# 1AC

### 1AC – Contention 1: Disease War

#### We got lucky with COVID – future pandemics will be much worse and existing provisions in TRIPs are not used --- the status quo can’t solve.

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A proponent of IP protections may insist TRIPS already includes built-in exceptions adequate to the task. Article 31 grants governments rights to issue licenses for using a patent during the patent term without a patent holder’s consent. This exception was used 144 times between 2001 and 2016 to create flexibilities for 89 countries.29 In 2017, it was extended to allow licensed countries to export products to countries that lack production capacity. Isn’t that enough?

In reply, Article 31 will not take us very far. While useful for some applications, it is cumbersome. For example, for pharmaceutical products, after applying for an exception, exporting countries must prove products go only to destination nations, are readily identifiable based on variations of colour or shape, and include only product necessary to meet requirements of an eligible country; importing nations must notify the TRIPS

council of receipt. Fulfilling these requirements would needlessly delay the vital task of vaccinating the world.

Finally, critics might point to the case of Moderna, which voluntarily pledged (in October 2020) not to enforce its patents during the pandemic. Since companies have not lined up to produce Moderna’s vaccine, doesn’t that show the ineptitude of temporary waivers? In reply, a single pledge by a single company is a start, but insufficient to catalyse the global changes needed. In conclusion, loosening the grip of IP protections is not a miracle fix, and there are many other barriers to a safer world. This paper filled a gap in current debates about IP protections for COVID-19 vaccines by focusing on ethics. In the final analysis, a temporary waiver of IP protections is the world’s best bet.

#### Developing countries need assistance – it’s time for the U.S. to step up to the plate and do its job

Stone 21 – Judy Stone is an Infectious Disease specialist; “Covid Vaccine Equity - Developing Countries Need Our Help”; Forbes, May 11, 2021; <https://www.forbes.com/sites/judystone/2021/05/11/vaccine-equitydeveloping-countries-need-our-help/?sh=10939a363ec8> //advay

A few months ago India was doing relatively well and the U.S. was getting crushed by a devastating second Covid-19 wave. Now it’s the reverse. Public health measures were implemented too sporadically (U.S.) and reversed too quickly (both), with predictable results. While the U.S. is beginning to focus attention on the growing catastrophe in India, not enough attention is being given to other areas in the region. Countries like Bangladesh, Nepal, Pakistan, Laos and others in the region may soon be matching the explosive growth of Covid in India. Nepal is one of the poorest countries. Although it has a population of 30 million people, there are only 1595 ICU beds and 480 ventilators throughout the entire country. (This is not much less than in India, at ~1 ICU bed/19,000, but the US has ~1/3800). There are only 80 physicians per 100,000 people, compared to 93 per 100,000 in India or 259 per 100,000 in the US. With a 50% positivity rate for Covid testing, how long do you think those few beds and limited healthcare will last before being completely overwhelmed. Cases in Nepal have increased by 1,645% in the past month. Thailand had a similar rate of increase, with most of their cases being the U.K. variant B.1.1.7, which is known to be more transmissible. Part of the problem in Nepal is that its Prime Minister, Oli, like India’s PM Modi, and Donald Trump had allowed religious festivals and large political gatherings to continue as politically expedient, at the expense of public health and safety. Heavily reliant on tourism to support its economy, Mount Everest has been opened to climbers; there have been outbreaks reported from the base camp although the government has denied this. And much as our former president recommended injecting bleach, PM Oli has reportedly suggested gargling with guava leaves, which is at least less immediately hazardous, although still as useless as treatment. This uncontrolled pandemic will endanger us all by increasing the likelihood of further mutations emerging and spreading globally. India has a new “variant of interest,” called B.1.617⁠, which is also spread more rapidly. The South African variant, B.1.351, is also circulating in India, along with the UK’s B.1.1.7⁠. This—and the huge number of cases—are what prompted the US to ban travel from India. One of the problems in the region is that India’s Serum Institute was to supply much of the area with vaccines. Instead, India is desperate, unable to meet its own country’s needs, and has banned the export of vaccines. Nepal has instead turned to China and Russia, who are engaging in vaccine diplomacy who are donating supplies while the US has been sitting on the sidelines.

#### It’s not too late---COVID will continue across the developing worlds for years to come. Plus, the plan helps for black swan future pandemics.

Brink **Lindsey 21**. Vice President, Niskanen Center; Writes for Brookings, “Why Intellectual Property and Pandemics Don’t Mix,” Brookings, June 3, 2021, <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>, RJP, **DebateDrills**.

Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the COVID-19 pandemic is far from over. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is [currently raging in India and throughout South America](https://www.nytimes.com/interactive/2021/world/covid-cases.html), overwhelming health care systems and inflicting suffering and loss on a horrific scale. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are therefore short-sighted: this pandemic could well drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference.

Furthermore, and probably even more important, this is almost certainly not the last pandemic we will face. Urbanization, the spread of factory-farming methods, and globalization all combine to increase the odds that a new virus will make the jump from animals to humans and then spread rapidly around the world. Prior to the current pandemic, the 21st century already saw outbreaks of SARS, H1N1, MERS, and Ebola. Everything we do and learn in the current crisis should be viewed from the perspective of getting ready for next time.

#### A temporary waiver is sufficient---it creates momentum for America to repeat against harsher future pandemics which spills over

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The extraordinary circumstances of a global pandemic demand more than minimal or even moderate social responsibility. Everyone in a position to help must show the high degree of social responsibility the moment calls for. Governments, especially in wealthy nations, should stand up to influence peddling by pharmaceutical companies,26 and should do their part, beginning with WTO members voting for a temporary waiver to IP protections for COVID-19 vaccines.

Against our proposal it might be claimed a temporary waiver is not enough. Manufacturing COVID-19 vaccines requires technical know-how, technology, raw materials and equipment, which are lacking in many LMICs. Pfizer, for example, says its vaccine requires 280 components from 86 suppliers in 19 countries, along with specialised equipment and trained personnel.27 Since it takes more than simply waiving IP to vaccinate the world, what good is a temporary waiver?

In response, we agree temporarily losing the right to exclude companies from manufacturing vaccines is not enough. However, it can help break the logjam, creating a climate favourable to investment, since it removes the threat of being sued or prosecuted. Expedient investment strategies should focus on developing and repurposing existing capacities; Guzman notes that some middle-income countries are already producing COVID-19 vaccines, and some manufacturers in LMICs are already able to manufacture viral vector vaccines, such as AstraZeneca’s, and to contribute to the fill-and-finish stage of vaccine production.28

#### Future pandemics at 10x more deadly – absent a solution we’re all going to die

Ceballos 5/27 Gerardo Ceballos [PhD, Dr Gerardo Ceballos is an ecologist and conservationist at the Universidad Nacional Autonoma de Mexico. He is particularly recognized for his influential work on global patterns of distribution of diversity, endemism, and extinction risk in vertebrates. He is also well-known for his contribution to understanding the magnitude and impacts of the sixth mass extinction.], 5/27/21, “THE SIXTH MASS EXTINCTION AND THE FUTURE OF HUMANITY”, Population Matters, <https://populationmatters.org/news/2021/05/sixth-mass-extinction-and-future-humanity> DD AG

Somewhere, sometime in late 2019, a coronavirus from a wild species, perhaps a bat or a pangolin, infected a human in China. This could have been an obscure event, lost without trace in the annals of history, as it is very likely this has occurred many times in the last centuries. But this particular event was somehow different. The coronavirus became an epidemic first and a pandemic later. Covid-19 became the worst pandemic since the Spanish flu in 1918. The horrific human suffering it has caused, and its economic, social and political impacts, are still unraveling.

