## 1NC – Off

### 1NC – Th

#### Interpretation – the Affirmative must present a delineated enforcement mechanism for the Plan. There is no normal means since terms are negotiated contextually among member states.

WTO No Date "Whose WTO is it anyway?" <https://www.wto.org/english/thewto_e/whatis_e/tif_e/org1_e.htm> //Elmer

**When WTO rules impose disciplines** on countries’ policies, **that is the outcome of negotiations among WTO members.** The rules are **enforced** **by** the **members themselves** **under agreed procedures that they negotiated**, **including the possibility of trade sanctions**. But those sanctions are imposed by member countries, and authorized by the membership as a whole. This is quite different from other agencies whose bureaucracies can, for example, influence a country’s policy by threatening to withhold credit.

#### Violation: they don’t

#### Standards

#### 1] Shiftiness- They can redefine the 1AC’s enforcement mechanism in the 1AR which allows them to recontextualize their enforcement mechanism to wriggle out of DA’s since all DA links are predicated on type of enforcement i.e. sanctions bad das, domestic politics das off of backlash, information research sharing da if they put monetary punishments, or trade das.

#### 2] Real World - Policy makers will always specify how the mandates of the plan should be endorsed. It also means zero solvency, absent spec, states can circumvent the Aff’s policy since there is no delineated way to enforce the affirmative which means there’s no way to actualize any of their solvency arguments.

#### ESpec isn’t regressive or arbitrary- it’s an active part of the WTO is central to any advocacy about international IP law since the only uniqueness of a reduction of IP protections is how effective its enforcement is.

#### Fairness and education are voters – its how judges evaluate rounds and why schools fund debate

#### DTD – it’s key to norm set and deter future abuse

#### Competing interps – Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation – it also collapses since brightlines operate on an offense-defense paradigm

#### No RVIs – A – Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly B – its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments

### 1NC – K

#### Capitalism is a system engendering massive violence and inevitable extinction – the foundational task is to find a way out – the Role of the Ballot is to endorse the best organizational tactics.

Badiou ‘18

[Alain, former chair of philosophy at the Ecole Normale Superiure, professor of philosophy at The European Graduate School. Translated by David Broder. 07/30/2018. “The Neolithic, Capitalism, and Communism,” <https://www.versobooks.com/blogs/3948-the-neolithic-capitalism-and-communism>] pat

Today, it has become commonplace to predict the end of the human race such as we know it. There are various reasons for such forecasts. According to a messianic kind of environmentalism, the excessive predations of a beastly humanity will soon bring about the end of life on Earth. Meanwhile, those who instead point to runaway technological advances prophesy, indiscriminately, the automation of all work by robots, grand developments in computing, automatically-generated art, plastic-coated killers, and the dangers of a super-human intelligence.

Suddenly, we see the emergence of threatening categories like transhumanism and the post-human — or, their mirror image, a return to our animal state — depending on whether one prophesies on the basis of technological innovation or laments all the attacks on Mother Nature.

For me, all such prophesies are just so much ideological noise, intended to obscure the real peril that humanity is today exposed to: that is to say, the impasse that globalised capitalism is leading us into. In fact, it is this form of society — and it alone — which permits the destructive exploitation of natural resources, precisely because it connects this exploitation to the boundless quest for private profit. The fact that so many species are endangered, that climate change cannot be controlled, that water is becoming like some rare treasure, is all a by-product of the merciless competition among billionaire predators. There is no other reason for the fact that scientific innovation is subject to the question of what technologies can sell, in an anarchic selection mechanism.

Environmentalist preaching does sometimes use persuasive descriptions of what is going on — despite the exaggerations typical of the prophet. But most of the time this becomes mere propaganda, useful for those states who want to show their friendly face. Just as it is for the multinationals who would have us believe — to the greater benefit of their balance sheets — in the noble, fraternal, natural purity of the commodities they are trafficking.

The fetishism of technology, and the unbroken series of "revolutions" in this domain — of which the "digital revolution" is the most in vogue — has constantly spread the beliefs both that this will take us to the paradise of a world without work — with robots to serve us, and us left to idle — and then, on the other hand, that digital "thought" will crush the human intellect. Today there is not one magazine that does not inform its astonished readers of the imminent "victory" of artificial over natural intelligence. But in most cases neither "nature" nor the "artificial" are properly or clearly defined.

Since the origins of philosophy, the question of the real scope of the word "nature" has been constantly posed. "Nature" could mean the romantic reverie of evening sunsets, the atomic materialism of Lucretius (De natura rerum), the inner being of things, Spinoza’s Totality (Deus sive Natura), the objective underside of all culture, rural and peasant surroundings as counterposed to the suspicious artificiality of the towns ("the earth does not lie," as Marshal Pétain put it), biology as distinct from physics, cosmology as compared to the tiny location that is our planet, the invariance of centuries as compared to the frenzy of innovation, natural sexuality as compared to perversion… I am afraid that today "nature" most of all refers to the calm of the villa and the garden, the charm wild animals have for tourists, and the beach or the mountains where we can spend a nice summer. Who, then, can imagine man responsible for nature, when thus far he has just been a thinking flea on a secondary planet in an average solar system at the edge of one banal galaxy?

