# 1NC

## 1

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination and erasure of indigenous life and land via the occupation of settlers.

Tuck and Yang 12 (Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap4 - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence.. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to *be a place*. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. **Thus,** the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the **wild** land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world(i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land).The settler's wealth is land**,** or a fungible version of it, and so payment for labor is impossible.6The settler positions himself as both superior and normal**;** the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the UnitedStates, as a settler colonial nation-state, alsooperates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation**.** Each of these features of settler colonialism in the US context -empire, settlement, and internal colony - make it a site of contradictory decolonial desires. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Their desire for Punk-Neo-Liberal development of a deterritorialized nation state is synonymous with the continual elimination of indigenous peoples

Tuck and Yang 12 Eve Tuck and K. Wayne Yang, 2012, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society SJCP//JG

L. Frank Baum (author of The Wizard of Oz) famously asserted in 1890 that the safety of white settlers was only guaranteed by the “total annihilation of the few remaining Indians” (as quoted in Hastings, 2007). D.H. Lawrence, reading James Fenimore Cooper (discussed at length later in this article), Nathaniel Hawthorne, Hector St. John de Crevecoeur, Henry David Thoreau, Herman Melville, Walt Whitman and others for his Studies in Classic American Literature (1924), describes Americans’ fascination with Indigeneity as one of simultaneous desire and repulsion (Deloria, 1998). “No place,” Lawrence observed, “exerts its full influence upon a newcomer until the old inhabitant is dead or absorbed.” Lawrence argued that in order to meet the “demon of the continent” head on and this finalize the “unexpressed spirit of America,” white Americans needed either to destroy Indians or assimilate them into a white American world...both aimed at making Indians vanish from the landscape. (Lawrence, as quoted in Deloria, 1998, p. 4). Everything within a settler colonial society strains to destroy or assimilate the Native in order to disappear them from the land - this is how a society can have multiple simultaneous and conflicting messages about Indigenous peoples, such as all Indians are dead, located in faraway reservations, that contemporary Indigenous people are less indigenous than prior generations, and that all Americans are a “little bit Indian.” These desires to erase - to let time do its thing and wait for the older form of living to die out, or to even help speed things along (euthanize) because the death of pre-modern ways of life is thought to be inevitable - these are all desires for another kind of resolve to the colonial situation, resolved through the absolute and total destruction or assimilation of original inhabitants. Numerous scholars have observed that Indigeneity prompts multiple forms of settler anxiety, even if only because the presence of Indigenous peoples - who make a priori claims to land and ways of being - is a constant reminder that the settler colonial project is incomplete (Fanon, 1963; Vine Deloria, 1988; Grande, 2004; Bruyneel, 2007). The easy adoption of decolonization as a metaphor (and nothing else) is a form of this anxiety, because it is a premature attempt at reconciliation. The absorption of decolonization by settler social justice frameworks is one way the settler, disturbed by her own settler status, tries to escape or contain the unbearable searchlight of complicity, of having harmed others just by being one’s self. The desire to reconcile is just as relentless as the desire to disappear the Native; it is a desire to not have to deal with this (Indian) problem anymore.

#### The fluid denial of objectivity is a tool of the colonizer to destabilize identities to rationalize the destruction of Native livelihood.

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In view of the above, it is clear to see how fluid boundaries, the relativizing of difference and negation of grand narratives—primarily serves whitestream America. The multiphrenia of postmodern plurality, its "world of simulation" and obliteration of any sense of objective reality, has given rise to a frenetic search for the "authentic" led by culture vultures and capitalist bandits fraught with "imperialist nostalgia."25 In response, American Indian communities have restricted access to the discursive spaces of American Indian culture and identity and the non-discursive borders of American Indian communities. In short, the notion of fluidity has never worked to the advantage of indigenous peoples. Federal agencies have invoked the language of fluid or unstable identities as the rationale for dismantling the structures of tribal life**.** Whitestream America has seized upon the message of relativism to declare open season on Indians, and whitestream academics have employed the language of signification and simulation to transmute centuries of war between indigenous peoples and their respective nation-states into a "genetic and cultural dialogue" (Valle and Tones 1995, 141). Thus, in spite of its "democratic" promise, postmodernism and its ludic theories of identity fail to provide indigenous communities the theoretical grounding for asserting their claims as colonized peoples, and, more important, impede construction of transcendent emancipatory theories. Despite the pressures of cultural encroachment and cultural imperialism, however, indigenous communities continue to evolve as sites of political contestation and cultural empowerment. They manage to survive the dangers of colonialist forces by employing proactive strategies, which emphasize education, empowerment, and self-determination, and defensive tactics that protect against unfettered economic and political encroachment. Thus, whatever else the borders of indigenous communities may or may not demarcate, they continue to serve as potent geographic filters of all that is non-Indian—dividing between the real and metaphoric spaces that differentiate Indian country from the rest of whitestream America. Pedagogical Implications of Postmodern Theories As students learn to navigate the plurality of difference, it is equally important to avoid falling into the (postmodern) trap of relativism. A postmodern theory of difference that insists on impartiality masks the power and privilege that underpins whitestream culture and perspectives. In other words, American Indian students do not enter into a social space in which identities compete with equal power for legitimacy; rather, they are infused into a political terrain that presumes their inferiority. For example, postmodern musings of subjectivity as disembodied and free-floating ignore the fact that American Indian students, along with other indigenous peoples, are "engaged with the state in a complex relationship in which there are varying degrees of interdependency at play" (Alfred 1999, 85). As such, American Indian students are neither free to "reinvent" themselves nor able to liberally "transgress" borders of difference, but, rather, remain captive to the determined spaces of colonialist rule. These students experience the binds of the paradox inherent to current modes of identity theory and it becomes increasingly evident that "neither the cold linearity of blood-quantum nor the tortured weakness of self-identification" (both systems designed and legitimated by the state) will provide them any relief (Alfred 1999, 84). Thus, while postmodern theorists rightly question the whole notion of origins and work to disrupt the grand narrative of modernism, its hyperelastic and all-inclusive categories offer little to no protection against the colonialist forces of cultural encroachment and capitalist commodification.

