# 1NC

### 1NC – OFF

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

#### “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.

#### I’m going to predict the we meet – the Chinese part at the top of the 1ac is their plan text but insofar as they garner external offense from debate bad and rejecting the topic which means they still link to our interp text.

**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 IP is necessary to foster portable skills, and improve advocacies – otherwise we fall prey to dogma and groupthink**

**Topical version: read a biopiracy aff that Asian traditional knowledge is stolen through IP so patents on those should be eliminated**

**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

### 1NC – OFF

#### Debate is a massive network of scholars, activists, policymakers, all of whom can and should orient their energy toward the production of a better world – the presumption that we should not challenge structures on the level of scope and scale with the resources that debate offers us is an explicit concession to fascism. Additionally, fragmented politics generate disempowerment as survival-based praxis becomes self-employing labor that becomes weaponized under neoliberalism against those who cannot survive or be anarchic well enough.

**Hester 17**  
(Helen Hester is Associate Professor of Media and Communication at the University of West London. Her research interests include technofeminism, sexuality studies, and theories of social reproduction. She is a member of the international feminist collective Laboria Cuboniks. “Promethean Labors and Domestic Realism” 25 September 2017 <http://www.e-flux.com/architecture/artificial-labor/140680/promethean-labors-and-domestic-realism/> rvs)

There has been an excess of modesty in the feminist agendas of recent decades. Carol A. Stabile is amongst those who have been critical of an absence of systemic thinking within postmodern feminisms, remarking upon a “growing emphasis on fragmentations and single-issue politics.”1 Stabile dismisses this kind of thinking which, in “so resolutely avoiding ‘totalizing’—the bête noire of contemporary critical theory—[…] ignores or jettisons a structural analysis of capitalism.”2 The difference in scope and scale between that which is being opposed and the strategies being used to oppose it is generative of a sense of disempowerment. On the one hand, Stabile argues, postmodern social theorists “accept the systemic nature of capitalism, as made visible in its consolidation of power and its global expansion […] Capitalism’s power as a system is therefore identified and named as a totality”; on the other hand, these theorists “celebrate local, fragmented, or partial forms of knowledge as the only forms of knowledge available” and criticize big-picture speculative thinking for its potentially oppressive tendencies or applications.3 Nancy Fraser, too, has addressed this apparent “shrinking of emancipatory vision at the fin de siècle,” linking this with “a major shift in the feminist imaginary” during the 1980s and 1990s—that is, with a move away from attempting to remake political economy (redistribution) and towards an effort at transforming culture (recognition).4 The legacies of this kind of political theorizing—legacies some might describe as “folk political”—are still being felt today, and continue to shape the perceived horizons of possibility for progressive projects.5 Yet these projects, which are frequently valuable, necessary, and effective on their own terms, are not sufficient as ends in themselves. To the extent that they are conceptualized in detachment from an ecology of other interventions, operating via a diversity of means and across a variety of scales, they cannot serve as a suitable basis for any politics seeking to contest the imaginaries of the right or to contend with the expansive hegemonic project of neoliberal capitalism. It is for this reason that Nick Srnicek and Alex Williams’s work positions itself as somewhat skeptical about fragmentations and single-issue politics, pointing out that problems such as “global exploitation, planetary climate change, rising surplus populations, [and] the repeated crises of capitalism are abstract in appearance, complex in structure, and non-localized.”6 As such, a politics based around the ideas that “the local is ethical, simpler is better, the organic is healthy, permanence is oppressive, and progress is over” is not always the best weapon in an attempt to contend with the complex technomaterial conditions of the world as it stands.7 There is a persistent kind of abstraction anxiety hanging over progressive politics; an anxiety that haunts a contemporary leftist feminism still unwilling or unable to critically reappraise the tendencies that Stabile identified in the 90s. Recently, however, a renewed appetite for ambitious and future-oriented emancipatory politics has begun to make itself felt at the fringes of the left—and indeed, to gather momentum and popular support more broadly.8 Perhaps the most remarkable example of this tendency within philosophically-inflected political theory circles has been accelerationism, with its calls to build an “intellectual infrastructure” capable of “creating a new ideology, economic and social models, and a vision of the good to replace and surpass the emaciated ideals that rule our world today.”9 These so-called “Promethean” ideas have generated widespread interest, arguably both reflecting and contributing to the changing tenor of activist discourse. Interestingly, this term has to some extent emerged in opposition to the pejorative “folk political,” acting as a shorthand for a very different set of values and perspectives. In a recent critical piece, Alexander Galloway suggests that “Prometheanism” could be defined as “technology for humans to overcome natural limit.”10 Peter Wolfendale, meanwhile, sees it as a “politics of intervention”—one that starts from the insistence that nothing be exempted in advance from the enactment of re/visionary processes.11

#### Capitalism causes war, violence, environmental destruction and extinction.

Robinson 18 (William I., Prof. of Sociology, Global and International Studies, and Latin American Studies, @ UC-Santa Barbara, “Accumulation Crisis and Global Police State” Critical Sociology) RE