Since its origins philosophy has also devoted a great deal of thought to Technology, or the Arts. The Greeks meditated on the dialectic of Techne and Physis — a dialectic within which they situated the human animal. They laid the ground for this animal to be seen as "a reed, the weakest of nature, but … a thinking reed." For Pascal, this meant that humanity was stronger than Nature and closer to God. A long time ago, they saw that the animal capable of mathematics would do great things to the order of materiality.

Are these "robots" which they keep banging on about anything more than calculation in the form of a machine? Digits in motion? We know that they can count quicker than us, but it was we who invented them, precisely in order to fulfil this task. It would be stupid to look at a crane raising a concrete pillar up to some great height, use this to argue that man is incapable of the same feat, and then conclude by saying that some muscular, superhuman giant has emerged… Lightning-quick counting is not the sign of an insuperable "intelligence" either. Technological transhumanism plays the same old tune — an inexhaustible theme of horror and sci-fi movies — of the creator overwhelmed by his own creation. It does so either thrilled about the advent of the superman — something we have been expecting ever since Nietzsche — or fearing him and taking refuge under the skirt of Gaia, Mother Nature.

Let’s put things in a bit more perspective.

For four or five millennia, humanity has been organised by the triad of private property — which concentrates enormous wealth in the hands of very narrow oligarchies; the family, in which fortunes are transmitted via inheritance; and the state, which protects both property and the family by armed force. This triad defined our species’ Neolithic age, and we are still at this point — we could even say, now more than ever. Capitalism is the contemporary form of the Neolithic. Its enslavement of technology in the interests of competition, profit and concentrating capital only raises to their fullest extension the monstrous inequalities, the social absurdities, the murderous wars, and the damaging ideologies that have always accompanied the deployment of new technology under the reign of class hierarchy throughout history.

We should be clear that technological inventions were the preliminary conditions of the arrival of the Neolithic age, and by no means its result. If we consider our species’ fate, we see that sedentary agriculture, the domestication of cattle and horses, pottery, bronze, metallic weapons, writing, nationalities, monumental architecture, and the monotheist religions are inventions at least as important as the airplane or the smartphone. Throughout history, whatever has been human has always, by definition, been artificial. If that had not existed, there would not have been Neolithic humanity — the humanity we know — but a permanent close proximity with animal life; something which did indeed exist, in the form of small nomadic groups, for around 200,000 years.

A fearful and obscurantist primitivism has its roots in the fallacious concept of "primitive communism." Today we can see this cult of the ancient societies in which babies, men, women and the elderly supposedly lived in fraternity, without anything artificial, and indeed lived in common with the mice, the frogs, and the bears. Ultimately, all this is nothing but ridiculous reactionary propaganda. For everything suggests that the societies in question were extremely violent. After all, even their most basic survival needs were constantly under threat.

To speak fearfully of the victory of the artificial over the nature, of robot over man, is today an untenable regression, something truly absurd. It is easy enough to answer such fears, such prophesies. For judged by this standard, even a simple axe, or a domesticated horse, not to mention a papyrus covered in symbols, is an exemplary case of the post- or trans-human. Even an abacus allows quicker calculation than the fingers of the human hand.

Today we need neither a return to primitivism, or fear of the "ravages" the advent of technology might bring. Nor is there any use in morbid fascination for the science-fiction of all-conquering robots. The urgent task we face is the methodical search for a way out of the Neolithic order. This latter has lasted for millennia, valuing only competition and hierarchy and tolerating the poverty of billions of human beings. It must be surpassed at all cost. Except, that is, the cost of the high-tech wars so well known to the Neolithic age, in the lineage of the wars of 1914-1918 and 1939-1945, with their tens of millions of dead. And this time it could be a lot more.

The problem is not technology, or nature. The problem is how to organise societies at a global scale. We need to posit that a non-Neolithic way of organising society is possible. This means no private ownership of that which ought to be held in common, namely the production of all the necessities of human life. It means no inherited power or concentration of wealth. No separate state to protect oligarchies. No hierarchical division of labour. No nations, and no closed and hostile identities. A collective organisation of everything that is in the collective interest.

All this has a name, indeed a fine one: communism. Capitalism is but the final phase of the restrictions that the Neolithic form of society has imposed on human life. It is the final stage of the Neolithic. Humanity, that fine animal, must make one last push to break out of a condition in which 5,000 years of inventions served a handful of people. For almost two centuries — since Marx, anyway — we have known that we have to begin the new age. An age of technologies incredible for all of us, of tasks distributed equally among all of us, of the sharing of everything, and education that affirms the genius of all. May this new communism everywhere and on every question stand up against the morbid survival of capitalism. This capitalism, this seeming "modernity," represents a Neolithic world that has in fact been going on for five millennia. And that means that it is old — far too old.

#### The aff’s depoliticization of competition and the law acts to maintain the stability of capital accumulation.

Christophers 16 [Brett Christophers, Professor in the Department of Social and Economic Geography at Uppsala University, “The Great Leveler: Capitalism and Competition in the Court of Law,” 2016, Harvard University Press, pp. 8-15, EA]

The aforementioned argument that capitalism has historically migrated from a state of competitiveness to a state of monopoly or oligopoly is deficient in four primary respects, both empirical and conceptual in nature.

