### OFF

#### Topicality:

#### Interpretation: The affirmative must be topical.

#### “Resolved” denotes a formal resolution.

**AWS ’13** [Army Writing Style; August 24th; Online resource dedicated to all major writing requirements in the Army; Army Writing Style, "Punctuation — The Colon and Semicolon," <https://armywritingstyle.com/punctuation-the-colon-and-semicolon/>]

The colon introduces the following:

a.  A list, but only after "as follows," "the following," or a noun for which the list is an appositive: Each scout will carry the following: (colon) meals for three days, a survival knife, and his sleeping bag. The company had four new officers: (colon) Bill Smith, Frank Tucker, Peter Fillmore, and Oliver Lewis.

b.  A long quotation (one or more paragraphs): In The Killer Angels Michael Shaara wrote: (colon) You may find it a different story from the one you learned in school. There have been many versions of that battle [Gettysburg] and that war [the Civil War]. (The quote continues for two more paragraphs.)

c.  A formal quotation or question: The President declared: (colon) "The only thing we have to fear is fear itself." The question is: (colon) what can we do about it?

d.  A second independent clause which explains the first: Potter's motive is clear: (colon) he wants the assignment.

e.  After the introduction of a business letter: Dear Sirs: (colon) Dear Madam: (colon) f.  The details following an announcement For sale: (colon) large lakeside cabin with dock

g.  A formal resolution, after the word "resolved:". Resolved: (colon) That this council petition the mayor.

#### The WTO deals with rules of trade

WTO ND, https://www.wto.org/english/thewto\_e/whatis\_e/whatis\_e.htm

The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.

#### The members are only governments

WTO ND, https://www.wto.org/english/thewto\_e/whatis\_e/whatis\_e.htm

The WTO is run by its member governments. All major decisions are made by the membership as a whole, either by ministers (who usually meet at least once every two years) or by their ambassadors or delegates (who meet regularly in Geneva).

#### Reduce entails policy action

Findlaw ND, https://dictionary.findlaw.com/definition/reduce.html

to convert by enforcement through litigation [may his claim to judgment, foreclose or otherwise enforce the security interest "*Uniform Commercial Code*"]

#### IPRs deal with patents, trademarks, trade secrets and copy rights

Upcounsel 20, https://www.upcounsel.com/intellectual-property-protection

Intellectual Property Protection is protection for inventions, literary and artistic works, symbols, names, and images created by the mind. Learn how you can protect your intellectual property by using: Patents, Trademarks, [Trade Secrets](https://www.upcounsel.com/trade-secret), and Copyrights.

#### Violation: They defend an “impossible demand” to reduce IP protections but don’t explain who does it nor defend WTO member nations to reduce them. That leaves the topic open to endless different strategies that are tangentially related to the topic but aren’t actually the topic itself.

#### That’s necessary for limits and ground -- redefining portions of the resolution permits endless reclarification AND creates incentives to focus 1 part of the library for 4 years -- only aligning pre-round research with agent and mechanism solves.

#### Two impacts:

#### 1 -- Fairness -- some level of competitive equity is necessary to sustain the activity -- if it didn’t exist, then there wouldn’t be value to the game since judges could literally vote whatever way they wanted regardless of the competing arguments made. That outweighs -- deciding any other argument in this debate cannot be disentangled from our inability to prepare for it -- any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff.

#### 2 -- Iteration.

**Iverson ’9** [Joel; 2009; Associate Professor of Communication at the University of Montana, Ph.D in Communication from Arizona State University Relations at the University of Sydney; Debate Central, “Can Cutting Cards Carve into Our Personal Lives: An Analysis of Debate Research on Personal Advocacy,” https://debate.uvm.edu/dybvigiverson1000.html]

Mitchell (1998) provides a thorough examination of the pedagogical implication for academic debate. Although Mitchell acknowledges that debate provides preparation for participation in democracy, limiting debate to a laboratory where students practice their skill for future participation is criticized. Mitchell contends:

For students and teachers of argumentation, the heightened salience of this question should signal the danger that critical thinking and oral advocacy skills alone may not be sufficient for citizens to assert their voices in public deliberation. (p. 45)

Mitchell contends that the laboratory style setting creates barriers to other spheres, creates a "sense of detachment" and causes debaters to see research from the role of spectators. Mitchell further calls for "argumentative agency [which] involves the capacity to contextualize and employ the skills and strategies of argumentative discourse in fields of social action, especially wider spheres of public deliberation" (p. 45). Although we agree with Mitchell that debate can be an even greater instrument of empowerment for students, we are more interested in examining the impact of the intermediary step of research. In each of Mitchell's examples of debaters finding creative avenues for agency, there had to be a motivation to act. It is our contention that the research conducted for competition is a major catalyst to propel their action, change their opinions, and to provide a greater depth of understanding of the issues involved.

The level of research involved in debate creates an in-depth understanding of issues. The level of research conducted during a year of debate is quite extensive. Goodman (1993) references a Chronicle of Higher Education article that estimated "the level and extent of research required of the average college debater for each topic is equivalent to the amount of research required for a Master's Thesis (cited in Mitchell, 1998, p. 55). With this extensive quantity of research, debaters attain a high level of investigation and (presumably) understanding of a topic. As a result of this level of understanding, debaters become knowledgeable citizens who are further empowered to make informed opinions and energized to take action. Research helps to educate students (and coaches) about the state of the world.

Without the guidance of a debate topic, how many students would do in-depth research on female genital mutilation in Africa, or United Nations sanctions on Iraq? The competitive nature of policy debate provides an impetus for students to research the topics that they are going to debate. This in turn fuels students’ awareness of issues that go beyond their front doors. Advocacy flows from this increased awareness. Reading books and articles about the suffering of people thousands of miles away or right in our own communities drives people to become involved in the community at large.

Research has also focused on how debate prepares us for life in the public sphere. Issues that we discuss in debate have found their way onto the national policy stage, and training in intercollegiate debate makes us good public advocates. The public sphere is the arena in which we all must participate to be active citizens. Even after we leave debate, the skills that we have gained should help us to be better advocates and citizens. Research has looked at how debate impacts education (Matlon and Keele 1984), legal training (Parkinson, Gisler and Pelias 1983, Nobles 19850 and behavioral traits (McGlone 1974, Colbert 1994). These works illustrate the impact that public debate has on students as they prepare to enter the public sphere.

The debaters who take active roles such as protesting sanctions were probably not actively engaged in the issue until their research drew them into the topic. Furthermore, the process of intense research for debate may actually change the positions debaters hold. Since debaters typically enter into a topic with only cursory (if any) knowledge of the issue, the research process provides exposure to issues that were previously unknown. Exposure to the literature on a topic can create, reinforce or alter an individual's opinions. Before learning of the School for the America's, having an opinion of the place is impossible. After hearing about the systematic training of torturers and oppressors in a debate round and reading the research, an opinion of the "school" was developed. In this manner, exposure to debate research as the person finding the evidence, hearing it as the opponent in a debate round (or as judge) acts as an initial spark of awareness on an issue. This process of discovery seems to have a similar impact to watching an investigative news report.

