### Adv

#### [Gearheart-Searna] The IPP regime perpetuates the idea of an “ideal IP holder,” a cisgender man

**Gearheart-Searna 2010** (Terra L. Gearheart-Searna, 2010, Yale Journal of Law and Feminism, “Women's Work, Women's Knowing: Intellectual Property and the Recognition of Women's Traditional Knowledge,” <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1304&context=yjlf>) //neth

The intellectual property regime of the United States is fairly representative of the IP systems of many developed nations (albeit with some differences, such as the time period for which rights are granted 6 ); in fact, since the TRIPs agreement was signed, the world's countries (including developing countries) have all drawn much closer to Western-style intellectual property regimes.7 The U.S. Constitution grants Congress the power to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries., 8 In the modem world, such knowledge rights are generally considered, from an economic and pragmatic standpoint, necessary to incentivize and encourage ex ante the work of inventors, writers, artists, and other actors in the fields of "Science" and the "useful Arts."9 The central purpose of an intellectual property system operating under the incentive logic is to promote the production of new works or new ideas by guaranteeing the maker or author the exclusive right to remuneration for the things that he or she produces.' 0 Many scholars have since taken issue with this IPR-as-incentives view, II and times have certainly changed in terms of who the "typical" inventor is-now a corporation rather than an individual12-but the dominant understanding of intellectual property rights awarded to an inventor as a device for fostering innovation has largely kept its hold on IP law.13 What might the idealized individual IPR holder look like? A passage from George Iles' 1912 biographical history of important (male) American inventors is illuminating: [A]mong inventors we meet men of a wholly different stamp. First and last, they are pioneers who descry new worlds for industrial conquest. To plant, till, and water these empires they need new tools, machines, and engines. These they build, not for the joy of building, as might your instinctive inventor, but simply as means to the mastery of a continent, with fibers of gainful service reaching every home in the land. Iles conceptualizes the idealized inventor as intelligent, creative, male, and part of a project of utility-finding ways to use and shape the resources at hand into technologies which can be used to exploit natural bounty. Iles and his contemporaries viewed inventors as part of the colonial and industrial project, turning raw materials into useful machines which could drive civilization.' 5 The type of scientific discipline practiced by the idealized inventor may have changed with the advent of corporate research and development labs and the shift from the Industrial Age to the Information Age, but discovery, 16 newness, and creation are still powerful hallmarks of work that is considered deserving of intellectual property protection. 17 The modem innovative-knowledge legal regime in the United States has four main requirements which an inventor must meet in order to secure a patent for his or her invention: the invention must be 1) in an area of patentable subject matter, 2) novel, 3) useful (particularly in terms of industrial application), and 4) non-obvious.' 8 These requirements are similar in many parts of the world, though they do vary somewhat. 1 9 As many are now required of developing nations who are signatories of TRIPs, the world is seemingly moving toward the innovative/useful/non-obvious inventive paradigm found in the United States. 20

#### [Gearheart-Searna] Women can’t fully access and inhabit the inventor role

**Gearheart-Searna 2010** (Terra L. Gearheart-Searna, 2010, Yale Journal of Law and Feminism, “Women's Work, Women's Knowing: Intellectual Property and the Recognition of Women's Traditional Knowledge,” <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1304&context=yjlf>) //neth

Women have silently inhabited the inventor-centric model for years, and

their achievements have only recently been brought to light, often by

persevering female scholars in the field of science and technology studies.2 1 Women who successfully navigate the male-dominated waters of the scientific community find themselves in a position to patent their ideas, though historically [women] they have not always received full credit for their inventions.22 Non-scientist women who create useful new products may also be recognized; this recognition is often based on a feminist desire to emphasize to the world that women do, in fact, invent-that the scientific paradigm is not a world closed to women, even if it is not (yet) inhabited by equal numbers of men and 23 women. In 1991, Farag Moussa wrote a short volume describing the often unsung accomplishments of several women inventors who had been honored by the World Intellectual Property Organization (WIPO). 24 For example, Olympia Gonzales, a female scientist in the area of food technology who lives and works in the Philippines, has "concentrated much of her research efforts on the development of new and improved products from the coconut. ''25 Gonzales is a scientist and researcher with a master's degree, a position as the head of an important government research institute in Manila, and numerous scientific articles and awards to her name. What sets her apart from many researchers in large Western research and development facilities, however, is the fact that her research incorporates aspects of her cultural heritage and the traditional elements of her country's food economy. 26 She has devoted part of her research energy toward turning cheap and vitamin-rich local fruit into a nutritious baby food recipe, thus incorporating motherhood, local raw products, traditional botanic knowledge, scientific know-how, and utility into a single product.27 Similarly, Kapinga Mikalu, a schoolteacher born in what was then Zaire, invented "a microbe-detecting technique which uses saliva and an elementary ,,28 microscope. The impetus for her invention came from an experience she had while trying to save the life of one of her ten children. 29 Mikalu combines basic scientific understanding with a deep belief in traditional healing methods. She can explain how saliva is like blood plasma but is also described by the Higher Education and Scientific Research Department of her country as "a spiritualist healer and a conscientious herbalist who is anxious to help the sick.",30 Both positive and negative consequences follow from women's (albeit under-recognized) presence within the invention paradigm of intellectual property protection. On the positive side, women are combining their cultural knowledge with innovative methods and ideas and are finally gaining recognition for their creative capabilities, as demonstrated in the Moussa case studies above. They are also working to prove themselves the equals of the male scientists who have dominated the field for so long. 31 In addition, some women are gaining compensation for their ideas and holding ownership rights to their discoveries. 32 Thus, this Comment would by no means disparage the accomplishments of female scientists who succeed as creators of innovative knowledge. On the negative side, however, the majority of women holders of knowledge cannot access and inhabit the inventor role. It can be argued that the problems with female invention stem both from misogynistic cultural challenges, as well as, more specifically, from women's lack of access in many parts of the world to the kind of education that would allow them to pursue careers in invention and research. 33 Additionally, despite the adoption of TRIPs and various efforts to strengthen IP systems, 34 IP enforcement suffers from weak institutionalization in many developing countries. 35 This second problem affects men as well as women 36 but may make it particularly difficult for female inventors to obtain IPRs due to biases in local justice systems. 37 On a more systemic level, relying solely on the invention paradigm for the recognition of creativity and as a source of IPRs may be particularly detrimental to women. Resignation to the fact that IPRs are often awarded only to those who inhabit the invention paradigm would force women to rely solely upon the historically and philosophically masculine ideal of rationality and science in order to gain recognition for their knowledge. 38 This reliance could place women's creativity in "everyday" matters in danger of being ignored or devalued even more than it is today. For this reason, it is potentially damaging to women's status as knowledge producers to focus solely on the invention paradigm to the exclusion of other forms of knowledge.