Each major episode of crisis in the world capitalist system has presented the potential for systemic change. Each has involved the breakdown of state legitimacy, escalating class and social struggles, and military conflicts, leading to a restructuring of the system, including new institutional arrangements, class relations, and accumulation activities that eventually result in a restabilization of the system and renewed capitalist expansion. The current crisis shares aspects of earlier system-wide structural crises, such as of the 1880s, the 1930s or the 1970s. But there are six interrelated dimensions to the current crisis that I believe sets it apart from these earlier ones and suggests that a simple restructuring of the system will not lead to its restabilization – that is, our very survival now requires a revolution against global capitalism (Robinson, 2014). These six dimensions, in broad strokes, present a “big picture” context in which a global police state is emerging. First, the system is fast reaching the ecological limits of its reproduction. We have already passed tipping points in climate change, the nitrogen cycle, and diversity loss. For the first time ever, human conduct is intersecting with and fundamentally altering the earth system in such a way that threatens to bring about a sixth mass extinction (see, e.g., Foster et al., 2011; Moore, 2015). These ecological dimensions of global crisis have been brought to the forefront of the global agenda by the worldwide environmental justice movement. Communities around the world have come under escalating repression as they face off against transnational corporate plunder of their environment. While capitalism cannot be held solely responsible for the ecological crisis, it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system given capital’s implacable impulse to accumulate and its accelerated commodification of nature. Second, the level of global social polarization and inequality is unprecedented. The richest one percent of humanity in 2016 controlled over half of the world’s wealth and 20 percent controlled 95 percent of that wealth, while the remaining 80 percent had to make do with just five percent (Oxfam, 2017). These escalating inequalities fuel capitalism’s chronic problem of overaccumulation: the TCC cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to chronic stagnation in the world economy (see next section). Such extreme levels of social polarization present a challenge of social control to dominant groups. As Trumpism in the United States as well as the rise of far-right and neo-fascist movements in Europe so well illustrate, cooptation also involves the manipulation of fear and insecurity among the downwardly mobile so that social anxiety is channeled towards scapegoated communities. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Extreme inequality requires extreme violence and repression that lend themselves to projects of 21st century fascism. Third, the sheer magnitude of the means of violence and social control is unprecedented, as well as the magnitude and concentrated control over the means of global communication and the production and circulation of symbols, images, and knowledge. Computerized wars, drone warfare, robot soldiers, bunker-buster bombs, a new generation of nuclear weapons, satellite surveillance, cyberwar, spatial control technology, and so forth, have changed the face of warfare, and more generally, of systems of social control and repression. We have arrived at the panoptical surveillance society, a point brought home by Edward Snowden’s revelations in 2013, and the age of thought control by those who control global flows of communication and symbolic production. If global capitalist crisis leads to a new world war the destruction would simply be unprecedented. Fourth, we are reaching limits to the extensive expansion of capitalism, in the sense that there are no longer any new territories of significance to integrate into world capitalism and new spaces to commodify are drying up. The capitalist system is by its nature expansionary. In each earlier structural crisis, the system went through a new round of extensive expansion – from waves of colonial conquest in earlier centuries, to the integration in the late 20th and early 21st centuries of the former socialist countries, China, India and other areas that had been marginally outside the system. There are no longer any new territories to integrate into world capitalism. At the same time, the privatization of education, health, utilities, basic services, and public lands is turning those spaces in global society that were outside of capital’s control into “spaces of capital,” so that intensive expansion is reaching depths never before seen. What is there left to commodify? Where can the system now expand? New spaces have to be violently cracked open and the peoples in these spaces must be repressed by the global police state.

#### Thus the alternative is to affirm the model of the Communist Party – only democratic centralist dual power organizing can provide effective accountability mechanisms to correct unproductive tendencies, educate and mobilize marginalized communities, and connect local struggles to a movement for international liberation.

Escalante 18  
(Alyson Escalante, you should totally read her work for non-debate reasons, Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. “PARTY ORGANIZING IN THE 21ST CENTURY” September 21st, 2018 <https://theforgenews.org/2018/09/21/party-organizing-in-the-21st-century/> rvs)