Mitchell claimed that debate could be more than it was traditionally seen as, that it could be a catalyst to empower people to act in the social arena. We surmise that there is a step in between the debate and the action. The intermediary step where people are inspired to agency is based on the research that they do. If students are compelled to act, research is a main factor in compelling them to do so. Even if students are not compelled to take direct action, research still changes opinions and attitudes.

Research often compels students to take action in the social arena. Debate topics guide students in a direction that allows them to explore what is going on in the world. Last year the college policy debate topic was,

Resolved: That the United States Federal Government should adopt a policy of constructive engagement, including the immediate removal of all or nearly all economic sanctions, with the government(s) of one or more of the following nation-states: Cuba, Iran, Iraq, Syria, North Korea.

This topic spurred quite a bit of activism on the college debate circuit. Many students become actively involved in protesting for the removal of sanctions from at least one of the topic countries. The college listserve was used to rally people in support ofvarious movements to remove sanctions on both Iraq and Cuba. These messages were posted after the research on the topic began. While this topic did not lend itself to activism beyond rallying the government, other topics have allowed students to take their beliefs outside of the laboratory and into action.

In addition to creating awareness, the research process can also reinforce or alter opinions. By discovering new information in the research process, people can question their current assumptions and perhaps formulate a more informed opinion. One example comes from a summer debate class for children of Migrant workers in North Dakota (Iverson, 1999). The Junior High aged students chose to debate the adoption of Spanish as an official language in the U.S. Many students expressed their concern that they could not argue effectively against the proposed change because it was a "truism." They were wholly in favor of Spanish as an official language. After researching the topic throughout their six week course, many realized much more was involved in adopting an official language and that they did not "speak 'pure' Spanish or English, but speak a unique dialect and hybrid" (Iverson, p. 3). At the end of the class many students became opposed to adopting Spanish as an official language, but found other ways Spanish should be integrated into American culture. Without research, these students would have maintained their opinions and not enhanced their knowledge of the issue. The students who maintained support of Spanish as an official language were better informed and thus also more capable of articulating support for their beliefs.

The examples of debate and research impacting the opinions and actions of debaters indicate the strong potential for a direct relationship between debate research and personal advocacy. However, the debate community has not created a new sea of activists immersing this planet in waves of protest and political action. The level of influence debater search has on people needs further exploration. Also, the process of research needs to be more fully explored in order to understand if and why researching for the competitive activity of debate generates more interest than research for other purposes such as classroom projects.

Since parliamentary debate does not involve research into a single topic, it can provide an important reference point for examining the impact of research in other forms of debate. Based upon limited conversations with competitors and coaches as well as some direct coaching and judging experience in parliamentary debate, parliamentary forms of debate has not seen an increase in activism on the part of debaters in the United States. Although some coaches require research in order to find examples and to stay updated on current events, the basic principle of this research is to have a commonsense level of understanding(Venette, 1998). As the NPDA website explains, "the reader is encouraged to be well-read in current events, as well as history, philosophy, etc. Remember: the realm of knowledge is that of a 'well-read college student'" (NPDA Homepage,<http://www.bethel.edu/Majors/Communication/npda/faq2.html>). The focus of research is breadth, not depth. In fact, in-depth research into one topic for parliamentary debate would seem to be counterproductive. Every round has a different resolution and for APDA, at least, those resolutions are generally written so they are open to a wide array of case examples, So, developing too narrow of a focus could be competitively fatal. However, research is apparently increasing for parliamentary teams as reports of "stock cases" used by teams for numerous rounds have recently appeared. One coach did state that a perceived "stock case" by one team pushed his debaters to research the topic of AIDS in Africa in order to be equally knowledgeable in that case. Interestingly, the coach also stated that some of their research in preparation for parliamentary debate was affecting the opinions and attitudes of the debaters on the team.

Not all debate research appears to generate personal advocacy and challenge peoples' assumptions. Debaters must switch sides, so they must inevitably debate against various cases. While this may seem to be inconsistent with advocacy, supporting and researching both sides of an argument actually created stronger advocates. Not only did debaters learn both sides of an argument, so that they could defend their positions against attack, they also learned the nuances of each position. Learning and the intricate nature of various policy proposals helps debaters to strengthen their own stance on issues.

#### TVA: Defend the member nations of the WTO ought to reduce IP protections as an impossible demand.

#### Linking advocacy in spaces like debate to state reductions of IP protections solves their offense.

Sharifah Sekalala 21 et al., Warwick Law School, University of Warwick, Coventry, UK. Lisa Forman, Dalla Lana School of Public Health, University of Toronto, Toronto, Ontario, Canada. Timothy Hodgson, International Commission of Jurists, Johannesburg, South Africa. Moses Mulumba, Center for Health, Human Rights and Development, Kampala, Uganda. Hadijah Namyalo-Ganafa, School of Law, Makerere University, Kampala, Uganda. Benjamin Mason Meier, Department of Public Policy, University of North Carolina at Chapel Hill, Chapel Hill, North Carolina, USA. BMJ Glob Health. 2021; 6(7): e006169. Published online 2021 Jul 12. “Decolonising human rights: how intellectual property laws result in unequal access to the COVID-19 vaccine” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8277484/> brett

Under the ICESCR and IHR, states have a duty to cooperate with other states in progressively realising the right to health, including ensuring provision of minimum levels of health services, facilities and goods on a non-discriminatory basis.54 55 The CESCR has clarified that, in the context of COVID-19, this duty should include: ‘sharing of research, medical equipment and supplies, and best practices in combating the virus; coordinated action to reduce the economic and social impacts of the crisis; and joint endeavours by all States to ensure an effective, equitable economic recovery’.56 Additionally, it affirmed that ‘the needs of vulnerable and disadvantaged groups as well as fragile countries, including least developed countries, countries in conflict and post-conflict situations, should be at the centre of such international endeavours’.56

Many statements from various UN treaty bodies have acknowledged that ensuring universal access to essential medicines is central to the realisation of the right to health, and that IP considerations should never over-ride human rights obligations for universal and equitable access to the COVID-19 vaccine.57–62 These statements have been achieved through a global movement of solidarity, encompassing states, civil society organisations and individuals, and reflect a reassessment of human rights values from below. For instance, the Special Rapporteur on the right to health has argued that solidarity needs to be part of a wider effort to redistribute health resources. However, these statements need to go further and call for explicit reparations in global health, which is the only way to redistribute health resources globally.4 63

Increased financing could fund public research and development through either WHO’s existing efforts for a complementary research and development treaty,64 or through mechanisms such as the proposed Pandemic Financing Facility. The latter proposes to mobilise long-term contributions of approximately US$5–US$10 billion per annum to finance preparedness, but should also focus on funding research and development on pathogens so as to restructure patents as a global public good.65 For those states unable to fund their own access to COVID-19 vaccines, there is an international human rights duty on other states to ensure that such states are not harmed through the actions of multilateral institutions that leave them with devastating debt (The Maastricht Principles (see note 57), Principles 3, 4 and 9).66

In meeting these international obligations immediately to ensure access to COVID-19 vaccines, only a few countries are capable of manufacturing the vaccine at the scale needed.67 This inequity in vaccine production capacity requires countries from the Global North to support countries in the Global South to increase their production capacity, including through non-exclusive licensing and the WHO’s COVID-19 Technology Access Pool.68 Sharing technology and building manufacturing capacity will be critical to ensuring that countries can solve problems of access to essential medicines in the long term, setting a precedent that will be necessary in addressing environmental justice, antimicrobial resistance prevention and other global public goods.