#### [Gearheart-Searna] Traditional knowledge conflicts with the modern IPP regime and is viewed as “feminine” and therefore less important

**Gearheart-Searna 2010** (Terra L. Gearheart-Searna, 2010, Yale Journal of Law and Feminism, “Women's Work, Women's Knowing: Intellectual Property and the Recognition of Women's Traditional Knowledge,” <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1304&context=yjlf>) //neth

Traditional knowledge is a broad term, encompassing any number of

different kinds of knowledge held by and passed down to individuals or communities. It is not easy to define: Whilst the vast majority of the knowledge is old in the sense that it has been handed down through the generations, it is continually refined and new knowledge developed, rather as the modem scientific process proceeds by continual incremental improvement rather than by major leaps forward.... The groups that hold traditional knowledge are very diverse .... The nature of the knowledge is also diverse: it covers, for example, literary, artistic or scientific works, song, dance, medical treatments and practices and agricultural technologies and techniques. Examples of traditional knowledge and its conflict with modem international intellectual property regimes often revolve around questions of biopiracy or "bioprospecting" and biological diversity.43 The signing of the Convention on Biological Diversity and the difficult public health situation with regard to pharmaceutical drug availability (or the lack thereof) in developing countries44 have helped make genetic resources and traditional plant-based remedies among the most talked-about constituents of the traditional knowledge bundle.45 The project of recognizing traditional knowledge IPRs is part of a larger, ongoing concern with colonialism and nature/invention, raw product/finished product, First World/Third World dichotomies. Examples scholars give of the exploitation of traditional knowledge for commercial gain often involve victimized indigenous people and aggressive or wealthy exploiters who take the knowledge and use it for profit. 46 In addition to its association with victims of poverty, colonialism, and underdevelopment (i.e., "primitive" knowledge), traditional knowledge may also be gendered feminine, essentially due to its perceived connection to nature and instinctive, pre-modem knowing. As has been well documented in feminist philosophy and feminist works of science and technology studies (and as mentioned in Part I.B), masculinity is often identified with the rational, the technical, the inventive, and the modem,47 while femininity is often identified with the natural, the emotional, the irrational, and the intuitive.48 Unfortunately, the gendered nature of traditional knowledge has, in general, been under theorized in the science and technology studies literature; however, since traditional knowledge is viewed as natural rather than technical, developed, or invented, it may end up in the "feminine" gender category. In the past few hundred years of Western history and epistemology, the rational has been valued over the natural, since the rational is seen as the product of thought, effort, and will, whereas the natural is considered more instinctive and uncultivated. 49 Therefore, because of these concepts, traditional knowledge may be considered inferior feminine knowledge in contrast to the superior (and valuable) masculine knowledge of the developed, science-driven West.50

#### [Gearheart-Searna] The IP regime’s stealing of natural resources is inextricably tied to colonialism

**Gearheart-Searna 2010** (Terra L. Gearheart-Searna, 2010, Yale Journal of Law and Feminism, “Women's Work, Women's Knowing: Intellectual Property and the Recognition of Women's Traditional Knowledge,” <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1304&context=yjlf> \*\*brackets in original text) //neth

