## 1

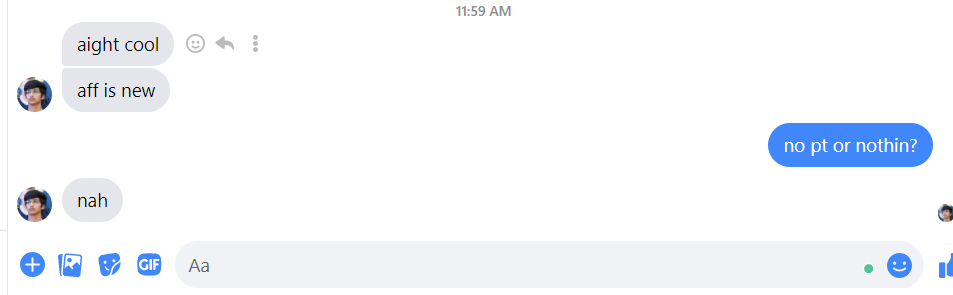
#### New affs bad – our interp is that you should disclose the plantext – see doc for SS.

#### 1] Rigorous Scrutiny — we were deprived of the opportunity to research and prepare a response to the case. Secrecy undermines rejoinder and prevents meaningful testing which is the only unique impact to debate

#### 2] Perverse Incentives — “new aff” debates are bad because they lack preparation and coherent clash. Voting for them encourages students to value *new* above *good*. Catching others off-guard is not a portable skill.

#### Education is a voter it’s the only takeaway from debate

#### Drop the debater for deterrence –



## 2

#### The aff is a solution in search of a problem – they eviscerate the utility of follow on innovations and fail to target the root cause of high drug problems.

Holman 20 (Holman, Christopher M. “Why Pharmaceutical Follow-on Innovation Should Be Eligible for Patent Protection.” Geneva Network, 7 Feb. 2020, geneva-network.com/research/why-pharmaceutical-follow-on-innovation-should-be-eligible-for-patent-protection/. [Chris Holman joined C-IP2 as a Senior Scholar in 2014, and he became the Senior Fellow for Life Sciences at C-IP2 in August 2020. He is a Professor at the University of Missouri-Kansas City School of Law, where his primary research focus lies at the intersection of intellectual property and biotechnology. He has published numerous articles in law reviews and scientific publications such as Science, Cell, and Nature Biotechnology, and has authored amicus briefs in a number of important biotechnology patent cases at the Supreme Court and Federal Circuit. In 2008 he was awarded the Daniel L Brenner Faculty Publishing Award for an influential law review article on human gene patent litigation. Prior to becoming a law professor, Holman served as vice-president of intellectual property and patent counsel at several Silicon Valley biotechnology companies and worked as an associate at a major intellectual property law firm. He was also a tenure-track chemistry professor in the California State University system.])//LK [Accessed 8/23/2021]