#### The alternative is unforgetting – a practice of connecting structures of the past to the present, uncovering ignorance that sustains settler colonialism, and decolonization.

Shotwell 16 Alexis Shotwell, 2016, “Against purity: living ethically in compromised times,” University of Minnesota Press, Alexis Shotwell is Associate Professor of Sociology and Anthropology, and the Department of Philosophy, at Carleton University, SJBE

To do this, we need to revisit how we remember and reckon with this past, opening different possibilities for the present and future. In the Canadian context, such reckoning perceives the continuity between then Prime Minister Harper’s seemingly disjunctive statements: the apology and acknowledgment of Indian Residential Schools as a wrong, and the claim that Canada has no history of colonialism. Strangely, these statements—one that seems to acknowledge colonialism, the other that disavows it—are both forms of disavowing colonialism as a patterned and continuing network of social relations. Following Patrick Wolfe, we can understand this “move” as an attempt to frame colonialism as a fixed event; he argues that instead we should understand colonialism as “a structure rather than an event,” existing as a complex social formation across time (Wolfe 2006, 390). Events happened in the past, and they are finished; remembering them is a form of closure, nostalgia, or recapitulation. Practices of colonialism are written into the infrastructure of the states founded through expropriation, and in this sense they ascend from the past as the infrastructure of the present. Patterns of social relations, as structure not event, then predict the practices of the future. Remembering how these patterns came to be is a practice of opening questions, defamiliarization, and (perhaps) refusal of the social relations that produced events of the past. As Glen Sean Coulthard argues: In settler-colonial contexts—where there is no period marking a clear or formal transition from an authoritarian past to a democratic present—statesanctioned approaches to reconciliation must ideologically manufacture such a transition by allocating the abuses of settler colonization to the dustbins of history, and/or purposely disentangle processes of reconciliation from questions of settler-coloniality as such. . . . In such conditions, reconciliation takes on a temporal character as the individual and collective process of overcoming the subsequent legacy of past abuse, not the abusive colonial structure itself. (Coulthard 2014, 108–9) How might we think and act in more adequate ways as we stand in relation to shared pasts and presents? Historian of Indigenous struggles and revolutionary, Roxanne DunbarOrtiz formulates the beautiful concept of unforgetting as a part of resistance to colonialism. In this section, I dwell with conceptions of critical memory practices as a way to think about how white people can work with anticolonialism and decolonizing as praxis. For me, the aspiration to this kind of practice has intimately to do with memory and with the process of understanding the work of memory in colonial contexts. It is key to hold in mind that the stakes of memory and forgetting are not equal; while people, and white settlers in particular, benefit from forgetting the past that organizes the racist present, Indigenous people bear the weight of memory oppression. As Patricia Monture-Angus writes, drawing on Paula Allen Gunn’s views on memory: “It must be remembered, especially by Aboriginal individuals, that the roots of our oppression lie in our collective loss of memory” (MontureAngus 1995, 235). I’ll focus here on the question of decolonization as a challenge to forgetting, which implies that this collective loss of memory could perhaps be understood as a theft of memory, a dispossession integral to the colonial process. Dunbar-Ortiz says: The definition of lying is what white South African anti-apartheid writer Andre Brink plays with in his book An Act of Terror. What’s the opposite of truth? We think immediately “the lie.” But in Greek, the opposite of truth is forgetting. This is a very subtle thing. What is the action you take to tell the truth? It is un-forgetting. That is really meaningful to me. It’s not that the origin myth is a lie; it’s the process of forgetting that’s the real problem. . . . Alliances without un-forgetting at their core aren’t going to go anywhere in the long run. So, it is a dilemma, but we have to find a way. (Dunbar-Ortiz 2008, 57) Unforgetting, on this view, is an activity, just as forgetting is an activity. Political forgetting names an epistemology (a way of knowing) and an ontology (a way of being). Epistemically, forgetting is a core piece of colonial practice. Charles Mills and others call this an epistemology of ignorance: just as what we know arises from political situations and choices, what we do not know is actively shaped and carries politics (Mills 2007; Sullivan and Tuana 2007). Ignorance is not just an absence of knowledge; it is a way to (not) know things. In our being, ontologically, we become who we are in part through what we know and what we are made (or made able) to forget. Unforgetting, following Dunbar-Ortiz, can be an important part of resistance. A central feature of white settler colonial subjectivity is forgetting; we live whiteness in part as active ignorance and forgetting. In situations where facts of the matter are routinely brought to our attention, forgetting must be an active and ongoing thing. In general, I believe that systemic oppression is, in fact, present enough in our world that the kinds of ignorance and lack of knowledge running alongside oppression deserve explanation. Consider that some people think that they “just don’t see race,” or that poverty doesn’t exist in their community, or that Indigenous people aren’t part of their national consciousness. One way to understand what