First, there is something deeply misleading about the either/or nature of this historical narrative. One of the most important—although rarely acknowledged—of Marx’s insights was that capitalism always, everywhere, requires both. It needs competition, assuredly, not least to drive technological innovation and the reinvestment of profits, and thus growth. But it also needs monopoly—not merely to enhance visibility within and control over otherwise potentially chaotic business environments, but also to underwrite capitalist, market-based trade per se. Not for nothing does David Harvey argue, after Marx, that the “monopoly power of private property” is “both the beginning point and the end point of all capitalist activity.”20 For the legal institution of private property does confer monopoly: the exclusive power to dispose of said property as the owner alone sees fit.

Capital’s seemingly paradoxical need for both competition and monopoly is explored in Chapter 1, which extracts from Marx a conceptualization of capitalism that critically informs the remainder of the book: that of capitalism always, necessarily, teetering on a knife edge, balanced precariously between the contradictory forces of competition and monopoly, and perennially in danger of lapsing too far to one side or the other. “The problem,” Harvey shrewdly observes, “is to keep economic relations competitive enough while sustaining the individual and class monopoly privileges of private property that are the foundation of capitalism as a political-economic system.”21

And it is here that our economic laws crucially enter the picture. In metaphorical terms, the law acts as a powerful leveler: a pincer of sorts on the critical, combustible nexus of monopoly and competition, applicable from one side of the knife edge, the other, or both. Antitrust (competition) law, meaningfully enforced, serves to constrain monopoly power where it coheres too readily, thus boosting competition; IP law acts from the other side, allowing a degree of monopoly power where none “naturally” coheres, and limiting competition in the process. This conceptualization of economic law is sketched out in Chapter 3. Together, such laws help to ensure that over the long term, market-based capitalism is not too competitive (driving down prices and profits) but, in Harvey’s terms, remains competitive enough (avoiding stagnation and rent-seeking). In the process, the laws in question historically have contributed substantially to keeping capitalist accumulation regimes broadly in balance.

At the pivot of this overall mechanism sits the phenomenon of profit. Following the lead of scholars such as Robert Brenner, this book places front and center the relationship between profitability and the interrelated dynamics of competition and monopoly.22 As, indeed, did the classicals: Profit rates were, as Chapter 1 will show, fundamental to their theorization of competition. But it is vital to recognize, as writers such as Keith Cowling have done, that this relationship does not assume a simplistic less-competition-means-more-profit form, isolated as it were from other contributory factors.23 Indeed, the book shows that excesses neither of competitive intensity nor of monopoly power support long-term stability of profit-making and accumulation.

Instead, it leans more toward the type of argument proffered by Gérard Duménil and Dominique Lévy, which is that the dynamics of profitability strongly influence the state’s attempts to regularize regimes of accumulation, and that stabilizing capitalism is thus in no small part a question, ultimately, of stabilizing profitability.24 Or, as David Gordon and coauthors have written, the reproduction of capitalism is “fundamentally conditioned by the level and stability of capitalist profitability. As profits go, in short, so goes the economy.”25 The book’s particular slant on such conceptions is to consider corporate profits more in relative than absolute terms—and relative to, especially, labor and wages. While a comparable focus has recently been adopted by Thomas Piketty in his much discussed Capital in the Twenty-First Century, the inspiration underlying the approach taken here lies much further back in time, in the work in particular of Michal Kalecki.26 For as Kalecki showed both historically and conceptually, the relation of capital with labor, and profit with wages, is centrally implicated in the monopoly-competition relation and the balance that capitalism requires of it. Kalecki, it is fair to say, would have had some very interesting things to say about the Apple wage-suppression antitrust lawsuit.

A second and related problem with the linear historical narrative of from-competition-to-monopoly is its positing of monopoly and competition not only as mutually exclusive alternatives, but as separable ones. Once more, we can turn to Marx for an effective disabusal of this figuring. Monopoly and competition, he argued, are much more closely related, and much more closely connected, than is typically recognized. “Monopoly produces competition, competition produces monopoly,” he maintained, somewhat aphoristically, in a letter he wrote to Pavel Annenkov in 1846.27 Capital not only requires both but is in fact the expression, inter alia, of their synthesis—a synthesis that Marx, in trademark dialectical fashion, described not as a “formula” but as a “movement,” specifically “the movement whereby a true balance is maintained between competition and monopoly.”28 Such movement comprises opposing but connected economic dynamics of centralization and decentralization. When one or the other dynamic becomes disproportionately powerful, Marx argues, the “counteracting tendency” kicks in to return capital to a balanced configuration of monopoly and competition.

This balanced organization of productive forces—always inherently unstable and always prone to knife-edge slippages—is very close to what Edward Chamberlin would later call “monopolistic competition.”29 Such monopolistic competition internalizes monopoly and competition in dialectical relation with one another and is the capitalist norm—and always has been. “The notion of a bygone ‘competitive’ stage of capitalism where firms were price-takers is,” as Duménil and Lévy insist, “a fiction derived from the neoclassical analytical apparatus.”30 Equally fictional, albeit a fiction usually emanating from a very different analytical source, is the notion of a contemporary “monopoly” stage of capitalism absent meaningful competition.31

The historical, U.S.- and U.K.-based narrative related in this book therefore turns on precisely this dialectical, restless synthesis of monopoly and competition, and its ever-evolving, historically and geographically specific forms. In recent years, it is Harvey who has provided the most provocative reading of this dialectic and of its centrality to capitalism. It is, Harvey argues, one of numerous “moving” contradictions that plague the capital form, and with which capital constantly wrestles as it enters into and out of crisis.32 Harvey repeats Marx’s observation that capital requires a balance of competitive and monopolistic forces. He then derives from this postulate the propositions that crisis occurs when such forces become imbalanced—although this is not the only cause of crisis—and that such crisis can only be “fixed” once balance is restored. The result is that capital historically “oscillates” between relative excesses of monopoly and competition, always finding balance hard to achieve, let alone sustain.33 Understanding capital and its historical development in this particular regard, Harvey insists, requires us to recognize “how successful capital has generally been in managing the contradictions between monopoly and competition” and that “it uses crises to do so.”34

Such success, and the role played by crises or by threats thereof, are two of this book’s central, recurring themes. However, Harvey’s framing raises two vital questions that he fails, in his admittedly brief account of monopoly and competition, to answer.

