### 1

#### Text: The member nations of the World Trade Organization except the United States ought to delay patent enforcement for cannabis.

### 2

#### Infrastructure passes, but continued bipartisanship is key. Walsh 21:

Deirdre Walsh {Deirdre Walsh is the congress editor for NPR's Washington Desk.}, 21 - ("Biden and House Democrats unite behind his agenda, but they say more time is needed," NPR.org, 9-30-2021, https://www.npr.org/2021/09/30/1040566163/pelosi-delays-a-vote-on-infrastructure-as-democrats-haggle-over-larger-spending)//marlborough-wr/

After meeting with House Democrats at the Capitol on Friday, President Biden said it may take days or even weeks for Democrats to come to agreement on voting for a bipartisan infrastructure bill and for a separate package that covers most of his legislative agenda, including climate, childcare, education and other social spending. "It doesn't matter whether it's in six minutes, six days or six weeks, we're going to get it done," the president said to reporters. He did not elaborate on what was discussed inside the closed meeting. Later Friday, House Speaker Nancy Pelosi, D-Calif., wrote in a [letter to colleagues](https://www.speaker.gov/newsroom/10121) that "more time is needed to complete the task" of forging an agreement among Democrats on their larger spending measure. A House vote on the infrastructure bill, which has passed the Senate, has been held up pending an agreement on that larger spending package. Late Thursday, Pelosi and her leadership team had delayed a vote on the approximately $1 trillion measure. "Clearly, the Bipartisan Infrastructure bill will pass once we have agreement on the reconciliation bill," Pelosi wrote in her letter. The latter would have to be passed via a process known as reconciliation to avoid a Republican filibuster in the Senate.

#### Cannabis legislation costs Biden floortime and kills bipartisanship.

Roberts '21 (Chris Roberts; Chris Roberts is an award-winning investigative reporter with bylines in VICE, The Daily Beast, The Guardian, The Verge, Curbed, Forbes, SF Weekly, and others; 2-7-2021; "On Marijuana Reform, Joe Biden Will Disappoint You"; https://whowhatwhy.org/opinion/on-marijuana-reform-joe-biden-will-disappoint-you/, WhoWhatWhy, accessed 9-6-2021; JPark)

Democrats control the White House and, for now, both houses of Congress. This should be good for weed since, after all, the Democrats’ official platform calls for decriminalization. And it was Republican obstructionism that kept cannabis policy reform — including the Senate version of the MORE Act, the federal decriminalization bill that passed the House in December — reliably bottled up in Washington. This analysis neatly forgets the president’s inconvenient history as one of the chief architects of the war on drugs that filled America’s prisons. And this also assumes that Biden, or other top Democrats, will spend limited **political capital on cannabis**, when getting even coronavirus relief through Congress, let alone censuring a member who liked social media posts advocating murdering her opponents, aren’t sure things. “We’re not going to see Biden or the White House pushing for the MORE Act, or de-scheduling marijuana,” John Hudak, a scholar at the Brookings Institution think tank, told the Verge. Even thinking about what Biden would do hinges on whether he is presented with a bill he likes. And getting that far will require Republicans — not just a couple, but 10 — in the Senate. Recall that accomplishing most anything in the United States Senate requires 60 votes, not a simple majority. Biden is struggling to find 10 Republican senators willing to meet him halfway on coronavirus relief. Who are the 10 Republicans willing to hop on the Democratic bandwagon for an issue that’s still a front in the culture war? Tellingly, the cannabis lobbyists and executives gushing to Politico did not have this answer handy. And what about the Democrats? The MORE Act passed, but only after top leadership canceled a September vote because they were worried cannabis reform would be a bad look ahead of the November election — an election in which weed won a clean sweep, with voters approving legalization by wide margins in Arizona, New Jersey, Montana, and South Dakota. Voters like legalization, but Congress should not realistically be expected to spend too much time debating the needs of the cannabis industry, even after a record year of cannabis sales, when it can’t deliver $1,400 checks to impoverished Americans. “Look at the Democrats helping pot dealers while you suffer in silence,” is a line that the Democratic leadership will fall all over itself to avoid hearing during the 2022 midterms. And it shows.

#### Infrastructure solves the grid – it’s vulnerable now and requires investment

Gozdziewski 3/22 - Charles J. Gozdziewski is the American Council of Engineering Companies' (ACEC) Board Chair. He is also the Chairman Emeritus of Hardesty & Hanover in New York where he oversees transportation planning, construction inspection and support services for highways; all types of movable, fixed and railroad bridges; as well as special structures. 2021 (“Our nation's critical infrastructure is dangerously vulnerable”, available online at <https://thehill.com/changing-america/opinion/544330-our-nations-critical-infrastructure-is-dangerously-vulnerable?amp>, Changing America is a subsidiary of the Hill)

The recent historic snowfall in Texas and the ensuing failure of the state's power grid have laid bare what we in the engineering industry have known for a long time - our nation's critical infrastructure is dangerously vulnerable to a wide range of threats. We must act quickly and comprehensively to make our infrastructure more resilient because those threats will only become more severe in the future.

While the focus right now is justifiably on the energy sector and the power grid, all of our nation's infrastructure systems - transportation, water, and power - are at risk from extreme weather. Climate change lies at the heart of this challenge, and to mitigate its effects, we must have robust investment to fund the design and construction of the resilient infrastructure our country needs.

As engineers, infrastructure is who we are. It is critically entwined in everything we do - from embracing smart cities, to establishing safe protocols in buildings for a post-COVID world, to preparing for the much needed Fourth Industrial Revolution. The need for resilience, sustainability, reliability, and flexibility will become even more vital as we move into the future.

As leaders in the engineering and design industry, we have both a stake in and a valuable perspective on the policy discussion on infrastructure. Moreover, we are a critical partner in the implementation of that policy and the repair and upgrading of all aspects of our physical infrastructure - including roads, bridges, freight rail, ports, electrical grids, and Internet provision. Each of these components is critical to the health of our physical and built environment.

Yet our expertise is worth nothing if the public sector clients we serve lack certainty from the federal government that there will be consistent, predictive funding in place to finance the infrastructure improvements we need. No designs will be drawn up and no dirt will be moved. It is imperative that our federal lawmakers act on a transformative infrastructure plan before the current law expires in September.

Investing now in a long-term infrastructure bill will pay dividends, not only to mitigate the effects of a changing climate, but to help our nation recover from the COVID-19 pandemic. Engineers play a substantial role in the health of the national economy. According to the ACEC Research Institute's Industry Impact Series of reports, the Engineering and Design Services sector currently employs 1.5 million Americans directly. Those employees and their companies collectively support another 3 million jobs in the various contracting and other firms with which they work. The Institute's latest study found that each new job created in the Engineering and Design Services industry indirectly creates two additional jobs in related sectors across the economy.

The data shows that investments in infrastructure that support engineering jobs pave the way for economic opportunity. What's more, the designs our industry creates help improve the built environment, making it more resilient to climate change. This is a win-win for society, creating a more equitable, environmentally sound, and prosperous built environment resulting in job creation and economic mobility. We look forward to working with policyholders, members of Congress, and the Biden-Harris Administration to develop sustainable solutions that benefit the country as a whole in the weeks ahead.

#### Loss of critical infrastructure causes extinction

Friedemann 16 (Alice Friedemann, transportation expert, founder of EnergySkeptic.com and author of “When Trucks Stop Running, Energy and the Future of Transportation,” worked at American Presidential Lines for 22 years, where she developed computer systems to coordinate the transit of cargo between ships, rail, trucks, and consumers, citing Dr. Peter Vincent Pry. Pry is executive director of the Task Force on National and Homeland Security, a Congressional advisory board dedicated to achieving protection of the United States from electromagnetic pulse and other threats. Dr. Pry is also the director of the United States Nuclear Strategy Forum, an advisory body to Congress on policies to counter weapons of mass destruction. Dr. Pry has served on the staffs of the Congressional Commission on the Strategic Posture of the United States, the Commission to Assess the Threat to the U.S. from an EMP Attack, the House Armed Services Committee, as an intelligence officer with the CIA, and as a verification analyst at the U.S. Arms Control and Disarmament Agency. 1-24-16, accessed 1/1/19 “Electromagnetic pulse threat to infrastructure (U.S. House hearings)” <http://energyskeptic.com/2016/the-scariest-u-s-house-session-ever-electromagnetic-pulse-and-the-fall-of-civilization/>)