is at play here is through imagining a kind of benign ignorance—people just haven’t been taught the facts of the situation, and so they can’t be held responsible for not understanding how race, poverty, indigeneity, and more, are present in their lives. If this were the problem, just giving people more and better information would correct their knowledge problem. But we don’t just have a knowledge problem—we have a habit-of-being problem; the problem of whiteness is a problem of what we expect, our ways of being, bodily-ness, and how we understand ourselves as “placed” in time. Whiteness is a problem of being shaped to think that other people are the problem. Another way to understand this dynamic is to realize the very complex entanglement of practices and habits of ignorance, repression, and active disavowal that constitute an active settler process of not telling, not seeing, and not understanding the truth of the matter, which is a truth of being shaped as the legacy of the harms of the past. We unforget, actively and resistantly, because forgetting is shaped by forces bigger than ourselves. In their book about regulation of sexuality through state surveillance, Gary Kinsman and Patrizia Gentile say: “In part, capitalism and oppression rule through what we call ‘the social organization of forgetting,’ which is based on the annihilation of our social and historical memories. . . . We have been forced to forget where we have come from; our histories have never been recorded and passed down; and we are denied the social and historical literacy that allows us to remember and relive our past, and, therefore, to grasp our present” (Kinsman and Gentile 2010, 21). We white people might, on some level, like living with annihilated social and historical memories—we might like to think that the present can be innocent of the past that produced it. We might like to think, though we’re ashamed to admit it, that we don’t need to tell or hear the painful stories of the actions that created the world we live in. That feeling, of wanting to be people unmoored from history, of endorsing the pretense that we have nothing to do with the past that constitutes our material conditions and our most intimate subjectivities, is a feeling that defines us. The social organization of forgetting means that our actual histories are lost, and it means that we have a feeling of acceptance and normalness about living with a lie instead of an unforgetting. How do we tell a resistant, anticolonial story without using colonial frameworks? What would it mean to understand this history without foregrounding a conception of individualized and disconnected history that may be completely unintelligible within Indigenous social and legal systems? How can we tell histories of residential schools without replicating another colonial trope, that of the innocent, pure, all-good natives corrupted by colonial education? That is, how can we see the people forced to attend residential schools as victims of profound injustice, and also as people who manifested profound resistance, then and now? How can we understand the people who were forced to attend residential schools but who identify the experience as a positive part of their pasts? In other words: How can we tell the full complexity of this narrative in a way that foregrounds the needs and interests of people most affected by vectors of oppression and vulnerability— without reinscribing the very categories delimiting purity and impurity that were deployed to organize this form of colonization, and without inscribing an ontology of vulnerability as definitive of Indigenous being? What would inhabiting the full complexity of that narrative do to settlers, white settles in particular? When I, as a white settler woman living on stolen land, narrate these questions or take up and amplify other people’s engagement with questions like these, can I simultaneously take responsibility for whiteness and undo it? These are not meant to be rhetorical questions, but they are difficult to answer. They become even more difficult when the questions apply not just to one school, or to one system of forced schooling, but to an entire area now constituted as a country, Canada, and the entire network of relations threading through it. And it is this entire network and this complex and dense history that the work of unforgetting would stand in relation to. Recall that the TRC’s mission statement states: “The Truth and Reconciliation Commission will reveal the complete story of Canada’s residential school system, and lead the way to respect through reconciliation . . . for the child taken, for the parent left behind” (Truth and Reconciliation Commission 2012, 2). Telling the complete story of Indian Residential Schools involves substantial struggle against a social organization of forgetting; in Canada, unlike in places in transitional contexts such as South Africa in the wake of apartheid, there has not been widespread attention to the TRC process from white people and settlers generally. Also, and this is the key categorical point, the process itself has been delimited. It did not involve a reckoning with the entire history of colonialism and its violence—it addressed itself to the more historically and socially bounded wrong of residential schools. Residential schools have been a widespread colonial technology. In addition to Indian Residential Schools in the Canadian context, there were Indian Boarding Schools in the United States and the forced removal of Australian Aboriginal children, though they were held in more dispersed institutional housing and schooling situations.3 There is a way in which the TRC process contributes to a major struggle against the social organization of forgetting. Paulette Regan was research director with the Truth and Reconciliation Commission of Canada. In reflecting on the responsibilities settlers hold to undertake an engagement