# 1nc HC Rd. 1 v. Vestavia Hills GJ

## 1

#### Interpretation: The WTO is a trade organization

**WTO No Date** (<https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm>) EE

What is the WTO?

The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.

#### Ought means obligation

**Merriam Webster no date** <https://www.merriam-webster.com/dictionary/ought> EE

—used to express obligation

ought to pay our debts

#### Member means part of a group

**Merriam Webster no date** <https://www.merriam-webster.com/dictionary/member> EE

member

noun, often attributive

Definition of member

1: a body part or organ: such as

a: LIMB

b: PENIS

c: a unit of structure in a plant body

2: one of the individuals composing a group

3: a person baptized or enrolled in a church

4: a part of a whole: such as

a: a syntactic or rhythmic unit of a sentence : CLAUSE

b: one of the propositions of a syllogism

c: one of the elements of a set or class

d: either of the equated elements in a mathematical equation

#### Nation means a community with a defined territory and government

**Merriam Webster no date** (<https://www.merriam-webster.com/dictionary/nation>) EE

b: a community of people composed of one or more nationalities and possessing a more or less defined territory and government

Canada is a nation with a written constitution

— B. K. Sandwell

#### Reduce means to diminish

**Federal Circuit U.S. Court of Appeals, 1999**

(CUNA Mut. Life Ins. Co. v. US, 169 F. 3d 737 - Court of Appeals, Federal Circuit Feb 9, 1999) EE

"[T]he amount determined" under § 809, by which the policyholder dividend deduction is to be "reduced," is the "excess" specified in § 809(c)(1). Like the word "excess," the word "reduced" is a common, unambiguous, non-technical term that is given its ordinary meaning. See San Joaquin Fruit & Inv. Co., 297 U.S. at 499, 56 S.Ct. 569. "Reduce" means "to diminish in size, amount, extent, or number." Webster's Third International Dictionary 1905. Under CUNA's interpretation of "excess" in § 809(c), however, the result of the "amount determin[ation]" under § 809 would be not to reduce the policyholder dividends deduction, but to increase it. This would directly contradict the explicit instruction in § 808(c)(2) that the deduction "be reduced." The word "reduce" cannot be interpreted, as CUNA would treat it, to mean "increase."

#### Intellectual property refers to creations of the mind such as commercial art, designs, and innovations

**WTO no date** (<https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm>) EE

The TRIPS Agreement plays a critical role in facilitating trade in knowledge and creativity, in resolving trade disputes over intellectual property, and in assuring WTO members the latitude to achieve their domestic objectives. The Agreement is legal recognition of the significance of links between intellectual property and trade.

"Intellectual property" refers to creations of the mind. These creations can take many different forms, such as artistic expressions, signs, symbols and names used in commerce, designs and inventions. Governments grant creators the right to prevent others from using their inventions, designs or other creations — and to use that right to negotiate payment in return for others using them. These are “intellectual property rights”. They take a number of forms. For example, books, paintings and films come under copyright; eligible inventions can be patented; brand names and product logos can be registered as trademarks; and so on. Governments grant creators these rights as an incentive to produce and spread ideas that will benefit society as a whole.

The extent of protection and enforcement of these rights varied widely around the world; and as intellectual property became more important in trade, these differences became a source of tension in international economic relations. New internationally-agreed trade rules for intellectual property rights were seen as a way to introduce more order and predictability, and to settle disputes more systematically.

The Uruguay Round achieved that. The WTO’s TRIPS Agreement is an attempt to narrow the gaps in the way these rights are protected and enforced around the world, and to bring them under common international rules. It establishes minimum standards of protection and enforcement that each government has to give to the intellectual property held by nationals of fellow WTO members.

#### They violate—they don’t defend member nations of the WTO reducing IP protections for medicines.

#### Topicality as a procedural constraint is necessary for effective debate—post-hoc topic changes structurally favor the aff by manipulating the balance of prep which is anchored around the resolution as a stasis point. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus every 2 months, which means their arguments are presumptively false because they haven’t been subject to well-researched scrutiny.

#### Three impacts -

#### First, fairness – debate is fundamentally a game which requires both sides to have a relatively equal shot at winning and is necessary for any benefit to the activity. That outweighs:

#### A] decision-making: every argument concedes to the validity of fairness i.e. that the judge will make a fair decision based on the arguments presented. This means if they win fairness bad vote neg on presumption because you have no obligation to fairly evaluate their arguments.

#### B] probability: voting aff can’t solve any of their impacts but it can solve ours. All the ballot does is tell tab who won which can’t stop any violence but can resolve the fairness imbalance in this particular debate.

#### Second is switch side and idea-testing --- only a limited topic that leaves a role for the negative allows contestation and second-order testing that overcomes polarization. Switching sides forces them to scrutinize their own beliefs, which is valuable for developing and defending their own convictions more robustly.

**Poscher 16**

Ralf Poscher, Diat the Institute for Staatswissenschaft and Philosophy of Law at the University of Freiburg “Why We Argue About the Law: An Agonistic Account of Legal Disagreement”, Metaphilosophy of Law, Tomasz Gizbert-Studnicki/Adam Dyrda/Pawel Banas (eds.), Hart Publishing. 2016.