The reason Covid-19 and more than forty other very dangerous viruses, such as Lassa fever, HIV and Ebola, have jumped from wild animals to humans in the last four decades is the destruction of natural environments and the trafficking and consumption of wild animals.

The wildlife trade is to satisfy the insatiable and extravagant demand for these species in the Asian market, in countries such as China, Vietnam and Indonesia. The illegal wildlife trade is a gigantic business. It is as lucrative as the drug trade, but without the legal implications. The immense appetite of China and other Asian societies for exotic animals has promoted exponential growth in trade and profits. Wild and domestic animals sold in “wet markets” are kept in unsanitary and unethical conditions. There, feces, urine and food waste from cages at the top spill into cages at the bottom, creating the perfect conditions for viruses to leap from wild animals to domestic animals and humans. Thousands of wildlife species or their products are traded annually.

Wildlife trade is one of several human impacts, including habitat loss and fragmentation, pollution, toxification and invasive species, that have caused the extinction of thousands of species and threaten many more. Indeed, most people are unaware that the current extinction crisis is unprecedented in human history. Extinction occurs when the last individual of a species dies. The UN recently estimated that one million species, such as the panda, the orangutan and the Sumatran rhino, are at risk of extinction.

The second finding is that population extinctions, which are the prelude to species extinctions, are occurring at very fast rates (Ceballos et al., 2017). Around 32 percent of a sample of 27,000 species have declining populations and have experienced massive geographic range contractions. Population extinctions are a very severe and widespread environmental problem which we have called “Biological Annihilation”.

Finally, our third finding indicates that the magnitude of the extinction crisis is underestimated because there are thousands of species on the brink of extinction (Ceballos et al., 2020). Those species will likely become extinct in the near future unless a massive conservation effort is launched soon.

Many times, people have asked me why we should care about the loss of a species. There are ethical, moral, philosophical, religious and other reasons to be concerned. But perhaps the one that is most tangible for most people is the loss of ecosystem services, which are the benefits that humans derive from the proper function of nature. Ecosystem services include the proper mix of gases in the atmosphere that support life on Earth, the quantity and quality of water, pollination of wild crops and plants, fertilization of the soil, and protection against emerging pests and diseases, among many others. Every time a species is lost, ecosystem services are likely to erode and human well-being is reduced.

The loss of so many ecosystems and species is pushing us towards the point of collapse of civilization. The good news is that there is still time to reduce the current extinction crisis. The species and ecosystems that we manage to save in the next 10 – 15 years will define the future of biodiversity and civilization. What it is at stake is the future of mankind.

### 1AC – Contention 2: Unrelenting Hegemony (Short)

#### US primacy is hurt by blocking the vaccine

PC 5-3 – Public Citizen is a non-profit, progressive consumer rights advocacy group and think tank based in Washington, D.C., United States) “Don’t Buy Pharma’s Latest Distraction: A Temporary WTO IP Waiver for COVID Meds Would Not Hand “U.S. mRNA Technology” to China,” May 3, 2021. <https://www.citizen.org/article/dont-buy-pharmas-latest-distraction-a-temporary-wto-ip-waiver-for-covid-meds-would-not-hand-u-s-mrna-technology-to-china/> //advay

Real Geopolitical Threat for U.S. Is in Blocking 100+ Countries’ WTO Initiative While China and Russia Share Vaccine Technology Worldwide Russia’s Sputnik-5 vaccine and the Chinese Sinovac and Sinopharm vaccines have become the go-to options for countries in the developing world. The Chinese and Russian companies, probably compelled by their governments who seek to leverage the vaccines for geopolitical gain, have engaged in significant tech and know-how transfer and partnerships with firms all over the world. Meanwhile, the U.S. and EU have pre-ordered vaccines for their populations while blocking the vast majority of WTO countries’ efforts to even negotiate the text of a waiver these countries consider necessary for their populations to also obtain vaccines.

#### Vaccine diplomacy is key to US spheres of influence – the aff creates incentives for other countries to align with US primacy

**Smith 21**, “Russia and China are beating the U.S. at vaccine diplomacy, experts say”, NBC News, 4/2, Alexander Smith: He is a senior reporter at NBC News Digital, where he has worked since 2013. He won an Emmy in 2015 as part of the team that covered the downing of Malaysia Airlines flight MH17. In 2017 he won the Society of Professional Journalists' Sigma Delta Chi Award as part of the NBC News Digital team covering the Brussels terror attacks, URL: <https://www.nbcnews.com/news/world/russia-china-are-beating-u-s-vaccine-diplomacy-experts-say-n1262742>, KR

Soon after Moscow sold 5.2 million doses of its Sputnik V vaccine, President Vladimir Putin was on the phone with his Bolivian counterpart, Luis Arce, in late January, discussing topics as varied as building a nuclear power plant to lithium mining and gas reserves.

In North Africa, Algeria didn't pay a dime for the Chinese vaccines that arrived in March. What it did offer was to support Beijing's "core interests" and oppose interference in its "internal affairs" — language China has used to defend against criticism over Hong Kong's autonomy and allegations of human rights abuses in Xinjiang, which it denies.

Although China and Russia deny it, experts say they are beginning to see how Beijing's and Moscow's strategy of selling or donating their vaccines abroad is greasing the wheels of their international relationships and allowing them to expand their influence throughout the world.

It's a development that should cause grave concern for the United States and other democracies, according to former U.S. ambassadors and other ex-diplomats.

What rankles these observers is not that China and Russia are winning at vaccine diplomacy, it's that the U.S. and others aren't even in the game yet. Washington and its allies have instead chosen to prioritize their domestic populations, keeping most doses at home and causing resentment abroad.

"The United States, until recently, was the go-to country for any major health disaster," said Thomas Shannon, the former U.S. undersecretary of state for political affairs, the third-highest-ranking role in the State Department. "So to pull itself off the playing field is very disconcerting."

Shannon, who served in the administrations of presidents George W. Bush, Barack Obama and Donald Trump and was ambassador to Brazil from 2010 to 2013, said Trump's decision to step back from the international Covid-19 response has sent a "chilling and worrisome message to many countries that find themselves at a very vulnerable moment."

Unless that changes under President Joe Biden and into the future, "the world will realize we're not a reliable partner, and that would be dangerous for us," he said. "I believe it's something that will be remembered."

'Extremely narrow-minded'

Few would argue that sending lifesaving vaccines around the world is a bad thing.

"We're not talking arms sales here," said John Campbell, who was the U.S. ambassador to Nigeria from 2004 to 2007. "We're talking about something citizens around the world want and desperately need."

Indeed both countries deny exporting vaccines for diplomatic gain.

This idea is "extremely narrow-minded," Guo Weimin, spokesman for the Chinese People's Political Consultative Conference, said at its annual meeting last month. President Xi Jinping has vowed to make vaccines a "global public good."

Similarly, Kremlin spokesman Dmitry Peskov has said that Russia merely believes "there should be as many doses of vaccines as possible" so "all countries, including the poorest, have the opportunity to stop the pandemic."