with this process, she quotes theorist Roger Simon. She says: Such an undertaking would enable us, as Simon states, not only to “correct memory” by “engag[ing] in an active re/membering of the actualities of the violence of past injustices” but also to “initiate rememberance of the discursive practices that underwrote the European domination, subjection, and exploitation of indigenous peoples.” Engaging in these acts of “insurgent remembrance” makes visible to non-Indigenous people the colonial roots of historical patterns and structures that shape our contemporary thinking, attitudes, and actions towards Indigenous people: . . . my own act of insurgent remembering involves deconstructing the peacemaker myth, linking the discursive practices of nineteenth-century treaty making and Indian policy to a flawed contemporary discourse of reconciliation, and thus tracing the continuity of the violent structures and patterns of Indigenous-settler relations over time. (Regan 2010, 49–50) Insurgent remembrance, unforgetting, reveals salient lines of history, dwelling with how the past shapes the present. For example, consider the presumption that the Canadian state keeps peace rather than practices violence, or that things were not already profoundly violent. This presumption is part of a dense process of forgetting. The Canadian military has been deployed relatively rarely on Canadian soil, but almost always against Indigenous peoples, and almost always in relation to land claims. From a different view, then, we can say that the military brings the violence, rather than quelling it. It would be a truer, less of a forgetting mode of thinking, to understand the historical context of the founding and grounding violence of the Canadian state—violences directed toward many immigrant and enslaved peoples, as well as toward Indigenous peoples. Erasing the memory of past wrongs may be a key part of settler consciousness, even if disavowed. As Regan says, “[O]ur willingness to negotiate outstanding historical claims with Indigenous people is mediated by our willful ignorance and our selective denial of those aspects of our relationship that threaten our privilege and power—the colonial status quo” (Regan, 35). Unforgetting, in these terms, can be understood as requiring not only the acknowledgment (the coming into knowledge) of things that threaten the colonial status quo. Unforgetting, following Regan, will also require a willingness from those of us who partake in the legacy of colonialism and have the potential to affect what is remembered and why. This, again, involves a shift from knowing about particular things to taking action in particular ways informed by that understanding. This is because more is at stake than the truth; the colonial status quo involves vast apparatuses and histories that have a material effect of immiseration for many people and profit for few. As Donna Haraway argues, “Some differences are playful; some are poles of world historical systems of domination. ‘Epistemology’ is about knowing the difference” (Haraway 1991, 161). The point of reckoning with the social organization of forgetting is, if it is anything, to craft a future different from the horrific past we have collectively inherited and differentially live in the present. Such crafting would change the material conditions of our lives, though in ways that we cannot completely predict or determine. So this is an epistemic task, but it is also ontological, in that it aims to change the being of the social and political world. When I’ve taught university classes about Canadian colonial histories, my mostly white settler students worry that if we reckoned for real with the histories they’re learning about, often for the first time in their lives, they and their families would be kicked out of Canada. They worry that Canada would cease to exist. Some of them know where their families came from, and many of them do not. But they consistently say, “Where would we go, and what country would take us in?” These responses are connected to the healthism narrative I outlined above; they assume that responsibility for harms of the past will (or should) be addressed through individual retribution. The assumptions my students make in these worries tell me something about how they see themselves. My students assume that if Indigenous people were in charge of the geographical place now called Canada that they would expel and expunge all the white people and all the settlers of color. They assume that the social relations of oppression, violation, and dispossession would be merely reversed, and not transformed. They assume there is no way to reckon with the past that does not reiterate the founding violences that they have learned about for the first time. This tells us something useful about how people, even when they have not reflected on the problem very deeply, view whiteness and settler colonialism—these students see one part of the historical role of white people with accuracy, and it is a shameful role, one that terrifies them to imagine being reversed. Their response also redeploys a classificatory rigidity, transposing the activities of settler colonialism into a settled identity that cannot be transformed but only rejected. I am profoundly sad about these conversations, and in this way working with wellintentioned mostly white settler young people has shown me something about my own experience of seeing whiteness as a problem. When we learn even small parts of the shared histories that constitute racialization, most of the time we encounter those histories as something above and outside us— as reified, settled, and unchangeable. This more often produces despair than actuates possibility. So we will need some way of working with what Sue Campbell calls the “present past,” a concept that I will unpack shortly, understanding that mere reversal does not transform oppressive relations.