Modern civilization cannot exist for a protracted period without electricity. Within days of a blackout across the U.S., a blackout that could encompass the entire planet, emergency generators would run out of fuel, telecommunications would cease as would transportation due to gridlock, and eventually no fuel. Cities would have no running water and soon, within a few days, exhaust their food supplies. Police, Fire, Emergency Services and hospitals cannot long operate in a blackout. Government and Industry also need electricity in order to operate. The EMP Commission warns that a natural or nuclear EMP event, given current unpreparedness, would likely result in societal collapse. Terrorists, criminals, and even lone individuals can build a non-nuclear EMP weapon without great trouble or expense, working from Unclassified designs publicly available on the internet, and using parts available at any electronics store. In 2000, the Terrorism Panel of the House Armed Services Committee sponsored an experiment, recruiting a small team of amateur electronics enthusiasts to attempt constructing a radiofrequency weapon, relying only on unclassified design information and parts purchased from Radio Shack. The team, in 1 year, built two radiofrequency weapons of radically different designs. One was designed to fit inside the shipping crate for a Xerox machine, so it could be delivered to the Pentagon mail room where (in those more unguarded days before 9/11) it could slowly fry the Pentagon’s computers. The other radiofrequency weapon was designed to fit inside a small Volkswagon bus, so it could be driven down Wall Street and disrupt computers— and perhaps the National economy. Both designs were demonstrated and tested successfully during a special Congressional hearing for this purpose at the U.S. Army’s Aberdeen Proving Ground. Radiofrequency weapons are not merely a hypothetical threat. Terrorists, criminals, and disgruntled individuals have used home-made radiofrequency weapons. The U.S. military and foreign militaries have a wide variety of such weaponry. Moreover, non-nuclear EMP devices that could be used as radiofrequency weapons are publicly marketed for sale to anyone, usually advertised as ‘‘EMP simulators.’’ For example, one such simulator is advertised for public sale as an ‘‘EMP Suitcase.’’ This EMP simulator is designed to look like a suitcase, can be carried and operated by one person, and is purpose-built with a high energy radiofrequency output to destroy electronics. However, it has only a short radius of effect. Nonetheless, a terrorist or deranged individual who knows what he is doing, who has studied the electric grid for a major metropolitan area, could—armed with the ‘‘EMP Suitcase’’— black out a major city. A CLEAR AND PRESENT DANGER. An EMP weapon can be used by state actors who wish to level the battlefield by neutralizing the great technological advantage enjoyed by U.S. military forces. EMP is also the ideal means, the only means, whereby rogue states or terrorists could use a single nuclear weapon to destroy the United States and prevail in the War on Terrorism or some other conflict with a single blow. The EMP Commission also warned that states or terrorists could exploit U.S. vulnerability to EMP attack for coercion or blackmail: ‘‘Therefore, terrorists or state actors that possess relatively unsophisticated missiles armed with nuclear weapons may well calculate that, instead of destroying a city or military base, they may obtain the greatest political-military utility from one or a few such weapons by using them—or threatening their use—in an EMP attack.’’ The EMP Commission found that states such as Russia, China, North Korea, and Iran have incorporated EMP attack into their military doctrines, and openly describe making EMP attacks against the United States. Indeed, the EMP Commission was established by Congress partly in response to a Russian nuclear EMP threat made to an official Congressional Delegation on May 2, 1999, in the midst of the Balkans crisis. Vladimir Lukin, head of the Russian delegation and a former Ambassador to the United States, warned: ‘‘Hypothetically, if Russia really wanted to hurt the United States in retaliation for NATO’s bombing of Yugoslavia, Russia could fire an SLBM and detonate a single nuclear warhead at high altitude over the United States. The resulting EMP would massively disrupt U.S. communications and computer systems, shutting down everything.’’ China’s military doctrine also openly describes EMP attack as the ultimate asymmetric weapon, as it strikes at the very technology that is the basis of U.S. power. Where EMP is concerned, ‘‘The United States is more vulnerable to attacks than any other country in the world’’: ‘‘Some people might think that things similar to the ‘Pearl Harbor Incident’ are unlikely to take place during the information age. Yet it could be regarded as the ‘Pearl Harbor Incident’ of the 21st Century if a surprise attack is conducted against the enemy’s crucial information systems of command, control, and communications by such means as… electromagnetic pulse weapons… Even a superpower like the United States, which possesses nuclear missiles and powerful armed forces, cannot guarantee its immunity…In their own words, a highly computerized open society like the United States is extremely vulnerable to electronic attacks from all sides. This is because the U.S. economy, from banks to telephone systems and from power plants to iron and steel works, relies entirely on computer networks… When a country grows increasingly powerful economically and technologically…it will become increasingly dependent on modern information systems… The United States is more vulnerable to attacks than any other country in the world.’’ Iran—the world’s leading sponsor of international terrorism—in military writings openly describes EMP as a terrorist weapon, and as the ultimate weapon for prevailing over the West: ‘‘If the world’s industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years… American soldiers would not be able to find food to eat nor would they be able to fire a single shot.’’ The threats are not merely words. The EMP Commission assesses that Russia has, as it openly declares in military writings, probably developed what Russia describes as a ‘‘Super-EMP’’ nuclear weapon—specifically designed to generate extraordinarily high EMP fields in order to paralyze even the best protected U.S. strategic and military forces. China probably also has Super-EMP weapons. North Korea too may possess or be developing a Super-EMP nuclear weapon, as alleged by credible Russian sources to the EMP Commission, and by open-source reporting from South Korean military intelligence. But any nuclear weapon, even a low-yield first generation device, could suffice to make a catastrophic EMP attack on the United States. Iran, although it is assessed as not yet having the bomb, is actively testing missile delivery systems and has practiced launches of its best missile, the Shahab–III, fuzing for high- altitude detonations, in exercises that look suspiciously like training for making EMP attacks. As noted earlier, Iran has also practiced launching from a ship a Scud, the world’s most common missile—possessed by over 60 nations, terrorist groups, and private collectors. A Scud might be the ideal choice for a ship-launched EMP attack against the United States intended to be executed anonymously, to escape any last-gasp U.S. retaliation. Unlike a nuclear weapon detonated in a city, a high-altitude EMP attack leaves no bomb debris for forensic analysis, no perpetrator ‘‘fingerprints.’’ Under present levels of preparedness, communications would be severely limited, restricted mainly to those few military communications networks that are hardened against EMP. Today’s microelectronics are the foundation of our modern civilization, but are over 1 million times more vulnerable to EMP than the far more primitive and robust electronics of the 1960s, that proved vulnerable during nuclear EMP tests of that era. Tests conducted by the EMP Commission confirmed empirically the theory that, as modern microelectronics become ever smaller and more efficient, and operate ever faster on lower voltages, they also become ever more vulnerable, and can be destroyed or disrupted by much lower EMP field strengths. Microelectronics and electronic systems are everywhere, and run virtually everything in the modern world. All of the civilian critical infrastructures that sustain the economy of the United States, and the lives of 310 million Americans, depend, directly or indirectly, upon electricity and electronic systems. Of special concern is the vulnerability to EMP of the Extra-High-Voltage (EHV) transformers, that are indispensable to the operation of the electric grid. EHV transformers drive electric current over long distances, from the point of generation to consumers (from the Niagara Falls hydroelectric facility to New York City, for example). The electric grid cannot operate without EHV transformers—which could be destroyed by an EMP event. The United States no longer manufactures EHV transformers. They must be manufactured and imported from overseas, from Germany or South Korea, the only two nations in the world that manufacture such transformers for export. Each EHV transformer must be custom-made for its unique role in the grid. A single EHV transformer typically requires 18 months to manufacture. The loss of large numbers of EHV transformers to an EMP event would plunge the United States into a protracted blackout lasting years, with perhaps no hope of eventual recovery, as the society and population probably could not survive for even 1 year without electricity. Another key vulnerability to EMP are Supervisory Control And Data Acquisition systems (SCADAs). SCADAs essentially are small computers, numbering in the millions and ubiquitous everywhere in the critical infrastructures, that perform jobs previously performed by hundreds of thousands of human technicians during the 1960s and before, in the era prior to the microelectronics revolution. SCADAs do things like regulating the flow of electricity into a transformer, controlling the flow of gas through a pipeline, or running traffic control lights. SCADAs enable a few dozen people to run the critical infrastructures for an entire city, whereas previously hundreds or even thousands of technicians were necessary. Unfortunately, SCADAs are especially vulnerable to EMP. EHV transformers and SCADAs are the most important vulnerabilities to EMP, but are by no means the only vulnerabilities. Each of the critical infrastructures has their own unique vulnerabilities to EMP: The National electric grid, with its transformers and generators and electronic controls and thousands of miles of power lines, is a vast electronic machine—more vulnerable to EMP than any other critical infrastructure. Yet the electric grid is the most important of all critical infrastructures, and is in fact the keystone supporting modern civilization, as it powers all the other critical infrastructures. As of now it is our technological Achilles Heel. The EMP Commission found that, if the electric grid collapses, so too will collapse all the other critical infrastructures. But, if the electric grid can be protected and recovered, so too all the other critical infrastructures can also be restored. Transportation is a critical infrastructure because modern civilization cannot exist without the goods and services moved by road, rail, ship, and air. Cars, trucks, locomotives, ships, and aircraft all have electronic components, motors, and controls that are potentially vulnerable to EMP. Gas stations, fuel pipelines, and refineries that make petroleum products depend upon electronic components and cannot operate without electricity. Given our current state of unpreparedness, in the aftermath of a natural or nuclear EMP event, transportation systems would be paralyzed. Traffic control systems that avert traffic jams and collisions for road, rail, and air depend upon electronic systems, that the EMP Commission discovered are especially vulnerable to EMP. Communications is a critical infrastructure because modern economies and the cohesion and operation of modern societies depend to a degree unprecedented in history on the rapid movement of information—accomplished today mostly by electronic means. Telephones, cell phones, personal computers, television, and radio are all directly vulnerable to EMP, and cannot operate without electricity. Satellites that operate at Low-Earth-Orbit (LEO) for communications, weather, scientific, and military purposes are vulnerable to EMP and to collateral effects from an EMP attack. Within weeks of an EMP event, the LEO satellites, which comprise most satellites, would probably be inoperable. Banking and finance are the critical infrastructure that sustain modern economies. Whether it is the stock market, the financial records of a multinational corporation, or the ATM card of an individual—financial transactions and record keeping all depend now at the macro- and micro-level upon computers and electronic automated systems. Many of these are directly vulnerable to EMP, and none can operate without electricity. The EMP Commission found that an EMP event could transform the modern electronic economy into a feudal economy based on barter. Food has always been vital to every person and every civilization. The critical infrastructure for producing, delivering, and storing food depends upon a complex web of technology, including machines for planting and harvesting and packaging, refrigerated vehicles for long-haul transportation, and temperature-controlled warehouses. Modern technology enables over 98 percent of the U.S. National population to be fed by less than 2 percent of the population. Huge regional warehouses that resupply supermarkets constitute the National food reserves, enough food to feed the Nation for 30–60 days at normal consumption rates, the warehoused food preserved by refrigeration and temperature control systems that typically have enough emergency electrical power (diesel or gas generators) to last only about an average of 3 days. Experience with storm-induced blackouts proves that when these big regional food warehouses lose electrical power, most of the food supply will rapidly spoil. Farmers, less than 2 percent of the population as noted above, cannot feed 310 million Americans if deprived of the means that currently makes possible this technological miracle. Water too has always been a basic necessity to every person and civilization, even more crucial than food. The critical infrastructure for purifying and delivering potable water, and for disposing of and treating waste water, is a vast networked machine powered by electricity that uses electrical pumps, screens, filters, paddles, and sprayers to purify and deliver drinkable water, and to remove and treat waste water. Much of the machinery in the water infrastructure is directly vulnerable to EMP. The system cannot operate without vast amounts of electricity supplied by the power grid. A natural or nuclear EMP event would immediately deprive most of the U.S. National population of running water. Many natural sources of water—lakes, streams, and rivers—would be dangerously polluted by toxic wastes from sewage, industry, and hospitals that would backflow from or bypass wastewater treatment plants, that could no longer intake and treat pollutants without electric power. Many natural water sources that would normally be safe to drink, after an EMP event, would be polluted with human wastes including feces, industrial wastes including arsenic and heavy metals, and hospital wastes including pathogens. Emergency services such as police, fire, and hospitals are the critical infrastructure that upholds the most basic functions of government and society—preserving law and order, protecting property and life. Experience from protracted storm-induced blackouts has shown, for example in the aftermath of Hurricanes Andrew and Katrina, that when the lights go out and communications systems fail and there is no gas for squad cars, fire trucks, and ambulances, the worst elements of society and the worst human instincts rapidly takeover. The EMP Commission found that, given our current state of unpreparedness, a natural or nuclear EMP event could create anarchic conditions that would profoundly challenge the existence of social order.