Increased funding, as a form of reparations, would help finance a more equitable manufacturing base to ensure that all countries in the Global South are not totally reliant on existing manufacturers. Although we acknowledge that the manufacturing of vaccines is a complex process and that not every country is likely to manufacture medicines including vaccines at the required scale, the WHO has projected that at present, five African countries have some capacity to manufacture vaccines, and efforts to finance manufacturing capacity for countries of the Global South would go a long way towards readdressing the charity model proposed under COVAX by ensuring that African countries can rely on regional compacts for their vaccine access. Coordination and cooperation within the African Union and the Africa Centres for Disease Control and Prevention, which has already begun, could determine the strategically best, and most effective, locations and ways to scale up manufacturing on the continent to improve vaccine access.69 70

### OFF

#### IPR PIC:

#### We affirm the 1AC absent reducing intellectual property protections for medicines

#### Solves the AFF – Wilderson is talking about impossible demands in the abstract, NOT medicines.

#### Net benefit is the DA.

### OFF

#### Medical Innovation DA:

#### It’s high now

Kenan 6-9, The Frank Hawkins Kenan Institute of Private Enterprise develops and promotes innovative, market-based solutions to vital economic issues. With the belief that private enterprise is the cornerstone of a prosperous and free society, the institute fosters the entrepreneurial spirit to stimulate economic prosperity and improve the lives of people in North Carolina, across the country and around the world. Kenan Institute, 6-9-21, “Turbocharging Healthcare Innovation” <https://kenaninstitute.unc.edu/kenan-insight/turbocharging-healthcare-innovation/> brett

As COVID-19 began to spread around the globe, companies and entrepreneurs stepped up to develop new technologies and redeploy existing technologies in their portfolio to tackle the disease and cope with the constraints it brought. The pandemic forced telemedicine into the mainstream and brought mRNA vaccine technology to the forefront. At the same time, new technologies such as CRISPR gene editing and artificial intelligence (AI) approaches have been finding their niche for speeding up drug discovery and development.

Healthcare innovation was already on the fast train before the pandemic. Now, it’s been turbocharged. In this Kenan Insight, we explore why the 2021 Trends in Entrepreneurship Report names emerging technology in the healthcare industry as a key trend for entrepreneurship, along with some of the challenges that come with fast-moving technology advances.

A trajectory of explosive growth

The healthcare industry has experienced extraordinary growth over the past four decades. Big pharma is driving much of this boom, accounting for 10% of the U.S. economy’s overall R&D spending at the end of 2020.1 The medical device industry, expected to generate $54.5 billion over the next four years, is another important player.2 This growth is catching the attention of investors. In 2020, health tech startups raised approximately $14 billion in venture capital funding, nearly double that of 2019.3 CB Insights estimates there are now 51 healthcare unicorns, defined as startups valued at $1 billion or more.

Health-tech venture funding reached record levels in 2020

Chart, bar chart, histogram

Description automatically generated

Source: Deloitte analysis of Rock Health’s Digital Health Funding Database

Innovation is a critical driver in the healthcare sector. Increasing rates of innovation can be seen in the sharp rise of U.S. patents granted for pharmaceuticals and medical devices in recent years. Between 2013 and 2019, more than 60,000 pharmaceutical patents and more than 125,000 medical device patents were granted.4 Today, there are more than 18,500 drugs at various stages of the development process worldwide.5

Maturing technologies

The increasing numbers of patent applications, clinical trials and collaborations are leading indicators of a vibrant and growing biopharmaceutical ecosystem. However, the proliferation of innovation tools, rather than just innovative products, is what will allow the next generation of pharmaceutical drugs to be discovered more quickly and more efficiently, to provide more effective treatments and to target diseases that have so far evaded our collective intervention efforts. As scientists learn more about human genes and their connection to diseases, these insights can feed into tools that make drug R&D faster, less expensive and more precise.

AI technology has matured to the point where it can now be used reliably to analyze huge amounts of data and solve extremely complex problems. This has made AI attractive to the pharmaceutical industry as a tool that can enable more efficient identification of new drugs and drug targets. In 2020, drug discovery was the focus area that received the most private AI investment, with more than $13.8 billion invested globally. This was 4.5 times higher than the total for 2019.6

CRISPR gene editing is another hot technology that is enabling the development of more innovative and accurate therapeutic strategies. This tool is making it easier to determine the genes and proteins that cause or prevent disease and thus to identify new targets for potential drugs. As of the second quarter of 2020, there were 724 active companies around the world focused on using or developing CRISPR technology and almost 50 clinical trials involving CRISPR.7

mRNA was certainly one of the brightest technology stars of 2020. After decades of research, mRNA proved to be the ideal solution for developing a highly effective COVID-19 vaccine at record speed. However, this is likely only the beginning of the story for mRNA. Therapies based on mRNA technology are being developed to treat malaria, cancer and multiple sclerosis and we’ll likely see more mRNA-based vaccines designed to fight a host of current and future infectious diseases. As of February 2021, CB Insights reports more than 520 ongoing clinical trials worldwide that were applying mRNA technology to more than 20 disease classes.8

#### An “impossible demand” to reduce IP protections destroys innovation

Na 19 Blake Na, 4-19-2019, "Protecting Intellectual Property Rights in the Pharmaceutical Industry," Chicago-Kent | Journal of Intellectual Property, https://studentorgs.kentlaw.iit.edu/ckjip/protecting-intellectual-property-rights-in-the-pharmaceutical-industry/, accessed 7/21/2021 EH