Despite the important role of intellectual property rights in incentivizing innovation, the patenting of pharmaceutical innovation is frequently accused of impeding access to medicine. Criticism of the prevailing patent regime has focused in particular on patents directed towards follow-on innovation, i.e., innovation that seeks to improve upon existing pharmaceuticals and their use in treating patients. Patents on follow-on innovation are often derided as “secondary” patents, with the implication that the underlying inventions are somehow lesser in nature than the subject matter claimed in “primary” patents, i.e., the drug active ingredient per se. While implicitly acknowledging the legitimacy of primary patents, critics of so-called secondary patents contend that patents on follow-on innovation allow drug innovators to “evergreen” their products, i.e., to extend the period of patent exclusivity beyond the expiration of any original patent on the drug active ingredient, and in doing so contribute to the high cost of drugs, thereby limiting the ability of patients to access the drugs upon which they have come to rely. In 2015, the United Nations Development Programme (UNDP) issued a document entitled Guidelines for Pharmaceutical Patent Examination: Examining Pharmaceutical Patents from a Public Health Perspective (the “Guidelines”), which, in an effort to promote access to medicines, recommends that courts and patent offices implement newly heightened patentability requirements for follow-on pharmaceutical innovation that would be uniquely stringent and largely unprecedented. 1 In 2017, I challenged many of the assertions made in the Guidelines in an article entitled In Defense of Secondary Pharmaceutical Patents: A Response to the UN’s Guidelines for Pharmaceutical Patent Examination (“Defense of Secondary Patents”), which provides numerous examples of so-called secondary patents that have withstood validity challenges in the courts and patent offices throughout the world and which were directed towards follow-on pharmaceutical innovation clearly meriting patent protection. 2 More recently, I teamed up with legal scholars Timo Minssen and Eric Solovy in authoring Patentability Standards for Follow-on Pharmaceutical Innovation (“Patentability Standards”), an article that reiterates the important role of follow-on pharmaceutical innovation in addressing compelling human health concerns, and which proposes what we consider to be the appropriate standards and criteria to be applied in assessing the patentability of this sometimes underappreciated aspect of medical innovation. 3 Why Protect Follow-On Innovation? The attack on secondary pharmaceutical patents is based in part on the flawed premise that follow-on innovation is of marginal value at best, and thus less deserving of protection than the primary inventive act of identifying and validating a new drug active ingredient. In fact, follow-on innovation can play a critical role in transforming an interesting drug candidate into a safe and effective treatment option for patients. A good example can be seen in the case of AZT (zidovudine), a drug ironically described in the Guidelines as the “first breakthrough in AIDS therapy.” AZT began its life as a failed attempt at a cancer drug, and it was only years later that its potential application in the fight against AIDS was realized. Follow-on research resulted in a method-of-use patent directed towards the use of AZT in the treatment of AIDS, and it was this patent that incentivized the investment necessary to bridge the gap between a promising drug candidate and a safe, effective, and FDA-approved pharmaceutical. Significantly, because of the long lag time between the first public disclosure of AZT and the discovery of its use in the treatment of AIDS, patent protection for the molecule per se was unavailable. In a world where follow-on innovation is unpatentable, there would have been no patent incentive to invest in the development of the drug, and without that incentive AZT might have languished on the shelf as simply one more failed drug candidate. Other examples of important drugs that likely never would have been made available to patients without the availability of a “secondary” patent include Evista (raloxifene, used in the treatment of osteoporosis and to reduce the risk of invasive breast cancer), Zyprexa (olanzapine, used in the treatment of schizophrenia), and an orally-administrable formulation of the antibiotic cefuroxime. Pharmaceutical development is prolonged and unpredictable, and frequently a safe and effective drug occurs only as a result of follow-on innovation occurring long after the initial synthesis and characterization of a pharmaceutically interesting chemical compound. The inventions protected by secondary patents can be just as critical to the development of drugs as a patent on the active ingredient itself. The Benefits of Follow-On Innovation The criticism of patents on follow-on pharmaceutical innovation rests on an assumption that follow-on innovation provides little if any benefit to patients, and merely serves as a pretense for extending patent protection on an existing drug. In fact, there are many examples of follow-on products that represent significant improvements in the safety-efficacy profile. For example, the original formulation of Lumigan (used to treat glaucoma) had an unfortunate tendency to cause severe hyperemia (i.e., redeye), and this adverse event often lead patients to stop using the drug, at times resulting in blindness. Subsequent research led to a new formulation which largely alleviated the problem of hyperemia, an example of the type of follow-on innovation that significantly benefits patients but that which would be discouraged by a patent regime that does not reward follow-on innovation. Follow-on pharmaceutical innovation can come in the form of an extended-release formulation that permits the drug to be administered at less frequent intervals than the original formulation. Critics of secondary patents downplay the significance of extended-release formulations, claiming that they represent nothing more than a ploy to extend patent protection without providing any real benefit to patients. In fact, the availability of a drug that can be taken once a day has been shown to improve patient compliance, a significant issue with many drugs, particularly in the case of drugs taken by patients with dementia or other cognitive impairments. Extended-release formulations can also provide a more consistent dosing throughout the day, avoiding the peaks and valleys in blood levels experienced by patients forced to take an immediate-release drug multiple times a day. Other examples of improved formulations that provide real benefits to patients are orally administrable formulations of drugs that could previously only be administered by more invasive intravenous or intramuscular injection, combination products that combine two or more active pharmaceutical agents in a single formulation (resulting in improved patient compliance), and a heat-stable formulation of a lifesaving drug used to treat