### 3

#### The Aff’s portrayal of a world with reduced IP protections as an “information commons” where high weed prices are solved by deregulation perpetuates the neoliberal myth of increased competition ensuring a perfect market **Kapczynski 14** [(Amy, a Professor of Law at Yale Law School, Faculty Co-Director of the Global Health Justice Partnership, and Faculty Co-Director of the Collaboration for Research Integrity and Transparency. She is also Faculty Co-Director of the Law and Political Economy Project and cofounder of the Law and Political Economy blog. Her areas of research include information policy, intellectual property law, international law, and global health.) “INTELLECTUAL PROPERTY’S LEVIATHAN” Duke Law, Law & Contemporary problems, 2014. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4710&context=lcp>] BC

Over the last decade or so, a powerful set of critiques has emerged to contest the dominant account just sketched out as well as the contemporary state of IP law.12 These arguments have come from many directions, some even arising from scholars who previously were champions of the dominant account.13 The most prominent and potent line of theoretical critique in the legal literature has come in the guise of arguments for free culture and the “information commons” and has been most influentially articulated by Lawrence Lessig and Yochai Benkler.14 Both have stressed the problems with expansive exclusive rights regimes in information and have also sketched a set of actually existing alternatives to market-based exclusionary forms of information and cultural production. Lessig has written a series of influential books that have made him a “rock star of the information age,”15 particularly for young Internet and free-culture activists. He has argued powerfully, for example, that existing copyright law is in deep conflict with the radical new possibilities for creativity in the digital age. As he points out, when a mother posting a video of her toddler dancing to a Prince song on YouTube is threatened with a $150,000 fine for copyright infringement, something has gone seriously awry.16 Lessig also contends that copyright law today is too long, too expansive, and instantiates a “permission culture” that is antithetical to free expression in the age of the remix.17 As he puts it, “the Internet has unleashed an extraordinary possibility for many to participate in the process of building and cultivating a culture that reaches far beyond local boundaries,” creating the possibility of markets that “include a much wider and more diverse range of creators,” if not stifled by incumbents who use IP law to “protect themselves against this competition.”18 Benkler’s work has also been extraordinarily formative in the field, particularly for his insights into the multiplicity of modes of information production. As he has stressed, the conventional justification for IP does not account for the many successful and longstanding modes of market nonexclusionary information production.19 For example, attorneys write articles to attract clients, software developers sell services customizing free and opensource software for individual clients, and bands give music away for free to increase revenues from touring or merchandise.20 More pathbreaking still is Benkler’s account of the importance of “commons-based peer production,” a form of socially motivated and cooperative production exemplified by the volunteer network that maintains Wikipedia or the groups of coders who create open-source software products such as the Linux operating system.21 In the digital networked age, as Benkler describes, the tools of information production are very broadly distributed, “creating new opportunities for how we make and exchange information, knowledge, and culture.”22 These changes have increased the relative role in our information economy of nonproprietary production and facilitate “new forms of production [that] are based neither in the state nor in the market.”23 Because commons-based peer production is not hierarchically organized and is motivated by social dynamics and concerns, it also offers new possibilities for human development, human freedom, a more critical approach to culture, and more democratic forms of political participation.24 This line of critique has been profoundly generative and has helped launch an important new conceptualization of the commons as a paradigm. That paradigm, as a recent book puts it, “helps us ‘get outside’ of the dominant discourse of the market economy and helps us represent different, more wholesome ways of being.”25 Proponents of the commons concept draw upon contemporary articulations of successful commons-based resource management by Elinor Ostrom and her followers.26 They do mobilize retellings of the political and economic history of the commons in land in Europe before enclosure,27 and recent evidence from psychology and behavioral economics that suggests that humans have deep tendencies toward cooperation and reciprocation.28 They argue that A key revelation of the commons way of thinking is that we humans are not in fact isolated, atomistic individuals. We are not amoebas with no human agency except hedonistic “utility preferences” expressed in the marketplace. No: We are commoners—creative, distinctive individuals inscribed within larger wholes. We may have unattractive human traits fueled by individual fears and ego, but we are also creatures entirely capable of self-organization and cooperation; with a concern for fairness and social justice; and willing to make sacrifices for the larger good and future generations.29 This stands, of course, as a powerful rebuke to the neoliberal imaginary, which “constructs and interpellates individuals as . . . rational, calculating creatures whose moral autonomy is measured by their capacity for ‘self-care’— the ability to provide for their own needs and service their own ambitions.”30 III Given this radical—and, in my view, critically important—attempt to rethink the subject at the core of neoliberal accounts, it is all the more striking that proponents of the commons often appear to adopt a neoliberal image of the state. For example, the introduction to a recently edited volume that gathers writings on the commons from seventy-three authors in thirty countries (entitled, tellingly, The Wealth of the Commons: A World Beyond Market and State) has this to say: The presumption that the state can and will intervene to represent the interests of citizens is no longer credible. Unable to govern for the long term, captured by commercial interests and hobbled by stodgy bureaucratic structures in an age of nimble electronic networks, the state is arguably incapable of meeting the needs of citizens as a whole.31 The commons, they suggest, is a concept that seeks not only to liberate us from predatory and dysfunctional markets, but also from predatory and dysfunctional states. Something immediately seems incongruous here. If people are inherently cooperative reciprocators, why are states irredeemably corrupt? After all, as Harold Demsetz famously wrote in his 1967 attack on Arrow’s optimism about state production of information, “[g]overnment is a group of people.”32 Lessig, one of the progenitors of the language of the commons in the informational domain, often leads with a similar view of the state: [I]f the twentieth century taught us one lesson, it is the dominance of private over state ordering. Markets work better than Tammany Hall in deciding who should get what, when. Or as Nobel Prize-winning economist Ronald Coase put it, whatever problems there are with the market, the problems with government are more profound.33 Lessig reveals his own sense of the power of this conception of the state when he seeks to tar IP law with the same brush; we should rebel against current IP law, he suggests, because we should “limit the government’s role in choosing the future of creativity.”34 Benkler is more measured but admits as well to viewing the state as “a relatively suspect actor.”35 We should worry, he suggests, that direct governmental intervention “leads to centralization in the hands of government agencies and powerful political lobbies,”36 a view that echoes the neoliberal account described above. It should perhaps not surprise us that leading critics of neoliberal information policy embrace a neoliberal conception of the state. After all, neoliberalism is not merely an ideology, but also a set of policy prescriptions that may have helped to call forth the state that it has described. As David Harvey puts it, “[t]he neoliberal fear that special-interest groups would pervert and subvert the state is nowhere better realized than in Washington, where armies of corporate lobbyists . . . effectively dictate legislation to match their special interests.”37 There are, it must be said, few areas of law that better exemplify this problem than IP law. For example, Jessica Litman has documented the astonishing process through which the 1976 Copyright Act was drafted, in which Congress delegated most of the drafting to interest groups that were forced to negotiate with one another.38 Other scholars have offered similarly startling accounts of the genesis of the most important IP treaty today, the TradeRelated Aspects of Intellectual Property Rights (TRIPS) Agreement. TRIPS came into force in 1996, revolutionizing international IP law by both imposing new standards and by rendering them enforceable through the WTO’s disputeresolution system, which authorizes trade retaliation to enforce its judgments. Most countries in the world are members of TRIPS, and the Agreement introduced, for developing countries in particular, substantial new obligations, such as the obligation to grant patents on medicines and food-related inventions. Several excellent histories of the treaty have been written, documenting its beginnings as a brash idea proposed by “twelve chief executive officers (representing pharmaceutical, entertainment, and software industries).”39 As Susan Sell has described, the TRIPS Agreement was a triumph of industry organizing. Through TRIPS, Industry revealed its power to identify and define a trade problem, devise a solution, and reduce it to a concrete proposal that could be sold to governments. These private sector actors succeeded in getting most of what they wanted from a global IP agreement, which now has the status of public international law.