Patents grant an inventor the right to exclude others from making, using, or selling their invention. The public policy behind patenting is to incentivize and reward the inventor, to recoup research and development costs and to encourage new inventions. Thus, patents are considered a significant incentive to stimulate innovation, specifically the development of newly prescribed medicines given the nature of research and development. Why are patents important for the pharmaceutical industry? How is the pharmaceutical industry protecting its intellectual property rights? Here are the answers. The Pharmaceutical Industry Innovation drives the pharmaceutical industry. Innovation also differentiates research-based pharmaceutical companies from generic drug companies. Pharmaceutical companies heavily invest in lengthy and costly research and development processes to remain relevant in the market. The average time it takes for a new drug to come to the marketplace is at least ten years, with clinical trials alone taking about six to seven years.[1] The cost to develop one new drug is about $2.6 billion according to a study by Tufts Center for the Study of Drug Development.[2] Furthermore, there is only a 12 percent success rate of bringing a drug through clinical trials.[3] A considerable number of drugs that move to clinical trials never receive government approval. Even if a new drug successfully completes all the necessary steps to get to market, pharmaceutical companies face heavy competition with other pharmaceutical companies. This pressure has led big pharmaceutical companies to spend far more on marketing than on research and development.[4] For example, Johnson & Johnson spent more than twice the development costs on the marketing directed to physicians, who write prescriptions.[5] Accordingly, companies in the pharmaceutical industry usually depend on a period of both (1) market exclusivity derived from patent protection, and; (2) data exclusivity in order to recoup their research and development costs. Data Exclusivity According to the Food and Drug Administration (“FDA”), generic drugs constitute 80 percent of prescription drugs in the United States. [6] Therefore, it is important for companies in the pharmaceutical industry to have the right strategy in utilizing their patent and data exclusivity rights. Patents and data exclusivity are similar in some respects, but can be clearly differentiated from one another. The Patent and Trademark Office (“PTO”) grants patents while the FDA grants data exclusivity rights. Data exclusivity refers to the period where approval of generic drug applications from clinical trial data that has already been approved for a new drug application is prohibited or delayed.[7] That is, it protects the clinical trial data collected and submitted to the federal government for the market approval of a new drug. If a drug is still under the period of data exclusivity, generic entrants must submit complete clinical trial data.[8] Due to the high cost of research and development, this creates a significant barrier to entry for generic companies. [9] As the FDA explains, design exclusivity rights exist to “promote balance between new drug innovation and generic drug competition.”[10] This right can be enjoyed simultaneously with or without a patent.[11] Patent Rights A pharmaceutical company may apply for a patent from the PTO at any time in the development lifetime of a drug.[12] A drug is patentable if it is non-obvious, new, and useful.[13] The drug must be non-obvious when comparing the drug with another previously invented drug, i.e., it does not bring the same type of information as the other drugs. The drug must also not exist, and it must have a purpose. Intellectual property rights, especially patent rights, are the foundation of the pharmaceutical industry. The industry heavily depends on the future profits which innovation (and as a result, exclusivity) enable. Drug patents grant the originator company to market exclusivity for a fixed term of 20 years from the patent’s original filing date. By giving this 20-year patent term in which the government cannot regulate the price, market exclusivity allows pharmaceutical companies to have a monopoly over the market. To maximize their profit, pharmaceutical companies work on extending the exclusivity of a drug. For example, AbbVie extended the manufacturing exclusivity of Humira by delaying generic companies from manufacturing generic entrants until 2023. The market exclusivity can be lengthened anywhere between 180 days to 7 years. Thus, due to efforts to derive profits from patents, pharmaceutical companies’ patents contribute to roughly 70-80 percent of their overalll revenues. Patents in the pharmaceutical industry are normally referred to as their product portfolio and are the most effective method for protecting innovation and creating significant returns on investments. Accordingly, as mentioned above, patents help in recouping costs related to research, development, and marketing of a drug. Patents not only help pharmaceutical companies recoup investments, they can also act as a shield against infringement claims. Strong patent protection can safeguard drugs from potential infringers. Without consent from the patentee, other competing companies cannot use, make, or distribute the invention. However, because a drug can be easily imitated by competitors, bringing an infringement suit can also protect a patentee’s rights. Recently, DUSA Pharmaceuticals, Inc.—an arm of the Indian pharmaceutical company Su Pharma and ranked among the top 50 global Pharma Companies—was recently granted injunctive relief from a U.S. court against Biofrontera Inc. in a patent infringement case[14]. The court’s order prohibited Biofrontera from making use of information, including sales data, marketing data, technical information, and unpublished clinical data, of DUSA Pharmaceuticals[15]. Although bringing an infringement suit is a valuable remedial measure for patentees, pharmaceutical companies often face difficulty with the high costs and uncertainty of litigation.

#### Medical innovation is key to address future pandemics---extinction.

Engelhardt 8 (H. Tristram, doctorate in philosophy (University of Texas at Austin), M.D. (Tulane University), professor of philosophy (Rice University), and professor emeritus at Baylor College of Medicine, “Innovation and the Pharmaceutical Industry: Critical Reflections on the Virtues of Profit,” <https://www.amazon.com/Innovation-Pharmaceutical-Industry-Reflections-Conflicts/dp/0980209447>) (Taiwan)

Many are suspicious of, or indeed jealous of, the good fortune of others. Even when profit is gained in the market without fraud and with the consent of all buying and selling goods and services, there is a sense on the part of some that something is wrong if considerable profit is secured. There is even a sense that good fortune in the market, especially if it is very good fortune, is unfair. One might think of such rhetorically disparaging terms as "wind-fall profits". There is also a suspicion of the pursuit of profit because it is often embraced not just because of the material benefits it sought, but because of the hierarchical satisfaction of being more affluent than others. The pursuit of profit in the pharmaceutical and medical-device industries is tor many in particular morally dubious because it is acquired from those who have the bad fortune to be diseased or disabled. Although the suspicion of profit is not well-founded, this suspicion is a major moral and public-policy challenge. Profit in the market for the pharmaceutical and medical-device industries is to be celebrated. This is the case, in that if one is of the view (1) that the presence of additional resources for research and development spurs innovation in the development of pharmaceuticals and med-ical devices (i.e., if one is of the view that the allure of profit is one of the most effective ways not only to acquire resources but productively to direct human energies in their use), (2) that given the limits of altruism and of the willingness of persons to be taxed, the possibility of profits is necessary to secure such resources, (3) that the allure of profits also tends to enhance the creative use of available resources in the pursuit of phar-maceutical and medical-device innovation, and (4) if one judges it to be the case that such innovation is both necessary to maintain the human species in an ever-changing and always dangerous environment in which new microbial and other threats may at any time emerge to threaten human well-being, if not survival (i.e., that such innovation is necessary to prevent increases in morbidity and mortality risks), as well as (5) in order generally to decrease morbidity and mortality risks in the future, it then follows (6) that one should be concerned regarding any policies that decrease the amount of resources and energies available to encourage such innovation. One should indeed be of the view that the possibilities for profit, all things being equal, should be highest in the pharmaceutical and medical-device industries. Yet, there is a suspicion regarding the pursuit of profit in medicine and especially in the pharmaceutical and medical-device industries.

#### Extinction comes first:

#### A] Future lives -- trillions of future lives are lost. They are just as valuable as current ones – anything else says some lives are worth less than others which is a slippery slope to genocide.

#### B] Reversibility -- extinction forecloses future improvement; prefer -- if we’re unsure about which interpretation of the world is true, we should preserve it to figure things out.

### OFF

#### Humanism K:

#### Political hope is necessary to sustain black politics and vision, give meaning to struggles for justice, and is worthwhile even if it fails to achieve its intentions.