This split in the valuation of different types of knowledge stems not only from a patriarchal natural-feminine/rational-masculine divide, but also from the vestiges of colonialism, in which the colonizing nations and their associated knowledge viewed colonized societies as natural and undeveloped (gendered feminine): [U]nder the colonial influence the biological and intellectual heritage of non-Western societies was devalued. The priorities of scientific development and R&D efforts, guided by a Western bias, transformed the plurality of knowledge systems into a hierarchy of knowledge systems. When knowledge plurality mutated into knowledge hierarchy, the horizontal ordering of diverse but equally valid systems was converted into a vertical ordering of unequal systems, and the epistemological foundations of Westem knowledge were imposed on non-Western knowledge systems with the result that the latter were invalidated.... Indigenous systems of knowledge were defined as inferior, and in fact as unscientific. 51 We still see the impact of this epistemological hierarchy today: knowledge "development" in the developing world means increasing a country's output of research, science, and research and development, 52 despite the fact that traditional knowledge could also play a role in development.53 The value bias against "natural," "undeveloped" knowledge applies not only to the knowledge itself, but also to its use and applications: The economic biases and values against nature, women, and indigenous peoples are captured in this typical analysis of the "unproductiveness" of traditional natural societies: "Production is achieved through human and animal, rather than mechanical, power. Most agriculture is unproductive; human or animal manure may be used but chemical fertilisers and pesticides are unknown ... For the masses, these conditions mean poverty." The assumptions are evident: nature is unproductive; organic agriculture based on nature's cycles of renewability spells poverty; women and tribal and peasant societies embedded in nature are similarly unproductive, not because it has been demonstrated that in cooperation they produce less goods and services for needs, but because it is assumed that "production" takes place only when mediated by technologies for commodity production .... 54 Traditional knowledge is not necessarily better than (or even equal to in terms of effectiveness) more industrial, "modern" knowledge; however, since traditional knowledge will likely be a functional part of many communities' daily lives into the foreseeable future, we should recognize its existence and utility. In short, the masculine-over-feminine, reason-over-nature, "civilized"- West-over-"ignorant"-postcolonial-nations framework plays a key role in determining how traditional knowledge and indigenous 55 production are talked about, protected, valued, recognized, and prioritized. Since, as the old adage goes, "knowledge is power," whoever's knowledge is recognized and valued will probably hold the most power.56 This point may, in fact, be the single most important thing to understand in order to proceed with a discussion of gender and traditional knowledge.

### Solvency

#### [Advocacy & Vats] Thus I affirm: Resolved: the member nations of the WTO ought to decrease intellectual property protections for medicines

**Vats 2013** (Anjali Vats, “Created Differences: Rhetorics of Race and Resistance in Intellectual Property Law,” University of Washington, 2013, <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/23464/Vats_washington_0250E_11939.pdf?sequence=1>) //neth

Intellectual property law, specifically that governing trademarks, copyrights, and patents,

is increasingly dominated by a narrative of “theft” in which racialized thieves steal knowledge produced by white creators, disrupting global flows of information. Because of intellectual property’s increasingly important relationship to race and production and ownership of knowledge, trademarks, copyrights, and patents are important cultural texts through which racial formation unfolds and racial projects are carried out. In other words, racial categories are created and formed through intellectual property discourses and policies which reflect the racialized rhetorics of the legal regime used to shape policy. Yet, erased and silenced from racialized narratives of intellectual property infringement are the global inequalities which facilitate the private ownership of knowledge in the first place. As this project demonstrates, marginalized groups have recognized the problematic articulations of intellectual property rights with racial difference, finding rhetorical and performative ways to contest the racialized narratives of infringement that continue to justify Western intellectual property regimes. This project develops rhetorical disidentification, a concept built on the work of performance and gender studies scholar Jose Esteban Muñoz, as a means of theorizing how marginalized subjects act resistively within the boundaries of intellectual property law to unmake the links between racial difference and intellectual property rights infringement. Rhetorical disidentification with intellectual property law involves simultaneously complying with and contesting legal discourses in a manner which forces the acknowledgement of otherwise invisible histories of race in defining the public domain and articulating processes of knowledge production. Through their disidentificatory acts, marginalized subjects confront racialized representations of infringement, casting white creators as thieves of indigenous knowledge and illegal occupiers of information that should be held collectively in the public domain. Rhetorically and performatively intervening to counter the racialized narratives that dominate intellectual property law is a resistive act which reconfigures understandings of trademarks, copyrights, and patents to account for histories of difference, asserts the agency of racial Others, and creates space for marginalized rhetors to speak back to legal regimes. While this project focuses on rhetorical disidentification within legal regimes related to knowledge production, the concept more broadly offers a theoretical and methodological tool for rhetoricians to study resistance by marginalized subjects that may not at first glance appear as resistance. The concept of rhetorical disidentification is developed through three case studies, Andy Warhol’s Mammy, Alice Randall’s The Wind Done Gone, and India’s Traditional Knowledge Digital Library (TKDL). In each case, marginalized subjects seize agency in areas of law in which their experiences are often unrecognized, using rhetorical and performative tactics to critique intellectual property law’s core assumptions through the retelling of histories of race and coloniality. Through Mammy, jazz singer Sylvia Williams disidentifies with trademark law’s history of protecting histories which valorize whiteness by enacting her objections to Quaker Oats’ ownership and zealous enforcement of the Aunt Jemima logo. For Williams’ the trademark unjustly asserts ownership over experience of black domestic servitude in the South through the metonymic symbol of a pancake maker. Simultaneously, Warhol disidentifies with consumer culture’s often monolithic and unthinking representation of the past by collecting and displaying racist Americana. In The Wind Done Gone, Randall creates a disidentificatory parody of Gone with the Wind which, when ultimately deemed not to infringe the Margaret Mitchell estate’s copyright in the legal case Suntrust Bank v. Houghton Mifflin, serves as a testament to the power of novels and public trials in reconstituting infringement and identities in the American South. Finally, through India’s TKDL, a digital database of indigenous knowledge, Indian government officials, Indians, and Indian Americans disidentify with colonial systems of knowledge collection, asserting their authority as marginalized subjects to classify and organize information. The TKDL’s resistive rewriting of colonial power structures contests grants of intellectual property rights in yoga and asserts the role of South Asians in the production of knowledge. Taken together, these case studies not only demonstrate how marginalized subjects confront intellectual property law’s understandings of race but also open space for other rhetors to intervene in legal narratives about race and knowledge, creating productive spaces and alternatives for thinking about future understandings of trademarks, copyrights, and patents.