I would argue that within the base building movement, there is a move towards party organizing, but this trend has not always been explicitly theorized or forwarded within the movement. My goal in this essay is to argue that base building and dual power strategy can be best forwarded through party organizing, and that party organizing can allow this emerging movement to solidify into a powerful revolutionary socialist tendency in the United States. One of the crucial insights of the base building movement is that the current state of the left in the United States is one in which revolution is not currently possible. There exists very little popular support for socialist politics. A century of anticommunist propaganda has been extremely effective in convincing even the most oppressed and marginalized that communism has nothing to offer them. The base building emphasis on dual power responds directly to this insight. By building institutions which can meet people’s needs, we are able to concretely demonstrate that communists can offer the oppressed relief from the horrific conditions of capitalism. Base building strategy recognizes that actually doing the work to serve the people does infinitely more to create a socialist base of popular support than electing democratic socialist candidates or holding endless political education classes can ever hope to do. Dual power is about proving that we have something to offer the oppressed. The question, of course, remains: once we have built a base of popular support, what do we do next? If it turns out that establishing socialist institutions to meet people’s needs does in fact create sympathy towards the cause of communism, how can we mobilize that base? Put simply: **in order to mobilize the base which base builders hope to create, we need to have already done the work of building a communist party.** It is not enough to simply meet peoples needs. Rather, we must build the institutions of dual power in the name of communism. We must refuse covert front organizing and instead have a public face as a communist party. When we build tenants unions, serve the people programs, and other dual power projects, we must make it clear that we are organizing as communists, unified around a party, and are not content simply with establishing endless dual power organizations. We must be clear that our strategy is revolutionary and in order to make this clear we must adopt party organizing. By “party organizing” I mean an organizational strategy which adopts the party model. Such organizing focuses on building a party whose membership is formally unified around a party line determined by democratic centralist decision making. The party model creates internal methods for **holding party members accountable**, unifying party member action around democratically determined goals, and for educating party members in communist theory and praxis. A communist organization utilizing the party model works to build dual power institutions while simultaneously educating the communities they hope to serve. Organizations which adopt the party model focus on propagandizing around the need for revolutionary socialism. They function as the forefront of political organizing, empowering local communities to theorize their liberation through communist theory while organizing communities to literally fight for their liberation. A party is not simply a group of individuals doing work together, but is a formal organization unified in its fight against capitalism. Party organizing has much to offer the base building movement. By working in a unified party, base builders can ensure that local struggles are tied to and informed by a unified national and international strategy. While the most horrific manifestations of capitalism take on particular and unique form at the local level, we need to remember that our struggle is against a material base which functions not only at the national but at the international level. The formal structures provided by a democratic centralist party model allow individual locals to have a voice in open debate, but also allow for a unified strategy to emerge from democratic consensus. Furthermore, **party organizing allows for local organizations and individual organizers to be held accountable for their actions.** It allows criticism to function not as one independent group criticizing another independent group, but rather as comrades with a formal organizational unity working together to sharpen each others strategies and to help correct chauvinist ideas and actions. In the context of the socialist movement within the United States, such accountability is crucial. As a movement which operates within a settler colonial society, imperialist and colonial ideal frequently infect leftist organizing. Creating formal unity and party procedure for dealing with and correcting these ideas allows us to address these consistent problems within American socialist organizing. Having a formal party which unifies the various dual power projects being undertaken at the local level also allows for base builders to not simply meet peoples needs, but to pull them into the membership of the party as organizers themselves. The party model creates a means for sustained growth to occur by unifying organizers in a manner that allows for skills, strategies, and ideas to be shared with newer organizers. It also allows community members who have been served by dual power projects to take an active role in organizing by becoming party members and participating in the continued growth of base building strategy. It ensures that there are formal processes for educating communities in communist theory and praxis, and also enables them to act and organize in accordance with their own local conditions. We also must recognize that the current state of the base building movement precludes the possibility of such a national unified party in the present moment. Since base building strategy is being undertaken in a number of already established organizations, it is not likely that base builders would abandon these organizations in favor of founding a unified party. Additionally, it would not be strategic to immediately undertake such complete unification because it would mean abandoning the organizational contexts in which concrete gains are already being made and in which growth is currently occurring. What is important for base builders to focus on in the current moment is building dual power on a local level alongside building a national movement. This means aspiring towards the possibility of a unified party, while pursuing continued local growth. The movement within the Marxist Center network towards some form of unification is positive step in the right direction. The independent party emphasis within the Refoundation caucus should also be recognized as a positive approach. It is important for base builders to continue to explore the possibility of unification, and to maintain unification through a party model as a long term goal. In the meantime, individual base building organizations ought to adopt party models for their local organizing. Local organizations ought to be building dual power alongside recruitment into their organizations, education of community members in communist theory and praxis, and the establishment of armed and militant party cadres capable of defending dual power institutions from state terror. Dual power institutions must be unified openly and transparently around these organizations in order for them to operate as more than “red charities.” Serving the people means meeting their material needs while also educating and propagandizing. It means radicalizing, recruiting, and organizing. The party model remains the most useful method for achieving these ends. The use of the party model by local organizations allows base builders to gain popular support, and most importantly, to mobilize their base of popular support towards revolutionary ends, not simply towards the construction of a parallel economy which exists as an end in and of itself. It is my hope that we will see future unification of the various local base building organizations into a national party, but in the meantime we must push for party organizing at the local level. If local organizations adopt party organizing, it ought to become clear that **a unified national party will have to be the long term goal of the base building movement.** Many of the already existing organizations within the base building movement already operate according to these principles. I do not mean to suggest otherwise. Rather, my hope is to suggest that we ought to be explicit about the need for party organizing and emphasize the relationship between dual power and the party model. Doing so will make it clear that the base building movement is not pursuing a cooperative economy alongside capitalism, but is pursuing a revolutionary socialist strategy capable of fighting capitalism. The long term details of base building and dual power organizing will arise organically in response to the conditions the movement finds itself operating within. I hope that I have put forward a useful contribution to the discussion about base building organizing, and have demonstrated the need for party organizing in order to ensure that the base building tendency maintains a revolutionary orientation. The finer details of revolutionary strategy will be worked out over time and are not a good subject for public discussion. I strongly believe party organizing offers the best path for ensuring that such strategy will succeed. My goal here is not to dictate the only possible path forward but to open a conversation about how the base building movement will organize as it transitions from a loose network of individual organizations into a unified socialist tendency. These discussions and debates will be crucial to ensuring that this rapidly growing movement can succeed.