HIV infection and AIDS (an important characteristic for use in developing countries with a hot climate). “Evergreening” – an Incoherent Concept Drug innovators are often accused of using secondary patents to “evergreen” the patent protection of existing drugs, based on an assumption that a secondary patent somehow extends the patent protection of a drug after the primary patent on the active ingredient is expired. As a general matter, this is a false assumption — a patent on an improved formulation, for example, is limited to that improvement and does not extend patent protection for the original formulation. Once the patents covering the original formulation have expired, generic companies are free to market a generic version of the original product, and patients willing to forgo the benefits of the improved formulation can choose to purchase the generic product, free of any constraints imposed by the patent on the improvement. Of course, drug innovators hope that doctors and their patients will see the benefits of the improved formulation and be willing to pay a premium for it, but it is important to bear in mind that ultimately it is patients, doctors, and third-party payers who determine whether the value of the improvement justifies the costs. Of course, this assumes a reasonably well-functioning pharmaceutical market. If that market breaks down in a manner that forces patients to pay higher prices for a patented new version of a drug that provides little real improvement over the original formulation, then it is the deficiency in the market which should be addressed, rather than the patent system itself. For example, if a drug company is found to have engaged in some anticompetitive activity to block generic competition in the market for the original product once it has gone off patent, then antitrust and competition laws should be invoked to address that problem. If doctors are prescribing an expensive new formulation of a drug that provides little benefit compared to a cheaper, unpatented original product, then that is a deficiency in the market that should be addressed directly, rather than through a broadside attack on follow-on innovation. In short, if is found that secondary patents are being used in a manner that creates an unwarranted extension of patent protection, it is that misuse of the patent system which should be addressed directly, rather than through what amounts to an attack on the patent system itself. Compatibility with TRIPS The heightened requirements of patentability proposed in the Guidelines not only pose a threat to important follow-on pharmaceutical innovation, but if they were to be adopted could constitute noncompliance with certain international treaties, including in particular the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”), which the 164 Members of the World Trade Organization (WTO) have agreed to abide by. The TRIPS Agreement requires WTO Members to provide certain minimum levels of protection for patentable inventions, thus placing substantive limitations on the ability of WTO Members to raise the bar for patentability. The TRIPS Agreement in no way sanctions subject matter-specific heightened requirements of patentability; to the contrary, the antidiscrimination provision in the TRIPS Agreement affirmatively precludes such measures. Unfortunately, this point is all too often lost in discussions of international and domestic patent policy. Best Practices for Evaluating the Patentability of Follow-On Pharmaceutical Inventions Patentable Subject Matter In Patentability Standards my co-authors and I endorse what we believe to be the proper standards for assessing the patentability of follow-on pharmaceutical innovation, which are essentially the same standards currently being applied in the US, Europe and other nations in compliance with the TRIPS Agreement. As a general matter, inventions arising out of follow-on pharmaceutical innovation, and in particular the categories of “secondary” invention identified in the Guidelines, should be deemed patentable subject matter so long as the various substantive requirements of patentability, including novelty, non-obviousness, and practical utility are satisfied. Although the US Supreme Court’s 2012 Mayo decision appears to have rendered many diagnostic inventions patent ineligible in the United States, the Court explicitly noted that the decision was not intended to adversely affect the patent eligibility of new methods of using drugs, and the patent eligibility of drugs and drug improvements remains generally noncontroversial in the US. In particular, the Guidelines’ recommendations that new methods of using a drug should be presumptively treated as patent ineligible “discoveries,” and that drug metabolites are not patent eligible because they can be produced by physiological processes, should be rejected. An inventive method of using a drug to treat disease is a significant advance in medicine, not a mere “discovery,” and it is a mistake to conflate naturally-occurring metabolites with drug metabolites, which as a general matter are not naturally-occurring molecules and which can in many instances constitute important contributions to medicine in and of themselves. Utility / Industrial Application The requirement of utility/industrial application likewise should generally not be an issue for follow-on pharmaceutical innovation, since by their nature these inventions involve a new form or mode of use of a pharmaceutically active chemical entity of known therapeutic potential. It is important to emphasize that compliance with the utility requirement does not require a showing that the follow-on invention provide some beneficial utility not otherwise provided by the prior art. If a follow-on pharmaceutical invention does not provide any significant benefit over the prior state-of-the-art, regulatory authorities and a well-functioning market should ensure that the patent will not significantly impact access to medicine. Novelty Under the TRIPS Agreement, an invention can be denied patent protection if, as of the effective filing date, it is not novel (i.e., new) relative to the “prior art,” as defined by statute and case law in domestic systems. The prior art consists of publications and other public disclosure of the invention, and under some circumstances encompasses certain non-public uses and offers for sale. Significantly, in order to have effect the prior art generally must enable one skilled in that field of technology to make and use a claimed invention without engaging in undue experimentation. For example, the generic disclosure of a large group of molecules comprising some common structural core does not necessarily destroy the novelty of each and every molecule encompassed by that disclosure. The rationale behind this approach, which is well-established in jurisdictions such as the US and Europe, is that while a generic disclosure can easily be defined so as to encompass millions and even billions of individual molecules, it does not meaningfully enable the identification, synthesis, and clinical use of a specific molecule falling within