#### [Vats] Our method of rhetorical disidentification helps marginalized groups to reclaim agency

**Vats 2013** (Anjali Vats, “Created Differences: Rhetorics of Race and Resistance in Intellectual Property Law,” University of Washington, 2013, <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/23464/Vats_washington_0250E_11939.pdf?sequence=1>) //neth

Rhetorical disidentification offers an additional means of theorizing the process by which marginalized groups reclaim agency through a range of rhetorical forms. As originally conceived, the concept describes how flagrantly defiant public spectacles of queer drag “offer the minoritarian subject a space to situate itself in history and thus seize social agency.”98 Building on Butler’s understanding of gender performativity as an iterative process through which social norms evolve, Muñoz study of disidentification describes how marginalized groups use confrontational public performances to redefine the identity categories which result in them being labeled as sexual Others. Drag performance, though it enacts traditional visions of femaleness, breaks with social norms by constructing a new category of femaleness in maleness. This generative queer identity simultaneously deconstructs normative understandings of female and male while offering opportunities for the invention of new understandings of gender. In disidentification “the act of performing and theatricalizing queerness in public takes on ever multiplying significance.”99 Indeed, both performance and publicness are at the heart of Muñoz’s conception of the resistive power of drag in confronting gender stereotypes: disidentification is not merely a “good-humored” reinterpretation of dominant culture, but a powerful “social critique” which expresses rage and refusal, functioning as “a bid to take space in the social that has been colonized by the logics of white normativity and heteronormativity.”100 Disidentification is thus a powerful way of reinventing dominant culture in a manner that resists heterosexist norms and revises gender categories. A means of creating a middle ground between obedient “good subjects” and disobedient “bad subjects,” it is “the third mode of engaging dominant ideology, one that neither opts to assimilate within such a structure nor strictly oppose it. Disidentification is a strategy that works on and against dominant ideology,” creating a new positionality for the marginalized subject.101 Moreover, acts of disidentification performed by marginalized subjects also create space for audiences to respond and build community. As Muñoz writes, “performance permits the spectator, often a queer who has been locked out of the halls of representation or rendered a static caricature there, to imagine a world where queer lives, politics, and possibilities are representable in their complexity.”102 While Muñoz understands disidentification as a means of theorizing emancipatory formations of gender performance, the concept is also useful in understanding resistive racial enactments. A rich and growing body of literature seeks to understand the disidentificatory subject position in the context of racial identity and culture, arguing that race, like gender, is a socially constructed category which is performed, contested, and appropriated, creating the conditions for disidentificatory behavior.103 E. Patrick Johnson, for example, deploys Butler’s concept of performativity in the context of race, understanding blackness as a constantly negotiated category which is neither stable nor fixed despite the attempts of some to define its boundaries.104 He uses the term “racial performativity” to refer to the process by which individuals are included and excluded from the category of blackness, denying and affirming one another’s membership rights vis-à-vis their daily actions. 105 Johnson’s discussion of race and performance demonstrates that being an “outsider-within,” a concept drawn from Patricia Hill Collins,106 provides a powerful tool for resisting socially imposed definitions of race.

#### [Vats] Disidentification is especially useful in discussions of IP law

**Vats 2013** (Anjali Vats, “Created Differences: Rhetorics of Race and Resistance in Intellectual Property Law,” University of Washington, 2013, <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/23464/Vats_washington_0250E_11939.pdf?sequence=1>) //neth