#### No perm – links are disads and their Ty evidence is misrepresented – Asians coming together is different than combine two distinct methods

## Case

### Underview

Don’t eval debate after the 1ac – terrible for fairness and education and it’s not rejecting mineticism, it just upholds it but makes it onesided

T-fw outweighs case:

1. It means we couldn’t engage in the aff in the first place
2. Don’t let them weigh the sum total of psychological violence – t-fw isn’t a form of policing or psychological violence, it’s just another argument
3. T-fw outweighs ontology because if the aff doesn’t have to do with the topic we could never discuss the ontological nature of anti Asian violence

Group Neg interps aren’t independent reason to affirm and assimilation disad – t isn’t policing or violent, it’s just another framing argument

Perf cons are bad – doesn’t have to do anything with the model minority, it’s just racist to commodify suffering for something you don’t believe in

Yes fairness is a voter – procedural fairness upholds debate for Asians and others

We don’t kill education – don’t use it as an out to the ballot, we’re just trying to focus the debate around a resolutional stasis

No 1ar theory a] 7-6 time skew b] judge psychology advantage c] don’t let them have theory If they say it’s violent – that’s a perf con, which we’ve said is bad

### Framework

#### 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

### 1NC – Debate good

Debates over mechanisms for political change breed skills for interacting with policy, and strategic intricacies that promote intellectual rigor.

Houston et al ‘8 (James G. Ph.D. from Portland State University, Portland, Oregon, USA in Urban Studies Emphasizing Criminal Justice and Policy Analysis. He worked in the field of corrections for twenty years before entering academe. He presently teaches at Grand Valley State University, and is the author or co-author of four books on criminal justice management, juvenile justice, and criminal justice policy. Phillip B. Bridgmon, William W. Parsons, Criminal Justice and the Policy Process,” pg 8-16 //um-ef)

