) (USPTO), a patent is a type of limited-duration protection that can be used to protect inventions (or discoveries) that are new, non-obvious, and useful, such a new process, machine, article of manufacture, or composition of matter.

When a property owner holds a patent, others are prevented, under law, from offering for sale, making, or using the product.

COPYRIGHTS

Copyrights and patents are not the same things, although they are often confused. A copyright is a type of intellectual property protection that protects original works of authorship, which might include literary works, music, art, and more. Today, copyrights also protect computer software and architecture.

Copyright protections are automatic; once you create something, it is yours. However, if your rights under copyright protections are infringed and you wish to file a lawsuit, then registration of your copyright will be necessary.

TRADEMARKS

Finally, the fourth type of intellectual property protection is a trademark protection. Remember, patents are used to protect inventions and discoveries and copyrights are used to protect expressions of ideas and creations, like art and writing.

Trademarks, then, refer to phrases, words, or symbols that distinguish the source of a product or services of one party from another. For example, the Nike symbol–which nearly all could easily recognize and identify–is a type of trademark.

While patents and copyrights can expire, trademark rights come from the use of the trademark, and therefore can be held indefinitely. Like a copyright, registration of a trademark is not required, but registering can offer additional advantages.

**Vote neg for predictable limits and ground---allowing the aff to pick any grounds for the debate makes negative engagement impossible**

**3 Impacts -**

**1.    Accessibility and clash– Changing the topic post facto structurally favors the aff by making neg prep, which is based on the resolution, useless—the judge can only make a meaningful decision when both sides have had an equal opportunity. Only our model ensures effective clash through rigorous testing.**

**2.    Competitive equity – debate is a competitive game which loses meaning without substantive constraints- Everybody comes to debate for different reasons, but the fact that the other team is here and has presented a 1ac means they have bought into the game, and b) concedes the authority of fairness, or the judges hack against you**

**3.    Skills – Effective deliberation over IPP is necessary to foster portable skills, and improve advocacies – otherwise we fall prey to dogma and groupthink**

**Topical version: Read a whole res aff that bans IP because information should not be hidden from the public**

**Any solvency deficits are neg ground, and the form-content distinction encompasses your offense**

**SSD is good – it forces debaters to consider a controversial issue from multiple perspectives. Non-T affs allow individuals to establish their own metrics for what they want to debate leading to ideological dogmatism, while SSD encompasses your education more radicaly**

**At best they’re Extra-T, which is a voter for Limits, or Effects-T which is worse, since any small aff can spill up to the res.**

**Fairness first: Debate is a game: forced winner/loser, competitive norms, and the tournament invite prove. Alternative impacts like activism or education can be pursued in other forums. This makes fairness the most important impact**

#### Metaconstraint

1. Intrinsic
2. Hack against them

#### TFW has to be drop the debater – it indicts their method of engagement and proves we couldn’t engage fairly with their aff

#### Competing interps – reasonability is arbitrary, you can’t be reasonably topical, and causes a race to the bottom of questionable argumentation.

**No RVIs – they’re illogical, and encourages baiting theory which is more unfair**

**Use competing interps – reasonability leads a race to the bottom and allows judge intervention**

**Ballot Paradox: Placing the decision-making potential within the ballot is violent, since no change spill out of round and makes the judge a violent arbiter of your subjectivity**

#### No impact turns—exclusions are inevitable because we only have 45 minutes so it’s best to draw those exclusions along reciprocal lines to ensure a role for the negative

## Case

### T/L

#### Presume neg – it’s the affs job to prove a desirable change from the squo. statements are false till proven true that’s why we don’t believe conspiracy theories

#### Reject framing arguments that parameterize content – debate should be an open forum to attack ideas from different directions – anything else brackets out certain modes of knowledge production which their ev would obviously disagree w/.