Disidentification also has particular utility in discussing the development of resistive positionalities within law generally and intellectual property law specifically. In terms of hegemonic negotiation, legal discourses are spaces in which identities are contested and reconstituted. Muñoz understands disidentification to produce “identities-in-difference,” or individuals who “emerge from a failed interpellation within the dominant public sphere.”107 Read vis-à-vis intellectual property, identities-in-difference are those which are in the process of formation, both through their newfound visibility within legal discourses and their recognition in majoritarian circles. They are “never complete, always in process, and always constituted within, not outside representation.”108 Through trademarks, copyrights, and patents, dominant groups and marginalized subjects battle over the nature of racial identity, the power of white supremacy over the ownership of creative works and inventions, and the telling of stories of the law. Through battles over the nature of intellectual property’s legal definitions and the cultural role of trademarks, copyrights, and patents, marginalized identities are constantly forged and reworked. Indeed, disidentification, like the taking back of agency that rhetorical scholars describe, describes a productive power in constant dialogue with majoritarian culture. Coombe provides one example of how identities-in-difference emerge within intellectual property law by chronicling drag’s often campy reinterpretations of heavily regulated images of celebrity. Through drag, “the cultural politics of authoring social identities through the improvisational use of celebrity images”109 becomes apparent. Intellectual properties provide the raw materials and symbolic language from which identities-in-difference emerge. The role of celebrity in the constitution of identities-in-difference demonstrates that law is “productive as well as prohibitive”110 and “plays a constitutive role in creating cultural spaces for politicization and community formation.”111 As a theoretical lens for reading resistance to racial formation in intellectual property, disidentification facilitates the thickening of rhetorical theories of agency, revealing the creative tactics marginalized groups use to contest the politics of dominant culture, particularly within legal regimes, and render visible erased histories of race and colonization.112 It is with these applications of rhetorical theory that I use the term rhetorical disidentification. Remythologizing race through the public domain The primary issue at stake in this project is how marginalized groups reconstitute racial mythologies and narratives as well as their own individual and group identities in the face of racialized and exclusionary intellectual property discourses. One of the ways in which they accomplish this task is by intervening in prominent racial mythologies that circulate around trademarks, patents, and copyrights. Hall explains the links between identity formation and mythmaking, pointing out that identities are “always constructed through memory, fantasy, narrative, and myth. Cultural identities are the points of identification, the unstable points of identification or suture, which are made within the discourses of history and culture. Not an essence but a positioning.”113 Rhetorical disidentification aids in performing the powerful function of altering the very terms by which identities are defined, rewriting the “memory, fantasy, narrative, and myth” that underlie contemporary intellectual property law. The rewriting of core concepts in trademarks, copyrights, and patents creates the possibility for new modes of positioning, reconceiving of the discourses of history and culture in ways that invite the formation of new identities. This, in turn, allows marginalized subjects to contest racial mythologies which permit the linking of race and infringement.

#### Don’t give credence to calls to preserve IPP – they’re perpetuated by wealthy nations furthering the rich vs poor divide

**Dutta 2020** (Prabhash K. Dutta, “India’s TRIPS waiver proposal at WTO: It’s rich vs poor over Covid-19 vaccine,” December 10, 2020, India Today, <https://www.indiatoday.in/news-analysis/story/india-trips-waiver-proposal-wto-covid-19-vaccine-1748319-2020-12-10>) //neth

Covid-19 pandemic has exposed many global faultlines. The lack of mutual trust and coordination among the countries resulted in a novel coronavirus outbreak in China’s Wuhan becoming a pandemic within a couple of months. Scientific research began at a frantic pace to find a cure of Covid-19 and prevention from the coronavirus infection. Now is the time when vaccines are ready for use, and drug candidates have emerged as potential treatment of Covid-19. But there is another competition going on among the countries. Who has the right to access Covid-19 vaccine and drugs? The rich countries are where most researches are happening. These researches require a lot of money. Hence, they are now supporting the right to protect their intellectual property -- vaccines and drugs. This is where a meeting of the World Trade Organisation (WTO) scheduled for Thursday becomes crucial. Drugs and vaccines are trading commodities and hence they come under the WTO regime. The WTO’s TRIPS (Trade Related Intellectual Property Rights) council has to take a decision on a proposal put forth by India and South Africa in October this year. India and South Africa have proposed for temporary waiver of global intellectual property obligations for a stronger and coordinated fight against the Covid-19 pandemic. Most developing countries are in support of the proposal but rich and developed countries, such as the European Union nations, the US and Canada oppose it. India and South Africa have argued that waiver is necessary as several developing and poor countries were not in a position to utilise the TRIPS flexibilities for importing and exporting pharmaceuticals. TRIPS flexibilities warrant compulsory licensing mechanism in countries for using generic versions of patented medicines. India and South Africa submitted their proposal to the TRIPS Council on October 2. It calls for removing barriers for accessing affordable medical products, including vaccines and medicines for prevention, containment and treatment of Covid-19. South Africa is the current chair of the TRIPS council but it is facing strong opposition from the rich countries in getting the waiver proposal accepted. At an informal meeting of the TRIPS council in November, the US, the EU, Japan, Canada and Switzerland opposed the waiver proposal saying it would undermine the efforts put together by these countries so far to collaborate the fight the pandemic. In simpler words, they pressed for prioritisation of intellectual property rights of the vaccine-developing pharmaceutical companies over threat to human lives in poor countries. This has led to a state where vaccine nationalism has taken precedence over the need for a united front against Covid-19. Vaccine nationalism is a danger that may hamper the fight against Covid-19 pandemic. Even UN Secretary-General Antonio Guterres has warned against vaccine nationalism, which, he said, is moving “at full speed”. Guterres on Wednesday said the vaccine nationalism may leave poor people around the globe watching preparations for inoculations against the coronavirus in some rich nations and

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#### [ROJ & Johnson] The role of the judge is to facilitate equitable liberatory discourse.