The actions of criminal justice officials are influenced both directly and indirectly by external forces. Many of these forces are subtle and not easily recognized unless a concerted effort is made to embrace policy analysis as a vital component of an organization's activities. Crime policy is historically quite often a symbolic issue for elected officials. Campaign rhetoric abounds in the area of getting tough on crime. We need look no further than the presidency to observe the reliance on symbols over substance when dealing with the crime issue. The Reagan years produced Nancy Reagan's "Just Say No" campaign. The Senior Bush administration declared a "War on Drugs" that amounted to little more than a skirmish on cocaine. During President Clinton's administration, crime legislation put more police officers on the streets and banned "cop killer guns." Presidential crime initiatives are typically "feel good" measures that offer little substantive hope of addressing the root causes of crime and thus permanently reducing crime. Neither the Clinton administration nor the Republican's who have controlled Congress over the past decade, to date, have offered a substantive alternative policy towards crime in the United States. Instead, the tried-and-tested political rhetoric—so effective in short-term campaigning —dominates the crime debate (Gimpel, 1996). Promoted as substantive policies, the symbolic treatment of crime issues presents real problems for criminal justice agencies and practitioners. Agencies are charged with carrying out the law, laws that for the most part are the product of legislative and executive action. If presidents, the Congress, governors, state legislators, and city governments produce laws that are simply politically popular without considering the likelihood of successful implementation, then law enforcement agencies are placed in the awkward position of being required to carry out directives that are flawed long before crossing the administrator's desk. Surely it is in the best interest of the criminal justice official to distinguish errors made within the agency from those that arc the product of external forces, which are seemingly out of the administrator's direct control, yet potentially influence the success or failure of policy. The criminal justice practitioner who reviews only operating procedures as the standard for policy analysis neglects the many other factors contributing to policy failure. Basic analytical skills are needed to distinguish substance from symbol, law from rhetoric, procedures from policy, and internal from external influences on policy. Criminal justice students and practitioners constantly must search for errors, causes of the errors, and remedies for past mistakes. At a minimum, students are challenged to identify mistakes in policy, even if remedies do not readily present themselves. There is often little the criminal justice bureaucrat can do to change the political rhetoric associated with a hot issue such as crime. Symbolic policies and "feel good" measures may be an inevitable component of controversial issues. But the bureaucrat armed with the tools to conduct a comprehensive policy analysis is able to distinguish fact from myth and substance from rhetoric, and become better informed about the world in which he or she is expected to perform functions and duties. The student of criminal justice who understands and embraces policy analysis is better equipped to understand the forces behind the policy. The criminal justice practitioner who embraces policy analysis is better equipped to communicate with other practitioners, elected officials, scholars, and the various disciplines regarding the entirety and complexity of criminal justice issues. GOALS AND OBJECTIVES OF CRIME POLICY ANALYSIS The primary goal of policy analysis is to determine if a particular policy truly addresses the public problem it was created to solve. Analysis also includes an examination of the process by which policies are created. Policies and their success or failure cannot be separated from one another. As such, there are many questions worthy of exploration in public policy analysis. Some of the questions asked in this text are: What external political and societal forces are influencing the criminal justice practitioner's work and his or her agency's mission? Arc the rules and procedures established and carried out by the agency integral to crime policy, or are they merely routine, day-to-day activities with little or no substantive impact on crime? Does the agency have adequate tools and resources to carry out its mission? If not, is the problem internal, one the agency can correct, or is the problem out of the agency's control, perhaps reflecting external political and social forces? Should criminal justice students, practitioners, and agencies become more aware of and participate more in the entirety of the policy process, or is it enough to implement rules, regulations, and procedures? What are the benefits and costs of a comprehensive analytical approach to criminal justice policy? What results realistically should be expected from a policy analysis? In the search for answers to these questions, the text has several goals and objectives. 1. To acquaint the student with the primary theories and models guiding contemporary policy analysis 2. To develop a framework for the comprehensive analysis of criminal justice policy 3. To identify and explain the various influences on crime policy 4. To develop the basic skills of policy evaluation 5. To enable the student to make informed judgments on his or her role as a participant and analyst in the field of criminal justice 6. To instruct the student on how to develop organizational policies and procedures within the parameters of institutional guidelines We attempt to assist the student in answering the questions we have raised and in achieving the goals and objectives of the text through a variety of techniques. First, each chapter begins with a case study that poses a problem relating to the chapter. Second, study-guide objectives assist the student in the retention of the key points of the chapter. Additionally, the learning objectives seek to challenge the reader to link the more theoretical nature of each chapter to the real world as presented in the case study. Third, review questions conclude each chapter to offer the student the opportunity to explore in more depth a topic or concept of particular interest. All contemporary social, political, and economic issues demand objective and comprehensive analysis, as well as skilled practitioners conducting analytical studies. Our contention is that such studies are seriously lacking in the field of criminal justice and crime policy. In fact, criminal justice scholars have largely ignored the subject and the serious student is left to the field of political science for guidance in matters relating to public policy and policy analysis. Further, the inattention to policy analysis in this area cannot help but create a void for the criminal justice practitioner or analyst who sincerely wants to perform his or her job effectively. In this text, we seek to assist the criminal justice student and practitioner in finding ways to bring crime policy to life. That is, if we are to be successful in improving crime policy, all those interested in this field of inquiry need to be armed with the tools, skills, and knowledge necessary for the effective formulation, implementation, and evaluation of policy as it relates to crime and its etiology

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#### Micropolitical action such as what happens in this debate must be supplemented with calls for legal reform – that is key for Asian Americans to actually institute political change in any meaningful fashion. It proves that the aff can be T

McCann 12 (Michael McCann, "Inclusion, Exclusion, and the Politics of Rights Mobilization: Reflections on the Asian American Experience," Seattle Journal for Social Justice: Vol. 11: Iss. 1, Article 9. Available at: http://digitalcommons.law.seattleu.edu/sjsj/vol11/iss1/9\*\*)