#### Attempts to reform the WTO are neoliberal attempts to sustain the US regime of accumulation – the contradictions of neoliberalism are why credibility is low, not IP protection

Bachand 20 [(Remi, Professor of International Law, Département des sciences juridiques, member of the Centre d’études sur le droit international et la mondialisation (CÉDIM), Université du Québec à Montréal, Canada) “What’s Behind the WTO Crisis? A Marxist Analysis” The European Journal of International Law, 8/12/2020. https://academic.oup.com/ejil/article-abstract/31/3/857/5920920?redirectedFrom=fulltext] BC

To offer our own explanation, we must recall two aspects of our theoretical framework. The first is Robert Cox’s claim113 that the function of international organizations is to ensure the creation and reproduction of hegemony. To be more accurate, they serve, if we follow his argument, to defend and to expand the ‘mode of production’ (we elected to substitute this term for the concept of ‘regime of accumulation’ that appears to be more appropriate for our means) of the dominant social classes of the dominant state. Joining this idea with the école de la régulation and social structure of accumulation theory writing114 according to which a regime of accumulation needs some regulation institutions to help resolve its contradictions (and ensure profits and capital accumulation to dominant social classes), we can conclude that the Geneva organization’s function in the US hegemonic order is to make sure that neoliberalism works well enough to provide a satisfying rate of profit for US capitalists. Going in that direction, Kristen Hopewell shows that the WTO’s creation participated in a shift in global governance from ‘embedded liberalism’ to neoliberalism115 and was slated to be an important part of that governance. Using the conceptual framework developed earlier, we can infer that the WTO was thus given a regulation function that was to ensure the operationalization of counteracting factors to the fall of the rate of profit for US capitalists. Now, as we have seen, the US rate of profit has been extremely unstable in the last two decades and Chinese expansion (and that of other ‘emerging countries’) allows one to predict that the situation could easily worsen in the future. Consequently, it should come as no surprise that the crisis that has been striking neoliberalism for the last 20 years may also result in a crisis of the organizations that are supposed to manage its contradictions, especially the WTO. Concretely, this organization seems unable to fulfil its regulatory function anymore, which is to ensure US capitalists a good rate of profit and opportunities to operationalize enough counteracting factors to negate its fall. To go further, we now need to return to Stephen Gill’s claim that the function of an international organization is to limit political and economic possibilities. It is to exclude, in other words, options that are incompatible with the social order promoted by the hegemon from what is possible and achievable.116 Effectively, the WTO was created to play such a role. Indeed, promoting liberalization of goods and services, protecting (notably intellectual) property rights and attacking subsidies (in non-agriculture sectors), just to give a few examples, all serve to severely reduce state interventions into the economy and to circumscribe or at least to strongly impede the turn towards an alternative model to neoliberalism

#### Neoliberalism rips apart communal bonds to maintain the illusion that structural inequalities are individual problems – the impact is systemic victim-blaming, poverty, and violence.

Smith 12 [(Candace, author for Societpages, cites Bruno Amable, Associate Professor of Economics at Paris School of Economics) “Neoliberalism and Individualism: Ego Leads to Interpersonal Violence?” Sociology Lens is the associated site for Sociology Compass, Wiley-Blackwell’s review journal on all fields sociological] AT

There appears to be a link between neoliberalism, individualism, and violence. In reference to the association between neoliberalism and individualism, consider neoliberalism’s insistence that we do not need society since we are all solely responsible for our personal well-being (Peters 2001; Brown 2003). From a criminological standpoint, it is not hard to understand how this focus on the individual can lead to violence. According to Hirschi’s (1969) social control theory, for instance, broken or weak social bonds free a person to engage in deviancy. Since, according to this theory, individuals are naturally self-interested, they can use the opportunity of individualization to overcome the restraining powers of society. Bearing in mind neoliberalism’s tendency to value the individual over society, it could be argued that this ideology is hazardous as it acts to tear apart important social bonds and to thereby contribute to the occurrence of ego-driven crimes, including violent interpersonal crimes. Such a thought suggests that as neoliberalism becomes more prominent in a country, it can be expected that individualism and, as a result, interpersonal violence within that country will increase. When it comes to individualization, this idea is one of the fundamental aspects of neoliberalism. In fact, Bauman (2000:34) argues that in neoliberal states “individualization is a fate, not a choice.” As Amable (2011) explains, neoliberals have realized that in order for their ideology to be successful, a state’s populace must internalize the belief that individuals are only to be rewarded based on their personal effort. With such an ego-driven focus, Scharff (2011) explains that the process of individualization engenders a climate where structural inequalities are converted into individual problems.

#### The alt is to reject the aff in favor of a critique that cultivates educated hope - evaluate the aff and alt on the level of ideological commitments – these policies won’t happen which takes out consequentialism good offense – BUT until we unlearn the assumption that getting government out of the way will let markets flourish and solve all our problems, we'll never be able to engage in robust, communitarian policymaking that truly centers human need and our obligations to others. Wilson 17:

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New Stories for New Worlds As we will see in our mapping of the neoliberal conjuncture, competition's totalizing yet tenuous power over our everyday lives is rooted in what Keating calls “status quo stories”—those stories that get told in popular culture, and that we often tell ourselves, which cement our relationship to our present conjuncture and our investment in the world as we currently know it. She explains: Generally spoken with great certainty, these and similar comments (commands, really) reflect unthinking affirmation of the existing reality and a stubborn, equally unthinking resistance to change. Because we believe that our status-quo stories represent accurate factual statements about ourselves, other people, and the world, we view them as permanent, unchanging facts. This belief in the status-quo's permanence becomes self-fulfilling: We do not try to make change because change is impossible to make. “It's always been that way,” we tell ourselves, “so why waste our energy trying to change things?” “People are just like that-it's human nature, so plan accordingly and alter your expectations! There's no point in trying to change human nature!" Status-quo stories trap us in our current circumstances and conditions; they limit our imaginations because they prevent us from envisioning alternate possibilities.10 Status-quo stories double down on reality, making it seem like those socially constructed forces impinging on us are natural rather than historical, political, and subject to change. “Status-quo stories have a numbing effect,” Keating writes. “When we organize our lives around such stories or in other ways use them as ethical roadmaps or guides, they prevent us from extending our imaginations and exploring additional possibilities."11 One of my students aptly described neoliberal culture as a “status-quo storytelling machine.” To keep us living in competition, neoliberalism generates a host of status-quo stories about the naturalness and inevitability of self-enclosed individualism. Indeed, we might say that self-enclosed individualism operates as the foundational status quo story of neoliberal culture, where competition has become synonymous with all of life. Self-enclosed individualism keeps us not only divided from one another, but also actively pitted against each other. We are stuck in an oppositional consciousness that refuses to acknowledge our social interconnections, even though, as our shared anxieties suggest, we've never had more in common than right now! No matter where we are or what we're doing, neoliberal culture encourages us to see each other through a competitive lens that makes the transformation of our social world, and ourselves, impossible. We become incapable of acknowledging how our fortunes and fates are entwined with those of others who are living very different realities. We become callous and hardened to the suffering of others. We see suffering and death everywhere, and while this might register as bad or wrong or upsetting, we nonetheless stay stuck within the horizons of our own self-enclosed bubbles. The devastating powers of status-quo stories are clear in so many of the conversations we have on college campuses about power, privilege, and difference. In fact, I started teaching courses on neoliberal culture to help my students understand the broader histories and contexts that were impinging on these conversations and making them so fraught, and ultimately so unproductive. Time and time again, in open community forums and classroom discussions of systemic inequalities, I watched students voice painful personal experiences only to get nowhere. Indeed, when asked to consider various forms of privilege, many of my white, male students get defensive. The idea that they haven't earned their place through their own decisions and hard work, but rather benefited from inherited wealth and opportunity, means that they are not good people from the perspective of neoliberalism. Talking about issues of privilege threatens to diminish their sense of self and individual value, so they recoil from conversations that ask them to see their place within broader legacies of settler colonialism, patriarchy, and capitalism. Accordingly, they hold on tight to status-quo stories of self-enclosed individualism to protect themselves, doubling down on their privilege to secure their status in a competitive world. However, it is important to see that status-quo stories of self- enclosed individualism also inform my students from historically oppressed and marginalized groups. These students suffer daily: they live in an environment that professes to celebrate “diversity,” while, in the context of their own lives, they are reminded again and again just how much they don't belong or matter. Not surprisingly, they demand “safe spaces” and protection for themselves and their peers, and they often draw hard lines between allies and enemies. Here too though, we see neoliberal stories at work. What matters for my students, and rightly so, is the way that “microaggressions”—those daily, mundane experiences of discrimination that accumulate over time-diminish their own capacities for flourishing as self-enclosed individuals. My point here is not to suggest that privileged students and marginalized students are the same because they are both invested in a version of self-enclosed individualism. Rather, my point is they share a situation; despite their different and unequal social positions, they have similar feelings-of defensiveness and a fear of failure—and status-quo stories in common. These commonalities do not imply evenness or equality, but rather interconnection, that is, a shared conjuncture. It is the recognition of this conjunctural interconnection that can thread our lives together and open up possibilities for more egalitarian futures. However, living in competition and the oppositional consciousness it demands obscure these commonalities and the interconnections that could bring students into new relations with one another. As a result, we stay caught up in the world as we know it. We stay stuck in competition, even though we all are yearning for different worlds. We desperately need new stories, stories that offer us different pathways to each other. As Keating puts it, we need stories that help us move from “me” to “we” consciousness.12 However, this book is not going to write these new stories for you. Rather, the goal of this book is to provide you with the resources for writing these new stories in and through your own lives. The Work of Critique Ultimately, writing new stories will require a new sense of yourself and your world, as well as what is possible, and realizing this new sense will require, first and foremost, cultivating a deeply critical orientation toward the world as we currently know and experience it. This critical orientation dislodges the sense of inevitability of neoliberalism, self-enclosed individualism, and living in competition; it knows that things don't have to be this way and, thus, senses the possibilities for resistance and transformation that are everywhere. It is so crucial to understand that this critical orientation is not simply about saying that aspects of neoliberal culture are “bad” or "wrong.” Rather, the work of critique is about seeing the flows of power and ways of thinking that make the neoliberal conjuncture possible and hold it together. Critique is therefore a mode of knowing—a form of everyday intellectual work—that is aimed at exposing the myriad workings of power and its status-quo stories. As Michel Foucault explains, “A critique is not a matter of saying that things are not right as they are. It is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest.”13 To clarify Foucault's idea, let's think back to the student discussions of power and privilege discussed above. The work of critique is not simply about pointing out privilege, although this is, of course, vital work. The work of critique goes beyond pointing out what's wrong and seeks to unravel the socially constructed conjuncture in which these problems emerge and get negotiated. For only then can we step outside of the competitive, oppositional consciousness of neoliberal culture and begin to imagine a radically different future built on equality and shared security. This work of dislodging the inevitability of our conjuncture and its status-quo stories is hard but vital intellectual work that requires not only critique of our social world, but also transformation of ourselves. Indeed, truly critical work is always profoundly disruptive of our own identities and knowledges. This work can be immensely painful, as it strips away the certainty and comfort provided by status-quo stories. This work can also be, and should be, immensely joyful and life-giving, as it enables us to free ourselves from the status-quo stories and devastating limitations they put on our lives, imaginations, and social relationships. This mix of pain and joy at the heart of critical work comes from the way that critique asks us to “lose confidence” in our world. As feminist theorist Sara Ahmed writes, Losing confidence: it can be a feeling of something gradually going away from you, being eroded. You sense the erosion. You might stumble, hesitate, falter; things might gradually unravel so you end up holding onto the barest of threads. It might be an experience in the present that throws things up, throws you off balance.... When you lose confidence it can feel like you are losing yourself: like you have gone into hiding from yourself.4 Losing confidence in your world is thus a form of existential crisis —you are disoriented; your world is shattered. At the same time, losing confidence in status-quo stories means gaining confidence for resistance and transformation. We become bolder, less anxious, more optimistic, capable of social interconnection, political intervention, and acting on and from a place of commonality. This is real freedom. Critique is ultimately about unlearning our world so that we might reconstruct it anew. Losing confidence in neoliberal culture means being able to say no to it in the conduct of our daily lives. In these capacities for resistance, we gain confidence that another world might actually be better, worth opening ourselves up to, worth fighting for. We begin to cultivate what Henry Giroux calls educated hope. Educated hope is not “a romanticized and empty” version of hope; rather, it is a form of hope enabled by critique that “taps into our deepest experiences and longing for a life of dignity with others, a life in which it becomes possible to imagine a future that does not mimic the present.” With educated hope, our sense of who we are and of what might be possible shifts in profound ways. This is when those new worlds we are longing for open up. What’s to Come Each of the chapters that follow offer a variety of intellectual tools for mapping the neoliberal conjuncture. Taken together, they are designed to produce a holistic and thick understanding of neoliberalism and its myriad powers to shape our identities, sensibilities, social worlds, and political horizons. Having a thick understanding of neoliberalism means that you feel in your bones that there is nothing natural or inevitable about neoliberalism and its status-quo stories. It means that you understand that neoliberalism is the outcome of a range of contingent historical processes that have consequences across social, political, economic, and cultural fields. In other words, by the end of our journey, you'll know how our neoliberal conjuncture has been, and continues to be, constructed. You'll also, therefore, be able to sense the other worlds on the horizon that are just waiting to be constructed, so long as, together, we can develop the resources, capacities, and stories of interconnection for bringing them into being. More specifically, the book is divided into two sections. The first section, titled “Critical Foundations,” focuses on cultivating a broad, critical orientation toward neoliberal culture. The first chapter charts the rise of neoliberal hegemony through four historical phases. The goal is to illustrate exactly how competition came to be the driving cultural force in our everyday lives. As we will see, there is nothing natural or inevitable about neoliberalism. It was a political and class-based project to remake capitalism and liberal democracy that was conceived, organized for, and eventually won. In the second chapter, we delve into the world of neoliberal theory and its critical consequences. Here we'll explore exactly what neoliberal thinkers believe about the state, markets, and human actors, and what distinguishes neoliberalism from earlier schools of liberal thought. We'll also interrogate what I call the four Ds—disposability, dispossession, disimagination, and de- democratization—which, taken together, enable us to clearly see and articulate what is so devastating about the rise of neoliberalism. The third chapter examines the cultural powers specific to neoliberalism. Neoliberalism advances through culture, specifically through the promotion of an enterprise culture that works to impose competition as a norm across all arenas of social life. In order to see and specify how neoliberalism works through culture, we take contemporary education as a case study and unpack the entangled cultural powers of neoliberal governmentality, affect, and ideology. The second section is titled “Neoliberal Culture.” In these chapters, we explore the worlds of neoliberal labor, affect, and politics respectively, tracing what happens when our everyday lives as workers, individuals, and citizens become organized around living in competition. The fourth chapter examines how neoliberalism turns everyday life into a “hustle,” where all the contexts of daily life become animated by the demands of neoliberal labor. At stake here are the ways in which we are all hustling to get by, yet we stay radically divided from one another along lines of gender, race, and class thanks to the norm of self- enterprise. The next chapter hones in on what it feels like to inhabit enterprise culture by exploring neoliberal affect and the care of the self. As we already know, living in competition breeds widespread anxiety, not to mention depression and illness, making self-care an ongoing, pressing problem of everyday life. While neoliberal culture offers us plenty of tools for self-care that ultimately keep us stuck in our self-enclosed individualism, this chapter also considers how self-care might be a site for resistance and political intervention. The final chapter focuses on neoliberal politics, tracing what happens to citizenship and social action in our contemporary conjuncture. As we'll see, neoliberalism privatizes our political horizons by remaking democracy into a market competition for visibility and equality. Throughout this mapping of the neoliberal conjuncture, we will engage in a mode of critical work that will, hopefully, enable you to unlearn neoliberalism and thus begin to write new stories about our conjuncture—including both our commonalities and differences—and the alternative worlds we are yearning for. Indeed, our critical work will only matter to the extent that it opens up our individual and collective horizons to a future beyond living in competition.

### 4

#### Interpretation: medicines is a generic bare plural. The aff may not defend that member nations of the World Trade Organization reduce intellectual property protections for a subset of medicines.

Nebel 19 Jake Nebel [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs.] , 8-12-2019, "Genericity on the Standardized Tests Resolution," Briefly, https://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/ SM

Both distinctions are important. Generic resolutions can’t be affirmed by specifying particular instances. But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions. Bare plurals are typically used to express generic generalizations. But there are two important things to keep in mind. First, generic generalizations are also often expressed via other means (e.g., definite singulars, indefinite singulars, and bare singulars). Second, and more importantly for present purposes, bare plurals can also be used to express existential generalizations. For example, “Birds are singing outside my window” is true just in case there are some birds singing outside my window; it doesn’t require birds in general to be singing outside my window. So, what about “colleges and universities,” “standardized tests,” and “undergraduate admissions decisions”? Are they generic or existential bare plurals? On other topics I have taken great pains to point out that their bare plurals are generic—because, well, they are. On this topic, though, I think the answer is a bit more nuanced. Let’s see why. 1.1 “Colleges and Universities” “Colleges and universities” is a generic bare plural. I don’t think this claim should require any argument, when you think about it, but here are a few reasons. First, ask yourself, honestly, whether the following speech sounds good to you: “Eight colleges and universities—namely, those in the Ivy League—ought not consider standardized tests in undergraduate admissions decisions. Maybe other colleges and universities ought to consider them, but not the Ivies. Therefore, in the United States, colleges and universities ought not consider standardized tests in undergraduate admissions decisions.” That is obviously not a valid argument: the conclusion does not follow. Anyone who sincerely believes that it is valid argument is, to be charitable, deeply confused. But the inference above would be good if “colleges and universities” in the resolution were existential. By way of contrast: “Eight birds are singing outside my window. Maybe lots of birds aren’t singing outside my window, but eight birds are. Therefore, birds are singing outside my window.” Since the bare plural “birds” in the conclusion gets an existential reading, the conclusion follows from the premise that eight birds are singing outside my window: “eight” entails “some.” If the resolution were existential with respect to “colleges and universities,” then the Ivy League argument above would be a valid inference. Since it’s not a valid inference, “colleges and universities” must be a generic bare plural. Second, “colleges and universities” fails the upward-entailment test for existential uses of bare plurals. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; it cannot plausibly be generic in the isolated case but existential in the resolution.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals. Third, “colleges and universities” fails the adverb of quantification test for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universities generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that “colleges and universities” is generic rather than existential in the resolution. Fourth, it is extremely unlikely that the topic committee would have written the resolution with the existential interpretation of “colleges and universities” in mind. If they intended the existential interpretation, they would have added explicit existential quantifiers like “some.” No such addition would be necessary or expected for the generic interpretation since generics lack explicit quantifiers by default. The topic committee’s likely intentions are not decisive, but they strongly suggest that the generic interpretation is correct, since it’s prima facie unlikely that a committee charged with writing a sentence to be debated would be so badly mistaken about what their sentence means (which they would be if they intended the existential interpretation). The committee, moreover, does not write resolutions for the 0.1 percent of debaters who debate on the national circuit; they write resolutions, at least in large part, to be debated by the vast majority of students on the vast majority of circuits, who would take the resolution to be (pretty obviously, I’d imagine) generic with respect to “colleges and universities,” given its face-value meaning and standard expectations about what LD resolutions tend to mean.