#### ROB is to vote for the better debater. Only evaluating the consequences of the plan allows us to determine the practical impacts of politics and preserves the predictability that fosters engagement. Rigorous contestation and third and fourth-line testing are key to generate the self-reflexivity that creates ethical subjects.

#### Prefer –

#### 1. Competition- The competitive nature of debate wrecks the interactive nature of debate – the judge must decide between two competing speech acts and the debaters are trying to beat each other – this is the wrong forum for interaction

#### 2. Spillover- How does educational orientations spill over beyond this space? Empirically denied – judges vote on this shit on this time and nothing ever happens.

#### 3. Prescription- certain interactions are prescripted – eg subjectivity– can’t be reformulated so easily

**Their Theory of Power is sexist**

#### Baudrillard is so misogynist that he literally advocates for sacrificing women to death—seriously, stop reading the theory of dead French dudes and do better

Brodribb 92(Somer Brodribb teaches feminist theory/politics and women’s social and political thought at the University of Victoria, British Columbia. She has worked with the Yukon Indian Women’s Association to establish an emergency shelter for Native and non-Native women, and as a Canadian contact for the Feminist International Network in Resistance to Reproductive and Genetic Engineering (FINRRAGE). She studied in the Feminist focus of the Ontario Institute for Studies in Education, NOTHING MAT(T)ERS: A Feminist Critique of Postmodernism, First published by Spinifex Press, 1992, JKS)

Jean **Baudrillard blames the failure of the “revolution” on women and change,** women’s change. **He sees puritanical “hysterics” everywhere whom he accuses of exaggeration about sexual abuse** (1986, p. 42). The radical nostalgia which pervades his postmodern scribbling is for Rousseau’s (1979) Sophie and Lasch’s haven in a heartless world**. For Baudrillard, a rapist is a violent fetus who longs for ancient prohibitions not sexual liberatio**n (1986, p. 47**). Baudrillard’s pessimism is actually his hope for a defeat of feminist initiated change and a return to man and god in contract, the eternal sacrifice of woman.** His ramblings in his cups of cool whisky (1986, p. 7) are given the status of thought. **He considers himself outré and daring to criticize feminists but, as anyone who has taken a feminist position knows, misogynous attack is banal and regular**. **Sorry, Baudrillard: it is outré to support and to be a feminist.** But is this in vino veritas, when Baudrillard proposes a Dionysian sacrifice of woman to the image of beauty, purity, eternity? In Amérique, **he writes: “One should always bring something to sacrifice in the desert and offer it as a victim. A woman. If something has to disappear there, something equal in beauty to the desert, why not a woman?** (1986, p. 66). **When queried about this “gratuitously provocative statement” Baudrillard replied, “Sacrificing a woman in the desert is a logical operation because in the desert one loses one’s identity. It’s a sublime act and part of the drama of the desert. Making a woman the object of the sacrifice is perhaps the greatest compliment I could give her”** (Moore: 1989, p. 54). A compliment postmodernism will make over and over, like opera.18 Commenting on a sacrificial scene in D.H.Lawrence’s The Woman Who Rode Away, Millett writes: This is a formula for sexual cannibalism: substitute the knife for the penis and penetration, the cave for a womb, and for a bed, a place of execution—and you provide a murder whereby one acquires one’s victim’s power. Lawrence’s demented fantasy has arranged for the male to penetrate the female with the instrument of death so as to steal her mana... The act here at the centre of the Lawrentian sexual religion is coitus as killing, **its central vignette a picture of human sacrifice performed upon the woman to the greater glory and potency of the male** (1971, p. 292).