#### The role of the ballot is to vote for who best centers indigenous scholarship and resistance -- anything else continues the project of erasure.

Carlson 16 (Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213) // recut SJ DL

Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.**42** Relational accountability should be a cornerstone of settler colonial studies.I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoplesand take as its norm making this dialogue evident. In my view, it is critical that we not view settler colonial studies as a new or unique field being established, which would enact a discovery narrative and contribute to Indigenous erasure, but rather take a longer and broade\_r view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with humi- lity and accountability. We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty. We can view oral Indigenous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and pro- vided the foundations for our work. If our work has no foundation of Indigenous scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.

## 2

#### Interpretation: affirmative debaters must delineate what intellectual property they reduce in the 1AC.

#### There are four distinct types of IP

Ackerman 17 [Peter; Founder & CEO, Innovation Asset Group, Inc; “The 4 Main Types of Intellectual Property and Related Costs,” Decipher; 1/6/17; <https://www.innovation-asset.com/blog/the-4-main-types-of-intellectual-property-and-related-costs>] AK re-cut

Intellectual property protection isn’t as simple as declaring ownership of a particular product or asset. In most countries, there are four primary types of intellectual property (IP) that can be legally protected: patents, trademarks, copyrights, and trade secrets. Each has their own attributes, requirements and costs. Before narrowing your focus on which form of protection to use, know that these forms of protection are not mutually exclusive. Depending on what you’re doing, you might be able to use a “belt & suspenders” approach and apply multiple forms of protection, or one approach might be the most sensible. Read the descriptions below to get some of the basics. Used to protect inventive ideas or processes – things that are new, useful and nonobvious - patents are what most often come to mind when thinking of IP protection. Patents are also used to protect newly engineered plant species or strains, as well. 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Patent Application If the invention is deemed meritorious enough for the pursuit of patent protection, some organizations prepare their own provisional or nonprovisional patent applications. Others will farm this stage out. There may be more tweaks as an application is prepared, and then submission to the appropriate patent office and the prosecution stage begins (the back & forth with the government patent office). Typically it is outside counsel that manages this process and related docketing activities. Docketing is the overarching name for activities that include management of paperwork and meeting filing deadlines specified by the government patent office. Because the application process is often very complicated, patent offices highly recommend working with experienced patent attorneys to handle this process. Maintenance Once a patent is approved, it has a finite lifetime. Patent holders are responsible for maintaining and tracking the usage of their patents and paying the appropriate periodic government renewal fees. If a given technology or other patented asset is collecting dust, you might not want to renew it. Instead, you can try and sell, license or donate it. Conversely, if a patented asset is performing well through product sales or licensing activities and its life is getting shorter, you might think about innovating ahead and maintaining competitive momentum. Costs Costs will vary depending on the country or countries where you file an application, and can run into tens of thousands of dollars depending on the invention’s complexity, plus attorney fees. Maintenance fees over the lifetime of the patent can run into thousands more per patent, per country where patent rights have been granted. You have to keep your eyes on these costs. Trademark A trademark is unlike a patent in that it protects words, phrases, symbols, sounds, smells and color schemes. Trademarks are often considered assets that describe or otherwise identify the source of underlying products or services that a company provides, such as the MGM lion roar, the Home Depot orange color scheme, the Intel Inside logo, and so on. Procedure Trademarks do not necessarily require government approval to be in effect; they can apply through abundant use in interstate commerce. Still, registration of a trademark affords far superior protection and is gained by filing an application with the proper government office. A trademark application requires the company or user to provide a clear description and representation of the mark and its uses in conjunction with associated products or services. As with patents, it’s a good idea to partner with outside counsel that specializes in trademark applications and/or search services so they can help ensure there is a clear path for your desired mark. Costs Trademarks are generally quite less expensive to obtain. According to the US Patent and Trademark Office, trademark registration currently costs between $225 and $325 for each class code you use per mark. Attorney and search fees are extra. There are also periodic (and relatively inexpensive) government maintenance fees for trademarks. Copyrights do not protect ideas, but rather the manner in which ideas are expressed (“original works of authorship”) - written works, art, music, architectural drawings, or even programming code for software (most evident nowadays in video game entertainment). With certain exceptions, copyrights allow the owner of the protected materials to control reproduction, performance, new versioning or adaptations, public performance and distribution of the works. Procedure Copyrights in general attach when the original works become fixed in a tangible medium, but should be registered with the government copyright office for optimal protection in the form of damages, injunctions and confiscation. Copyright registration applications are much simpler than patents or trademarks, and typically can be obtained by the author alone. The US Copyright Office encourages use of their online application system, and requires a sample of the work to be protected and some background information about the author. Costs Depending on the type of work being protected, currently fees vary between $25-$100 in the US. The most frequent copyright registration sought is for one work by one author, and costs about $35. 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Costs Though there are no official registration costs, there are costs associated with taking appropriate precautions and security measures. You must weigh the competitive significance of your secrets against the cost of protecting them.