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls **the “labour of the negative**”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. **We must go through the “labor of the negative” to have trust in our deliberative processes.**104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups106 can be countered at least in some settings by **the inclusion of dissenting voices.** In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to **test and improve our position**. We have to do the “labor of the negative” for ourselves. **Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs**, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have **purposes beyond persuading him: to test one’s own convictions,** to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. **The rational does not lie in the discovery of a single right answer** to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, **why not decide hard cases by gut voting** at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

#### Third—small schools disad: under-resourced are most adversely affected by a massive, unpredictable caselist which worsens structural disparities

#### Disads to the TVA prove there’s negative ground and that it’s a contestable stasis point. If their critique is incompatible with the topic reading it on the neg solves and is better because it promotes switch-side debate

#### Winning pessimism doesn’t answer T because only through the process of clash can they refine their defense of it—they need an explanation of why we switch sides and why there’s a winner and loser under their model

#### Reject the team—T is question of models of debate and the damage to our strategy was already done

#### Competing interps—they have to proactively to justify their model and reasonability links to our offense

#### No rvis or impact turns—it’s their burden to prove their topical. Beating back T doesn’t prove their advocacy is good

#### Last, err heavily negative on topicality—lack of pre-round disclosure prevents us from prepping case-specific strategies which is why we had to rely on generics like T and Cap

## Case

#### Framing – ROB and ROJ is to evaluate the material conditions produced by the aff versus the advocacy of the neg –

#### A] materialism -- abjection is about how material conditions structure every portion of someone's existence, which is key to unraveling the lived realities that people experience to combat structures of oppression

#### B] ground -- able to weigh offense versus each other more effectively – anything else is uncomparable and makes debates over the best liberation politics impossible

#### C] solves offense from their fw bc they can say abjection outweighs; they just have to prove the 1ac materially reduces the impacts of antiblackness rather than making abstracted claims as feel-good politics.

#### D] The aff is hashtag activism, raising awareness but creating the illusion of change.

**Lippert 17:** Lippert, Sara. [Content Director, Titan Web Marketing Solutions] "Hashtag Activism: Is it Effective, Lazy, or Selfish?" *Titan Web Marketing Solutions*, 2017. EL

Hashtag activism is a term given to the latest trend of creating a hashtag for a cause, such as for a tragedy or issue in the world. Many see this as a way to spread awareness and aid a cause while others see it as a waste of time. Those who participate in hashtag activism believe they are able to make a difference in the world simply by posting a hashtag to join the conversation online. But is that really what they are doing? Is hashtag activism really an active solution or “slacktivism” as skeptics would call it? While hashtags have the ability to bring people together and the potential to solve problems, what are most hashtag activism campaigns really accomplishing? The Hashtag Activism Debate The issue with hashtag activism is whether or not it is actually making a difference in the world or if it is just a way for people to feel like they are making a difference. Just because the whole world knows about a problem or acknowledges that it exists doesn’t mean that the problem is fixed. Actions need to be taken in order to fix the problem, and most would say that adding a hashtag to your social media isn’t an effective action, bringing about the term “slacktivism.”  For issues such as world hunger, using #hunger isn’t going to solve anything other than raise awareness. But what is awareness compared to money? What is awareness compared to time dedicated to feeding starving people? Just because a hashtag is trending doesn’t mean the issue is being dealt with. According to a study performed in 2014, 75% of the Millennial generation uses social media platforms to discuss issues that matter to them. It also found that 58% of Americans think using a hashtag related to an issue is an effective form of support. The problem critics see is that online support isn’t typically backed by actions that make a difference. While increasing awareness is good, you need to have an ultimate result of action.

#### 1] Vote neg on presumption –

#### A] no action we take can reject abjection – your aff says that abject is built into institution, so there’s no way the judge can disrupt it by voting aff. Claudia votes aff and nothing happens because debaters only care about the W or L that shows up on tab. Graham has read this aff before at this tournament and nothing happened.

#### B] none your evidence talks about intellectual property protections – voting aff won’t transgress IPPs or confront the COVID monster.

#### C] Vagueness – nowhere in the aff do you define what “transgression” looks like – if you don’t know what the 1AC does after the first speech don’t give leeway to 1AR explanation.

#### D] Ideology is internal – the aff is talking about ideological positions, for example the fetishization of black people, but that can’t happen from an external actor/ballot because it is a personal mindset.

#### 2] Sax – the aff freezes action: the questioning of “who am I” is something that never ends and devolves to never doing anything to resolve oppression because we are always in these states to find who we are.

#### 3] Cede the Political DA – this form of biopolitical violence was manifested through the state, but refusing the state leaves it under the control of racist white conservatives.

#### 4] “Spitting Monsters” is a bad label and shouldn’t be endorsed – they lied about having COVID, putting mass amounts of people at risk. And, there usually not minorities – white nationalist often lies about their medical state as a way of protesting the vaccine.

#### 5] Kee – they sound like a racist antivaxxer – they say that politics will always be bad because they include the government, but that would implicate good things like state-run vaccine clinics.

#### 6] Turn: you claim abjection by reading this aff in an institutional space that is ripe with abjection means you are a part of the problem because you are using the space that you claim always coopts resistance.

#### 7] White Saviorism DA: you as white person attempt to preach about minorities place within abject structures, that’s exactly what Benjamin rush is talking about.

#### 8] Chandrashekhar – this logic is what white people use to refuse vaccines to black and brown people. Asian hate during COVID and creating lifesaving medicine.