**Johnson 2021** (Benjamin D. Johnson, May 2021, “Performative Resistance as Ecofeminist Praxis?” University of North Texas, <https://digital.library.unt.edu/ark:/67531/metadc1808436/>) //neth

In a recent Introduction to Philosophy class, I realized that my lecture had taken too long (I monopolized the dialectic space in the classroom, failing to listen to my students properly). Thus, I apologized to my students and told them that the next class was entirely theirs—I suggested that they were of course welcome to ask me questions, but that they would direct the class-time. The following class, dialogue was sparked through our weekly readings, a section of Gloria Anzaldúa’s Borderlands/ La Frontera254 and bell hooks’ article “Straightening Our Hair”255, as well as a video of a dialogue between Melissa Harris Perry and bell hooks, entitled “Black Women’s Voices: Who’s Listening?”256 Students questioned the influences of market forces on contemporary liberation movements, and discussed what it means to have a voice in a multiracial discussion about race. During the dialogue, we came to a deeper understanding of the tensions between building “unity” and refusing to subjugate each other for one group’s liberation. The reason for mentioning this recent class is not to brag about the incredible wisdom of my Intro to Philosophy students (although they are brilliant!), nor to show how I have engineered the class in such a way that now the students can truly understand what I’ve been trying to teach them.257 Rather, the point is more internal: first, it is important not to undermine the capabilities of our students. In order to turn toward being a listener, rather than a teacher, I must trust that what unfolds in dialogue can be enlightening, challenging, and important. Second is a point about listening that I’ve begun to learn only through the practice of listening itself. In colloquial use, my guess is that many people take listening to be a rather passive act. “Take a step back and listen,” we might say. “Stop fidgeting and listen!,” my elementary teachers used to yell at me during math class. Listening becomes refraining from doing the action you would otherwise do—listening means shutting up. Indeed, listening does entail a certain form of silence, but it is a much more active process than we often take it to be. Active listening includes thoughtful, caring response to the speaker, and it includes opening our selves to the possibility of investment in the other. Thus, when I stop talking in class and listen to my students, I am not just refraining from speech; I am actively resisting a tendency that has been taught to me, and performing a deconstruction of the expected norms of what it means to be white, male, academic, or “teacher.” Likewise, when my students listen to each other and respond caringly, these students performatively resist the expectations of what a student is according to neoliberal education norms. Rather than solitary individuals in the same room, waiting to be filled with information, the thought that they produce together does not belong to an individual. When one person does speak, the voice that is speaking (which certainly arises at a particular location in the classroom, and might be attributed, in some sense to a single individual) is made possible by the entanglement of previous voices and current listeners in the classroom. In the classroom, thus, we resist the tendency to talk “as individuals,” but rather approach communication (speaking in/as community). Of course, there remains some tension: first, that speaking “as community” may appear to undermine the agency of dissenting voices within the classroom. However, it must be remembered that this communication is not and should not be a simple echo chamber (which would hardly be dialogue). I recall that in my class, it was suggested that afro-focused solutions are important in addressing racism in the United States. The class added that Latinx experiences are often different than African-American experiences, and that both such experiences should be consulted in movements to address racism. A resulting dialogue about the possibility of integration or allyship among these views, along with recognition of difference, built a stronger sense of solidarity within the classroom. In a debate, there is a winner. There is really only room for one view. Within a dialogue, there is room for two (in fact, many more than two) views to simultaneously contribute to the welfare of the community. Such dialogue can also highlight a key solution to a problem that Erika Cudworth poses in Developing Ecofeminist Theory. As mentioned in Chapter 2, Cudworth’s rejection of “postmodernism,” is partly based on the notion that “reality” is necessary for practical discussion about socio-environmental issues. Discussing Latour’s Actor-Network Theory, Cudworth claims that “there needs to be some conceptual apparatus which allows us to discuss the relative power of different kinds of actants.”258 The example of the classroom helps to display one kind of apparatus (though it is both conceptual and thoroughly material) for such discussion: the dialogue. What is especially helpful about a dialogical community is that it can both deconstruct (that is, move beyond stable, determined, mono-logical narratives of “reality”) to create a living interplay of voices, ideas, and bodies within a given place. Such dialogue avoids predetermining what counts as “reality” not because its participants commit to a naïve relativism, but because in a pluralist move toward coalition, participants recognize that what is real is always in process, and always co-constituted. Community-building rarely proceeds through the reiterative posing of truths, but instead through the stitching together of multiple perspectives. It is through such dialogue (whether in classrooms or elsewhere) that we can often find transformative responses to contested visions of reality. There is perhaps one more important thing to mention about listening to students. Active listening requires not simply that we open our ears, eyes, minds, and senses of self. It also requires that we are willing to act for the other. Freire notes that “leaders who deny praxis to the oppressed thereby invalidate their own praxis”259 If listening is a bodily act, then full listening requires that the teacher both hear the student and act bodily in solidarity with the students. I must take seriously what my students say, and if my students ask me to participate in praxis, I should be prepared to stand with them. This need not only apply to student protests or broad revolutions, but also to seemingly minor structural changes in the classroom. Freire notes that this process of transformation is an inter-subjective activity, as “the dialogical I, however, knows that it is precisely the thou (“not-I”) which has called forth his or her own existence.”260 4.10