After a cloud of skepticism, recent studies suggest that the state-made vaccines, China's Sinopharm and Russia's Sputnik V program, are as effective as others. They have been approved by dozens of regulators.

Of the near 250 million vaccine doses it had produced so far, China has sent 118 million to 49 countries, according to Airfinity, a pharmaceuticals analytics company based in London.

Russia has sent vaccines to 22 different countries, and India has exported or donated 64 million of the nearly 150 million shots it has produced, according to Airfinity, which some experts interpret as New Delhi's attempt to counterbalance the vaccine diplomacy overtures of its regional rival, Beijing.

By contrast, the U.S. has delivered just over 200 million vaccine doses to is own population, according to the Centers for Disease Control and Prevention. It has agreed to share only a tiny number — around 4 million AstraZeneca-Oxford University shots that it wasn't using anyway — with Mexico and Canada.

The West's own vaccine nationalism has created a vacuum in which lower-and middle-income countries have been unable to get access to shots. And Beijing and Moscow have been only too happy to step in.

'Political suicide'

The majority of Chinese and Russian vaccine doses have gone "where Western powers and Russia and China have been competing for years for more influence," said Agathe Demarais the global forecasting director at the Economist Intelligence Unit, a research group based in London.

One key battleground is Egypt, which gets $1.3 billion in U.S. aid every year but whose human rights situation has led to strained ties with the West. It ordered tens of millions of doses from Pfizer, AstraZeneca, Sinopharm and Russia's Sputnik V program. But the first to arrive in Cairo in January were from China.

"For the man on the street" in African countries using the vaccines, "Russia and China become somewhat more attractive as possible models for going forward," said Campbell, the former ambassador to Nigeria. "Arguably, it will help increase the attractiveness of authoritarian forms of government at the expense of more democratic forms of government."

The pandemic has also allowed Russia to build relationships in Latin America beyond its traditional foothold of Venezuela, Shannon said, while the call between the Russian and Bolivian presidents was clearly linked to their vaccine deal, Demarais said. The Bolivian presidency didn't respond to a request for comment.

#### Absent the plan we risk great power war with China – transition to multipolarity is unstable and collapses deterrence

**Forsyth 19** [Jim Forsyth currently serves as dean of Air Command and Staff College, Maxwell AFB, Alabama. He earned his PhD from the University of Denver, Josef Korbel School of International Studies. He has written and published extensively on great power war, intervention, and nuclear issues. “Through the Glass—Darker”, Strategic Studies Quarterly , Vol. 13, No. 4 (WINTER 2019), pp. 18-36, JSTOR]//recut SLC PK

As the article argued in 2007, “technological shifts have continuously altered the methods of war,” but in the end, “political arrangements matter, and the deterrent effect of any weapon should be evaluated within the context of the structure of the international system.”20 This claim is as true now as it was then. Indeed, one might conclude that structure matters even more now than it did 10 years ago, given the shift to multipolarity.21 Under “lopsided” multipolarity—where the United States outweighs both China and Russia militarily—it will maintain power advantages on some fronts, but at smaller margins than it did during the unipolar moment when it reigned supreme. Power diffusion, and related great power competition concerns, will be governed by the continued growth of Asian economic and military clout predominantly from China and India and the relative decline of Western economic influence.22 As China continues to translate economic gains into military modernization, the US will “focus mainly on countering China.”23 Avoiding the perils of security competition will require that the US be more cautious about exercising its power abroad.24

Yet exercising diplomacy and restraint could prove to be challenging. Even scholars who adopt a more circumspect view of emerging multipolarity, and the implications of growing military-technological parity, acknowledge its underlying risks. Barry Posen, who questions the assumption that multipolarity is inherently unstable, nonetheless acknowledges that growing parity will only “mute” great power competition. The diffusion of power will not eradicate “great power adventures.”25 China’s rise is apt to entail alliance reconfigurations and temptations to employ conventional military power.26 In fact, just as the original article predicted, the United States and India, Russia and China, and France and Germany have taken steps toward tightening their security relationships. China’s progress toward narrowing its power gap with the US has already met with a return to US defense budget growth and the establishment of new US defense cooperation commitments—notably with India. In parallel, China and Russia have grown closer, with Presidents Xi Jinping and Vladimir Putin meeting three times in 2018 and China sending a “strong supporting contingent” to Russia’s Vostok-2018 military exercises.27

Given the complexities and uncertainties of multipolarity, the US arsenal of advanced conventional weapons (and those of other great powers) may not only prove ill suited to deterring great power war but also provide occasion for its inadvertent onset. The stealth, speed, and lethality of advanced conventional technologies—allowing for quick and decisive US victories in the Persian Gulf (1991), Kosovo (1999), and Afghanistan (2001)—have proven increasingly enticing to other great powers. Russia and China drew similar lessons from these conflicts, each embarking on military modernization programs geared toward antiaccess/area-denial (A2/AD) and grey zone strategies.28 Advanced conventional weapons already undergird Russia’s and China’s respective salami-slicing campaigns in Eastern Europe and the South China Sea. Russia began modernizing its military following its 2008 war with Georgia, enhancing its ground force readiness and updating its integrated air defense system. The improvements have allowed for significant defensive and force-projection gains (against border states).29 Though Russia has since dialed back modernization efforts in the wake of its economic downturn, China continues to seek avenues for undermining the United States’ conventional weapons edge. The People’s Liberation Army (PLA) still trails the United States in the areas of innovation and operational proficiency. Its modernization achievements, though—especially the development of intermediate-range missiles that threaten US forward bases and carrier strike groups—have substantially augmented China’s “advantage of proximity in most plausible conflict scenarios.”30

As great power rivals continue to chip away at the United States’ once considerable smart-weapons advantage, national security experts are reevaluating the viability of deterrence. On this front, the diffusion of capabilities, as well as the expansion of competition to the space and cyber domains, do more than complicate appraisals of the balance of power; they threaten to upend the foundations of deterrence.31 The arrival of dualcapable hypersonic weapons (and delivery systems)—currently being designed and tested by the US, China, and Russia—will arguably risk jeopardizing strategic stability. Their ultrahigh velocity could reduce warning time to the extent that “a response would be required on first signal of attack”; likewise, their deployment in ready-to-launch mode could trigger preemptive strikes, as others might perceive it as a sign of impending attack.32 Further, cyber weapons’ potential for disabling an opponent’s “early warning and command systems” may diminish the expected costs of first strike under crisis conditions.33 Autonomous weapons also have the potential to fundamentally alter the psychological underpinnings of strategy And, as Kenneth Payne notes, there is no “a priori reason” to expect that substituting artificial intelligence (AI) for human intelligence—that rapid, accurate, and unbiased information processing and responses—“will necessarily be safer.” Because AI limits the risks of using force, it could make conflict more acceptable to risk-averse states; because its speed and precision favor the offense, it could prove more conducive to aggression than deterrence; and because it shapes a host of processes and technologies rather than a single weapon or system, its effects on strategy (and the challenges of its regulation) could prove counter to deterrence.34

As noted in the original article, nuclear weapons helped sustain the “cold peace” during the Cold War—not because of their awesome destructive power but because that awesome destructive power helped buttress bipolarity.35 The simplicity of bipolarity and superpower balancing, in turn, limited “the dangers of miscalculation and overreaction.”36 Multipolarity, though, makes for complexity; additional great power players provide additional opportunities for miscalculation and overreaction. Given these conditions and the perceived “usability” of advanced conventional weapons relative to nuclear weapons, it seems likely that they will fall short of yielding “the kinds of political structures necessary to enhance deterrence.”37 To counter Posen, the diffusion of advanced conventional technology may well have cheapened the near-term costs and risks of going to war, and particularly engaging in hybrid warfare. Even if the US manages to avoid a direct confrontation with Russia or China, it seems increasingly plausible that it could be dragged into a conflict involving one or more of their allies.