First, how has this success been achieved? “Capital,” Harvey writes, “has organically arrived at a way to balance and rebalance the tendencies towards a monopolistic centralisation and decentralised competition through the crises that arise out of its imbalances.”35 Again, there is no objection here, except to press: “organically,” how? This book fashions an answer. This answer rests on the role of the law. When capital has become sufficiently overcentralized and monopolistic to threaten its own successful, profitable reproduction, antitrust law has been called upon to help restore the necessary degree of balance. This balance will never be perfect and at rest; in a dialectical relation, such as that between monopoly and competition, it never can be. When the dangerous excess has been of competition, by contrast, IP law has come to the rescue. Such laws, needless to say, have not effected this work of rebalancing by themselves, and this book documents their interaction with other pertinent dynamics; but their role has been paramount.

The other problematic question raised by Harvey’s framing brings us directly to our third point of divergence with the Baran and Sweezy or Foster and McChesney reading of capitalist development. Consider here the agency behind the successful, crisis-based management and rebalancing of monopolistic and competitive forces envisioned by Harvey: “capital has been successful . . .”; “capital has arrived at . . .” But what, or who, is this capital, and has its form remained constant? For Harvey, clearly, capital is the capitalist class: those that own the means of production. Yet this singularization of responsibility for regulating and reregulating the core dynamics of the capitalist economy raises all manner of questions that Harvey fails to address. Is this capitalist class homogeneous? Does it share consistent objectives in terms of economic development and management? And even if it does (and of course, it does not), what is its relation with the state and with the different tools of economic regulation, the law among them, that the state uses to govern and shape economic conduct?

If Harvey’s stimulating propositions call for circumspection on account of their simplifying structural abstractions, the connection to the “monopoly capital” thesis is that it too tends to rely upon just such totalizing, even reified, concepts. “Monopoly capital” is itself one such. One of the consistent themes of the tradition renewed by The Endless Crisis—one extending back through Baran and Sweezy’s Monopoly Capital to Rudolf Hilferding’s Finance Capital (1910) and even Lenin’s Imperialism (1917)—is its tendency not only to associate potent monopoly powers with a new stage or phase of capitalism but to depict the latter in terms of a consciously regulated and (centrally) planned system in which market-based competition largely disappears from view.36 For Lenin, this system fused the interests of capital and state (state monopoly capitalism); for Hilferding the fusion was tripartite, with finance capital also integral. But Marx, for all the stereotypes to the contrary, never saw capitalism as such. It was a totality, to be sure, but one that needs to be continually reproduced and reconstituted. This process occurs in and through the disparate actions of government, workers, consumers, businesses, and so on; when such reconstitution occurs in ways that imperil accumulation, crisis looms.

The point of saying all this is not simply to oppugn a totalizing view of “monopoly capital,” but to contrast with it the approach taken in this book, particularly to the law and its mobilization. There is not, and has not been, a single hand on the tiller, for all the obvious importance of the state as the law’s formal originator; there is no single, homogeneous entity pulling the levers, so to speak, of political-economic regulation— no consistent regime of conscious, systematic control. As with other modalities of economic regulation or governance, the law, in practice, does not “work” like that.

For one thing, there is an important difference between the written law and its interpretation. Two courts can interpret and apply the same law or laws in markedly different ways and with very different consequences. Perhaps the clearest example of this, at least in this book (Chapter 6), concerns U.S. antitrust law in the second half of the twentieth century: The nature and degree of enforcement of this law underwent a dramatic transformation in the late 1970s and early 1980s, but the law itself did not materially change. Intellectual training, social and political context, even judicial personality: These variables, and more, all matter to the law’s practical materialization. As such, we must remain constantly alive to the simple fact that, as Peter Carstensen has put it, “court doctrine is not the whole of the law in practice.”37 Relatedly, much of the enforcement of IP rights occurs at a significant remove from courts—specifically in, as argued by William T. Gallagher, the everyday practices of IP owners and their lawyers, whose “negotiations” with alleged infringers take place largely in the “shadow” of IP law.38

For another thing, just as the state never enacts new economic laws in total isolation from the influence and interests of capital, so both capital(s) and state—and indeed other economic agents—use the law to their own ends, and these ends are far from necessarily commensurate. Think, once again, about our two Apple cases. Who, in each case, instigated the legal action? Who put the law to work in their own interests? In the IP case it was Apple itself. In the class-action suit it was labor. But the latter suit was in fact itself based upon a prior government investigation launched by the Department of Justice’s Antitrust Division in 2010.39 Three legal cases, then, all driven by different actors with different motivations, but all revolving around the same political-economic locus: the knotty complex of profit generation and accumulation constituted by Apple Inc. And if the law, together with its agents, is so palpably nonsingular at the scale of the political economy of just one company, on what reasonable grounds could we ever envision it thus—as a vehicle of conscious, unified control—in relation to the political economy of capitalism more widely? The “great leveler” indicated in the book’s title, in short, is not some omnipotent regulator in charge of the law; it is the law per se.