#### Their theory of power operates from a position of supposed superiority and inherent sexism, excluding women

Gallop 13 (Jane Gallop is a distinguished professor at the University of Wisconsin-Milwaukee, “French Theory and the Seduction of Feminism”, published in “Men in Feminism (RLE Feminist Theory), edited by Alice Jardine and Paul Smith, pg.113-114, 2013, date accessed: 4/8/15, <https://books.google.com/books?id=lFcr6KoNNF8C&pg=PA115&lpg=PA115&dq=%22french+theory+and+the+seduction+of+feminism%22&source=bl&ots=H4jhzfQg-B&sig=BUDRVC6ufSauzIDbwhjprQLb6Ho&hl=en&sa=X&ei=7oclVdDmNMetogTejoGgDQ&ved=0CCUQ6AEwAQ#v=onepage&q&f=false>)

Nonetheless, **Baudrillard’s contradictions seem less subtle than those of other practitioners of such theory**, since he remains within a classical theoretical rhetoric of assertion, category, logic. If Baudrillard’s case is interesting to me, it is, first of all, because of the blatant enormity of the contradictions which are better hidden by the stylistic charms of a Derrida or a Lacan. And second of all (this second reason being for me the primary one – my hidden agenda, in fact), because **the contradictions seem linked to a rather rabid attack Baudrillard makes on feminism**. Many of us have seriously wondered about the effect of French theory on feminism’s health. **Baudrillard is, to my knowledge, the male French theorist who most explicitly and most frontally adopts an adversarial relation to feminism. I would like to quote you a passage from the first chapter of De la seduction where the theoretical contradiction occurs within Baudrillard’s pronouncement of the proper course for women: “Now, woman is only appearance. And it’s the feminine as appearance that defeats the profundity of the masculine. Women instead of rising up against this ‘insulting’ formula would do well to let themselves be seduced by this truth, because here is the secret of their power which they are in the process of losing by setting up the profundity of the female against that of the masculine”** (p. 22). When he writes “insulting formula,” he puts the word “insulting” (injurieuse) in quotation marks. **He does not consider it an insult to say that woman is only appearance. Baudrillard is writing against the history of writing against appearances. He is for appearances, and against profundity, so when he says that “woman is only appearance” it should be taken as a compliment.** Nonetheless, **when I read this passage, as a woman, I feel insulted. Baudrillard would have it that my feeling of offense is a great error which stems from my inscription within the sort of masculinistic essentialist thinking which condemns appearances as misleading mediations of essences, realities, and truths**. Yet, in considering the passage carefully, I decide that it is not what he says about “woman” that offends me so much as what he says about “women”: “Women would do well,” he advises, “to let themselves be seduced by this truth.” It is the phrase “would do well” (feraient bein de) that irks me. Although he puts “insulting” in quotation marks, **he uses the word -“truth” (verite) straight. He knows the truth – the profound or hidden truth, I might add – about women, and women, “would do well to let themselves be seduced” by the truth he utters. He speaks not from the masculine or masculinist position (which he identifies as against appearances and for profundities) but from a position that knows the truth of the feminie and the masculine and can thus, from this privileged position beyond sexual difference, advise women how best to combat masculine power. It is his assumption from this position of superiority, of speaking the truth – more than any content of “truth” that he may utter – which offends me.** Women, he wants, are in danger of losing their power, but if they would only let themselves be seduced by what he says… A line if ever I heard one. The problem may not lie with the women – the women are not “letting themselves” be seduced – **the problem may lie with Baudrillard’s “technique.” Perhaps truth never seduces, or at least not self-certain truth or certainly at all**. Baudrillard asserts, in this book, which is, after all, very insightful about how seduction works, that “it is by our fragility that we seduce, never by powers or by strong signs.” (p. 115) As opposed to truth, which is necessarily irreverersible (the opposite of the truth cannot be true), seduction, as Baudrillard understands it, is the very principle of reversibility. **Hence the very best “technique” for seduction turns out to be that which can never be simply a technique at all.** As Baudrillard puts it: “To be seduced is yet again the best way to seduce… No one, if he is not seduced, will seduce others.” (p.112) **Truth cannot seduce; only seduction seduces. Baudrillard cannot seduce feminism with his truth, because he protects his truth from being seduced by feminism.**

#### This is a reason to reject the team – their theory of power is extremely inaccessible in debate and exclusive – the judge has a prima facie obligation to ensure inclusion.