#### US-China war goes nuclear.

[Caitlin Talmadge (10-15-2018), PhD in Political Science from MIT, BA in Government from Harvard, Professor of Security Studies at Georgetown University, “Beijing’s Nuclear Option,” Foreign Affairs, [https://www.foreignaffairs.com/articles/china/2018-10-15/beijings-nuclear-option]//recut](https://www.foreignaffairs.com/articles/china/2018-10-15/beijings-nuclear-option%5d//recut) SLC PK

As China’s power has grown in recent years, so, too, has the risk of war with the United States. Under President Xi Jinping, China has increased its political and economic pressure on Taiwan and built military installations on coral reefs in the South China Sea, fueling Washington’s fears that Chinese expansionism will threaten U.S. allies and influence in the region. U.S. destroyers have transited the Taiwan Strait, to loud protests from Beijing. American policymakers have wondered aloud whether they should send an aircraft carrier through the strait as well. Chinese fighter jets have intercepted U.S. aircraft in the skies above the South China Sea. Meanwhile, U.S. President Donald Trump has brought long-simmering economic disputes to a rolling boil.

A war between the two countries remains unlikely, but the prospect of a military confrontation—resulting, for example, from a Chinese campaign against Taiwan—no longer seems as implausible as it once did. And the odds of such a confrontation going nuclear are higher than most policymakers and analysts think.

Members of China’s strategic com­munity tend to dismiss such concerns. Likewise, U.S. studies of a potential war with China often exclude nuclear weapons from the analysis entirely, treating them as basically irrelevant to the course of a conflict. Asked about the issue in 2015, Dennis Blair, the former commander of U.S. forces in the Indo-Pacific, estimated the likelihood of a U.S.-Chinese nuclear crisis as “somewhere between nil and zero.”

This assurance is misguided. If deployed against China, the Pentagon’s preferred style of conventional warfare would be a potential recipe for nuclear escalation. Since the end of the Cold War, the United States’ signature approach to war has been simple: punch deep into enemy territory in order to rapidly knock out the opponent’s key military assets at minimal cost. But the Pentagon developed this formula in wars against Afghanistan, Iraq, Libya, and Serbia, none of which was a nuclear power.

China, by contrast, not only has nuclear weapons; it has also intermingled them with its conventional military forces, making it difficult to attack one without attacking the other. This means that a major U.S. military campaign targeting China’s conventional forces would likely also threaten its nuclear arsenal. Faced with such a threat, Chinese leaders could decide to use their nuclear weapons while they were still able to.

As U.S. and Chinese leaders navigate a relationship fraught with mutual suspicion, they must come to grips with the fact that a conventional war could skid into a nuclear confrontation. Although this risk is not high in absolute terms, its consequences for the region and the world would be devastating. As long as the United States and China continue to pursue their current grand strategies, the risk is likely to endure. This means that leaders on both sides should dispense with the illusion that they can easily fight a limited war. They should focus instead on managing or resolving the political, economic, and military tensions that might lead to a conflict in the first place.

#### Extinction – nuclear winter, crude oil amplifies, smoke covers the world

Snydera and Ruyle 17 (Brian F.Snydera and Leslie E. Ruyle, 12-15-2017, [Brian F. Snyder. Department of Environmental Science, Louisiana State University, United States. Leslie E. Ruyle. Center on Conflict and Development, Texas A&M University, United States]"The abolition of war as a goal of environmental policy," No Publication, [https://www.sciencedirect.com/science/article/pii/S0048969717316431?via%3Dihub)//SLC](https://www.sciencedirect.com/science/article/pii/S0048969717316431?via%3Dihub)//CHS) PK

While the precise impacts of a hypothetical nuclear war are difficult to predict, the detonation of the world's nuclear weapons would plausibly kill all or nearly all humans on Earth and initiate a mass extinction event. There are a total of about 9400 nuclear warheads in active service around the world, with approximately 8300 of these weapons in U.S. and Russian arsenals (Kristensen and Norris, 2017a). Because of government secrecy, it is difficult to reliably estimate the total explosive power contained in these warheads, but in most cases, each warhead ranges between 100 and 1200 kt of TNT equivalent (for comparison, the bombs dropped on Hiroshima and Nagasaki had yields of approximately 15–20 kt). The combined arsenals of the U.S. and Russia likely have a yield of at least 2–3 billion tons of TNT equivalent (Kristensen and Norris, 2017b,c). 2.1. Nuclear winter In the 1980s climate scientists used simple and early climate models to estimate the effects of large-scale nuclear wars on climate. The estimates they derived were catastrophic. For example, Turco et al. (1983) reported temperature reductions of 43 °C for 4 months in the Northern Hemisphere following nuclear war using the explosive power of 10 billion tons of TNT.1 As the cold war ended, interest in modelling the climate effects of nuclear war declined and some policy-makers considered the threat of nuclear winter to be either disproved or exaggerated (Martin, 1988). Toon et al. (2007) and Robock et al. (2007) reignited interest in the climate effects of nuclear war. Toon et al. (2008) modeled the effects of a medium scale nuclear war with a total explosive yield of 440 million tons of explosive yield (far less than current U.S. and Russian arsenals) and estimated global soot2 emissions of 180 Tg. Using a more conservative estimate of 150 Tg of soot, Toon et al. estimated that this emission would be sufficient to reduce global temperatures by about 8 °C and energy flux by 150 W/m2 ; for comparison, the cumulative greenhouse gas emissions to the atmosphere since the industrial revolution have increased energy flux by 3 W/m2 (Butler and Montzka, 2017). Robock et al. (2007) modeled a similar 150 Tg smoke emission and found similar results including temperature reduction of about 8 °C lasting for several years. Low temperatures reduced evapotranspiration and weakened the global hydrological cycle and Hadley cells. As a result, precipitation decreased globally by 45% with especially dramatic decreases in the agricultural areas of the United States. In the Northern Hemisphere, growing seasons would be shortened by about 100 days for about 3 years. This would preclude most food production over most of the world for several years. Mills et al. (2014) conducted a detailed analysis of the effects of a small (1.5 million ton) regional exchange lofting just 5 Tg of soot into the atmosphere. This war would be equivalent to an exchange of 100 Hiroshima-sized bombs between, for example, India, Pakistan, or China. Mills et al. found global temperature decreases of 1.6 °C. To our knowledge, no one has studied the effects of a multi-billion ton nuclear exchange using modern atmospheric models. If, as Toon et al. and Robock et al. suggest, a 440 million ton war results in temperature reductions of 8 °C for a decade and a 100 day reduction in the growing season, it is reasonable to assume that a one to five billion ton war would not be survivable for the majority of people on earth. However, as populations and population centers grow, the effects of nuclear wars on the biosphere will also grow. The consequences of nuclear winter increase as the amount of fuel (buildings, cars, biomass, liquid and solid fuels) added to a targeted area increase. As population centers grow and densify over time, the amount of soot added to the stratosphere as the result of any given nuclear exchange may increase (depending in part on building materials). As a result, the nuclear winter resulting from a 400 million ton yield global war in 2020 may be far more severe than if the same war occurred in 2000. Further, there are reasons to believe that the soot emissions from a hypothetical nuclear exchange are conservative because they focus on urban areas and often do not incorporate non-urban energy infrastructure. For example, if ignited and burned completely, the U.S. Strategic Petroleum Reserve (SPR) alone contains about 14.5 Tg of soot emissions.3 Including all crude held in U.S. commercial facilities, the potential soot emissions increase to 24 Tg. Thus, incorporating crude oil storage in the U.S. alone would increase soot generation estimates by about 16%. Similarly, nuclear war planners would be likely to target coal, oil and gas fields in the U.S., Russia, and their allies. This unaccounted for fuel could increase the total soot contribution to the atmosphere, potentially deepening the resulting nuclear winter. 2.2. Acute effects of particulate matter Studies of nuclear winter typically focus on the effects of smoke lofted into the stratosphere during nuclear firestorms. However, a larger proportion of smoke following nuclear war will be trapped in the troposphere where it would have significantly acute impacts on human and non-human species. Crutzen et al. (1984) calculated that following a major nuclear war (about 5 billion tons of explosives, roughly the combined U.S. and Russian deployed nuclear arms as of 2017) smoke would cover about 30–40% of the earth's surface with airborne smoke concentrations on the order of 5 mg/m3 . While initially this smoke would be composed of very small particles (b0.1 μm), the particles would rapidly coalesce into the 0.1 to 3 μm range, roughly consistent with the wellstudied PM2.5. For comparison, the EPA's National Ambient Air Quality standard for PM2.5 is 0.012 mg/m3 and as of 2017, the highest PM2.5 concentrations in Asia are typically around 0.3 to 1 mg/m3 .