How, then, might we more accurately characterize the human and institutional agency analyzed in the following pages in relation to the law, its mobilization, and its political-economic effects? At a general level, the conclusion reached by Paul David in his examination of the history of IP law fits particularly well: “The complex body of law, judicial interpretation, and administrative practice that one has to grapple with in this field was not created by some rational, consistent, social welfare-maximizing public agency. What one is faced with, instead, is a mixture of the intended and unintended consequences of an undirected historical process on which the varied interests of many parties, acting at different points (some widely separated in time and space), have left an enduring mark.”40 More specifically, however, we will see that although IP and competition laws have indeed performed their work under the influence of varied individuals and groups, the vast majority of the latter are ultimately committed to, and institutionally invested in, the reproduction, in as smooth a fashion as possible, of capitalism in more or less its existing form. And even more specifically, the “smoothness” here alluded to means the reproduction of capitalism especially without the kinds of problems—identified in Chapter 3—that tend to emerge when the necessary balance between monopoly and competition is substantially disrupted.

On all the above grounds, therefore, this book’s argument diverges from that which we find in the all-too-common narrative of competitive capitalism historically segueing into monopoly capitalism. Of course, none of this is to suggest that nothing has changed historically in the capitalist constellation of monopoly-competition structures and dynamics. Far from it. But the book’s fourth and final quarrel with the conventional narrative is that what has substantively, perhaps irrevocably, changed is not the relative levels of competitive intensity and monopoly power—as in, that era had more competition, this one has more monopoly—so much as the source of monopoly powers and the degree of defensibility thereof.

Capitalism, this argument runs, is always characterized by competitive undercurrents; were it not, it would not be capitalism. Meanwhile, and arising partly out of these competitive dynamics (the Marxian argument), there is an endemic drive to fashion monopoly powers. Yet the means of assembly of such powers do not remain constant, and neither does the ability of monopolistic capitalists to defend the powers thus amassed. Capitalists—and indeed the states committed to stabilizing capitalism, with the law one obvious apparatus at their disposal—must constantly find new ways of putting monopoly in place and keeping it there. “As monopoly privileges from one source diminish,” Harvey observes, “so we witness a variety of attempts to preserve and assemble them by other means.”41 Mindful, thus, of Marx’s dictum that the monopoly-versus-competition dualism is a red herring that confuses a dialectical relation for an oppositional one, this book focuses instead on the ways in which the unstable balance between the two forces is maintained—and it posits the law as the primary, necessarily mutable, instrument of such maintenance.

#### Compulsory licensing is a neoliberal ploy to both legitimize the WTO as a governing apparatus while covertly authorizing economic retaliation against nations who invoke it.

Ferrer ‘19

[Cory, MFA Candidate, University of Colorado Department of Communication. 2019. “THE RHETORIC OF “BALANCE”: NEOCOLONIALISM AND RESISTANCE IN THE GLOBAL BATTLE FOR GENERIC DRUGS,” www.proquest.com/openview/5cbb5aa35aec157b3cdf8b03d5d269b7/1?pq-origsite=gscholar&cbl=18750&diss=y] Harun + pat

Recall also, that compulsory licensing is only a limited solution to the problem of accessing patented drugs in poorer countries. As the Doha Declaration explains: “We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement” (2). As long as a country doesn’t have the means to produce the drugs, there is no one to whom the government could issue a compulsory license. So long as TRIPS restricts patented medicines from crossing international borders, compulsory licenses fall far short of addressing the need for patented medicines in countries that have little or no manufacturing capacity. In what is possibly the most depressing sentence of the Doha Declaration, the document goes on to offer, not a solution, but an instruction to the TRIPS Council to “find an expeditious solution to this problem and to report to the General Council before the end of 2002” (2). In other words, these negotiations were not able reach a compromise, and so they simply left this for future negotiations.

Also conspicuously absent from the Doha Ministerial declaration is any language addressing the rights of countries who take advantage of these flexibilities and remain free from bilateral pressure for doing so. While one could easily argue that if the US chooses to impose sanctions on a country of their own accord, rather than initiate dispute proceedings through the WTO, then this doesn’t necessarily concern the TRIPS agreement. However, given WTO secretary general Mike Moore’s stated concern with countries “feeling secure” in taking advantage of these flexibilities, and given that the issue of “bilateral pressure” was raised as an obstacle to this security during the TRIPS Council negotiations, the absence of any language addressing this issue appears to be a hard concession to the interests of the US and its allies, allowing them to continue holding the threat of economic sanctions over any nation that takes advantage of the flexibilities granted by this declaration (Moore; “Governments”).

Overall, the Doha declaration makes some significant concessions to the demands of the Global South’s coalition yet stops well short of fully authorizing WTO Members to take full advantage of all public health policies that would put affordable medicines into the hands of their people. The declaration recognizes that it falls short and puts a pin in the issue until the next negotiation, having failed to create a suitable compromise between nations who profit from IP protection and nations who suffer from it. The results of these later negotiations will be discussed in the conclusion to this thesis. Ultimately, the Doha Declaration—and WTO policy in general—are constrained by the demand for a standard of consensus which leaves ultimate veto power in the hands of powerful nations profiting at the others’ expense.