#### Violation: they don’t

#### Negate:

#### 1] Shiftiness- they can redefine what intellectual properties the 1ac defends in the 1ar which decks strategy and allows them to wriggle out of negative positions which strips the neg of specific IP DAs, IP PICs, and case answers. They will always win on specificity weighing.

#### CX can’t resolve this and is bad because A] Not flowed B] Skews 6 min of prep C] They can lie and no way to check D] Debaters can be shady.

#### 2] Real World- policy makers will always specify what the object of change is. That outweighs since debate has no value without portable application. It also means zero solvency since the WTO, absent spec, can circumvent aff’s policy since they can say they didn’t know what was affected.

#### This spec shell isn’t regressive- it literally determines what the affirmative implements and who it affects

#### Voters –

#### Fairness matters – debate is a competitive activity which requires equal rules

#### Education matters – it’s the only terminal impact to debate

#### Drop the debater –

#### They skewed the round so they should lose

#### it’s key to deter future abuse

#### use competing interps – reasonability is vague and arbitrary

#### no rvi

#### chilling effect – debaters won’t read theory if others read pre-empts

#### logic – you shouldn’t win for being fair

## 3

#### Interpretation: The affirmative may only garner offense from the hypothetical implementation of Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### Resolved requires policy action

Louisiana State Legislature <(https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

Resolution

A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### We’ve inserted a list of the 164 members of the WTO

WTO ND. Members and Observers. https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