**Dawson 1** (Center for the Study of Race, Politics, and Culture @ University of Chicago (Michael, BLACK VISIONS: THE ROOTS OF CONTEMPORARY AFRICAN-AMERICAN POLITICAL IDEOLOGIES, pp. 322-3)

We must ﬁnally ask whether African Americans can rely on a totalizing ideology to shape our visions of black justice and our future in America. My answer is no. I believe we need a more ﬂexible approach than ideologies such as black Marxism, black nationalism, and at least the Cold War version of liberalism have allowed. We need a black critical theory that draws on and combines liberalism’s concern with individual rights and autonomy, republican concerns with community, socialist concern with an egalitarian society and economic justice for all, feminist traditions such as resistance to suppressing intragroup differences in the name of a false and oppressive unity, and blends these with recognition of the need for autonomous organization and cultural pride. No single world view or ideology comfortably accommodates all of these. But a critical theory can—and such a theory must be political. We’ve had a black aesthetic, black power, and a plethora of black public policy pronouncements. But a black political theory has to embody a theory of the state, power, human nature, and the good life. And such a theory must be based on the hope for and potential of the improvement of human nature while recognizing the wickedness of the world. Kantian pronouncements about systems that can be governed by devils have led us to a world where ethnic strife and nuclear and other horrors proliferate. We must strive for something better, something democratic, something cosmopolitan, not in the elite sense but in the sense that, since homogeneity is a thing of the past, even within states, we must fall back on our basic humanness. It is no coincidence that within American political thought this perspective appears most often in the black traditions and in black political thought, at least in the contemporary period—most often in the black feminist tradition. Thus the best legacy of black political ideologies for America is a tough, activist, inclusive democracy willing to challenge privileges of power and resources in the name of a grander vision which asserts that we are more than the mere aggregation of our individual preferences. Its morality, while democratic, would not be based on the latest consumer fad nor use the return to stockholders as the ﬁnal arbiter of the public good. That we often fail in living up to our standards of justice within black activism as well as within America—that we are imperfect as individuals and as communities—does not mean, as King so eloquently demonstrated, that the vision itself is not a worthy goal. What black critical theory and each black ideology have demonstrated is that the doable, the mundane, incremental reform of the workings of American society is not enough; only the full promise of America has the potential to be truly liberating. Any other solution is not only unsatisfactory—it is likely to provoke the kind of deadly conﬂict most clearly seen in the Civil War but also seen today in the rapid upward spiral of political and personal violence which results as people measure their circumstances against what they see as the lies that fester at the center of the American Dream. A new, black, critical theory needs to retain one aspect of black ideological visions. At the heart of all of the black visions is a sense of pragmatic optimism combined with a steadfast determination to gain black justice. Both the optimism and the determination are needed now as ever to sustain the political projects and new visions of African Americans.

#### The affirmative allies with anti-humanism by foreclosing a universal commitment to global betterment -- extinction.

Al-Nakib, 19—associate professor of postcolonial studies and comparative literature at Kuwait University (Mai, “Finding Common Cause,” Interventions, August 5, 2019, dml)

It is the beginning of Spivak’s planetarity (2003, 72) and Gilroy’s planetary humanism (2005, 4). To become “planetary subjects rather than global agents” involves reckoning with the planet as alterity, as an impossible other, and -- always at the same time -- as a part of ourselves (Spivak 2003, 73). As Spivak explains: “The planet is in the species of alterity, belonging to another system; and yet we inhabit it, on loan” (72). Planetarity -- whether in the practice of comparative literary scholarship, pedagogy, or (especially) ethical and ecological living -- transgresses normative oppositions (outer--inner, continuous--discontinuous) coextensive with capitalist globalization (72--73). It offers, alternatively, an “uncanny”, “defamiliarized”, “preemergent”, “(im)possibl[e]” view of what life on Earth could become (74, 77, 80, 72). Gilroy -- who similarly considers the development of planetary humanism to be contingent upon the experience of “estrangement from one’s own culture and history” (2005, 67) -- connects the development of planetary humanism to “a deliberate engagement with the twentieth century’s histories of suffering” in order to “furnish resources for the peaceful accommodation of otherness in relation to fundamental commonality” (4). Gilroy describes this fundamental commonality as part of a “cosmopolitan conviviality” (8), which can emerge, potentially, in multicultural societies that have worked through the racist suffering, violence, and damage historically produced by Empire (99). This historical reckoning by western imperial centres is, for Gilroy, an indispensable component of overcoming “postcolonial melancholia” toward the production of convivial multicultural relations (98-- 106). It is the kind of historical reckoning the doors in Exit West produce by force; and the convivial life and planetary potential that unfolds as a result of ordinary encounters with otherness -- as demonstrated in Mykonos, London, and Marin County -- is the kind of common cosmopolitanism Gilroy envisions (67).

Mohsin Hamid’s Exit West -- like numerous other, formally experimental works of anticolonial or postcolonial fiction -- provides an imaginative cartography of the “what could happen if”. His speculative response in his speculative novel is “aspirational”, but it is neither impossible to achieve nor idealist in conception (Gandhi 2014, 165--166). To argue that fictional speculation can play no role in realpolitik is to foreclose in advance a range of discursive responses that might, in practice, produce more ethical outcomes than those that have unravelled in recent years. To argue that fictional speculation is idealist betrays a reductive understanding of what constitutes materiality.18 As Hamid’s novel so vividly illustrates, it is the imagined made real -- by way of human connection, overlapping experiences, common causes -- that makes possible responses other than fear and outcomes not automatically violent. The ahimsaic counter-askesis of Hamid’s novel of migratory passage unfolds an inclusionary ethics of “live and let live” rather than the exclusionary dogma of “kill or be killed”, currently driving so many global antagonisms. A global politics informed by Hamid’s fictional experiments may prove messy at first, difficult to coordinate or even to stomach. But, ultimately, it may produce the kind of inhabitants who, at the very least, work together soberly to ensure the sustainability of the planet we all share in common and without which we become extinct.

#### Vote negative as a commitment to a humanist praxis that expands the terrain of universality.

Morefield '18 [Jeanne; December 2018; Senior Lecturer in Political Theory at the University of Birmingham, Co-President of the Association for Political Theory, PhD from Cornell University; "Chapter 7 – Said and Political Theory," in After Said, edited by Bashir Abu-Manneh, p. 121-123]

For Said, a criticism that assumed such “holding and crossing over” between imperialism, postcolonialism, and resistance also assumed a “common enterprise shared with others,” or, as he put it in his early defense of Rushdie’s Satanic Verses, a deep awareness that, “although it contains many spheres, the contemporary world of men and women is one world.” It is precisely in this commitment to a “common enterprise” that we ﬁnd Said’s second major disagreement with much postcolonial scholarship. Thus, while the deconstructive impulses of his work resisted universalizing theories claiming to reconcile all diﬀerence – be they Orientalist geographies or Enlightenment notions of civilization – Said was also critical of the tendency he identiﬁed in postcolonial studies to abandon the very idea of “humanity” as a unifying principle in the ﬁrst place. By contrast, he argued, it was possible “to be critical of Humanism in the name of Humanism” if, as scholars, we remain aware of the extent to which this historically Eurocentric conception was used to justify imperialism, civilizational improvement, racism, sexism, settler colonialism, and so forth. He thus argued for a form of humanist critique that was both explicitly cosmopolitan and “text-and-language-bound,” attuned to history while remaining resolutely open “to the emergent voices and currents of the present, many of them exilic, extraterritorial and unhoused.”