‌Conclusion: What does “Balance” Do?

In the context of the Doha round of negotiations, we see “balance” invoked towards several different ends. The TRIPS agreement invokes “balance” as a form of strategic ambiguity, attempting to please multiple stakeholders by allowing competing interpretations of the same international law to clear the procedural hurdles of consensus. The WTO officers and the EU’s position paper invoked “balance” to build legitimacy for the TRIPS agreement, the deliberative process that produced it, and by extension, the global patent system itself. If the TRIPS agreement strikes a carefully negotiated balance between health and IP protection, then the current balance is presumed sufficient. The paper submitted by the US and its allies invoked “balance” only as a description of strong and effective IP enforcement, a passing nod to balance that ultimately served to build the moral credibility of their strong IP enforcement agenda. For the coalition of the Global South, balance means mutual advantage, but one that must be demonstrated. Their position did not presume the benefit of IP to public health outcomes and argued that when IP protection conflicted with public health outcomes, governments have a standing right to choose public health.

Balance is therefore a deeply contested signifier: both a site of neo-colonial domination, and a site of counter-colonial resistance. However, all these conceptions of balance have one thing in common. They all, in some way, reinforce the legitimacy of the TRIPS agreement and the WTO as a governing institution of the global economy. Though the DCGP openly challenged Western Hegemony of these forums, it did so by drawing on specific provisions of the TRIPS agreement and claiming a position as an authoritative interpreter of international law to which Western nations are (on paper) equally beholden. Instead of challenging the legitimacy of the WTO and TRIPS agreements, the governments of the Global South are claiming that legitimacy for themselves in a counter-colonial push to assert themselves as equal governors and rightsholder of the neo-liberal world order. Though “balance” is typically invoked as a resolution to conflict, it is in fact the very site of that conflict it’s supposed to resolve.

#### Vote neg to join the party – dual power organizing is the only path to revolutionary change.

Escalante ‘18

[Alyson, philosophy at U of Oregon. 08/24/2018. “Against Electoralism, For Dual Power!” <https://theforgenews.org/2018/08/24/against-electoralism-for-dual-power/>] pat

I am sure that at this point, the opportunists reading this have already begun to type out their typical objection: the world is different than it was in 1917, and the conditions of the United States in no way echo the conditions which enabled the Bolsheviks to achieve revolutionary success.

To this tried and true objection, there is one simple answer: you are entirely correct, and that is why we need to abandon electoralism and working within the bourgeois state.

What were the conditions which allowed the Bolsheviks to successfully revolt? The conditions were that of Dual Power. Alongside the capitalist state, there existed a whole set of institutions and councils which met the needs of the workers. The soviets, a parallel socialist government made up of individual councils, successfully took over many governmental responsibilities in some parts of Petrograd. In the radical Viborg district, the Bolshevik controlled soviets provided government services like mail, alongside programs that could meet the needs of workers. When a far right coup was attempted against the provisional government, it was troops loyal to the Bolshevik factions within the soviet who repelled the coup plotters, proving concretely to the workers of Petrograd that the socialists could not only provide for their needs, but also for their defense.

In short: the Bolsheviks recognized that instead of integrating into the bourgeois state, they could operate outside of it to build dual power. They could establish programs of elected representatives who would serve the workers. They would not bolster the capitalist state in the name of socialism, they would offer an alternative to it.

And so, when the time came for revolt, the masses were already to loyal to the Bolsheviks. The only party who had never compromised, who had denounced the unpopular imperialist wars, who had rejected the provisional government entirely, was the party who successfully gained the support of the workers.

And so, many of us on the more radical fringes of the socialist movement wonder why it is the the DSA and other socialist opportunists seem to think that we can win by bolstering the capitalist state? We wonder, given this powerful historical precedent, why they devote their energy to getting more Ocasios elected; what good does one more left democrat who will abandon the workers do for us?

The answer we receive in return is always the same: we want to win small changes that will make life for the workers easier; we want to protect food stamps and healthcare.

And do this, we reply: what makes you think reformism is the only way to do this. When the bourgeois state in California was happy to let black children go to school unfed, the Black Panthers didn’t rally around democratic candidates, they became militant and fed the children themselves. In the 40s and 50s, socialists in New York saw people going without healthcare and instead of rallying behind democratic candidates, they built the IWO to provide healthcare directly. Both these groups took up our pressing revolutionary task: building dual power.

Imagine if all those hours the DSA poured into electing Ocasio were instead used to feed the people of New York, to provide them with medical care, to ensure their needs were met. Imagine the masses seeing socialism not as a pipe dream we might achieve through electing more imperialists, but as a concrete movement which is currently meeting their needs?

The fact is, we are not nearly ready for revolution. Socialists in the United States have failed to meet the needs of the people, and as long as their only concrete interaction with the masses is handing them a voter registration form, they will continue to fail the people. Our task now is not to elect representatives to advocate for the people; it is much more gruelingly laborious than that. Our task is to serve the people. Our task is to build dual power.

The movement to do this is underway. Members of the DSA refoundation caucus have begun to move the left of the DSA in this direct, socialist groups like Philly Socialists have begun to build dual power through GED programs and tenants unions, many branches of the Party For Socialism and Liberation have begun to feed the people and provide for their concrete needs, and Red Guard collectives in Los Angeles have built serve the people programs and taken on a stance of militant resistance to gentrification. The movement is growing, its time is coming, and dual power is achievable within our life time.