the genus that is later found to provide some specific utilitarian benefit not shared by other members of the group. The Guidelines would upset the status quo by declaring patents directed to inventions of this type (referred to in the Guidelines to as “selection patents”) as generally invalid for lack of novelty. But if a paper disclosure encompassing a large group of molecules, the vast majority of which have never been made or tested, is deemed sufficient to render every molecule falling within the group unpatentable, the incentive for drug companies to invest in identifying and developing a potentially safe and effective pharmaceutical compound falling within the group will be severely dampened. Identifying a specific molecule with the safety and efficacy profile required of a successful human therapeutic is a veritable search for a needle in a haystack, and without the potential for patent protection in cases in which a valuable needle is recovered too many haystacks will remain inadequately searched. Nonobviousness This brings us to what most would consider to be the most fundamental and important requirement of patentability, the nonobviousness requirement (i.e., the requirement that an invention embody an inventive step). Not surprisingly, the Guidelines focus heavily on the nonobviousness requirement, recommending that patent offices interpret and apply the requirement in a manner that would effectively render most follow-on pharmaceutical innovation presumptively unpatentable; some categories of follow-on innovation, such as a new polymorph with improved properties, or an isolated enantiomer that does not cause the adverse effects associated with the racemate, would be treated as per se obvious and thus entirely excluded from patent protection. These recommendations are based on an oversimplified and highly abstract understanding of pharmaceutical research, and fail to take into account the unpredictability and technical challenges inherent to the research and development of follow-on pharmaceutical innovation. The criterion for compliance with the nonobviousness requirement is straightforward when stated in the abstract: a claimed invention satisfies the requirement if, and only if, as of the relevant date, i.e. the effective filing date, the invention would not have been obvious to a person of skill in that area of technology, given the state-of-the-art at that time. In practice, the nonobviousness/inventiveness inquiry is highly fact-specific, decided on a case-by-case basis in view of the state-of-the-art at the time of the invention, the knowledge and skill of those working in the field at that time, the extent to which those working in the field would have been motivated to try to make the invention, and the unpredictability associated with that area of technology during the relevant timeframe. The question of compliance with the nonobviousness requirement must focus on the specifics of the invention at hand, rather than relying on the broad categorization of entire categories of invention as either per se or presumptively obvious, the approach advocated by the Guidelines. In assessing whether an invention would have been obvious at the time it was made, it is important to avoid the well-established tendency towards hindsight bias. In retrospect, once an invention has been made and proven successful, there is an inherent tendency of humans to look back and think “I could have thought of that.” This is particularly problematic in the context of follow-on pharmaceutical innovation, where it is tempting to assume that a new formulation or new method of using a drug would have been “obvious to try,” once that formulation or method has been made, tested, and proven safe and effective. When viewed in the abstract, by a person not actually engaged in pharmaceutical research and development, follow-on pharmaceutical innovation can appear deceptively simple. However, the path to meaningful follow-on innovation is tremendously challenging, unpredictable, and more often than not results in failure. This explains why so many courts and patent offices around the world have explicitly found patents directed to follow on pharmaceutical innovations nonobvious and patentable. An invention should only be deemed obvious if the prior art would have motivated one of skill in the art to attempt that invention and would have created a reasonable expectation of success in the attempt. It is not enough to merely show that the skilled person could have attempted the invention; the question is whether that person would have been motivated to make the attempt. In some cases, invention can lie in the identification and solution of a previously unidentified problem. In other cases, the problem is well known, but the solution requires the inventor to overcome technical challenges that stymied contemporaries in their attempts to solve the problem. Sometimes an invention occurs when the inventor tries an approach that runs entirely counter to conventional wisdom, ultimately proving that conventional wisdom to have been wrong. Defense of Secondary Patents provides numerous examples of inventions of this type, explaining how courts have determined such inventions to be nonobvious based on the specific factors at play in each individual case. Concluding Thoughts Patent law is primarily concerned with rewarding and enhancing the creation of useful inventions. It is not an instrument that has been specifically designed to address crucial problems relating to ethics, access, health, competition and human rights policies. This is particularly true for the bio-pharmaceutical sector. It is therefore crucial that patent offices and courts continue to assess the inventiveness of all inventions, including inventions arising out of follow-on pharmaceutical innovation, based on the specific features of that invention when compared to the relevant prior art, rather than adopting the sort of technology-specific presumptions against patentability endorsed by the Guidelines. In cases where there are legitimate concerns that patents are being misused in a manner that restricts access to medicine, then that misuse should be addressed directly, rather than through a broadside attack on the patenting of follow-on pharmaceutical innovation in toto. If the patent system is being misused in a manner that is anticompetitive, then antitrust and competition laws should be invoked to address the problem directly. If certain specific types of patent enforcement activities are deemed problematic, they too can be addressed directly. The US patent statute, for example, already provides an exemption from liability for doctors who use a patented method of medical treatment. This addresses concerns about doctors potentially being sued without depriving medical innovators of patents (which would still be enforceable against a competing medical device company, for example). It would be a mistake to upset the delicate balance of innovation policy embodied in the current consensus patent regime – to do so poses a grave risk of greatly diminishing the pipeline of future medicinal breakthroughs.