### 1AC – Solvency: Public IP Holiday

#### The plan seamlessly shifts to a direct support model during pandemics, which allows pharma companies to profit and innovate while speeding up the process---that solves but avoids the innovation DA.

Brink **Lindsey 21**. Vice President, Niskanen Center; Writes for Brookings, “Why Intellectual Property and Pandemics Don’t Mix,” Brookings, June 3, 2021, <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>, RJP, **DebateDrills**.

**PUBLIC HEALTH EMERGENCIES AND DIRECT GOVERNMENT SUPPORT**

For pandemics and other public health emergencies, patents’ mix of costs and benefits is misaligned with what is needed for an effective policy response. The basic patent bargain, even when well struck, is to pay for more innovation down the road with slower diffusion of innovation today. In the context of a pandemic, that bargain is a bad one and should be rejected entirely. Here the imperative is to accelerate the diffusion of vaccines and other treatments, not slow it down. Giving drug companies the power to hold things up by blocking competitors and raising prices pushes in the completely wrong direction.

What approach to encouraging innovation should we take instead? How do we incentivize drug makers to undertake the hefty R&D costs to develop new vaccines without giving them exclusive rights over their production and sale? The most effective approach during a public health crisis is direct government support: public funding of R&D, advance purchase commitments by the government to buy large numbers of doses at set prices, and other, related payouts. And when we pay drug makers, we should not hesitate to pay generously, even extravagantly: we want to offer drug companies big profits so that they prioritize this work above everything else, and so that they are ready and eager to come to the rescue again the next time there’s a crisis.

It was direct support via Operation Warp Speed that made possible the astonishingly rapid development of COVID-19 vaccines and then facilitated a relatively rapid rollout of vaccine distribution (relative, that is, to most of the rest of the world). And it’s worth noting that a major reason for the faster rollout here and in the United Kingdom compared to the European Union was the latter’s [misguided penny-pinching](https://www.nytimes.com/2021/05/17/opinion/europe-vaccines-commission.html?smid=tw-share). The EU bargained hard with firms to keep vaccine prices low, and as a result their citizens ended up in the back of the queue as various supply line kinks were being ironed out. This is particularly ironic since the Pfizer-BioNTech vaccine was developed in Germany. As this fact underscores, the chief advantage of direct support isn’t to “get tough” with drug firms and keep a lid on their profits. Instead, it is to accelerate the end of the public health emergency by making sure drug makers profit handsomely from doing the right thing.

Patent law and direct support should be seen not as either-or alternatives but as complements that apply different incentives to different circumstances and time horizons. Patent law provides a decentralized system for encouraging innovation. The government doesn’t presume to tell the industry which new drugs are needed; it simply incentivizes the development of whatever new drugs that pharmaceutical firms can come up with by offering them a temporary monopoly. It is important to note that patent law’s incentives offer no commercial guarantees. Yes, you can block other competitors for a number of years, but that still doesn’t ensure enough consumer demand for the new product to make it profitable. DIRECT SUPPORT MAKES PATENTS REDUNDANT The situation is different in a pandemic. Here the government knows exactly what it wants to incentivize: the creation of vaccines to prevent the spread of a specific virus and other drugs to treat that virus. Under these circumstances, the decentralized approach isn’t good enough. There is no time to sit back and let drug makers take the initiative on their own timeline. Instead, the government needs to be more involved to incentivize specific innovations now. As recompense for letting it call the shots (pardon the pun), the government sweetens the deal for drug companies by insulating them from commercial risk. If pharmaceutical firms develop effective vaccines and therapies, the government will buy large, predetermined quantities at prices set high enough to guarantee a healthy return.

#### Thus the plan: The United States of America ought to reduce intellectual property protections for the COVID-19 vaccine. The plan’s implemented through a TRIPS waiver for the U.S.

-- that’s Moderna, Pfizer-BioNTech, Johnson & Johnson/Janssen

#### The plan bolsters the number of vaccines---arguments about supply and logistics are empirically disproven.

Nancy S. **Jecker &** Caesar A. **Atuire 21**. \*Department of Bioethics & Humanities, University of Washington School of Medicine, \*\*Department of Philosophy, University of Johannesburg, Auckland Park, Gauteng, South Africa, “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines,” Journal of Medical Ethics, July 6, 2021, <https://jme.bmj.com/content/medethics/early/2021/07/06/medethics-2021-107555.full.pdf>., RJP, **DebateDrills.**

Since consequentialist justifications treat the value of IP as purely instrumental, they are also vulnerable to counterarguments showing that a sought-after goal is not the sole or most important end. During the COVID-19 pandemic, we submit that the vaccinating the world is an overriding goal. With existing IP protections intact, the world has fallen well short of this goal. Current forecasts show that at the current pace, there will not be enough vaccines to cover the world’s population until 2023 or 2024.15 IP protections further frustrate the goal of universal access to vaccines by limiting who can manufacturer them. The WHO reports that 80% of global sales for COVID-19 vaccines come from five large multinational corporations.16 Increasing the number of manufacturers globally would not only increase supply, but reduce prices, making vaccines more affordable to LMICs. It would stabilise supply, minimising disruptions of the kind that occurred when India halted vaccine exports amidst a surge of COVID-19 cases.