For Said, the key to fostering a humanism capable of escaping Eurocentrism’s yawning maw – always poised to swallow up diﬀerence through appeals to reason – was to keep its conceptual assumptions narrow. In other words, rather than nesting his attachment to the category of “human” in some ideal moral theory, or in a list of human attributes cobbled together from European high culture, Said was inspired by Vico’s commitment to the “secular notion that the historical world is made by [human beings] men and women and not by God.” For Vico, Said explained, human beings are fundamentally makers of history and “we know what we make” or, rather, “we know how to see it from the point of view of its human maker.” Limiting humanism’s deﬁnitional reach to “making history” frees it from the expansive set of speciﬁc requirements attached to Enlightenment conceptions of “reason” or “dignity.” Moreover, understanding human beings as united by their shared “capacity to make knowledge” pushes back against the poststructuralist tendency to imagine people as inescapably bamboozled by power, capable only of “passively, reactively, and dully” absorbing its weight. Finally, the ﬂip side of this deﬁnition –that we know how to see what we make from the point of view of another because we understand each other as makers – opens up humanistic practice to more expansively generative forms of reading and politics.

Said contrasted this approach with the bland universalism found in so much liberal imperialist thought and policy making. Rather than write “prescriptive articles for ‘liberals,’ à la Michael Ignatieﬀ, that urge more destruction and death for distant civilians under the banner of a benign imperialism,” for instance, Said suggested liberals concerned with foreign policy would do well “to imagine the person whom you are discussing – in this case, the person on whom the bombs will fall – reading in your presence.” Imagining the person on whom the bombs will fall as a reader and thinker shifts the intellectual authority away from the policy makers at Harvard, Princeton, or the Council on Foreign Relations, to the person being discussed. Said’s insistence that we understand human beings ﬁrst and foremost as makers of history acknowledges the person you imagine in your presence as having alternative histories to tell and – because they are also readers and therefore interpreters of experience – having diﬀerent prescriptions to oﬀer and analyses to relate. Understanding this reading person as like you and yet as someone who potentially reads/theorizes/imagines history and the world diﬀerently from you, necessarily evokes a sense of counterpoint: of familiarity and remoteness. Said’s democratic humanism thus urges the critic to begin thinking about speciﬁc events like the invasion of Iraq, or seemingly irreconcilable conﬂicts such as in Israel-Palestine, contrapuntally by looking for “what has been left out” (which histories, which voices) and then reading these absences against the dominating discourse, “recovering what has been left out of peace processes that have been determined by the powerful, and then placing that missing actuality back in the center of things.”

## Case

### 1NC---Presumption

#### Frame the 1AC through solvency, not impacts – any attempt to filter offense through the RotB or the speech act of the aff is an arbitrary goalpost that only serves to insulate it from criticism and nuanced testing – forcing us to negate the efficacy of personal strategies is at best impossible and at worst violent – the aff can’t change the material structures that produce anti-black violence – no warrant for how the aff spills up to impact structures of politics writ large or out of debate means you vote neg on presumption.

#### Negate on presumption---Inherency---scholars and activists already affirm the 1AC. Their affirmation does not change the impacts they described and has no mechanism to spill up.

#### Using the ballot for solvency is bad:

#### 1 -- It zeroes the potential for transformative change -- stats prove.

Ritter 13. (JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1)

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually incapable of creating any social change, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with nonapplicable rhetorical theory that fails to account for the unique aspects of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: “Can debate cause social change?” Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen not to prove this fundamental assumption, which—as this article argues—is merely a fiction that is harmful in most, if not all, respects. The position that competitive interscholastic debate can create social change is more properly characterize5d as a fiction than an argument. A fiction is an invented or fabricated idea purporting to be factual but is not provable by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be incredibly critical of those fictions and adopt them only if they promote the activity and its purposes

#### 2 -- It fosters worse hostility and exclusion.

Ritter 13 (JD from U Texas Law (Michael J., “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?,” National Journal of Speech and Debate, Vol. 2, Issue 1)

The fiction of social change through debate abuses the win--loss structure of debate and permits debaters to otherize, demonize, dehumanize, and exclude opponents. The win--loss structure of debate rounds requires a judge to vote for one side or the other, as judges generally cannot give a double win. This precludes the possibility of compromise on any major position in the debate when the resolution of the position would determine the ultimate issue of “which team did the better debating.” Thus, the fiction of social change through debate encourages debaters to construct narratives of good versus evil in which the other team is representative of some evil that threatens to bring about our destruction if it is endorsed (e.g. capitalism). The team relying on the fiction of social change through debate then paints themselves as agents of the good, and gives the judge a George W. Bush-like “option”: “You’re either with us or you’re against us.” The fiction of social change through debate—like Bush’s rhetorical fear tactics and creation of a false, polarizing, and exclusionary dichotomy to justify all parts of the War on Terror—enables the otherization, demonization, dehumanization, and exclusion of the opposing team. When the unfairness of this tactic is brought to light—particularly in egregious situations when a team is arguing that the other team should lose because of their skin color—all can see that the debate centers on personal attacks against opposing debaters. This causes tensions between debaters that frequently result in debaters losing interest or quitting. By alienating and excluding members of the competitive interscholastic debate community for the purpose of winning a debate, it also makes the reaching of any compromise outside of the debate—the only place where compromise is possible—much less likely. By bringing the social issue into a debate round, debaters impede out-of round progress on the resolution of social issues within and outside the debate community by prompting backlash.

#### 3 -- Symbolic affirmation divorced from material advocacy re-entrenches power.

Rigakos and Law, 9—Assistant Professor of Law at Carleton University AND PhD, Legal Studies, Carleton University (George and Alexandra “Risk, Realism and the Politics of Resistance,” Critical Sociology 35(1) 79-103, dml)

McCann and March (1996: 244) next set out the ‘justification for treating everyday practices as significant’ suggested by the above literature. First, the works studied are concerned with proving people are not ‘duped’ by their surroundings. At the level of consciousness, subjects ‘are ironic, critical, realistic, even sophisticated’ (1996: 225). But McCann and March remind us that earlier radical or Left theorists have made similar arguments without resorting to stories of everyday resistance in order to do so. Second, everyday resistance on a discursive level is said to reaffirm the subject’s dignity. But this too causes a problem for the authors because they:

query why subversive ‘assertions of self’ should bring dignity and psychological empowerment when they produce no greater material benefits or changes in relational power … By standards of ‘realism’, … subjects given to avoidance and ‘lumping it’ may be the most sophisticated of all. (1996: 227)

Thus, their criticism boils down to two main points. First, everyday resistance fails to tell us any more about so-called false consciousness than was already known among earlier Left theorists; and second, that a focus on discursive resistance ignores the role of material conditions in helping to shape identity.