#### Medical innovation high now

Austin et al 21, David Austin and Tamara Hayford Joseph Kile, Lyle Nelson, and Julie Topoleski. Christopher Adams, Pranav Bhandarkar, and David Wylie, April 2021, “Research and Development in the Pharmaceutical Industry”

The pharmaceutical industry devoted $83 billion to R&D expenditures in 2019. Those expenditures covered a variety of activities, including discovering and testing new drugs, developing incremental innovations such as product extensions, and clinical testing for safety-monitoring or marketing purposes. That amount is about 10 times what the industry spent per year in the 1980s, after adjusting for the effects of inflation. The share of revenues that drug companies devote to R&D has also grown: On average, pharmaceutical companies spent about one-quarter of their revenues (net of expenses and buyer rebates) on R&D expenses in 2019, which is almost twice as large a share of revenues as they spent in 2000. That revenue share is larger than that for other knowledge-based industries, such as semiconductors, technology hardware, and software. The number of new drugs approved each year has also grown over the past decade. On average, the Food and Drug Administration (FDA) approved 38 new drugs per year from 2010 through 2019 (with a peak of 59 in 2018), which is 60 percent more than the yearly average over the previous decade. Many of the drugs that have been approved in recent years are “specialty drugs.” Specialty drugs generally treat chronic, complex, or rare conditions, and they may also require special handling or monitoring of patients. Many specialty drugs are biologics (large-molecule drugs based on living cell lines), which are costly to develop, hard to imitate, and frequently have high prices. Previously, most drugs were small-molecule drugs based on chemical compounds. Even while they were under patent, those drugs had lower prices than recent specialty drugs have. Information about the kinds of drugs in current clinical trials indicates that much of the industry’s innovative activity is focused on specialty drugs that would provide new cancer therapies and treatments for nervous-system disorders, such as Alzheimer’s disease and Parkinson’s disease.

#### IP protections motivate innovators to take risks – that means long term development and prolif

Bacchus '20 (James Bacchus; James Bacchus is a member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the chairman—the chief judge—of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland.; 12-16-2020; "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines"; https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#, Cato Institute, accessed 7-21-2021; JPark)

With the belief that medicines should be “public goods,” there is literally no support in some quarters for the application of the WTO TRIPS Agreement to IP rights in medicines. Any protection of the IP rights in such goods is viewed as a violation of human rights and of the overall public interest. This view, though, does not reflect the practical reality of a world in which many medicines would simply not exist if it were not for the existence of IP rights and the protections they are afforded. Technically, IP rights are exceptions to free trade. A long‐​standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be extended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID-19 is but the latest global occasion for this ongoing discussion. The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long‐​term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”18 The knowledge from innovations inspired by IP rights spills over to inspire other innovations. The protection of IP rights promotes the diffusion, domestically and internationally, of innovative technologies and new know‐​how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas‐​based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation. In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable Development Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.19

## 3

#### The aff says “[Evolving superbugs trigger extinction.]” this apocalyptic rhetoric links to securitization which leads to endless war

Neocleous 2012

Mark, Professor of the Critique of Political Economy, Politics and History @ Brunel University, London, “‘Don’t Be Scared, Be Prepared’: Trauma-Anxiety-Resilience,” Alternatives: Global, Local, Political 2012 37: 188 originally published online 13 June 2012, <https://journals.sagepub.com/doi/abs/10.1177/0304375412449789?journalCode=alta>

The idea of trauma is now deeply engrained in our political, cultural, and intellectual universe. What in the seventeenth century was a surgeon’s term to describe a physical wound, transformed in the nineteenth century to include psychic ailments comparable to shock, morphed into ‘‘shell shock’’ and ‘‘nervous trauma’’ by the end of World War I (WWI) and from there eventually became a psychiatric category now used to describe experience of war, genocide, and catastrophe. The history of the category could be described as moving from the idea of physical damage to the mental health system and on to the social management of major disasters.1 This is most obviously true in the discourse surrounding war and conflict—at some point in the future, note the editors of one collection of essays on the trauma of war, historians looking back at the wars of the 1980s, 1990s, and early twentieth century will notice ‘‘trauma projects’’ appearing alongside food, health, and shelter interventions.2 Yet the historians will also see a highly traumatized society in general, as trauma has become the discourse through which not only catastrophic events are articulated, but through which virtually all sufferings are expressed: ‘‘That was really traumatic!’’ is now thought to be an appropriate response to any event that would once have been described as ‘‘rather unpleasant’’ or ‘‘quite difficult.’’ It is this everydayness, or naturalness, of trauma talk that I want to engage here. When categories and concepts take on an increasing appearance of being the natural categories through which we are encouraged to think, critical theory needs to be on the alert. Such is the case with trauma. My main purpose is to explore what all this trauma talk might be doing, ideologically and politically. Such a task places us on the terrain of the relationship between security and anxiety. A glance at any security text, from the most mundane government pronouncement to the most sophisticated literature within academic ‘‘security studies,’’ reveals that through the politics of security runs a political imagination of fear and anxiety. I want to first explore this relation before connecting it with the question of trauma. In so doing I suggest that the management of trauma and anxiety has become a way of mediating the demands of an endless security war: a war of security, awar for security, awar through security; a war whose permanence and universality has been established to match the permanence and universality of our supposed desire for security. The article therefore has nothing to say about ‘‘governing traumatic events.’’ Rather, it seeks to understand the emergence of a hypertrophied concept of trauma and the proliferation of discourses of anxiety as ideological mechanisms deployed for the security crisis of endless war; deployed, I will argue, as a training in resilience. As such, I want to suggest that the language of trauma and anxiety, and the training in resilience that is associated with these terms, weds us to a deeply conservative mode of thinking, with the superficial ‘‘humanitarianism’’ supposedly captured in the discourse of trauma in fact functioning as a means of cutting off political alternatives.