It might be objected that waiving IP protections will not increase supply, because it takes years to establish manufacturing capacity. However, since the pandemic began, we have learnt it takes less time. Repurposing facilities and vetting them for safety and quality can often happen in 6 or 7months, about half the time previously thought.17 Since COVID-19 will not be the last pandemic humanity faces, expanding manufacturing capacity is also necessary preparation for future pandemics. Nkengasong, Director of the African Centres for Disease Control and Prevention, put the point bluntly, ‘Can a continent of 1.2billion people—projected to be 2.4billion in 30 years, where one in four people in the world will be African—continue to import 99% of its vaccine?’18

## FW

#### The standard is maximizing expected wellbeing.

#### Prefer it:

#### 1] Actor specificity:

#### A] Aggregation – every policy benefits some and harms others, which also means side constraints freeze action.

#### B] No act-omission distinction – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission

#### C] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen

o/w

#### 2] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose

#### 3] Use epistemic modesty for evaluating the framework debate:

#### A] Substantively true since it maximizes the probability of achieving net most moral value—beating a framework acts as mitigation to their impacts but the strength of that mitigation is contingent.

#### B] Clash—disincentives debaters from going all in for framework which means we get the ideal balance between topic ed and phil ed—it’s important to talk about contention-level offense

#### 4] Reject calc indicts and util triggers permissibility arguments:

#### A] Empirically denied—both individuals and policymakers carry out effective cost-benefit analysis which means even if decisions aren’t always perfect it’s still better than not acting at all

#### B] Theory—they’re functionally NIBs that everyone knows are silly but skew the aff and move the debate away from the topic and actual philosophical debate, killing valuable education

#### 5] Nothing in the 1AC triggers presumption or permissibility – but they should affirm:

#### A] 1ar time skew means 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse, if the neg can’t prove the aff false you should presume its true

#### B] You presume statements true unless proven false – If I tell you my name is Jonathan you believe me unless you have evidence to the contrary

#### C] Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

#### D] triggers kill substantive education and force a 1ar restart so you should punish them for doing so

#### Extinction comes first!

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### Truth testing makes up rules to constrain discussion of race and cement the status-quo and is just plain wrong

Overing and Scoggin 15 “In Defense of Inclusion”; September 10, 2015; John Scoggin (coach for Loyola in Los Angeles and former debater for the Blake School in Minneapolis. His students have earned 77 bids to the Tournament of Champions in the last 7 years. He’s coached 2 TOC finalists, a TOC quarterfinalist, and champions of many major national tournaments across the country) and Bob Overing (former debater for the USC Trojan Debate Squad, and current student at Yale Law School. As a senior in high school, he was ranked #1, earned 11 bids and took 2nd at TOC. In college, he cleared at CEDA and qualified to the NDT. His students have earned 98 career bids, reached TOC finals, and won many championships.); <http://premierdebatetoday.com/2015/09/10/in-defense-of-inclusion-by-john-scoggin-and-bob-overing/> //BWSWJ