**New args**

**We get new 2NR arguments- you shouldn’t let them get away with aff spin or new applications in unless it was explicit in the 1AC. It’s better- lets us contest the substance of the aff instead of going for cheapshots.**

**Form/Content**

**They reaffirm the exact systems they try to critique – asking for the ballot, speaking in set speech times, answering questions in CX – those are all examples of how they reject the content but replicate the form.**

### Heg Good

#### Nuanced debates about the necessity of internationalism lock in deep engagement---the public is primed to ignore the benefits of great-power peace in favor of shallow indictments of its cost.

**Brands 18** [Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments." American Grand Strategy in the Age of Trump." Page 21-23]

Fifth and finally, sustaining America’s post–Cold War strategy entails persuading the American public to recommit to that strategy and the investments it requires. The state of American opinion on that subject is currently ambiguous. Polling data indicates that public support for most key aspects of American internationalism has recovered somewhat from where it was in 2012–13, and is again at or near postwar averages.32 But the 2016 election cycle and its eventual outcome revealed strong support for candidates who advocated rolling back key elements of post–Cold War (and post–World War II) grand strategy, from free trade to U.S. alliances. This atmosphere reflects discontent with the failures and frustrations of U.S. grand strategy in the post–Cold War era, no doubt, yet it also reflects the fact that American strategy seems at risk of becoming a victim of its own success.33 By helping to foster a comparatively stable and congenial environment, American policies have made it more difficult for Americans to remember why significant investments in the global order are needed in the first place.

Today, this ambivalence is becoming increasingly problematic, for the simple reason that properly resourcing American strategy requires making politically difficult trade-offs with respect to entitlements and other ballooning domestic costs. It is also becoming problematic, of course, because even if the American public seems to support particular aspects of American grand strategy, the public has shown itself willing to elect a president who appears to care little for the successful postwar and post–Cold War tradition, even if he has, so far, maintained more aspects of that tradition as president than his campaign rhetoric might have led one to expect. In the future—and indeed, looking beyond Trump’s presidency— sustaining American grand strategy will thus require more intensive political efforts.

American leaders will need to more effectively make the case for controversial but broadly beneficial policies such as free trade, while also addressing the inevitable socioeconomic dislocations such policies cause.34 They will need to more fully articulate the underlying logic and value of alliances and other commitments whose costs are often more visible—not to say greater—than their benefits. They will need to remind Americans that their country’s leadership has not been a matter of charity; it has helped produce an international order that is exceptional in its stability, liberalism, and benefits for the United States. Not least, they will need to make the case that the costs that the country has borne in support of that order are designed to avoid the necessity of bearing vastly higher costs if the international scene returned to a more tumultuous state. After all, the success of American statecraft is often reflected in the bad things that don’t happen as well as in the good things that do. Making this point is essential to reconsolidating domestic support now and in the future—and to preserving a grand strategy that has delivered pretty good results for a quarter century.

#### Primacy solves arms races, land grabs, rogue states, and great power war – reject old defense that ignores emerging instability and compounding risk

Brands 18 [Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments." American Grand Strategy in the Age of Trump." Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6

From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep.

This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance.

Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate.

American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap.

Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors.

First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment.

Second, the international outlaws are no longer so weak. North Korea’s conventional forces have atrophied, but it has amassed a growing nuclear arsenal and is developing an intercontinental delivery capability that will soon allow it to threaten not just America’s regional allies but also the continental United States.12 Iran remains a nuclear threshold state, one that continues to develop ballistic missiles and A2/AD capabilities while employing sectarian and proxy forces across the Middle East. The Islamic State, for its part, is headed for defeat, but has displayed military capabilities unprecedented for any terrorist group, and shown that counterterrorism will continue to place significant operational demands on U.S. forces whether in this context or in others. Rogue actors have long preoccupied American planners, but the rogues are now more capable than at any time in decades.