#### It applies to medicines:

#### Upward entailment test – spec fails the upward entailment test because saying that nations ought to reduce IPP for one medicine does not entail that those nations ought to reduce IPP for all medicines

#### Adverb test – adding “usually” to the res doesn’t substantially change its meaning because a reduction is permanent

#### Vote neg:

#### Semantics outweigh:

#### T is a constitutive rule of the activity and a basic aff burden – they agreed to debate the topic when they came here

#### Jurisdiction – you can’t vote aff if they haven’t affirmed the resolution

#### It’s the only stasis point we know before the round so it controls the internal link to engagement – there’s no way to use ground if debaters aren’t prepared to defend it

#### Limits – there are countless affs accounting for thousands of medicines – unlimited topics incentivize obscure affs that negs won’t have prep on – limits are key to reciprocal prep burden – potential abuse doesn’t justify foregoing the topic and 1AR theory and functional limits checks PICs

#### There are over 20,000 affs

FDA 11/18 [(U.S. Food and Drug Administration, federal agency of the Department of Health and Human Service) “Fact Sheet: FDA at a Glance,” 11/18/2020] JL

There are over 20,000 prescription drug products approved for marketing.

FDA oversees over 6,500 different medical device product categories.

There are over 1,600 FDA-approved animal drug products.

There are about 300 FDA-licensed biologics products.

#### Ground – spec guts core generics like innovation that rely on reducing IP for all medicines because individual medicines don’t affect the pharmaceutical industry broadly – also means there is no universal DA to spec affs

#### TVA solves – read as an advantage to whole rez

#### Paradigm issues:

#### Drop the debater on fairness and education – their abusive advocacy skewed the debate from the start

#### Competing interps – reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation

#### Comes before 1AR theory – NC abuse is responsive to them not being topical

# CASE

#### TURN: - patents force innovators to develop new strains that aren’t patented

#### Temporary non-enforcement means it doesn’t solve – companies aren’t going to start building up production capacity if they know they’re going to get sued soon

#### the danger of cartels is

#### From the Cato institute and celebrating CBP getting more money

#### describing a problem that is declining (they’re in a double bind — either legalization is coming now, ending this problem once and for all, or legalization will not happen and so patents will not apply/be upheld under TRIPS

#### turn to Lauria 17 - those expert scientists should be growing vegetables, not cannabis - our best science will be reallocated to making marijuana water-efficient and not, actual vegetables

#### another turn: growing MORE cannabis uses MORE water even if cannabis is more efficient than other plants - if the plan is true and growing cannabis increases, net water use increases too, what incentive do growers have to share their techniques with other farmers

#### another turn: if it’s true that patents mean that corporations gain a monopoly on growing cannabis, those corporations probably have the resources to invest in this top-level tech

#### Non-UQ: Innovation high for cannabis right now. Kamps et al 20:

Matt Kamps, Nicole Bashor, Steve Levine {Matt Kamps is an attorney in Husch Blackwell LLP’s Chicago office and is a member of the firm’s cannabis and intellectual property teams. In addition to his legal practice, he is earning his master’s degree in medical cannabis sciences and therapeutics from the University of Maryland School of Pharmacy. Nicole Bashor is a Chicago-based partner with Husch Blackwell LLP focusing on intellectual property. Steven Levine is a partner in Husch Blackwell’s Denver office, where he leads the firm’s national cannabis, marijuana and CBD and industrial hemp practices., }, 20 - ("Innovation on the rise," Marijuana Venture, 10-26-2020, https://www.marijuanaventure.com/innovation-patents/)//marlborough-wr/

Last year [we looked at a decade’s worth of cannabis-centric](https://www.law360.com/articles/1206064/the-number-of-cannabis-centric-patents-is-getting-high) patent data to identify and analyze U.S. patent trends in the cannabis industry. Given the increasing number of states legalizing cannabis in some form, coupled with the [passage of the Farm Bill in late 2018](https://www.marijuanaventure.com/hemp-laws-remain-murky-despite-the-2018-farm-bill/), it was unsurprising we discovered a record number of cannabis-centric patents issued and patent applications published in 2019. Fast forward a year, and we find ourselves in the thick of a presidential race and a [once-in-a-century global health crisis](https://www.marijuanaventure.com/take-steps-to-flatten-covid-19/), events — and the outcomes of which — will likely have profound impacts on the cannabis industry, and thereby cannabis-centric intellectual property. With that as the backdrop, we examined the patent data for 2020 to see if the numbers of cannabis-centric patents and applications are continuing to rise at a record-breaking pace. We also analyzed a representative sample of recently published cannabis-centric patents and applications to give readers a sense of the inventive subject matter applicants are seeking to protect. Finally, we will discuss how the current political landscape could impact the cannabis industry. Patent and Application Trends in 2020 The numbers are clear: Even with approximately three months left in the year, 2020 had already seen a record number of cannabis-centric patents and applications issued and published, respectively. There were 190 cannabis-centric patents issued as of September 22, 2020, eclipsing the record 176 that issued in all of 2019. If that rate holds steady until the end of the year, we expect 262 cannabis-centric patents to issue by the year’s end — a 49% increase from 2019. Regarding cannabis-centric patent applications, 445 were published as of September 22, 2020, eclipsing the record 405 that published in 2019. If that rate holds steady until the end of the year, we would expect 614 cannabis-centric applications to publish by the year’s end — a 52% increase over last year. What is Being Patented? The scope and variety of recent cannabis-centric inventions is unquestionably large. Recently patented inventions in the cannabis realm range from methods of treating epilepsy by administering compositions comprising the cannabinoids CBDV and [CBD](https://www.marijuanaventure.com/fda-statement-cbd-is-not-gras-for-use-in-food/) in certain ratios (U.S. Patent 10,729,665) to methods of preparing purified cannabis extracts enriched in cannabinol (U.S. Patent 10,702,565) to methods of reducing the harmful effects of tobacco by administering tobacco and an isolated cannabinoid such as THC or CBD (U.S. Patent 10,702,565). Recently published cannabis-centric patent applications offer a preview of what inventions may be patented in the near future, including cannabis beverage spikers (2020/0008606), methods for making coffee products containing cannabis ingredients (2020/0060305) and novel cannabis cultivars, extracts from the same and methods of using the same to treat cancer (2020/0197461). Impact of the Political Landscape Two very different candidates are vying for the presidency, each with unique views on the cannabis industry. While President Donald Trump signed the 2018 Farm Bill into law, which (ostensibly) [legalized industrial hemp](https://www.federalregister.gov/documents/2020/08/21/2020-17356/implementation-of-the-agriculture-improvement-act-of-2018), his administration has taken a number of anti-cannabis measures such as rescinding the Cole Memo, the Obama-era guidelines which essentially advised federal prosecutors to not prosecute state-legal cannabis activity, and employing high-profile staff that staunchly oppose federal cannabis reform. Moreover, Trump has not offered any sign that his administration — should he win a second term — [would endorse or pursue cannabis reform](https://www.marijuanamoment.net/where-president-trump-stands-on-marijuana) at the federal level. Conversely, the Democratic candidates, former Vice President Joe Biden and Senator Kamala Harris, explicitly endorse federal cannabis reform. Harris recently stated that a Biden-Harris administration would [work to decriminalize marijuana use and expunge certain marijuana-related convictions](https://www.marijuanamoment.net/kamala-harris-says-biden-admin-wont-half-step-marijuana-reform-but-pledges-mere-decrim). Prior to winning the Democratic nomination, Biden [endorsed rescheduling marijuana](https://www.leafly.com/news/politics/2020-presidential-candidates-marijuana-positions) from a Schedule I to a Schedule II controlled substance, while Harris has [endorsed legalizing marijuana for adult use](https://www.forbes.com/sites/emilyearlenbaugh/2020/08/18/kamala-harris-controversial-cannabis-history-is-making-wavesheres-where-she-stands-now). At a minimum, cannabis appears more likely to become significantly less illicit (if not entirely legal), more accessible and easier to study if Biden prevails in the November election. Outside of the executive branch, the Democratic-controlled House of Representatives recently [decided to delay a floor vote on the MORE Act](https://www.law360.com/articles/1311426) until after the election to allow the House to focus on passing a COVID relief package. The MORE Act “would remove marijuana as a Schedule I drug and fund a suite of restorative justice programs for those negatively affected by its criminalization, allowing states to create their own policies without federal interference.” Notably, Harris has introduced the MORE Act’s companion bill in the Senate. Finally, and regardless who wins the presidency or which party controls Congress, cannabis [legalization is on the ballot in several states](https://www.leafly.com/news/politics/2020-marijuana-legalization-voter-guide). Arizona, Montana, New Jersey and South Dakota residents will vote whether to legalize adult-use cannabis, and Mississippi and South Dakota residents will vote whether to legalize medical cannabis. The potential impact on the cannabis industry if one or more of the aforementioned states legalize cannabis — particularly the more populous states Arizona and New Jersey — cannot be understated: It would reinforce that cannabis legalization is increasingly popular with Americans, all but assuring calls for cannabis legalization at the state and federal levels will continue to grow. In view of the foregoing, we expect that any of the following events, alone or in combination, would boost already historically high numbers of cannabis-centric patents and applications: a) Biden is elected president; b) the House passes the MORE Act; c) Democrats retake the Senate; or d) at least one of Arizona, Montana, New Jersey or South Dakota legalizes cannabis for adult use. Because at least one of these events appears likely to occur, it seems almost certain that 2021 will smash 2020’s record number of cannabis-centric patents and applications.