In establishing affirmative and negative truth burdens, truth-testing forecloses important discussions even of the resolution itself. Consider the fact that in 1925-1926, there were two college policy topics, one for men and one for women. Men got to debate child labor laws, and women had to debate divorce law. On the truth-testing view, the women debating the women’s topic would be barred from discussing the inherent sexism of the topic choice and the division of topics to begin with. Or consider the retracted 2010 November Public Forum topic, “Resolved: An Islamic cultural center should be built near Ground Zero.” Many debaters would feel uncomfortable arguing that resolution, just like they did on the 2012 January/February LD topic about domestic violence. We both know individuals who felt the domestic violence topic was so triggering that they did not want to compete at all. We can draw two conclusions from examples like these. First, there are good reasons to not debate a particular topic. These reasons have been spelled out over decades of debate scholarship ranging from Broda-Bahm and Murphy (1994) to Varda and Cook (2007) to Vincent (2013). Second, truth-testing prevents either team from making the argument that the topic is offensive or harmful. A hypothetical case, such as a resolution including an offensive racial epithet, makes the problem more obvious. Maybe the idea behind the resolution is good, but there’s something left out by analysis that stops there and ignores the use of a derogatory slur. Truth-testing makes irrelevant the words in the topic and the words used by the debaters. Thus, it fails to capture the reasons that any good person would “negate” or even refuse to debate an offensive topic. Clearly, there are elements of a topical advocacy beyond its truth that are worthy of questioning. Nebel (2015) acknowledges that some past resolutions were potentially harmful to debate (1.2, para. 5). Rather than exclude affected students as ‘not following the rules’ of semantics or truth-testing, we conclude that they should not be required to debate the topic. Nebel grapples with harmful topics in the following passage: I don’t think there is a magic-bullet response to critiques of the topic…I think they must be answered on a case-by-case basis, in their own terms…The question boils down to whether or not the topic is harmful for students to debate, and whether those harms justify breaking, or making an exception to, the topicality rule (1.2, para. 5) This statement is hard to square with Nebel’s thesis that semantic interpretations of the resolution come “lexically prior” (in other words, they always come first). He wants to allow exceptions, but doing so proves that harmfulness concerns can and do trump the topicality rule. As Nebel’s struggle with the critique of topicality illustrates, every article that claims to espouse a comprehensive view of debate must allow some exceptions to comply with our intuitions. The exceptions do not prove the rule. They prove there is a high level of concern in debate for affording dignity and respect to different kinds of arguments and modes of argumentation. There is no one principle of proper debate. Once the door is open for external factors like harmfulness, the inference to the priority of pragmatics is an easy one to make. If we care about the effects of debating the resolution on the students debating it, then other values like exclusion, education, and fairness start to creep in. If we can justify avoiding discussion of a bad topic on pragmatic grounds, we can also justify promoting discussion of a good topic. Any advantage to allowing discursive kritiks, performances, and roles of the ballot further justifies this pragmatic view against truth-testing. NDT champion Elijah Smith (2013) warns that without these argument forms, we “distance the conversation from the material reality that black debaters are forced to deal with every day”. Christopher Vincent (2013) built on that idea, arguing that universal moral theory “drowns out the perspectives of students of color that are historically excluded from the conversation” (para. 3). While we don’t agree wholesale with these authors, their work unequivocally demonstrates the value of departures from pure truth-testing. While we may not convince our opposition that they should presume value in kritik-based strategies, they should remain open to them. In a recent article for the Rostrum, Pittsburgh debate coach Paul Johnson (2015) extolled the ‘hands-off’ approach. Let the debaters test whether the arguments have merit, rather than deciding beforehand: In a debate round, one may argue the impertinence of theses about structural racism with regards to a particular case…But when we explicitly or implicitly suggest such theses have little to no value by deciding in advance that they are inaccurate, we are forswearing the hard, argumentative work of subjecting our own beliefs to rigorous testing and interrogation (p. 90) Suggesting that non-topical, race-based approaches are “vigilantist” and “self-serving” “adventure[s]” is to demean the worth of these arguments before the debate round even starts (Nebel 2015, 1.1, para. 2). The claim that they ‘break the rules’ or exist ‘outside the law’ otherizes the debaters, coaches, and squads that pursue non-traditional styles. Especially given that many of these students are students of color, we should reject the image of them as lawless, self-interested vigilantes. Students work hard on their positions, often incorporating personal elements such as narrative or performance. To defend a view of debate that excludes their arguments from consideration devalues their scholarship and the way they make debate “home.” That’s unacceptable. Branse notes “the motivation for joining the activity substantially varies from person to person” yet excludes some debaters’ motivations while promoting others (5, para. 4). We agree with Smith on the very tangible effects of such exclusion: “If black students do not feel comfortable participating in LD they will lose out on the ability to judge, coach, or to force debate to deal with the truth of their perspectives” (para. 5). Of course, we do not believe that Nebel or Branse intend their views to have these effects, but they are a concern we need to take seriously. III. Changing the Rules In Round One thought is that rejecting truth-testing is the wrong solution. Instead, we should create a better topic-selection process or an NSDA-approved topic change when the resolution is particularly bad. These solutions, however, are not exclusive of a rejection of truth-testing. An offensive topic might be reason to reform the selection process and to stop debating it immediately. Good role of the ballot arguments are the best solution because they pinpoint exactly why a debater finds the resolution inadequate. They highlight the problems of the proposed topic of discussion, and outline reasons why a different approach is preferable. While Branse believes these examples of in-round rule-making are problematic, we think debate rounds are an excellent location for discussing what debate should be. The first reason is the failure of consensus. Because there are a wide variety of supported methods to go about debating, we should be cautious about paradigmatic exclusion. While we don’t defend the relativist conclusion that all styles of debate are equally valuable, there is significant disagreement that our theories must account for. Truth-testing denies a number of ways to debate that many find valuable. The second reason is the internalization of valuable principles. Even people who do not think kritiks are the right way to debate have taken important steps like removing gendered language from their positions. NDT champion Elijah Smith (2013) identified hateful arguments and comments “you expect to hear at a Klan rally” as commonplace in LD rounds and the community (para. 2). We’d like to think those instances are at least reduced by the argumentation he’s encouraged. For instance, the much-maligned “you must prove why oppression is bad” argument now sees little play in high-level circuit rounds. Truth-testing forecloses this kind of learning from the opposition. Roles of the ballot and theory interpretations are examples of how in-round argumentation creates new rules of engagement. We welcome these strategies, and debaters should be prepared to justify their proposed rules against procedural challenges. The arguments we have made thus far are objections to truth-testing as a top-down worldview used to exclude from the get-go, not in-round means of redress against certain practices. There is a major difference between a topicality argument in a high school debate round and a prominent debate coach and camp director’s glib dismissal of non-topical argument as follows: [Y]ou can talk about whatever you want, but if it doesn’t support or deny the resolution, then the judge shouldn’t vote on it (Nebel 2015, 1.2, para. 4) Branse is equally ideological: Within the debate, the judge is bound by the established rules. If the rules are failing their function, that can be a reason to change the rules outside of the round. However, in round acts are out of the judge’s jurisdiction (2, para. 12) We take issue with debate theorists’ attempts to define away arguments that they don’t like. At one point, Jason Baldwin (2009) actually defended truth-testing for its openness, praising the values of the free market of ideas: That’s how the marketplace of ideas is supposed to work. But it is supposed to be a free marketplace where buyers (judges) examine whatever sellers (debaters) offer them with an open mind, not an exclusive marketplace where only the sellers of some officially approved theories are welcome (p. 26) Unfortunately for the truth-tester, debate has changed, and it will change again. What was once a model that allowed all the arguments debaters wanted to make – a prioris, frameworks, and meta-ethics – is now outdated in the context of discursive kritiks, performance, and alternative roles of the ballot. IV. Constitutivism, Authority, and the Nature of Debate Branse’s goal is to derive substantive rules for debate from the ‘constitutive features’ of debate itself and the roles of competitors and judges. We’ll quote him at length here to get a full view of the argument: [P]ragmatic benefits are constrained by the rules of the activity….education should not be promoted at the expense of the rules since the rules are what define the activity. LD is only LD because of the rules governing it – if we changed the activity to promoting practical values, then it would cease to be what it is (2, para. 7) Internal rules of an activity are absolute. From the perspective of the players, the authority of the rules are non-optional. (2, para. 12) The resolution, in fact, offers one of the only constitutive guidelines for debate. Most tournament invitations put a sentence in the rules along the lines of, “we will be using [X Resolution].” Thus, discussion confined to the resolution is non-optional (3, para. 5) [T]he delineation of an “affirmative” and a “negative” establishes a compelling case for a truth testing model…two debaters constrained by the rules of their assignment – to uphold or deny the truth of the resolution…[J]udging the quality of the debaters requires a reference to their roles. The better aff is the debater who is better at proving the resolution true. The better neg is the debater who is better at denying the truth of the resolution. The ballot requests an answer to “who did a comparatively better job fulfilling their role”, and since debaters’ roles dictate a truth-testing model, the judge ought to adjudicate the round under a truth testing model of debate. The judge does not have the jurisdiction to vote on education rather than truth testing (3, para. 7-8) Once a judge commits to a round in accordance with a set of rules…the rules are absolute and non-optional (4, para. 4) Similarly, Nebel uses contractual logic – appealing to the tournament invitation as binding agreement – to justify truth-testing: “The “social contract” argument holds that accepting a tournament invitation constitutes implicit consent to debate the specified topic….given that some proposition must be debated in each round and that the tournament has specified a resolution, no one can reasonably reject a principle that requires everyone to debate the announced resolution as worded. This appeals to Scanlon’s contractualism (1.1, para. 2) This approach is attractive because it seeks to start from principles we all seem to agree on and some very simple definitions. The primary problem is that the starting point is very thin, but the end point includes very robust conclusions. The terms “affirmative” and “negative” are insufficient to produce universal rules for debate, and certainly do not imply truth-testing (Section I, paragraph 3.) Branse does some legwork in footnoting several definitions of “affirm” and “negate,” but does little in the way of linguistic analysis. We won’t defend a particular definition but point out that there are many definitions that vary and do not all lend themselves to truth-testing. On a ballot the words “speaker points” are as prominently displayed as the words “affirmative” or “negative,” but neither Branse nor Nebel attempt to make any constitutive inference from their existence. Further, to find the constitutive role of a thing, one needs to look at what the thing actually is, rather than a few specific words on a ballot. Looking at debates now, we see that they rarely conform to the truth-testing model. It is simply absurd to observe an activity full of plans, counterplans, kritiks, non-topical performances, theory arguments, etc. and claim that its ‘constitutive nature’ is to exclude these