IV. T HE P OLITICS OF RIGHTS : L EARNING FROM THE ASIAN AMERICAN EXPERIENCE It is tempting to draw from my comments so far a fairly cynical view of law and rights. In short, law and rights simply reflect contests over power, at any moment just registering the ongoing trench war over who gets what and, specifically, who is included and excluded from full protection by the legal agents of dominant groups. I think there is much truth in such a skeptical view, but I also think it is simplistic. Framing struggles over power, position, and interest as claims of rights can impart a historically grounded ethical dimension to struggle. This framework can then open the possibility for changing relationships of power, in part by mobilizing the official legal establishment, but even more by potentially mobilizing citizens and organizations in civil society who stand up to challenge either the abuses of rights or the uses of rights to justify abuse, as in these two hist orical cases. Rights are words, often written on paper, but they become materially powerful when people, ordinary and extraordinary, invest in them meaning and faith through action to challenge the unjust and often arb itrary practices of dominant groups through and beyond states. And that is just the message preached and exemplified by Gordon Hirabayashi: rights must be mobilized and demanded routinely for them to matter in guiding governmental and social power. “As fine a document as the Constitution is,” Gordon Hirabayashi famously told a reporter, “it is nothing but a scrap of paper if citizens are not willing to defend it.” 23 Such mobilization of rights in the cause of justice is hardly easy or natural, however, and Gordon’s legacy exemplifies what the struggle takes. For one thing, rights mobilization requires personal virtues of courage and willingness to make personal sacrifices . Gordon displayed such selfless bravery in his refusal to accept the or der of internment, a defiant challenge to the illegitimate government denial of basic rights to him and other Japanese Americans. In waging hi s campaigns against criminalizing subjugation, he also had to resist the pressures of others in his community who discouraged “rocking the boat” and making a bad situation worse by challenging government injustice. Gordon made a “lonely stand” in his initial resistance. 24 Young Filipino American activists in the 1970s, including Silme Domingo and Gene Viernes, displayed that same type of independent courage and persistence in the face of many obstacles and dangers. Indeed, they not only challenged powerful corporations and the American legal establishment that protected their unjust practices, but the young activists boldly opposed a dictator (who declared martial law) as well as his elite supporters in the American government. 25 The young reformers also persisted when other workers, especially senior manongs , 26 were wary about defiant challenges to the status quo. Gordon was willing to go to prison; Gene and Silme lost their liv es to assassins. Defiant action to demand rights can be risky business, and often requires such commitment and willingness to make sacrifices for larger causes.Personal courage and persistence alone are rarely sufficient. Struggles for rights also require organizational support, financial resources, and allied experts, usually including cause-oriented lawyers . Indeed, struggles for rights typically require movements that enlist many forms of organized support. The struggle for the ruling on coram nobis and legislated reparations during the 1980s, in particular, illustrates the important role of committed lawyers, community mobilization, and organizational alliance, both within and beyond the Japanese American communities. The Filipino Americans workers who initially foug ht for citizenship and workplace organizing rights, and later for work place justice and democracy in the Philippines, likewise understood the political imperative to build a movement within the union, as well as within the broader Filipino community and beyond, including among diverse progressive organizations. Finally, each of these legacies illustrates that struggles for rights must be willing to go beyond exclusive reliance on litigation to produce change . In each campaign, efforts to mobilize media support, to influence public opinion, and to lobby members of government, the business community, and the academy were critical to success. Struggles over rights are most productive when they can convince dominant groups that it is both a matter of public principle and in the political interest of the majority, including the dominant group, to do the right thing. 27 As Gordon put it, “I never look at my case as just my own, or just as a Japanese American case. It is an American case, with principles that affect the fundamental human rights of all Americans,” and, I might add, all peoples. 28

#### Asian American scholarship is compatible and stronger when connected to politics-their K is overly essentializing

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(Pei-te – Professor of Political Science, UC – Santa Barbara – Making of Asian America: Through Political Participation, p. xii-xiii)

One thesis of the project is that, contrary to a triangulated group image of cultural docility, socioeconomic success, and political complacency, peoples of Asian descent have always been able to interact with a transpacific system of multiple forms of repression to bargain for their best possible space in American society and polity. Rather than being passive objects of social forces, Asian American men and women have been pragmatic and calculating actors who have adopted a multifaceted style of politics to maximize their chances of survival and their interests. Prior to the eras of modern civil rights and electoral politics, they manifested a variety of political strategies ranging from active resistance to accommodation, of tactics ranging from protest to litigation, and of styles encompassing both the left and the right ends of the political spectrum. Their explicit forms of political expression reflected the confluence of a complex dynamic between internal community structure and external legal, social, political, and international context. Their participation not only earned them a rightful place to survive and thrive in America but helped transform the identity of both the foreign- and the U.S.-born generations into one that is both ethnic and American.¶ Based primarily on theories of racial formation and panethnicization, I argue in Chapter 2 that it takes a strand of coalition-building movements for liberation, justice, and empowerment at the organizational level in the post-1965 era to transform the ethnic-specific group identity into one that is panethnic in nature. The chapter depicts the onerous birth and growth of the pas-Asian American community and identity into one that is panethnic in nature. The chapter depicts the onerous birth and growth of the pan-Asian American community and identity after 1965, in arenas moving from the margins to the mainstreams of American politics as well as from ethnic-specific group politics to panethnic and transnational politics. These transformations were made possible by the drastic expansion of the community population base since the passage of the 1965 U.S. Immigration Act, but they were also made more difficult by the subsequent rise in the diversification and fragmentation of the population. Nevertheless, concurrent changes in the domestic sociopolitical and global economic context threatening the primary identity and interests of the localized community created organizing momentum for a more coherent community, which demography alone does not predict.