Afghanistan — 29 July 2016 Albania — 8 September 2000 Angola — 23 November 1996 Antigua and Barbuda — 1 January 1995 Argentina — 1 January 1995 Armenia — 5 February 2003 Australia — 1 January 1995 Austria — 1 January 1995 B Bahrain, Kingdom of — 1 January 1995 Bangladesh — 1 January 1995 Barbados — 1 January 1995 Belgium — 1 January 1995 Belize — 1 January 1995 Benin — 22 February 1996 Bolivia, Plurinational State of — 12 September 1995 Botswana — 31 May 1995 Brazil — 1 January 1995 Brunei Darussalam — 1 January 1995 Bulgaria — 1 December 1996 Burkina Faso — 3 June 1995 Burundi — 23 July 1995 C Cabo Verde — 23 July 2008 Cambodia — 13 October 2004 Cameroon — 13 December 1995 Canada — 1 January 1995 Central African Republic — 31 May 1995 Chad — 19 October 1996 Chile — 1 January 1995 China — 11 December 2001 Colombia — 30 April 1995 Congo — 27 March 1997 Costa Rica — 1 January 1995 Côte d’Ivoire — 1 January 1995 Croatia — 30 November 2000 Cuba — 20 April 1995 Cyprus — 30 July 1995 Czech Republic — 1 January 1995 D Democratic Republic of the Congo — 1 January 1997 Denmark — 1 January 1995 Djibouti — 31 May 1995 Dominica — 1 January 1995 Dominican Republic — 9 March 1995 E Ecuador — 21 January 1996 Egypt — 30 June 1995 El Salvador — 7 May 1995 Estonia — 13 November 1999 Eswatini — 1 January 1995 European Union (formerly EC) — 1 January 1995 F Fiji — 14 January 1996 Finland — 1 January 1995 France — 1 January 1995 G Gabon — 1 January 1995 Gambia — 23 October 1996 Georgia — 14 June 2000 Germany — 1 January 1995 Ghana — 1 January 1995 Greece — 1 January 1995 Grenada — 22 February 1996 Guatemala — 21 July 1995 Guinea — 25 October 1995 Guinea-Bissau — 31 May 1995 Guyana — 1 January 1995 H Haiti — 30 January 1996 Honduras — 1 January 1995 Hong Kong, China — 1 January 1995 Hungary — 1 January 1995 I Iceland — 1 January 1995 India — 1 January 1995 Indonesia — 1 January 1995 Ireland — 1 January 1995 Israel — 21 April 1995 Italy — 1 January 1995 J Jamaica — 9 March 1995 Japan — 1 January 1995 Jordan — 11 April 2000 K Kazakhstan — 30 November 2015 Kenya — 1 January 1995 Korea, Republic of — 1 January 1995 Kuwait, the State of — 1 January 1995 Kyrgyz Republic — 20 December 1998 L Lao People’s Democratic Republic — 2 February 2013 Latvia — 10 February 1999 Lesotho — 31 May 1995 Liberia — 14 July 2016 Liechtenstein — 1 September 1995 Lithuania — 31 May 2001 Luxembourg — 1 January 1995 M Macao, China — 1 January 1995 Madagascar — 17 November 1995 Malawi — 31 May 1995 Malaysia — 1 January 1995 Maldives — 31 May 1995 Mali — 31 May 1995 Malta — 1 January 1995 Mauritania — 31 May 1995 Mauritius — 1 January 1995 Mexico — 1 January 1995 Moldova, Republic of — 26 July 2001 Mongolia — 29 January 1997 Montenegro — 29 April 2012 Morocco — 1 January 1995 Mozambique — 26 August 1995 Myanmar — 1 January 1995 N Namibia — 1 January 1995 Nepal — 23 April 2004 Netherlands — 1 January 1995 New Zealand — 1 January 1995 Nicaragua — 3 September 1995 Niger — 13 December 1996 Nigeria — 1 January 1995 North Macedonia — 4 April 2003 Norway — 1 January 1995 O Oman — 9 November 2000 P Pakistan — 1 January 1995 Panama — 6 September 1997 Papua New Guinea — 9 June 1996 Paraguay — 1 January 1995 Peru — 1 January 1995 Philippines — 1 January 1995 Poland — 1 July 1995 Portugal — 1 January 1995 Q Qatar — 13 January 1996 R Romania — 1 January 1995 Russian Federation — 22 August 2012 Rwanda — 22 May 1996 S Saint Kitts and Nevis — 21 February 1996 Saint Lucia — 1 January 1995 Saint Vincent and the Grenadines — 1 January 1995 Samoa — 10 May 2012 Saudi Arabia, Kingdom of — 11 December 2005 Senegal — 1 January 1995 Seychelles — 26 April 2015 Sierra Leone — 23 July 1995 Singapore — 1 January 1995 Slovak Republic — 1 January 1995 Slovenia — 30 July 1995 Solomon Islands — 26 July 1996 South Africa — 1 January 1995 Spain — 1 January 1995 Sri Lanka — 1 January 1995 Suriname — 1 January 1995 Sweden — 1 January 1995 Switzerland — 1 July 1995 T Chinese Taipei — 1 January 2002 Tajikistan — 2 March 2013 Tanzania — 1 January 1995 Thailand — 1 January 1995 Togo — 31 May 1995 Tonga — 27 July 2007 Trinidad and Tobago — 1 March 1995 Tunisia — 29 March 1995 Turkey — 26 March 1995 U Uganda — 1 January 1995 Ukraine — 16 May 2008 United Arab Emirates — 10 April 1996 United Kingdom — 1 January 1995 United States — 1 January 1995 Uruguay — 1 January 1995 V Vanuatu — 24 August 2012 Venezuela, Bolivarian Republic of — 1 January 1995 Viet Nam — 11 January 2007 Y Yemen — 26 June 2014 Z Zambia — 1 January 1995 Zimbabwe — 5 March 1995

#### Four types of IP.

Ackerman 17 [Peter; Founder & CEO, Innovation Asset Group, Inc; “The 4 Main Types of Intellectual Property and Related Costs,” Decipher; 1/6/17; <https://www.innovation-asset.com/blog/the-4-main-types-of-intellectual-property-and-related-costs>] Justin

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#### Nations are defined territories with governments

**Merriam Webster** [Merriam Webster, 8-22-2021, accessed on 9-6-2021, Merriam-webster, "Definition of NATION", <https://www.merriam-webster.com/dictionary/nation>] Adam

Definition of nation

 (Entry 1 of 2)

1a(1): [NATIONALITY sense 5a](https://www.merriam-webster.com/dictionary/nationality)three Slav peoples … forged into a Yugoslavia without really fusing into a Yugoslav nation— Hans Kohn

(2): a politically organized [nationality](https://www.merriam-webster.com/dictionary/nationality)