arguments. Not only that, but the truth-testing family has been heavily criticized in both the policy and LD communities (Hynes Jr., 1979; Lichtman & Rohrer, 1982; Mangus, 2008; Nelson, 2008; O’Donnell, 2003; O’Krent, 2014; Palmer, 2008; Rowland, 1981; Simon, 1984; Snider, 1994; Ulrich, 1983). The empirical evidence also points toward argumentative inclusion in three important ways. The first is argument trends. The popularity of kritiks, a prioris, meta-ethics, etc. confirm that at different times the community at large has very different views of what constitutes not only a good argument but also a good mode of affirming or negating. The second is argument cycles. An alternate view would suggest that debate evolves and leaves bad arguments by the wayside. Nevertheless, we see lots of arguments pop in and out of the meta-game, suggesting that we have not made a definitive verdict on the best way to debate. The third is judge deference. While people’s views on proper modes of debate shift, we retain a strong deference to a judge’s decision. Judges have different views of debate; if there were some overarching principle that all judges should follow, we would expect tournament directors to enforce such a rule. In sum, there is no way to view debate as a whole and see truth-testing as the general principle underlying our practices. The existence of a judge and a ballot are also insufficient to produce universal rules for debate. Branse thinks “[t]he ballot requests an answer to ‘who did a comparatively better job fulfilling their role.’” While that may be a valid concern, it is dependent on what the judge views the roles of debaters to be. The absence of any sort of instruction other than determining the ‘better debating’ or the ‘winner’ most naturally lends itself to a presumption of openness. In fact, many practices very explicitly deviate from the constitutive roles Branse lays out. Some counterplans (PICs, PCCs, topical CPs and the like) may do more to prove the resolution than disprove it, yet are generally accepted negative arguments. Another type of objection to Branse’s view is an application of David Enoch’s “agency shmagency” argument. Enoch (2011) summarizes in his paper “Shmagency revisited”: [E]ven if you find yourself engaging in a kind of an activity…inescapably…and even if that activity is constitutively governed by some norm or…aim, this does not suffice for you to have a reason to obey that norm or aim at that aim. Rather, what is also needed is that you have a reason to engage in that activity…Even if you somehow find yourself playing chess, and even if checkmating your opponent is a constitutive aim of playing chess, still you may not have a reason to (try to) checkmate your opponent. You may lack such a reason if you lack a reason to play chess. The analogy is clear enough: Even if you find yourself playing the agency game, and even if agency has a constitutive aim, still you may not have a reason to be an agent (for instance, rather than a shmagent) (p. 5-6) The application to chess helps us see the application to debate. Truth-testing may be the constitutive aim of doing debate, but it does not follow that our best reasons tell us to test the truth of the resolution. In fact, you may have no reasons to be a truth-testing debater in the first place. If “affirmative” means “the one who proves the resolution true,” we’ve demonstrated times when it’s better to be “shmaffirmative” than “affirmative.” Finally, we think one of the most important (perhaps constitutive) features of debate is its unique capacity to change the rules while playing within the rules. Education-based arguments and non-topical arguments are just arguments – they’re pieces on the chess board to be manipulated by the players. Branse concedes that in APDA debate, the resolution is “contestable through a formal, in-round mechanism (3, para. 9). LD and policy debate also have this mechanism through theory arguments, kritiks, and alternative roles of the ballot. Branse is right that in soccer and chess, there is no way to kick a ball or move a chess piece that would legitimately change the rules of the game. Debate is different. While soccer and chess have incontrovertible empirical conditions for victory (checkmates, more goals at fulltime), debate does not. In fact, discussing the win conditions is debating! Whenever a debater reads a case, they assume or justify certain win conditions and not others. This deals with Branse’s “self-defeatingness” objection because debate about the rules does not create a “free-for-all” — it creates a debate (6, para. 1). The truth-testing judge does not get to pick and choose what makes a good debate; to do so is necessarily interventionist. This demonstrates truth-testing is more arbitrary and subjective [2] than the education position Branse criticizes (4, para. 4; 5, para. 2, 5). To be truly non-interventionist, we should accept them as permissible arguments until proven otherwise in round. Of course, not all rules are up for debate. There is a distinction between rules like speech times (call these procedural rules) and rules like truth-testing (call these substantive rules). The former are not up for the debate in the sense that the tournament director could intervene if a debater refused to stop talking. The latter are debate-able and have been for some time. No tournament director enforces their pet paradigm. Because the tournament director, not the judge, has ultimate authority, we liken her to the referee in soccer. On this view, the judge is not the referee tasked with enforcing “the rules”; she should decide only on the basis of arguments presented in the debate. Tournaments are not subject to any form of higher authority and are not obligated to follow NSDA rules, TOC guidelines, or anything else to determine a winner. Something is only a procedural rule if it is enforced by the tournament, and truth-testing has not and shouldn’t be enforced in this manner. To our knowledge, no bid tournament director has ever imposed a truth-testing burden on all competitors. If anything is a binding contract, it is the judge paradigm. Judge philosophies or paradigms are explicitly agreed to in writing because each judge establishes their own, and there is no coercion at play. Most tournaments mandate or strongly encourage written paradigms, have time to review them, and accept judge services instead of payment for hiring a judge. These norms establish a clearer contractual agreement in favor of judge deferral than universal truth-testing. We have tested the constitutive and contractual arguments by considering how truth-testing is not a procedural rule like speech times. As such, it cannot accrue the benefits of bindingness, authority, and non-arbitrariness. We can also test the argument in the opposite direction. There are some rules that seem even more “constitutive” of debate than the resolution but are not examples of procedural rules. For instance, every judge and debate theorist would likely reject completely new arguments in the 2AR, but there is nothing within Branse’s constitutive rules (speech times, the resolution, the aff and neg) to justify the norm. The no-new-arguments rule does not need to be written in a rulebook to have a lot of force. V. Pragmatic Justifications for Truth-testing With the priority of pragmatics established and constitutive arguments well addressed, we turn to some hybrid arguments that attempt to justify truth-testing by appealing to pragmatics. Nebel argues that the advantages stemming from truth-testing must be weighed against all exceptions to it and that the advantages of debating the ‘true meaning’ of the topic nearly always outweigh: It would be better if everyone debated the resolution as worded, whatever it is, than if everyone debated whatever subtle variation on the resolution they favored. Affirmatives would unfairly abuse (and have already abused) the entitlement to choose their own unpredictable adventure, and negatives would respond (and have already responded) with strategies that are designed to avoid clash…people are more likely to act on mistaken utility calculations and engage in self-serving violations of useful rules (1.1, para. 2) However, the advantages of topicality for the semantic/truth-testing view hold on the pragmatic view as well. We agree that the reasons to debate the meaning of the topic are strong. The only difference is that the pragmatic theory can explain the possibility of exceptions to the rule without interpretive contortion. It makes much more sense to understand that strict topicality is just a very good practice than to tout it as an absolute, lexically prior, constitutively- and contractually-binding rule. Ultimately, all benefits to topicality and debating something other than the resolution are weighed on the same scale, so we should adopt the theory that explicitly allows that scale. We are unconvinced that direct appeals to pragmatic considerations would be worse on pragmatic grounds than an external and absolute rule like ‘always be topical.’ If topicality is as important and beneficial as Nebel says it is, then it should be easy to defend within a particular debate, avoiding the worst slippery slope scenarios. Nebel also argues that the pragmatic view “justifies debating propositions that are completely irrelevant to the resolution but are much better to debate” (1.1, para. 5). Branse makes the same claim about education: “Education as a voting issue legitimizes reading positions and debating topics that have no association with the resolution” (5, para. 3). This alarmism we’ve answered with our discussion of harmful resolutions. There is no empirical indication of a slippery slope to a world where no one discusses the topic. The disadvantages to one debate round departing from topical debate are quite small, and we have no problem biting the bullet here. Sometimes (and it may be very rare), it’s better not to debate the resolution. There may also be reasons to debate something else even when the resolution is very good. Black students should not have to wait for a reparations topic to talk about race in America. As conversations about racial oppression and police brutality grow louder and louder, it becomes increasingly unreasonable to defend a view of debate that ignores their relevance to the everyday lives of our students. It should be clear that the pragmatic view takes no absolute stance on topicality or burdens. A debate practice may be pragmatic in one context but not another. For that reason, we reject the narrowness of truth-testing.