#### Cannabis production is expensive – investment key

Kathryn Hardison {reporter}, 19 - ("With marijuana startups, a green thumb comes at a cost," Springfield Business Journal, 11-4-2019, https://sbj.net/stories/with-marijuana-startups-a-green-thumb-comes-at-a-cost,66297)//marlborough-wr/

Vying for a spot in the medical marijuana industry comes with a large buy-in. Before a state application can be considered, these entrepreneurs must secure a location, assemble investors – because they can’t get a business loan – develop a medical team, hire an architect to create renderings of their potential business, determine a security plan for the high-dollar products and complete the application paperwork – or hire someone else to do it. That alone could cost $60,000-$100,000 a pop. Then, they pay the $6,000-$10,000 application fee, depending on the license sought: dispensary, cultivation or infused-product manufacturing. And that’s just the beginning. Though medical marijuana may be a lucrative business, those with their eyes on the Springfield market know the return on investment is slow and the profit margins of 10%-20% is less than some expect.

#### TURN: IP key to investments. Mcdole and Ezell 4-29:

Jaci Mcdole and Stephen Ezell {Jaci McDole is a senior policy analyst covering intellectual property (IP) and innovation policy at the Information Technology and Innovation Foundation (ITIF). She focuses on IP and its correlations to global innovation and trade. McDole holds a double BA in Music Business and Radio-Television with a minor in Marketing, an MS in Education, and a JD with a specialization in intellectual property (Southern Illinois University Carbondale). McDole comes to ITIF from the Institute for Intellectual Property Research, an organization she co-founded to study and further robust global IP policies. Stephen Ezell is vice president, global innovation policy, at the Information Technology and Innovation Foundation (ITIF). He comes to ITIF from Peer Insight, an innovation research and consulting firm he cofounded in 2003 to study the practice of innovation in service industries. At Peer Insight, Ezell led the Global Service Innovation Consortium, published multiple research papers on service innovation, and researched national service innovation policies being implemented by governments worldwide. Prior to forming Peer Insight, Ezell worked in the New Service Development group at the NASDAQ Stock Market, where he spearheaded the creation of the NASDAQ Market Intelligence Desk and the NASDAQ Corporate Services Network, services for NASDAQ-listed corporations. Previously, Ezell cofounded two successful innovation ventures, the high-tech services firm Brivo Systems and Lynx Capital, a boutique investment bank. Ezell holds a B.S. from the School of Foreign Service at Georgetown University, with an honors certificate from Georgetown’s Landegger International Business Diplomacy program.}, 21 - ("Ten Ways Ip Has Enabled Innovations That Have Helped Sustain The World Through The Pandemic," Information Technology & Innovation Foundation, 4-29-2021, <https://itif.org/publications/2021/04/29/ten-ways-ip-has-enabled-innovations-have-helped-sustain-world-through)//marlborough-wr/>

Since the company was only a few months old as of April 7, 2021, Teal Bio’s IP is still in the early stages. The company is filing for utility and design patent protection on a number of additional innovations developed since its inception, and it filed a trademark application on March 1, 2021.120 “What we’ve noticed is that the IP that exists within Teal Bio has been critical to our path to getting the product into the hands of healthcare workers,” Troutner said during an interview. “It’s a pretty expensive process to start manufacturing these types of products.” Between manufacturing tooling and regulatory work, significant investments are required long before the innovation can reach the health-care workers who need it. According to a recent study, intangible assets such as IP rights comprise approximately 84 percent of the company value for most major businesses.121 Since 1985, business portfolios have exponentially shifted toward intangible assets, and, in 2018, intangible assets accounted for $21 trillion worth of S&P 500 companies, compared with $4 trillion in tangible assets.122 This shift is abundantly apparent for start-ups looking for investors. Troutner emphasized that IP has been a major component of proving to potential investors the business is on solid ground and worth investing in. “IP to us is not important because we intend to go around suing people who might be doing similar things. IP is important to us because we need capital to bring the product to the end users, and the way we secure that capital is through investors who, in order to be in a good position with their investments, need to see that there is sustainable value in the intellectual property in the company.”123 The value of IP for COVID-19 innovations, such as the Teal Bio Respirator, cannot be overstated. Companies such as Teal Bio are relying on the protection of these rights to bring these vital innovations to market and into widespread use. According to Troutner, “The most important thing as it relates to technology and the fight against COVID-19 is reducing friction to getting the product to the people who need it. It may seem to some people that IP can cause friction, but more often than not, especially in medical devices, IP is a path to the funding that’s required to get the product to the patients.” Troutner also noted that IP can “be used to increase the speed and the reach of the product to market,” especially for medical devices. IP “has really allowed us to take this from the lab closer and closer to being in the hands of healthcare workers,” Troutner said.124 Faster and greater access to PPE is critical during this pandemic, and—despite the claim that IP is a barrier—in reality, IP can open doors. When asked what he would like policymakers to know about the role of IP in innovation, Troutner commented, “It's important to take a holistic view of what does it take to get a product to market. If, for example, you’re worried about IP abuses, what’s the best path to get a product to market in the absence of strong IP? If you just [take away] IP, you’re interrupting a process that exists that can get a product to market and likely not giving an alternate path to the market. Any actions that reduce IP coverage, whether taken by governments or other organizations should consider what that means for the actual path to get a product to the market. Because otherwise you may be introducing more friction to that process than you’re actually removing.”125 Innovations such as the Teal Bio Respirator are still desperately needed in the fight against COVID-19, and they will continue to improve the future of health care. With every reassuring smile a patient sees, the level of care improves. When health-care workers are guaranteed a strong, quality seal on their facial PPE, lives are saved. As waste is reduced, the future becomes brighter. And innovations such as this are made possible because of IP.

#### No water war---empirics

Vally **Koubi 14**, Senior Scientist and Professor at the Center for Comparative and International Studies at the Swiss Federal Institute of Technology Zurich and professor at the Institute of Economics at the University of Bern, Gabriele Spilker, ETH Zurich, Tobias Böhmelt,         University of Essex & ETH Zurich, and Thomas Bernauer, ETH Zurich, “Do natural resources matter for interstate and intrastate armed conflict?” Journal of Peace Research March 2014 vol. 51 no. 2 227-243

Much of the existing empirical work on the resource **scarcity–conflict nexus** relies on **qualitative studies** of specific countries or regions (e.g. Homer-Dixon, 1994, 1999; Percival & Homer-Dixon, 1998; Bächler et al., 1996; Kahl, 2008; Brown, 2010). This research identifies various cases in which resource scarcity **seems** to have contributed to violent conflict, mostly at local or national levels. However, social, economic, and political conditions, which may also affect conflict besides resource scarcity, **vary considerably** between different types of resources as well as areas of the world. Case studies of **specific countries** or regions can **hardly account** for these different conditions, and it is therefore difficult to generalize their results. Hence, we concentrate on the recent large-N research in the remainder of this section, and structure the discussion according to conflict types, that is, interstate vs. intrastate conflict and the kind of resource under study. First, with regard to **interstate conflict**, extant **quantitative** work almost exclusively focuses on one specific type of renewable resource, namely water. **Empirical** **analyses** in this context suggest that states tend to **cooperate rather than fight** over **shared water resources** (Dinar et al., 2007; Brochmann, 2012) and that institutionalized agreements can reduce dispute risk (Zawahri & Mitchell, 2011; Tir & Stinnett, 2012). The theoretical underpinning of much of this research is that joint democracy and/or international water management institutions facilitate cooperative solutions to water problems even in situations of scarcity. Furthermore, side-payments, issue linkages, or economic and political ties between countries also prevent interstate **conflict over water**. While scholars do not fully rule out conflict over scarce water resources, they find that if conflict materializes then it occurs in the form of disputes and political tensions, but **not in the form of armed hostilities** or even ‘water wars’ (e.g. Gledisch & Hegre, 2000; Gleditsch et al., 2006; Hensel, Mitchell & Sowers, 2006; Brochmann & Hensel, 2009; Dinar, 2009).

#### No shortages---innovation empirically solves

**AAAS 3/23**, American Association for the Advancement of Science, citing research by Duke University faculty Anthony Parolari and Amilcare Porporato, postdoctoral researchers in civil and environmental engineering, and Gabriel G. Katul, Professor of Hydrology and Micrometeorology, "Global water use may outstrip supply by mid-century," 3/23/15, www.eurekalert.org/pub\_releases/2015-03/du-gwu032315.php

DURHAM, N.C. -- Population growth could cause global demand for water to outpace supply by mid-century if current levels of consumption continue. **But it wouldn't be the first time** this has happened, a Duke University study finds.