Indeed, absent a broader political struggle or chance at effective resistance it would seem to the authors that ‘powerlessness is learned out of the accumulated experiences of futility and entrapment’ (1996: 228). A lamentable prospect, but nonetheless a source of closure for the governmentality theorist. In his own meta-analysis of studies on resistance, Rubin (1996: 242) finds that ‘discursive practices that neither alter material conditions nor directly challenge broad structures are nevertheless’ considered by the authors he examined ‘the stuff out of which power is made and remade’. If this sounds familiar, it is because the authors studied by McCann, March and Rubin found their claims about everyday resistance on the same understanding of power and government employed by postmodern theorists of risk. Arguing against celebrating forms of resistance that fail to alter broader power relations or material conditions is, in part, recognizing the continued ‘real’ existence of identifiable, powerful groups (classes). In downplaying the worth of everyday forms of resistance (arguing that these acts are not as worthy of the label as those acts which bring about lasting social change), Rubin appears to be taking issue with a locally focused vision of power and identity that denies the possibility of opposing domination at the level of ‘constructs’ such as class.

Rubin (1996: 242) makes another argument about celebratory accounts of everyday resistance that bears consideration:

[T]hese authors generally do not differentiate between practices that reproduce power and those that alter power. [The former] might involve pressing that power to become more adept at domination or to dominate differently, or it might mean precluding alternative acts that would more successfully challenge power. … [I]t is necessary to do more than show that such discursive acts speak to, or engage with, power. It must also be demonstrated that such acts add up to or engender broader changes.

In other words, some of the acts of everyday resistance may in the real world, through their absorption into mechanisms of power, reinforce the localized domination that they supposedly oppose. The implications of this argument can be further clarified when we study the way ‘resistance’ is dealt with in a risk society.

Risk theorists already understand that every administrative system has holes which can be exploited by those who learn about them. That is what makes governmentality work: the supposed governor is in turn governed – in part through the noncompliance of subjects (Foucault, 1991a; Rose and Miller, 1992). For example, where employees demonstrate unwillingness to embrace technological changes in the workplace, management consultants can create:

a point of entry, but also a ‘problem’ that their ‘packages’ are designed to resolve. … In short, consultants readily constitute certain forms of conduct as ‘resistance to technology’ as this gives them some purchase on its reform by identifying a space in which expertise can be brought to bear in the exercise of power. Resistance consequently plays the role of continuously provoking extensions, revisions and refinements of those same practices which it confronts. (Knights and Vurdubakis, 1994: 80)

This appears to be a very different kind of resistance from that contemplated by Rubin, but perhaps not so different from that of the authors whom he and McCann and March critique: those whose analysis ends at the discursive production of noncompliance. Instead, the above account is of a resistance that almost invariably helps power to work better. A conclusion in the present day that ominously foreshadows the futuristic, dystopic risk assemblage described by Bogard (1996).

Another example of the ‘resolution’ of resistance proposed above is the institution of a tool library described by Shearing (2001: 204–5). In this parable, a business deals with the issue of tool theft on the part of workers by installing a ‘lending library’ of tools instead of engaging in vigorous prosecution and jeopardizing worker morale. While the parable is meant to indicate a difference between actuarial and more traditional (moral) forms of justice, it also demonstrates how an act that may be considered ‘resistant’ is incorporated without conflict into the workplace loss-prevention scheme – an eminently preferable, ‘forward-looking’ solution within the logic of risk management. The same is possible in the case of more discursive forms of resistance. If I do not see myself as a Guinness man, for example, market researchers will do their best to adapt Guinness to the way I do see myself (Miller and Rose, 1997). The end result, of course, is that I purchase the beer. As manifested in a form of justice (Shearing and Johnston, 2005), it always consolidates, tempers emotions, cools the analysis, reconciles factions, and always relentlessly moves forward, assimilating as it grows. In this sense, therefore, Bogard’s ‘social science fiction’ actually pre-supposes and logically extends Shearing’s (2001) rather cheery and benevolent rendering of risk thinking. In this context of governmentality theory – as self-described and lauded for its political non-prescription by its own pundits – the acts or attitudes described as resistant are, in the end, absorbed by those who govern. Resistance as an oppositional force – that pushes against or has the potential to take power – is theoretically and politically neutralized. In the neutralization process, power is reproduced.

So, along with McCann and March’s observations that everyday resistance adds little to our understanding of false consciousness and that it denies the role of material factors in shaping identity, we can add Rubin’s two main criticisms of everyday resistance: it relies on an inaccurate understanding of power, and acts of resistance which supposedly emancipate actually may reinforce domination. All four of these criticisms demand the same thing: to know what is really going on, to get an adequate grasp of the social.

### 1NC – Role of this space

#### The role of debate is to determine if the aff is a good idea.

#### That link turns their arguments about finding the best grammar of suffering – we can best test our understanding of the world if we compete about the desirability of political strategy.

#### No proximity arg – the ballot absolutely shapes the type of research we do which empirically has implicated movements (that’s Iverson).

### 1NC – Theory of power

#### Anti-Blackness isn’t historically calcified, and their reading runs counter to the Black radical tradition.

Kelley, 17—Gary B. Nash Professor of American History at UCLA (Robin D.G., “Robin D.G. Kelley & Fred Moten In Conversation,” transcribed from <https://www.youtube.com/watch?v=fP-2F9MXjRE>, 1:57:36-2:02:56, dml)