#### **Locating the state as a variable of analysis is key to organize collective action-the aff gets coopted and individual radicalism fails**

Bayat, Sociology Prof @ University of Illinois, 13

(Asef, Life As Politics: How Ordinary People Change the Middle East, pp. 41-45)

The dearth of conventional collective action— in par tic u lar, contentious protests among the subaltern groups (the poor, peasants, and women) in the developing countries, together with a disillusionment with dominant socialist parties, pushed many radical observers to “discover” and highlight different types of activism, however small- scale, local, or even individualistic. Such a quest, meanwhile, both contributed to and benefi ted from the upsurge of theoretical perspectives, during the 1980s, associated with poststructuralism that made micropolitics and “everyday resistance” a popular idea. James Scott’s departure, during the 1980s, from a structuralist position in studying the behavior of the peasantry in Asia to a more ethnographic method of focusing on individual reactions of peasants contributed considerably to this paradigm shift .27 In the meantime, Foucault’s “decentered” notion of power, together with a revival of neo- Gramscian politics of culture (hegemony), served as a key theoretical backing for micropolitics, and thus the “re sis tance” perspective. The notion of “re sis tance” came to stress that power and counterpower were not in binary opposition, but in a decoupled, complex, ambivalent, and perpetual “dance of control.”28 It based itself on the Foucauldian idea that “wherever there is power there is re sis tance,” although the latter consisted largely of small- scale, everyday, tiny activities that the agents could aff ord to articulate given their po liti cal constraints. Such a perception of re sis tance penetrated not only peasant studies, but a variety of fi elds, including labor studies, identity politics, ethnicity, women’s studies, education, and studies of the urban subaltern. Thus, multiple researchers discussed how relating stories about miracles “gives voice to pop u lar re sis tance”29; how disenfranchised women resisted patriarchy by relating folktales and songs or by pretending to be possessed or crazy;30 how reviving extended family among the urban pop u lar classes represented an “avenue of po liti cal participation.”31 The relationships between the Filipino bar girls and western men were discussed not simply in terms of total domination, but in a complex and contingent fashion;32 and the veiling of the Muslim working woman has been represented not in simple terms of submission, but in ambivalent terms of protest and co- optation— hence, an “accommodating protest.”33 Indeed, on occasions, both veiling and unveiling were simultaneously considered as a symbol of re sis tance. Undoubtedly, such an attempt to grant agency to the subjects that until then were depicted as “passive poor,” “submissive women,” “apo liti cal peasant,” and “oppressed worker” was a positive development. The re sis tance paradigm helps to uncover the complexity of power relations in society in general, and the politics of the subaltern in par tic u lar. It tells us that we may not expect a universalized form of struggle; that totalizing pictures oft en distort variations in people’s perceptions about change; that local should be recognized as a signifi cant site of struggle as well as a unit of analysis; that or ga nized collective action may not be possible everywhere, and thus alternative forms of struggles must be discovered and acknowledged; that or ganized protest as such may not necessarily be privileged in the situations where suppression rules. The value of a more fl exible, small- scale, and unbureaucratic activism should, therefore, be acknowledged.34 These are some of the issues that critiques of poststructuralist advocates of “re sis tance” ignore.35 Yet a number of conceptual and political problems also emerge from this paradigm. The immediate trouble is how to conceptualize re sis tance, and its relation to power, domination, and submission. James Scott seems to be clear about what he means by the term: Class re sis tance includes any act(s) by member(s) of a subordinate class that is or are intended either to mitigate or deny claims (for example, rents, taxes, prestige) made on that class by superordinate classes (for example, landlords, large farmers, the state) or to advance its own claims (for example, work, land, charity, respect) vis-à- vis these superordinate classes.36 [emphasis added] However, the phrase “any act” blocks delineating between qualitatively diverse forms of activities that Scott lists. Are we not to distinguish between large- scale collective action and individual acts, say, of tax dodging? Do reciting poetry in private, however subversive- sounding, and engaging in armed struggle have identical value? Should we not expect unequal aff ectivity and implications from such diff erent acts? Scott was aware of this, and so agreed with those who had made distinctions between diff erent types of resistance— for example, “real re sis tance” refers to “or ga nized, systematic, pre- planned or selfl ess practices with revolutionary consequences,” and “token re sis tance” points to unor ga nized incidental acts without any revolutionary consequences, and which are accommodated in the power structure.37 Yet he insisted that the “token re sis tance” is no less real than the “real re sis tance.” Scott’s followers, however, continued to make further distinctions. Nathan Brown, in studying peasant politics in Egypt, for instance, identifi es three forms of politics: atomistic (politics of individuals and small groups with obscure content), communal (a group eff ort to disrupt the system, by slowing down production and the like), and revolt ( just short of revolution to negate the system).38 Beyond this, many resistance writers tend to confuse an awareness about oppression with acts of resistance against it. The fact that poor women sing songs about their plight or ridicule men in their private gatherings indicates their understanding of gender dynamics. This does not mean, however, that they are involved in acts of resistance; neither are the miracle stories of the poor urbanites who imagine the saints to come and punish the strong. Such an understanding of “resistance” fails to capture the extremely complex interplay of conflict and consent, and ideas and action, operating within systems of power. Indeed, the link between consciousness and action remains a major sociological dilemma.39 Scott makes it clear that re sis tance