#### [ROB & Greenlaw] The role of the ballot is to endorse the debater who best performs post-colonial methods of education and scholarship

**Greenlaw 1994** (James C. Greenlaw, “A POSTCOLONIAL CONCEPTION OF THE HIGH SCHOOL MULTI CULTURAL LITERATURE CURRICULUM,” Hon.B.A., University of Western Ontario, 1975 B.Ed., University of Western Ontario, 1976 M.A.T., University of Western Ontario, 1982 A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY in THE FACULTY OF GRADUATE STUDIES Centre for the Study of Curriculum and Instruction FACULTY OF EDUCATION We accept this thesis as conforming to the required standard UNIVERSITY OF BRITISH COLUMBIA March 1994) //neth

Currently, in many high schools throughout Canada and the United States, English teachers have been developing literature curricula to meet the needs of their culturally diverse students. However, because in most cases these educators have not had at their disposal the interpretative techniques of such postcolonial literary theorists as Edward Said and Gayatri Spivak, they have been relying, instead, for their reading strategies upon traditional literary theories. Unfortunately, when teachers employ New Critical, archetypal, feminist, or reader—response methods of literary analysis in their reading of multicultural literature, they are often unaware of the Eurocentric biases contained within these perspectives. This lack of understanding of their theoretical frame of reference can then lead teachers to encourage their students to accept uncritically problematic representations of various cultural groups as they encounter these representations in their literary texts. Postcolonial literary theory, on the other hand, encourages students to problematize Eurocentric representations of imperialism’s Others. The advantage to students who use postcolonial reading strategies in order to become aware of the different ways in which people at the margins and centres of empire view each other is that they can thus attain higher levels of multicultural literacy by performing more sophisticated and complex interpretations of their texts than they might have done using traditional interpretative approaches. At the same time, the students’ use of postcolonial reading strategies can help them to [and] become more effective intercultural communicators as they cross cultural borders by carrying out collaborative responses to literary texts with students whose heritage differs from their own. This project, therefore, involves a critique of existing conceptions of the high school multicultural literature curriculum by comparing their key features with those of the postcolonial conception. The principal focus of the investigation is upon how the postcolonial approach can help students to understand, more effectively than can traditional conceptions, the necessarily dynamic and heterogeneous textual representations of dominant and subaltern cultures to be found in both Eurocentric and postcolonial literary texts.

#### [Boutahar] Race and gender are intertwined – our affirmative challenges the civilizing rhetorics that perpetuate white womanhood and racist exploitation Boutahar 2014 (Youssef Boutahar, “Images of White Womanhood in Contemporary Narratives of Middle Eastern Captivity,” an essay from “Unsettling Whiteness,” edited by Lucy Michael and Samantha Schulz, Inter-Disciplinary Press Oxford, United Kingdom, ISBN: 978-1-84888-282-9 First published in the United Kingdom in eBook format in 2014. First Edition.) //neth