Third, the democratization of technology has allowed more actors to contest American superiority in dangerous ways. The spread of antisatellite and cyberwarfare capabilities; the proliferation of man-portable air defense systems and ballistic missiles; the increasing availability of key elements of the precision-strike complex— these phenomena have had a military leveling effect by giving weaker actors capabilities which were formerly unique to technologically advanced states. As such technologies “proliferate worldwide,” Air Force Chief of Staff General David Goldfein commented in 2016, “the technology and capability gaps between America and our adversaries are closing dangerously fast.”13 Indeed, as these capabilities spread, fourth-generation systems (such as F-15s and F-16s) may provide decreasing utility against even non-great-power competitors, and far more fifth-generation capabilities may be needed to perpetuate American overmatch.

Finally, the number of challenges has multiplied. During the 1990s and early 2000s, Washington faced rogue states and jihadist extremism—but not intense great-power rivalry. America faced conflicts in the Middle East—but East Asia and Europe were comparatively secure. Now, the old threats still exist—but the more permissive conditions have vanished. The United States confronts rogue states, lethal jihadist organizations, and great-power competition; there are severe challenges in all three Eurasian theaters. “I don’t recall a time when we have been confronted with a more diverse array of threats, whether it’s the nation state threats posed by Russia and China and particularly their substantial nuclear capabilities, or non-nation states of the likes of ISIL, Al Qaida, etc.,” Director of National Intelligence James Clapper commented in 2016. Trends in the strategic landscape constituted a veritable “litany of doom.”14 The United States thus faces not just more significant, but also more numerous, challenges to its military dominance than it has for at least a quarter century

#### Education about military strategy is good – it’s key to military effectiveness and humanitarian missions that outweigh.

Toronto 15 [Dr. Nathan W. Toronto is an associate professor of Strategy and Security Studies at the United Arab Emirates National Defense College. 5/26. "Does Military Education Matter?" https://www.e-ir.info/2015/05/26/does-military-education-matter/]

Military education is valuable because it provides an intellectual architecture for battlefield success. It contributes to stable civil-military relations, a culture of reflection, and a capacity for critical analysis. This article specifies these conceptual links between military education and battlefield success, and then suggests statistical correlations linking military education and battlefield success. The main point of this exercise is that questioning the purpose of military education is like questioning the purpose of education, period. National education systems are chock full of students who think they are taking useless general education classes, just as there will always be officers who question why they have to go to military schools. The reason is that, regardless of what people do, education helps them do it better. Military education matters because it cultivates an aspiration to excellence.

This is especially true for military education, because the military usually only has to fix things when they are truly broken, like combating Ebola in West Africa, battling Islamic State, or conducting humanitarian aid and disaster relief operations. We do not give the military the easy problems. We give them the hardest possible problems we can find. What is more, we cannot even predict what those problems will be, much less devise solutions to them ahead of time. For military organizations, which often thrive on predictability and routine, this is the most challenging aspect of the job (Dempsey, 2012; Bruscino, 2013).

This nettlesome environment requires a daunting command of everything from book-learned knowledge of history and social science to hard-won experience from the world’s remotest battlefields and military headquarters. Military officers get this through their education, not only by being exposed to new ideas in the classroom, but also by reflecting on their experience in new ways. Military education becomes a ‘force multiplier,’ meaning that it magnifies the positives in what the military is already doing (Lamb and Porro, 2014). However, war is complex. It will always be the province of reason and passion and chance (Clausewitz, 1989[1832]), so it is unreasonable to expect that more military education will always lead to more military success. This article proposes reasons why military education is related to military success, but the claim is probabilistic. Military education is not an insurance policy against failure, but it is likely to establish the conditions for military success.