#### The aff links to environmental securitization when they say “[Climate change destroys the world.]” they create inhumanistic eco-authoritarianism and they create indifference towards nature because people want to live in a post-nature society.

Buell 3Frederick—cultural critic on the environmental crisis and a Professor of English at Queens College and the author of five books, From Apocalypse To Way of Life, pages 185-186

Looked at critically, then, crisis discourse thus suffers from a number of liabilities. First, it seems to have become a political liability almost as much as an asset. It calls up a fierce and effective opposition with its predictions; worse, its more specific predictions are all too vulnerable to refutation by events. It also exposes environmentalists to being called grim doomsters and antilife Puritan extremists. Further, concern with crisis has all too often tempted people to try to find a “total solution” to the problems involved— a phrase that, as an astute analyst of the limitations of crisis discourse, John Barry, puts it, is all too reminiscent of the Third Reich’s infamous “final solution.”55 A total crisis of society—environmental crisis at its gravest—threatens to translate despair into inhumanist authoritarianism; more often, however, it helps keep merely dysfunctional authority in place. It thus leads, Barry suggests, to the belief that only elite- and expert-led solutions are possible.56 At the same time it depoliticizes people, inducing them to accept their impotence as individuals; this is something that has made many people today feel, ironically and/or passively, that since it makes no difference at all what any individual does on[their] his or her own, one might as well go along with it. Yet another pitfall for the full and sustained elaboration of environmental crisis is, though least discussed, perhaps the most deeply ironic. A problem with deep cultural and psychological as well as social effects, it is embodied in a startlingly simple proposition: the worse one feels environmental crisis is, the more one is tempted to turn one’s back on the environment. This means, preeminently, turning one’s back on “nature”—on traditions of nature feeling, traditions of knowledge about nature (ones that range from organic farming techniques to the different departments of ecological science), and traditions of nature-based activism. If nature is thoroughly wrecked these days, people need to delink from nature and live in postnature—a conclusion that, as the next chapter shows, many in U.S. society drew at the end of the millenium. Explorations of how deeply “nature” has been wounded and how intensely vulnerable to and dependent on human actions it is can thus lead, ironically, to further indifference to nature-based environmental issues, not greater concern with them. But what quickly becomes evident to any reflective consideration of the difficulties of crisis discourse is that all of these liabilities are in fact bound tightly up with one specific notion of environmental crisis—with 1960s- and 1970s-style environmental apocalypticism. Excessive concern about them does not recognize that crisis discourse as a whole has significantly changed since the 1970s. They remain inducements to look away from serious reflection on environmental crisis only if one does not explore how environmental crisis has turned of late from apocalypse to dwelling place. The apocalyptic mode had a number of prominent features: it was preoccupied with running out and running into walls; with scarcity and with the imminent rupture of limits; with actions that promised and temporally predicted imminent total meltdown; and with (often, though not always) the need for immediate “total solution.” Thus doomsterism was its reigning mode; eco-authoritarianism was a grave temptation; and as crisis was elaborated to show more and more severe deformations of nature, temptation increased to refute it, or give up, or even cut off ties to clearly terminal “nature.”

#### The affirmative fixationcreates lifeless bodies that can be used and destroyed in pursuit of the perfect body

Gomel 2k(Elana Gomel, English department head at Tel Aviv University, Winter 2000, published in Twentieth Century Literature Volume 46, “https://go.gale.com/ps/i.do?id=GALE%7CA75141042&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=0041462X&p=AONE&sw=w&userGroupName=anon%7E64a2d2d “<http://www.findarticles.com/p/articles/mi_m0403/is_4_46/ai_75141042>)