is an intentional act. In Weberian tradition, he takes the meaning of action as a crucial element. This intentionality, while signifi cant in itself, obviously leaves out many types of individual and collective practices whose intended and unintended consequences do not correspond. In Cairo or Tehran, for example, many poor families illegally tap into electricity and running water from the municipality despite their awareness of their behavior’s illegality. Yet they do not steal urban ser vices in order to express their defi ance vis-à- vis the authorities. Rather, they do it because they feel the necessity of those ser vices for a decent life, because they fi nd no other way to acquire them. But these very mundane acts when continued lead to signifi cant changes in the urban structure, in social policy, and in the actors’ own lives. Hence, the signifi cance of the unintended consequences of agents’ daily activities. In fact, many authors in the re sis tance paradigm have simply abandoned intent and meaning, focusing instead eclectically on both intended and unintended practices as manifestations of “re sis tance.” There is still a further question. Does re sis tance mean defending an already achieved gain (in Scott’s terms, denying claims made by dominant groups over the subordinate ones) or making fresh demands (to “advance its own claims”), what I like to call “encroachment”? In much of the re sis tance literature, this distinction is missing. Although one might imagine moments of overlap, the two strategies, however, lead to diff erent po liti cal consequences; this is so in par tic u lar when we view them in relation to the strategies of dominant power. The issue was so crucial that Lenin devoted his entire What Is to Be Done? to discussing the implications of these two strategies, albeit in diff erent terms of “economism/trade unionism” vs. “social demo cratic/party politics.” What ever one may think about a Leninist/vanguardist paradigm, it was one that corresponded to a par tic u lar theory of the state and power (a capitalist state to be seized by a mass movement led by the working- class party); in addition, it was clear where this strategy wanted to take the working class (to establish a socialist state). Now, what is the perception of the state in the “resistance” paradigm? What is the strategic aim in this perspective? Where does the resistance paradigm want to take its agents/subjects, beyond “prevent[ing] the worst and promis[ing] something better”?40 Much of the literature of re sis tance is based upon a notion of power that Foucault has articulated, that power is everywhere, that it “circulates” and is never “localized here and there, never in anybody’s hands.” 41 Such a formulation is surely instructive in transcending the myth of the powerlessness of the ordinary and in recognizing their agency. Yet this “decentered” notion of power, shared by many poststructuralist “re sis tance” writers, underestimates state power, notably its class dimension, since it fails to see that although power circulates, it does so unevenly— in some places it is far weightier, more concentrated, and “thicker,” so to speak, than in others. In other words, like it or not, the state does matter, and one needs to take that into account when discussing the potential of urban subaltern activism. Although Foucault insists that re sis tance is real when it occurs outside of and in de pen dent of the systems of power, the perception of power that informs the “re sis tance” literature leaves little room for an analysis of the state as a system of power. It is, therefore, not accidental that a theory of the state and, therefore, an analysis of the possibility of co- optation, are absent in almost all accounts of “resistance.” Consequently, the cherished acts of resistance float around aimlessly in an unknown, uncertain, and ambivalent universe of power relations, with the end result an unsettled, tense accommodation with the existing power arrangement. Lack of a clear concept of resistance, moreover, often leads writers in this genre to overestimate and read too much into the acts of the agents. The result is that almost any act of the subjects potentially becomes one of “resistance.” Determined to discover the “inevitable” acts of resistance, many poststructuralist writers often come to “replace their subject.”42 While they attempt to challenge the essentialism of such perspectives as “passive poor,” “submissive Muslim women,” and “inactive masses,” they tend, however, to fall into the trap of essentialism in reverse— by reading too much into ordinary behaviors, interpreting them as necessarily conscious or contentious acts of defi ance. This is so because they overlook the crucial fact that these practices occur mostly within the prevailing systems of power. For example, some of the lower class’s activities in the Middle East that some authors read as “re sis tance,” “intimate politics” of defi ance, or “avenues of participation” may actually contribute to the stability and legitimacy of the state.43 The fact that people are able to help themselves and extend their networks surely shows their daily activism and struggles. However, by doing so the actors may hardly win any space from the state (or other sources of power, like capital and patriarchy)— they are not necessarily challenging domination. In fact, governments often encourage self- help and local initiatives so long as they do not turn oppositional. They do so in order to shift some of their burdens of social welfare provision and responsibilities onto the individual citizens. The proliferation of many NGOs in the global South is a good indicator of this. In short, much of the re sis tance literature confuses what one might consider coping strategies (when the survival of the agents is secured at the cost of themselves or that of fellow humans) and effective participation or subversion of domination. There is a last question. If the poor are always able to resist in many ways (by discourse or actions, individual or collective, overt or covert) the systems of domination, then what is the need to assist them? If they are already po litically able citizens, why should we expect the state or any other agency to empower them? Misreading the behavior of the poor may, in fact, frustrate our moral responsibility toward the vulnerable. As Michael Brown rightly notes, when you “elevate the small injuries of childhood to the same moral status as suff ering of truly oppressed,” you are committing “a savage leveling that diminishes rather than intensifi es our sensitivities to injustice.” 44