Using a delayed-feedback mathematical model that analyzes **historic data** to help project future trends, the researchers identified a regularly recurring pattern of global water use in recent centuries. **Periods of increased demand** for water -- often **coinciding with population** growth or other major demographic and social changes -- **were followed by periods of rapid innovation of new water technologies that helped end or ease any shortages**.

Based on this recurring pattern, the model predicts **a similar period of innovation could occur in coming decades**.

"Researchers in other fields have previously used this model to predict earthquakes and other complex processes, including events like the boom and bust of the stock market during financial crises, but this is the first time it's been applied to water use," said Anthony Parolari, postdoctoral research associate in civil and environmental engineering at Duke, who led the new study.

"What the model shows us is that there will likely be a new phase of change in the global water supply system by the mid-21st century," Parolari said.

"This could take the form of a gradual move toward new policies that encourage a sustainable rate of water use, or it could be a technological advancement that provides a new source of water for us to tap into. **There's a range of possibilities**," he said.

Data on global water use shows we are currently in a period of relatively stagnant growth, he said. **Per-capita water use has been declining since 1980**, largely due to **improved efficiency** measures and heightened public awareness of the importance of conserving Earth's limited supply of freshwater. This has helped offset the impacts of recent population growth.

"But if population growth trends continue, per-capita water use will have to decline even more sharply for there to be enough water to meet demand," he said. The world's population is projected to surge to 9.6 billion by 2050, up from an estimated 7 billion today.

"For every new person who is born, how much more water can we supply? The model suggests we may reach a tipping point where efficiency measures are no longer sufficient and water scarcity either impacts population growth or pushes us to find new water supplies," Parolari said.

**Water recycling**, and finding new and better ways to **remove salt from seawater**, are among the more likely technological advances that could help **alleviate or avoid future water shortages**, he said.

Parolari was inspired to conduct his study by the work of Austrian physicist and philosopher Heinz von Foerster, who in 1960 collaborated with students to publish a tongue-in-cheek study in the journal Science predicting that through feedbacks between human demographics and technological development, population growth would overcome any limitation imposed on it by finite resources and become infinite by November 13, 2026 - the 115th anniversary of von Foerster's birthday. The prediction became known as the Doomsday Equation.

"Historically, many hypotheses about future population and resource trends have been pessimistic. Von Foerster's hypothesis poked fun at these projections. But the serious part of his study provided an alternative and exciting view of the future: **Humans are creative and resourceful, and when push comes to shove, we find new ways to either increase our supply or use what we have more efficiently**," Parolari said. "Our model supports this more optimistic outlook. The **demand for water will push us to innovate as it has repeatedly done before**."

Parolari and his colleagues published their study this month in the peer-reviewed journal Wiley Interdisciplinary Reviews: Water. His co-authors on the new commentary were Gabriel G. Katul, Theodore S. Coile Professor of hydrology and micrometeorology at Duke's Nicholas School of the Environment, and Amilcare Porporato, Addy Professor of civil and environmental engineering at the Nicholas School and Duke's Pratt School of Engineering.

#### No water wars---zero empirical or theoretical support and their authors have self-reinforcing incentives to exaggerate risk

David **Katz 11**, Director of the Akirov Institute for Business and Environment at Tel Aviv University and Adjunct Lecturer at Tel Aviv University’s Recanati School of Management and Porter School of Environmental Studies, February 2011, “Hydro-Political Hyperbole: Examining Incentives for Overemphasizing the Risks of Water Wars,” Global Environmental Politics, Vol. 11, No. 1, p. 12-33

Reference to linkages between natural resource scarcity and the potential for violent conflict is now commonplace. Perhaps the most highlighted and most studied such linkage is that between freshwater scarcity and conflict. Predictions of looming water wars—such as former Egyptian Foreign Minister and later United Nations Secretary-General Boutrous Boutrous Ghali’s statement that “The next war in the Middle East will be fought over water, not politics,” or former World Bank Vice President Ismail Serageldin’s declaration that “the wars of the next century will be over water”1—have been cited extensively by a variety of sources over the past three decades. More recently, UN Secretary-General Ban Ki-moon stressed reports that water scarcity has created “a high risk of violent conflict.”2 Those who make claims regarding the possibility of future water wars range from people who present such a scenario as a possibility that can be avoided with cooperation and proper planning,3 to those who predict that such wars are likely,4 to those who confidently assert that such outcomes are “certain”5 and only a matter of time.6

While the claim that increasing water scarcity will lead to increased outbreaks of wars—often dubbed the “water war hypothesis”—is widespread in public discourse, a growing body of literature has challenged both the empirical [End Page 12] and theoretical foundations of such a hypothesis.7 Critics note, for instance, that proponents of the water war hypothesis often rely on a very limited number of case studies or statements from a handful of prominent figures,8 that relatively little systematic empirical evidence exists of past wars over water, and that there is scant evidence that violent conflict over water is becoming more frequent.9

Despite weak supporting evidence and numerous theoretical challenges to the water wars hypothesis, proclamations that water wars are imminent remain prevalent. Much of the academic literature on the topic has attempted to promulgate, refute, or test the water war hypothesis. Little has attempted to explain why the predictions of water wars remain so popular despite questionable empirical support. This study addresses this gap. It outlines various incentives different types of key actors have to emphasize, and even exaggerate, the likelihood of water wars. Moreover, it demonstrates that relationships between several of these actors serve to mutually reinforce these incentives. This confluence of incentives to stress such risks is likely to have contributed to the persistence of such warnings in public discourse at levels and profiles far beyond what appears justified by empirical evidence. While this article specifically addresses violent conflict over water, its premises and conclusions are likely relevant to much of the discourse in the field of environmental security.

#### No water wars---assumes and answers all their warrants and distinctions

David **Katz 11**, Director of the Akirov Institute for Business and Environment at Tel Aviv University and Adjunct Lecturer at Tel Aviv University’s Recanati School of Management and Porter School of Environmental Studies, February 2011, “Hydro-Political Hyperbole: Examining Incentives for Overemphasizing the Risks of Water Wars,” Global Environmental Politics, Vol. 11, No. 1, p. 12-33

A number critiques have been leveled against both the theory and the empirical evidence behind the water wars hypothesis. One critique of the environmental security literature, of which much of the published material on water wars is guilty, is that warnings and threats of future violence are often considered as evidence.28 Statements from the 1980s that the next war in the Middle East will be over water have already proven false. Research has shown, however, that even the more general predictions of imminent water wars that are based on comments by officials may be suspect. Leng, for instance, found no correlation between the frequency of threats of war and the onset of war.29 Examining conflict and cooperation over water resources, Yoffe and colleagues noted over 400 incidents of water-related verbal exchanges by political figures between 1948 and 1999 that were conflictual in nature, but only 37 instances of violent conflict of varying levels of intensity. Thirty of these were from the Middle East, none were [End Page 15] more recent than 1970, none were all-out wars, and in none was water the central cause of conflict.30

Proponents of water war scenarios often premise their dire conclusions on the fact that water is essential for life and non-substitutable.31 Yet water for basic needs represents a small share of total water use, even in arid countries.32 Economists and others point out that over 80 percent of world freshwater withdrawals are for the agricultural sector, a relatively low-value use and one in which large gains in efficiency could be made by changes in irrigation techniques and choice of crops. Thus, economic critiques of the water war hypothesis stress that the value of water that would be gained from military conflict is unlikely to outweigh the economic costs of military preparation and battle, much less the loss of life.33

Some authors have even questioned the empirical basis for the conclusion that freshwater is increasingly scarce,34 an assumption on which the water war hypothesis relies. Such a “cornucopian” view claims that people adapt to scarcity through improvements in technology, pricing, and efficiency—rendering water less scarce, not more so.

Perhaps the strongest case against the likelihood of water wars is the lack of empirical evidence of precedents. Wolf found only one documented case of war explicitly over water, and this took place over 4500 years ago.35

Moreover, he could document only seven cases of acute conflict over water. Yoffe and colleagues also find that armed conflict over water resources has been uncommon.36 They found that cooperation was much more common than conflict, both globally and in all world regions except the Middle East/North Africa. This pattern may explain why only a limited number of case studies of water conflict are presented in the water wars literature.

Analysts have criticized environmental security arguments that are based on case studies because such works tend to have no variation in the dependent variable.37 Many large sample statistical studies have attempted to address such shortcomings, however, in several cases these studies too have come under fire. For instance, a number of large-sample statistical studies find correlations between water-related variables and conflict, however, few, if any, provide convincing support for causal relationships. Moreover, several studies found that water availability had no impact on the likelihood of either domestic or international conflict,38 including at least one study that attempted to replicate earlier studies [End Page 16] that claimed to have found such correlations.39 Moreover, the results of several studies that do find correlations between water and conflict are either not robust or are contrasted by other findings. For instance, Raleigh and Urdal find that the statistical significance of water scarcity variables is highly dependent on one or two observations, leading them to conclude that actual effects of water scarcity “are weak, negligible or insignificant.”40 Jensen and Gleditsch find that the results of Miguel and colleagues are less robust when using a recoding of the original dataset.41 Gleditsch and colleagues found that shared basins do predict an increased propensity for conflict, but found no correlation between conflict and drought, the number of river crossings, or the share of the basin upstream, leading them to state that “support for a scarcity theory of water conflict is somewhat ambiguous.”42