In the secular apocalyptic visions that have proliferated wildly in the last 200 years, the world has been destroyed by nuclear wars, alien invasions, climatic changes, social upheavals, meteor strikes, and technological shutdowns. These baroque scenarios are shaped by the eroticism of disaster. The apocalyptic desire that finds satisfaction in elaborating fictions of the End is double-edged. On the one hand, its ultimate object is some version of the crystalline New Jerusalem, an image of purity so absolute that it denies the organic messiness of life. [1] On the other hand, apocalyptic fictions typically linger on pain and suffering. The end result of apocalyptic purification often seems of less importance than the narrative pleasure derived from the bizarre and opulent tribulations of the bodies being burnt by fire and brimstone, tormented by scorpion stings, trodden like grapes in the winepress. In this interplay between the incorporeal purity of the ends and the violent corporeality of the means the apocalyptic body is born. It is a body whose mortal sickness is a precondition of ultimate health, whose grotesque and excessive sexuality issues in angelic sexlessness, and whose torture underpins a painless--and lifeless--millennium.The apocalyptic body is perverse, points out Tina Pippin, unstable and mutating from maleness to femaleness and back again, purified by the sadomasochistic "bloodletting on the cross," trembling in abject terror while awaiting an unearthly consummation (122). But most of all it is a suffering body, a text written in the script of stigmata, scars, wounds, and sores. Any apocalypse strikes the body politic like a disease, progressing from the first symptoms of a large-scale disaster through the crisis of the tribulation to the recovery of the millennium. But of all the Four Horsemen, the one whose ride begins most intimately, in the private travails of individual flesh, and ends in the devastation of the entire community, is the last one, Pestilence. The contagious body is the most characteristic modality of apocalyptic corporeality. At the same time, I will argue, it contains a counterapocalyptic potential, resisting the dangerous lure of Endism, the ideologically potent combination of "apocalyptic terror", a nd "millennial perfection" (Quinby 2). This essay, a brief sketch of the poetics and politics of the contagious body, does not attempt a comprehensive overview of the historical development of the trope of pestilence. Nor does it limit itself to a particular disease, along the lines of Susan Sontag's classic delineation of the poetics of TB and many subsequent attempts to develop a poetics of AIDS. Rather, my focus is on the general narrativity of contagion and on the way the plague-stricken body is manipulated within the overall plot of apocalyptic millennialism, which is a powerful ideological current in twentieth-century political history, embracing such diverse manifestations as religious fundamentalism, Nazism, and other forms of "radical desperation" (Quinby 4--5). Thus, I consider both real and imaginary diseases, focusing on the narrative construction of the contagious body rather than on the precise epidemiology of the contagion. All apocalyptic and millenarian ideologies ultimately converge on the utopian transformation of the body (and the body politic) through suffering. But pestilence offers a uniquely ambivalent modality of corporeal apocalypse. On the one hand, it may be appropriated to the standard plot of apocalyptic purification as a singularly atrocious technique of separating the damned from the saved. Thus, the plague becomes a metaphor for genocide, functioning as such both in Mein Kampf and in Camus's The Plague.[2] On the other hand, the experience of a pandemic undermines the giddy hopefulness of Endism. Since everybody is a potential victim, the line between the pure and the impure can never be drawn with any precision. Instead of delivering the climactic moment of the Last Judgment, pestilence lingers on, generating a limbo of common suffering in which a tenuous and moribund but all-embracing body politic springs into being. The end is indefinitely postponed and the disease becomes a metaphor for the process of livi ng. The finality of mortality clashes with the duration of morbidity. Pestilence is poised on the cusp between divine punishment and manmade disaster. On the one hand, unlike nuclear war or ecological catastrophe, pandemic has a venerable historical pedigree that leads back from current bestsellers such as Pierre Quellette's The Third Pandemic (1996) to the medieval horrors of the Black Death and indeed to the Book of Revelation itself. On the other hand, disease is one of the central tropes of biopolitics, shaping much of the twentieth-century discourse of power, domination, and the body. Contemporary plague narratives, including the burgeoning discourse of AIDS, are caught between two contrary textual impulses: acquiescence in a (super) natural judgment and political activism. Their impossible combination produces a clash of two distinct plot modalities. In his contemporary incarnations the Fourth Horseman vacillates between the voluptuous entropy of indiscriminate killing and the genocidal energy directed at specific categories of victims. As Richard Dellamora points out in his gloss on Derrida, apocalypse in general may be used "in order to validate violence done to others" while it may also function as a modality of total resistance to the existing order (3). But my concern here is not so much with the difference between "good" and "bad" apocalypses (is total extinction "better" than selective genocide?) as with the interplay of eschatology and politics in the construction of the apocalyptic body.