The opportunists are, in a sense, correct. We are not where we were in 1917, but we can begin to move in that direction and dual power can take us there. In order to achieve dual power we have to recognize that Lenin was right: there will be no socialist gains by working within state institutions designed to crush socialism. Furthermore, we must recognize that the strategies of the electoral opportunists trade off with dual power. Electing candidates drains resources, time, and energy away from actually serving the people.

And so, we should commit to undertake the difficult and dangerous task of building dual power. We must reject opportunism, we must name the democratic party as our enemy, we must rally around power directly in the hands of the socialist movement. We do not have a parallel system of soviets in the United States. We can change that. Someday the cry “all power to the soviets” will be heard again. Lets make it happen.

#### Voting negative aligns with a view of healthcare militantly opposed to capitalist power accumulation in favor of social views of health and broad coalitions among health workers and patients.

Yamada et al ‘20

[Seiji Yamada, MD, MPH; Arcelita Imasa, MD, Gregory Gabriel Maskarinec, PhD, all health professionals (and all committed anti-capitalists). 2020. “Revolutionary Medicine.” <https://www.socialmedicine.info/index.php/socialmedicine/article/view/1075>] pat – gendered language [replaced]

The revolutionary medicine espoused here is grounded in social medicine. As noted by Anderson, Smith, and Sidel, the fundamental precepts of social medicine are that

1. Social and economic conditions profoundly impact health, disease, and the practice of medicine.

2. The health of the population is a matter of social concern.

3. Society should promote health through both individual and social means.

In The Second Sickness, Howard Waitzkin identifies the forerunners of social medicine to be Friedrich Engels, Rudolf Virchow, and Salvador Allende. Social medicine counts among its practitioners Ernesto “Che” Guevara, the Barefoot Doctors of Revolutionary China, and Cuban doctors around the world. The Declaration of Alma Ata, i.e. The Declaration on Primary Health Care of the Joint WHO/UNICEF Conference in Alma-Ata, USSR, 1978, drew on these forerunners as the key to attaining the goal of Health for All by the Year 2000.

Obviously 2000 has come and gone, and we do not yet have Health for All. Unfortunately, we are no longer in a position to hanker for Health for All. Rather, we must focus on the survival of the human species.

Why we need revolutionary medicine now. Climate catastrophe, threat of nuclear war, inequality.

Noam Chomsky (who calls himself a libertarian socialist or an anarchist) points to two existential threats to the survival of the human species: climate catastrophe and the threat of nuclear war. The effects of global warming caused by human activity, the loss of ice, the rise in sea levels, and altered weather patterns with more severe weather events are already evident. Our planet has crossed a tipping point at which the greenhouse gases already in the atmosphere will affect the climate for the remainder of the Anthropocene age. Will it be called the Anthropocene after human civilization has collapsed? The time scale for that collapse draws ever closer, with an Australian think tank predicting that it may occur before 2050.14

The Doomsday Clock, which appears on the cover of the Bulletin of the Atomic Scientists, is currently set at 100 seconds to midnight. While the position of the minute hand takes into account worsening climate security, the clock is largely known for indicating the proximity of the threat of nuclear war. The Bulletin currently cites the U.S. withdrawal from the Iran nuclear agreement and the Intermediate Nuclear Forces Treaty (INF), the unresolved North Korea situation, and the turn toward high-tech, automated weaponry.15

Another, mediating threat to human survival is severe inequality – among nations and within nations. For having contributed little historically to the greenhouse gases in the atmosphere – many developing states are most vulnerable to climate catastrophe. Sea-level rise poses a threat to the very existence of small island states and low-lying coastal regions. States in the pathway of tropical cyclones are particularly vulnerable. Those who experience racial discrimination, and the poor are particularly vulnerable to severe weather events. They live in inadequate dwellings. Their houses are in low-lying areas which experience more flooding. Large regions of the world also face deteriorating social, political, economic, and environmental conditions due to conflict, pollution, corruption, famine, population displacement. The Anthropocene Age is characterized by catastrophic loss of biodiversity whose global consequences will be disastrous for all species, including our own. Possible unanticipated consequences of synthetic biology and artificial intelligence conjure unimaginable future threats to all humanity.

Globally, health, health care, and health delivery systems are in crisis. Despite major advances throughout the last two centuries extending life-spans, reducing infant mortality, and eliminating smallpox, the promise of improved health and better health care for all people everywhere recedes. Individuals and communities, particularly the poorest and most marginalized in every country, continue to suffer from avoidable infectious diseases such as tuberculosis, malaria, HIV, cholera, Zika, dengue, Ebola, and COVID-19, even as antimicrobial resistance increases and vaccination refusal results in a resurgence of preventable childhood diseases; populations everywhere (not just the poorest and least privileged, though they are less likely to receive treatment) have rising rates of chronic noncommunicable diseases, including diabetes, cancer, heart disease, and obesity. Other threats urgently needing to be addressed include the surveillance state, automation and job loss, imperialism, racism and xenophobia, sexism, LGBTQ exclusion, and reproductive injustice.

Incremental reforms will not be enough to mitigate these existential threats to human survival. It is increasingly evident that we cannot eliminate these threats unless we throw off capitalism as the fundamental basis of our economic and social life. This situation demands of us that we adopt revolutionary thinking and revolutionary practice.