(3)in the Bible : a non-Jewish nationalitywhy do the nations conspire— Psalms 2:1 (Revised Standard Version)

b: a community of people composed of one or more [nationalities](https://www.merriam-webster.com/dictionary/nationalities) and possessing a more or less defined territory and government Canada is a nation with a written constitution— B. K. Sandwell

c: a territorial division containing a body of people of one or more nationalities and usually characterized by relatively large size and independent statusa nation of vast size with a small population— Mary K. Hammond

2archaic : [GROUP](https://www.merriam-webster.com/dictionary/group), [AGGREGATION](https://www.merriam-webster.com/dictionary/aggregation)

3: a tribe or federation of tribes (as of American Indians)the Seminole Nation in Oklahoma

#### Medicine is for the alleviation of disease

Sara Constantakis 2016 [World of Forensic Science, Gale In Context: Science. “Medicine”] [DS]

Medicine is one of the branches of the health sciences. It deals with restoring and maintaining health, but is also used in determining cause of death. It is a practical science that applies knowledge from biology, chemistry, and physics to treat diseases. Biological knowledge is derived from anatomy, biochemistry, physiology, histology, epidemiology, microbiology, genetics, toxicology, pathology, and many other disciplines. Biology forms the basis for understanding how the human body works and interacts with its environment.

An understanding of chemistry is required to determine the interactions between different drugs, to detect chemicals in the body, and design drugs for treatment. Physics has an impact on understanding how the body works and on understanding how the various instruments and equipment are used in diagnosis and treatment. The need to understand interactions between all of these areas makes medicine one of the most complex scientific disciplines.

**Violation: they dont**

#### Vote negative for predictable limits and ground—-allowing the affirmative to pick any grounds for the debate makes negative engagement impossible, by skirting a predictable starting point and making our preparation and research useless. Because debate is a competitive game, there is an incentive to revert to truisms that give the negative no chance at engagement. The lack of a plan also means the affirmative can shift their advocacy in later speeches instead of being tied to a particular text, which obviates negative arguments.

#### This has three impacts –

#### Fairness – A predictable limit is the only way to give the neg a chance to win—-radical aff choice shifts the grounds for the debate and puts the aff far ahead. Pre-tournament negative preparation is structured around topical plans as points of offense, which means anything other than a topical plan structurally favors the affirmative. Fairness is an intrinsic good—-debate is fundamentally a game and requires effective competition between the aff and the neg—-the only way for any benefit to be produced from debate and the reason why people are incentivized to do prep and research is to help them do better in their next round is if the judge can make a decision between two sides who have had a relatively equal chance to prepare for a common point of debate. Fairness also comes before substance—-

#### Second is Argument Engagement---advocacy tied to the resolution incentivizes nuanced research and CLASH with a well prepared opponent---They turn debate into one with no negative counterargumentation which causes confirmation bias and less good affirmatives. It also doesn’t subject the aff to rigorous arugmentation which eliminates the skills necessary to make real material change in the world and doesn’t generate real productive discussions – turns their offense.

#### 3. Accessibility – changing the topic post facto structurally favors the aff by making neg prep, which is based on the resolution, useless – the judge can only make a meaningful decision when both sides have had an equal opportunity.  It allows someone to specialize in one area 4 years giving an huge edge over people who switch research focus ever 2 months, which means their arguments are presumptively false because they haven’t been subject to well-researched clash.

#### 4] Clash – forfeiting government action sanctions retreat from controversy and forces the negative to concede solvency before winning a link -- clash is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale -- that jumpstarts the process of critical thinking, reflexivity, and argument refinement.

#### Topical version of the aff – abolish all pharma patents and the logic of patents is a continuation of pharacopornopgraphic – use sufficiency when evaluating the TVA because all deficits are neg ground. This and SSD solve their offense by re-centering debate on pharmacoporngraphy

#### Topicality must be a voting issue—the role of the ballot is to vote for whoever does the better debating over the resolutional question. Any aff role for debate must explain why we switch sides and why there has to be a winner and a loser—switching sides within the competitive yet limited bounds of the topic performs the labor of the negative which avoids group polarization and untested advocacy

#### Theory is an issue of competing interpretations because reasonability invites arbitrary judge intervention based on preference rather than argumentation and encourages a race to the bottom in which debaters will exploit a judge’s tolerance for questionable argumentation.

#### Procedural fairness is a voter and outweighs a] it’s an intrinsic good – debate is a game and equity is necessary to sustain the activity, b] probability – debate can’t alter subjectivity, but it can rectify skews, c] internal link turns every impact – a limited debate promotes research and engagement d] All your arguments concede fairness since you assume they will be esvaluated fairly. e] small school debaters are disincentivized from joining the activity because we prep for the topic and