#### The alt is to reject the 1AC’s securitization representations—this opens new possibilities, like challenging dominations as well as allowing the starting of questioning about current frameworks

Burke, School of Political Science and International Studies, University of Queensland 2002 [Anthony, Alternatives 27] https://www.jstor.org/stable/40645035?seq=1#metadata\_info\_tab\_contents

It is perhaps easy to become despondent, but as countless struggles for freedom, justice, and social transformation have proved, a sense of seriousness can be tempered with the knowledge that many tools are already available—and where they are not, the ef­fort to create a productive new critical sensibility is well advanced. There is also a crucial political opening within the liberal problematic itself, in the sense that it assumes that power is most effec­tive when it is absorbed as truth, consented to and desired—which creates an important space for refusal. As Colin Gordon argues, Foucault thought that the very possibility of governing was condi­tional on it being credible to the governed as well as the govern­ing. This throws weight onto the question of how security works as a technology of subjectivity. It is to take up Foucault's challenge, framed as a reversal of the liberal progressive movement of being we have seen in Hegel, not to discover who or what we are so much as to refusewhat we are. Just as security rules subjectivity as both a totalizing and individualizing blackmail and promise, it is at these levels that we can intervene. We can critique the machinic frame­works of possibility represented by law, policy, economic regulation, and diplomacy, while challenging the way these institutions deploy language to draw individual subjects into their consensual web. This suggests, at least provisionally, a dual strategy. The first as­serts the space for *agency,* both in challenging available possibilities for being and their larger socioeconomic implications. Roland Bleiker formulates an idea of agency that shifts away from the lone (male) hero overthrowing the social order in a decisive act of re­bellion to one that understands both the thickness of social power and its "fissures," "fragmentation," and "thinness." We must, he says, "observe how an individual may be able to escape the discur­sive order and influence its shifting boundaries. ... By doing so, discursive terrains of dissent all of a sudden appear where forces of domination previously seemed invincible." Pushing beyond security requires tactics that can work at many-levels—that empower individuals to recognize the larger social, cul­tural, and economic implications of the everyday forms of desire, subjection, and discipline they encounter, to challenge and rewrite them, and that in turn contribute to collective efforts to transform the larger structures of being, exchange, and power that sustain (and have been sustained by) these forms. As Derrida suggests, this is to open up aporetic possibilities that transgress and call into question the boundaries of the self, society, and the international that security seeks to imagine and police. The second seeks new ethical principles based on a critique of the rigid and repressive forms of identity that security has heretofore offered. Thus writers such as Rosalyn Diprose, William Con­nolly, and Moira Gatens have sought to imagine a new ethical rela­tionship that thinks difference not on the basis of the same but on the basis of a dialogue with the other that might, allow space for the unknown and unfamiliar, for a "debate and engagement with the other's law and the other's ethics"—an encounter that involves a transformation of the self rather than the other. Thus while the sweep and power of security must be acknowledged, it must also be refused: at the simultaneous levels of individual identity, social order, and macroeconomic possibility, it would entail another kind of work on "ourselves"—a political refusal of the One, the imagination of an other that never returns to the same. It would be to ask if there is a world *after* security, and what its shimmering possi­bilities might be.

#### Don’t weigh

#### a] Fiat is illusory—nothing happens when you vote for the plan, rejecting their securitization rhetoric it k2 preventing securitized mindsets

#### b] Reps first

#### Reps are a pre-requisite to policy actions

Doty, 1996 (Roxanne Lynn Doty, Assistant Professor of Political Science at Arizona State University, “Imperial Encounters” 5-6)

This study begins with the premise that representation is an inherent and important aspect of global political life and therefore a critical and legitimate area of inquiry. International relations are inextricably bound up with discursive practices-that put into circulation representations that are taken as "truth." The goal-of-analyzing these practices is not to reveal essential truths that have been obscured, but rather to examine bow certain representations underlie the production of knowledge and, identities and how these representations make various courses of action possible. AS Said (1979: 21) notes, Mere is no such thing as a delivered presence, but there is a re-presence, or representation. Such an assertion does not deny the existence of the material world, but rather suggests that material objects and subjects are constituted as such within discourse. SO, for example, when U.S. troops march into Grenada, this is certainly "real: though the march of troops across a piece of geographic space is in itself singularly uninteresting and socially irrelevant outside of the representations that produce meaning. It is only when "American" is attached to the troops and "Grenada” to the geographic space that meaning is created. What the physical behavior itself is, though, is still far from certain until discursive practices constitute it as an "invasion; a 'show of force," "training exercise, “a "rescue, “and SO on. What is "really" going on in such a situation is inextricably linked to the discourse within which it is located. To attempt a neat separation between discursive and nondiscursive practices, understanding the former as purely linguistic, assumes a series of Dichotomies – thought/reality appearance essence, mind matter, word/world, subjective/objective - that a critical genealogy calls into Question. Against this, the perspective taken here affirms the material and performative character of discourse. 'In suggesting that global politics, and specifically the aspect that has to do with relations between the North and the South, is linked to representational practices 1 am suggesting that the issues and concerns that constitute these relations occur within a 'reality' whose content has for the most part been defined by the representational practices of the ‘first world'. Focusing on discursive practices enables one to examine how the processes that produce "truth" and "knowledge" work and how they are articulated with the exercise of political, military, and economic power.

# Case