KELLEY: Um, Fred—Fred will take most of these questions. So that's why I'm going to begin first because he's gonna, he's gonna—he's gonna end it because he, he, he has the answer to all these questions ‘cause I turn to him for these questions. On the specific, on the first question, I just want to make sure I understand it because I'm, you know, I don't always recognize, uh, it may be because I'm just old, but I don't always recognize, uh, that black politics, black [unclear—maybe “guys”] work politics have been structured or defined by white supremacy. I mean, white supremacy is there. And I guess maybe because I'm such a student of Cedric Robinson, you know, not everything is about, or in response to, white supremacy. And in fact, one of the critiques coming out of doing Southern history was this idea that race relations framework, that race relations defines, uh, African-American history or Black history. And it's simply not true because much of what people do in terms of, of social formation, community building, um, is, is, is what Raymond Williams might call alternative cultures. In other words, it may be structured in dominance in some ways, but not defined by it. And Cedric's Black Marxism, you know, really made this point. He talks about the ontological totality, you know, the, this sense of being and making ourselves whole, in that we come out of an experience, again, structured by white supremacy, structured by violence, structured by enslavement and dispossession, but, but one in which western hegemony didn't work, you know, that modes of thinking wasn't defined by Enlightenment modes of thinking. In other words, that, that part of the Black radical tradition is a refusal to be property, to even admit that human beings could be property. You know, so we sometimes give white supremacy way too much credit, and maybe I misunderstood the question. And so I think that there's lots of things that happen outside of joy and survival, and survival is important, but survival is not the end all, you know. So I think, and I'll give you one very, very specific example, and now I'm not gonna say anything else after this. The way we have tended to more recently treat slavery, Jim Crow and mass incarceration as a piece, as the reinstantiation of the same thing, the continuation, that denies the fact that these systems are actually distinct, that they are historically specific, and in fact they’re responses to, in many ways, to the weakness of this as a racial regime. So if you think of like the whole idea of the new Jim Crow to me is very, very problematic. Um, although that book by Michelle Alexander is very, very powerful and very useful in terms of educating people about prisons. Jim Crow was not the continuation of slavery. It was not. Jim Crow was a response to the Black Democratic, uh, upsurge after slavery. It was a revolution of Reconstruction. It was a way to try to suppress that. The fact that, that, you know, there was this incredible response. That's why there's a, there's a huge gap between 1877 at the official end of Reconstruction and the rise of Jim Crow, which is the 1890s, disfranchisement, lynching. That's because you've had 13, 14, 15, 20, 25 years of a democratic possibility and struggle. The same thing with mass incarceration—yes, we've had incarceration, but it's, but that, that, that, that upward swing has a lot to do with, again, responses to the struggles in the 1960s, the assault on the Keynesian welfare-warfare state, the fact that you know the, the war on political, the formation of political prisoners, those struggles in fact was the state's response to opposition. And so if we don't acknowledge that, then what we end up doing is thinking that somehow there's a structure of white supremacy that's unchanging, fixed, and so powerful we can't do anything about it when in fact it's the opposite. White supremacy is fragile. White supremacy is weak. Racial regimes actually are always having to shore themselves up precisely because they're unstable. We can see that. We can't see it because the whole system of hegemony is to give us the impression that it is so powerful, there's no space out. And yet it’s working overtime to, to respond to our opposition. Right. That may not answer your question, but that's sort of a way I think about it. Maybe it’s not satisfactory, but yeah.

### 1NC – Stop

#### Stop it – you lose.

King and Wilderson ‘20

[Tiffany Lethabo King, AAS and WGS @ GSU, and Frank Wilderson III, Ethnic Studies @ UC Irvine. 2020. “Staying Ready for Black Study: A Conversation,” published in “Otherwise Worlds: Against Settler Colonialism and Anti-Blackness.”] pat – ask me for the PDF

[TK]

Toward another direction, I have been in conversations with others and myself about how white and non-Black folks are taking up Afropessimism. Some of my anxiety is emerging when and where I see non-Black folks working under the guise of, “I’m doing the political work and exposing anti-Black racism,” but they are primarily doing their antiracist political work through theorizing Black death and flesh. I often see these folks thinking of, or theorizing, Black death and flesh at the level of metaphor and aestheticizing it in order to make it more malleable. This then becomes “the work.” I find myself recoiling from that kind of work. Do you have any thoughts about what white and non- Black folks are doing with Black death and Afro-pessimistic work?

FW

I hear exactly what you’re saying, and I grieve over it. Sometimes, I try not to know to get my own work done. As a general rule, it is difficult for Black people to make anything and to hold onto it for more than thirty seconds before the world takes it for its own purposes. Afro-pessimism is going the way of jazz, where it will be for everyone else. Or hip-hop. Patrice Douglass asked me, how do we keep Afropessimism for Blacks? And I said, it’s like our bodies, we can’t. What it becomes is something to animate someone else’s projects, and then we’ll be dispossessed of Being. That doesn’t mean I’m not writing, but I don’t know what to do about it. It’s akin to lynching as David Marriott describes. The lynched body becomes something through which community can build because it is the not quite human thing to which Humans can ultimately compare themselves.

#### Double-Bind– either afropessimism is true which means your very existence is parasitic on black death proving the double-turn OR afropessimism is false, you knew it was false, and still decided to commodify black suffering for the ballot which is externally fucked up.

### 1NC – Reform Good

#### Legal reform is possible -- eschewing contingent harm reduction reinforces the violence they critique.

Hanna, 18—teaches courses in Aboriginal law and Indigenous laws methodology at the University of Victoria (Alan, “SPACES FOR SHARING: SEARCHING FOR INDIGENOUS LAW ON THE CANADIAN LEGAL LANDSCAPE,” University of British Columbia Law Review. 51.1 (Jan. 2018): p105, dml)

Substantive meaning in Indigenous laws will come from substantive change. According to Canadian legal scholar, Robert Samek, meaningful and effective legal reform requires serious commitment to effect proper social change:

Changing the letter of the law does not of itself cure one social ill. It merely changes the scenery on the stage; the play still goes on. [T]he greatest illusion of all is to think of the present as fixed, as a piece of machinery which can be kept going forever by replacing a few parts here and there, and patching up the test. Any social fabric can only take so much patchwork. Beneath every reforming patch yawns a tear. (173)

Significant change comes from legal reform, rather than tweaking an already archaic, inflexible, dilapidated system that has too many patches. The question is whether people are capable of change that will align contemporary society with the values and beliefs Canadians hold of ourselves. In the Tsilhqot'in BCSC trial decision, Vickers J contemplated what the consequence might be if the Crown suddenly admitted the Tsilhqot'in had existed on their territory for 200 years: "the real question to be answered . . . concerned the consequences that would follow such an admission." (174) Would the result be consequential? If so, for whom? Does doing nothing not continue the consequence of colonization on First Nations and their citizens, as Vickers J held: "[a]s a consequence of colonization and government policy, Tsilhqot'in people can no longer live on the land as their forefathers did"? (175)

So what of change ? What does it mean to reform Canada's legal system so Indigenous laws can participate in a meaningful way ? This is the topic of another paper. However, acknowledging the squatter state's unlawful presence and authority on the land would be a signal toward seeking meaningful reconciliation. Rejecting the suffocating and untenable test for title in BC is a starting point (a test Canada would fail). (176) Accept that BC is unceded Indigenous territoty, meaning Aboriginal title is everywhere and unextinguished--de facto title. This would require giving meaning to shared or joint jurisdiction in a manner that First Nations propose, according to their legal processes. Begin meaningful consultations with First Nations to develop legislation that sets out how to proceed when wanting to enter First Nations' territories through a process that includes respect, reciprocity, relationality, consent, and sharing. This would be a place to start.

The prospect of Nisga'a being granted limited governing powers was considered by some to potentially cause "a profound constitutional upheaval," which we now know simply was not true. (177) Initiating significant change that serves to decolonize the state and its practices will be significant, but the world will not end, the economy will not collapse, people will not be run off the lands, although the humility in accepting these possibilities is a part of what seeking true reconciliation requires. Much harm has been done for a very long time. Change will not be simple or easy, but the results will provide its own reward (e.g. strengthened values and beliefs, strengthened economy, enriched and more sustainable environmental practices, respectful relationships).