The scientific basis – against reductionism.

The perspective of most who work in medicine is a scientific one. Throughout our primary and secondary education, we become familiar with the scientific world view. The perspective is also a materialist one. An aside: Both Bakunin and Marx wrote extensively about their commitment to materialism and atheism. Of course, there are many people who are deeply religiously committed and who disagree with the philosophically materialist viewpoint. Yet many religious people are anticapitalist and participate in revolutionary action.

In health professional schools, we delve into the basic biological sciences. The perspective of much of Western science is reductive and Cartesian. If a phenomenon can be explained by the more reductionist science (e.g., a biological phenomenon via biochemical mechanisms) – that makes it more scientifically plausible. Physicists are thus wont to see themselves as having a front seat to reality. The underlying assumption is that science is “the paradigmatic human activity, and that natural science discovers truth rather than makes it.”

As Marx noted, however, in his eleventh thesis on Feuerbach: “The philosophers have only interpreted the world, in various ways; the point is to change it.” For the practitioner of revolutionary medicine, there may be reasons to think not reductively, but rather dialectically, as in Levins and Lewontin’s The Dialectical Biologist. In the most public health of the chapters, “Research needs for Latin community health,” Levins notes

For instance, a man's decision to smoke may increase his risk of heart disease and cancer in the long run, but as one of the few ways he has of coping with stress, it may save the lives of his wife and children. Our assumption of conditional rationality means that we cannot expect to change behavior by education alone: rather, we must alter those circumstances that make such harmful choices seem optimal.

From the reductionist, individualist perspective, we might say in the name of harm reduction, “Go ahead and smoke.” From the revolutionary perspective, we need to work with the [person] man, the woman, their workplaces, and their societies to combat alienation, addictions, and violence against women and children. Revolutionary medicine is the medicine wherein health workers understand the social origins of illness and the need for social change to improve health conditions. It is created from the practice of the people’s struggles against their oppressive conditions. Revolutionary medicine serves the oppressed classes in advancing their struggles.

Proletarianization of health workers.

Writing in the New York Times, Danielle Ofri notes that the increasing complexity of patient care and administrative burdens, including the electronic health record, are accomplished by nurses and doctors who work harder and longer hours. She wonders if this exploitation of health workers is simply the business plan of the corporations that increasingly control the health care system. In Marx’s labor theory of value, difference between the price that a good (in this case, health care) commands in the marketplace - and the cost of producing this good, which is largely labor – is the profit margin, that is the surplus labor that is extracted from the worker. Thus, commodified medicine leads to the proletarianization of health workers. That is to say, they find themselves alienated from their patients, the products of their work (better health for their patients), and their workplace. Consequently, we become alienated from our fellow workers, and ultimately, from ourselves. Health worker alienation from oneself is sometimes described as "burnout," but a more accurate term would be "moral injury." Health as a commodity is unacceptable, not only diminishing the health care of individual patients but causing the entire society to be ill, dis-eased.

We have less and less control over how we work: insurance corporations require adherence to their specific formularies. They pile burdensome prior authorization work on us. They deny treatments we order for our patients. Our employers escalate their documentation demand in a coding arms race with insurance corporations. Granted, nurses and doctors are professionals who command salaries far higher than trades workers or unskilled workers – they are increasingly proletarianized. Nonetheless, we health professionals need to develop class consciousness as a class of workers that is having surplus labor value extracted from us, that is increasingly alienated from the service we perform, and from our own humanity.

Solidarity among health care workers will ensure that health is recognized as a human right, not something to be bought and sold, that surplus labor should not be extracted for profit within the health care profession, but used by the health care workers themselves to ensure healthy lives for themselves and their communities. In the future, electronic algorithms may do much of the diagnosis, treatment, and "curing" of common complaints, allowing health care workers to once more focus on patient-centered "healing," not on electronic charts, billing, and administrative hoops, instead aiming for a healthier population in its widest sense, and at the individual level of the health care team themselves.

For as soon as the distribution of labour comes into being, each man has a particular, exclusive sphere of activity, which is forced upon him and from which he cannot escape. He is a hunter, a fisherman, a herdsman, or a critical critic, and must remain so if he does not want to lose his means of livelihood; while in communist society, where nobody has one exclusive sphere of activity but each can become accomplished in any branch he wishes, society regulates the general production and thus makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticise after dinner, just as I have a mind, without ever becoming hunter, fisherman, herdsman or critic. The post-revolutionary health care worker will not be limited to being a neurosurgeon or a nurse anesthetist. She will be a family doc that just has to upload a program. One can imagine a scene taking place in the near future in a remote hospital:

Nurse Neo to family doctor Trinity: Can you fix this subarachnoid hemorrhage?

Dr. Trinity: Not yet. (She speaks into her phone.) Tank, I need a program for the surgical approach to clipping an aneurysm. Hurry. (Her eyelids quiver briefly.) Let’s go.

She will not waste her evenings and weekends remotely accessing her EHR. She might write some science fiction, or she might kick some counter-revolutionary agent butt.

Throughout history, empires have flourished and collapsed without threatening the existence of the entire human population. Epidemics typically (with notable exceptions) had very limited geographic distribution. Neither scenario now fits the world today. We are now global citizens, who need to create cohesive, equitable, socially just societies that address health everywhere, or all of us will face increasing threats to our own health and well-being. Revolutionary medicine is required to create such a society.

## 1NC – Case