### Debate Good

#### Skills from debate are good

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//gord0

Political justice lawyers must be able to break apart a systemic problem into manageable components. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

### AT Symbolic Exchange

**Meaning is possible and participation in politics is inevitable – the aff conflates existing conditions with meaning per se**

**Robinson 4.** Andy, Zizek hater, Baudrillard, Zizek and Laclau on "common sense" - a critique, http://andyrobinsontheoryblog.blogspot.com/2004/11/baudrillard-zizek-and-laclau-on-common.html

**Baudrillard thinks his account of the masses is confirmed by disinterest in politics** and "public" debates (12-13), **and that this is a resistance to political manipulation** (SSM 39). He is wrong. This **disinterest is relative**: **at the time of The Consumer Society, Baudrillard still recognised that this disinterest can be shattered by sudden uprisings.** Further, it is quite possible to explain such disinterest without falling back on the crude kind of theories of mystification Baudrillard cites as the only alternative to his view (SSM 12-13). Brinton, and Albert and Hahnel, for instance, have analysed disinterest as an insulation built into authoritarian character-structures which enables people to cope with capitalism. Baudrillard's earlier work similarly involves a model of how the consumer society produces disinterest. Furthermore, **political manipulation is,** as Gramsci and others show, closely **intertwined with the supposedly "meaningless", "apolitical" discourses of everyday life**. **It is simply not possible to withdraw from politics; one always participates in practices which influence social outcomes** and others' actions, **so that the illusion of withdrawal from politics is actually a naturalisation of a particular kind of political system**. Baudrillard's explicitly stated view that everyday practice is beyond representation and the politics (SSM 39) is therefore wholly mistaken and leads him to effectively endorse the naturalisation of politics (even though he tries to avoid ENDORSING something he sees as meaningless and therefore not endorsable - 40-1. Actually he does endorse indirectly via loaded language). He also misses the dimension of political INTRUSION into everyday life - for instance, the aggressive police presence which blights so many inner-city communities, and the linked phenomenon of a politicised fear of "crime". At this point, in contradiction to Vaneigem, Reich and Foucault as well as his earlier work**, Baudrillard also wants to deny a liberatory potential to resistance in everyday life** (SSM 40-1).¶ **Baudrillard sometimes substitutes his own views for evidence, as when he discusses what "we" the audience experience** (GW 39). ¶ Baudrillard's claim that the masses are "dumb", silent and conduct any and all beliefs (SSM 28) and "the reversion of any social" (SSM 49) is problematised by the persistence of subcultures and countercultures, while his claim that any remark could be attributed to the masses (SSM 29) hardly proves that it lacks its own demands or beliefs. **He is leaping far too quickly from the confused and contradictory nature of mass beliefs to the idea that the masses lack - or even reject - meaning per se. He wants to portray the masses as disinterested in meaning, instinctual and "above and beyond all meaning"** (SSM 11), **lacking even conformist beliefs** (87-8) **and without a language of their own** (22). **This is contradicted by extensive evidence on the construction of meaning in everyday life**, from Hoggart **on working class culture to** Becker, Lemert, Goffman **and others on deviance.** Even in **the sphere of media effects, the evidence from research on audiences, such a**s Ang on Dallas viewers and Morley on the Nationwide audience, **suggests an active construction of meaning by members of the masses, negotiating with or even opposing dominant codes of meaning**. **This may well show a decline of that kind of meaning promoted by the status quo** - but it hardly shows a rejection of meaning per se. When the masses act stupid, it may well be due to what radical education theorists term "reactive stupidity" - an adaptive response to avoid being falsified and "beaten" by acting stupid. **Baudrillard again wrongly conflates the dominant system with meaning as such**. Indeed, **Baudrillard seems to have changed his mind AGAIN by the time of the Gulf War essays, when he refers to the MEDIA, not the masses, as in contro**l (GW 75), and to stupidity as a result of "mental deterrence" (GW 67-8), which produces a "suffocating atmosphere of deception and stupidity" (GW 68) and a control through the violence of consensus (GW 84).