White womanhood has always been regarded as a marker of cultural identity and nation-making projects, justifying the West’s intervention in ‘Third World’ countries in order to lead a civilising mission against the ‘uncivilised.’ White women captives, in particular, have been deployed as patriotic ‘icons’ of war to serve Euro-American policymakers’ imperial schemes. Following the 9/11 attacks, the Bush administration engaged white women culturally and politically in the narrative of justifying the American ‘War on Terror.’ Significantly enough, the abduction stories of Dayna Curry and Heather Mercer, Yvonne Ridley and Jessica Lynch perfectly fit into the U.S. expansionist agenda of democracy and dual liberation; a liberation of ‘vulnerable’ white women from their Arab/Muslim abductors, and ‘subservient’ veiled women from the oppression of their purportedly ‘misogynistic’ cultures. Accordingly, white women hostages’ expectation of a potential sexual assault conforms to a tradition of better-known Barbary captivity accounts which evoke a total denial of humanity to the Muslim captor by stereotyping him as ‘savage’ and sexual ‘brute.’ Such derogatory descriptions, Edward Said notes, allowed Britain to create a ‘settled, clear, and unassailably self-evident’1 rift between the West and the ‘Rest.’ They have been historically used as a convenient rhetoric for empire building. Ironically, the Muslim abductor’s self-restraint, courtesy and generosity in contemporary captivity narratives dislocate the racial stereotype levelled against him, thereby allowing his counter-hegemonic voice to be heard from within the captive-taking culture. Employing postcolonial discourse in analysing white women’s contemporary narratives of Middle Eastern captivity, I shall adopt Homi Bhabha’s theory of ambivalence of colonial discourse and reconsider Edward Said’s binary model of ‘West vs. East.’ I shall also demonstrate the identity crisis white women captives go through once realising that they have been used as a propaganda ‘machine’ to legitimise colonisation in developing countries. 2. Constructing Dayna Curry and Heather Mercer as the White ‘Heroic Victims’ of the Nation The hostage story of Dayna Curry and Heather Mercer created a huge fuss in Western media at a time when Britain and America cooperated to lead a ‘war on terror’ in Afghanistan. Originally published in 2002, Prisoners of Hope: The Story of Our Captivity and Freedom in Afghanistan remains an outstanding captivity narrative of cross-cultural encounter between America and the Middle East. It revolves around the life events of two American missionaries, Curry and Mercer, who decide to embark on a journey to Afghanistan – a country that has been already ravaged by war – in order to alleviate the suffering of poor Afghan women and children while teaching them about the Christian faith. In August 2001, Curry and Mercer were abducted by the ruling Taliban after they had been convicted of showing an Afghan family a film about the life of Jesus. The two American hostages grew afraid at the prospect of being punished with death under the Taliban ‘Islamic’ law for their attempt to evangelise their Afghan friends. While awaiting trial, Curry and Mercer were held in captivity for four months and a half before they were dramatically rescued by the U.S. Special Operation Forces with the co-operation of the Afghan Northern Alliance fighters. Prior to their abduction, Curry and Mercer had been actively involved in humanitarian Christian aid work, helping poor Afghan people, especially women who were living in deplorable conditions. Assuming the position of global feminist ‘saviours,’ Curry and Mercer not only prayed for the most ‘wretched’ and ‘invisible’ creatures on Afghan soil in the name of Christianity, but they also provided them with food and medicine. This scenario of ‘saving’ has already been implemented in the British colonial project which engaged middle class Britis women, as part of the ‘civilising mission,’ to redeem their oppressed ‘sisters’ in colonised countries. Likewise, Afghan burqa-clad women in Prisoners of Hope – a narrative that, one may assume, has been adopted from the bulk of nineteenth-century colonial literature – are similarly projected as ‘vulnerable’ and ‘backward,’ and thus in need of liberation. Describing the plight of Afghan women, Curry produces a racialised knowledge on a misogynistic culture of veiling which reduces women to ‘blue ghosts.’ In so doing, Curry denies the humanity of Afghan women, denigrates the ‘backwardness’ of their Islamic society, and therefore sets the tone for the Bush administration’s neo-imperialist agenda. Yet, if the major goal of Western feminism is to reinforce the fight for women’s rights and unshackle the chains of their political and religious oppression, this goal is undermined by the hegemonic position such Western feminists assume in their support for the lead up to the ‘war on terror’ in Afghanistan. The purported war of liberation, as reported by Amnesty International, Human Rights Watch and RAWA(the Revolutionary Association of the Women of Afghanistan), has in many levels worsened the situation. Afghan conservatives, in particular, have vehemently rejected a war being led in the name of women’s rights since it was perceived as a threat to Afghan women’s culture and religion. In fact, the abduction story of Curry and Mercer in Afghanistan received a huge Western media attention at a time of political and cultural conflict between the U.S. and the Middle East. Having been represented as ‘icons’ of western freedom and emancipation, Curry and Mercer were, nevertheless, portrayed as vulnerable and helpless once they fell into the hands of their abductors; their cultural encounter with the Taliban made them reveal their imperialist anxieties and fear of Muslim sexual predation. By sensationalising their plight in captivity, U.S./Western media managed to construct a lurid narrative of victimised white femininity in need of liberation from ‘barbaric’ Muslim masculinity. Indeed, their dramatic ‘rescue’ by U.S. Special Forces has been pivotal in the process of producing Curry and Mercer as white ‘heroic’ ‘victims’ of the empire. White femininity in Prisoners of Hope remains undoubtedly crucial to the construction of Curry and Mercer as vulnerable to the trope of interracial rape and central to their representation as American heroines. Their heroism was essentially articulated in terms of resistance to the ‘infidel’ Other, preferring martyrdom for attempting to proselytise Afghan people than renouncing their Christian faith. After they had been intercepted by the Vice and Virtue Taliban police, Curry and Mercer became paranoid as they feared being physically abused by their captors. Just as with her predecessors, Elizabeth Marsh and Maria Martin, Curry exhibits a strong tendency towards preserving her white Christian identity even at the expense of being exposed to physical torture. The white female body, in this respect, discursively constitutes a site through which the whole nation or community is represented. So any attempt of violence against the white woman captive may be understood as a violation of the nation itself which has to maintain its immunity from the ‘brutishness’ of the racialized ‘other’ by means of a holy ‘War on Terror.’ Nonetheless, the Taliban never perpetrated any violence against them. Instead, they treated them with generosity and respect. In this sense, the frailty of the white woman captive turns out to be an illusion created by Western media and the U.S. government whenever there is a need to justify America’s military intervention. Accordingly, the myth of the ‘black’ rapist, which is deeply inculcated in white women captives’ imaginary, is inevitably evoked in Curry and Mercy’s captivity experience. Given the cultural separation of men and women in both public and private spheres, the presence of two female hostages among their male abductors engenders a sense of discomfort and fear of sexual molestation on the part of Curry and Mercer. In fact, Curry admits that she ‘felt less vulnerable with Heather... and thought it less likely the Taliban would commit rape or any other horrible act against us now that we were together.’3 Resisting separation from each other, therefore, seems the only means to protect their vulnerable white femininity from sexual molestation and hence save the honour of their nation.