# NC

## 1

#### Interp: “Intellectual Property Protections” Is a bare plural, thus the aff must not defend a subset of IP reductions.

Nebel 19 Nebel, Jake. [PhD candidate in philosophy at New York University, executive director at the Victory Briefs Institute for Debate, professor of philosophy at the University of Southern California]. “Existential Bare Plurals and Quantifier Scope.” Vbriefly. January 2, 2019. <https://www.vbriefly.com/2019/01/02/existential-bare-plurals-and-quantifier-scope-by-jake-nebel/?fbclid=IwAR3d1BVzSwoB1sq7PQR9dYE3_Ee-qAgD-phE2xJh6kAmrrgPOyabpO_Dxww> TG

Let’s start with [some](https://www.vbriefly.com/2014/12/19/jake-nebel-on-specifying-just-governments/) [background](https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/). “Authoritarian regimes” is a [bare plural](http://www.glottopedia.org/index.php/Bare_plural): it’s a plural noun phrase without an explicit [determiner](http://www.glottopedia.org/index.php/Determiner) (e.g., “five,” “some,” “all,” “the,” “most”). Bare plurals are typically used to express [generic generalizations](https://plato.stanford.edu/entries/generics/), as in “Ravens are black.” Unlike [universally quantified statements](https://en.wikipedia.org/wiki/Universal_quantification), generics tolerate exceptions. For example, “Ravens are black” is true even though “All ravens are black” is false. In addition to generic readings, bare plurals can also sometimes have [existential](https://en.wikipedia.org/wiki/Existential_quantification) readings, as if they were preceded by “some.” For example, “Ravens are outside” is true just in case there are some ravens—i.e., more than one—outside. Unlike existential statements, generic generalizations are not entailed by specific instances. For example, the generic “Ravens are white” is false even though some ravens are indeed white; white ravens are white not because they are ravens but because they have leucism. For reasons I’ve given elsewhere, and which apply straightforwardly to this topic, I think “authoritarian regimes” is a generic bare plural, not an existential one. My reasons include (i) that it fails the [upward-entailment test](https://plato.stanford.edu/entries/generics/#IsolGeneInte) for existential bare plurals (the resolution doesn’t entail that the United States ought not provide military aid to governments, even though all authoritarian regimes are governments); (ii) that bare plurals [denote kinds](http://idiom.ucsd.edu/~ivano/SemBabble_old/LogicSeminar_15W/Material/Carlson_1977_EnglishBarePlurals.pdf) of things, not specific members of those kinds, and so get an existential reading only in very specific circumstances which don’t seem to obtain in this resolution; (iii) that generics are our default means of generalization, especially in [moral contexts](https://www.princeton.edu/leslie/Lerner_et_al-2013-Philosophical_Perspectives.pdf), so we should expect the resolution to be generic absent strong evidence to the contrary; and, most importantly, (iv) that we can simply tell that it’s generic by [linguistic intuition](https://academic.oup.com/bjps/article/61/1/123/1451363), which is the primary source of data for linguistic theorizing.

#### Violation: They specify []

#### 1] Ground—tiny affs from specifying minimal reductions in IP de-links core neg DA’s, innovation, trade secrets, climate patents, US china relations, these make up most of the neg DA lit

#### 2] Precision—anything other interp lets affs do away with random words in the res a] that means no solid neg ground b] The judge doesn’t have the jurisdiction to vote on affs that don’t affirm

#### Voters

#### Fairness first—debate is a game if it’s not fair people won’t play

#### DTD—a] debaters only listen to ballots it creates the best norms, and they ruined my ability to compete b] the argument is their case that means the debate can’t start

#### No RVI a] debaters will bait theory for RVI’s making LD more abusive b] you don’t get a cookie for being fair

#### Competing interps a] Reasonability is arbitrary and requires judge intervention b] competing interps is a race to the top for the best norms

#### T before theory a] I only get 2 months to set norms they get 4 years b] any NC abuse was a necessary check against 1AC abuse

## 2

#### The affs positioning to the healthcare institution as a place of healing omits the specter of iatrogenic suffering, and prevents the improvement of the healthcare sector, the link alone turns case because the institution cannot improve itself

Alice Street, 12-12-2018, "Ghostly Ethics," Taylor & Francis, https://www.tandfonline.com/doi/full/10.1080/01459740.2018.1521400

Haunting as ethical critique The hospital ghosts that feature in this issue do not only make the past visible in the present. They also portend the affective and structural uncertainties inherent in how anthropology’s interlocutors engage with hospital infrastructures, and make sense of medical outcomes, in the future. These ghosts disrupt the very notion of the hospital as a site of life-sustaining care. The ghosts we meet in these pages are not external agents that force their way into the institution from outside; they are the progeny of hospital biomedicine. The hospital jinns described by Varley and Varma, for example, are “neither alien to nor separable from medicine, but inextricably bound up with its local practice and outcomes.” What these ghosts make visible, then, are the excesses, harm, and suffering that are integral to hospital medicine, but are commonly excluded from formal accounts (and the accounts that medical practitioners tell themselves) of Hippocratic biomedical ethics. It is apt that many of the articles explicitly attend to iatrogenic suffering. In the public hospital in Cameroon described by Chabrol, haunting takes a pathological form. Irresponsible and racist colonial medical campaigns resulted in widespread infection with viral hepatitis. The patients diagnosed in the hospital today often only find out they have the disease when they attend the blood bank to donate blood for relatives who have been admitted to the hospital with more acute conditions. Here, viral hepatitis appears as a “ghost” from a violent colonial past. But, importantly, Chabrol also employs the concept of haunting to question the ethics of diagnosing people with a disease in the present, for which there is little prospect of treatment, when knowledge of that diagnosis can itself disrupt kinship relationships and affect social and mental wellbeing in the future. In Gilgit Town in Pakistan-controlled Kashmir, sectarian violence frequently threatens to erupt inside the hospital and patients voice their concerns that the exclusions generated by everyday triaging and staff neglect follow sectarian lines. Here stories about jinn articulate the precariousness of hospital living in a setting where strangers cannot automatically be trusted to care. In both papers, jinns or ghost-diseases draw attention to the disjuncture of dominant narratives about biomedical ethics, which emphasize the life-sustaining capacities of medicine, and actual practices of biomedical care, which can be disruptive and damaging to social and biological life, in many hospital settings. The effect of bringing these different articles together under the figure of “haunting” is that iatrogenic suffering does not figure as a rare exception to biomedical norms, but is a constant “ghostly” presence that challenges the very notion of the hospital as a site of care. The Papua New Guinea example is a case in point. What, for example, would it mean to understand wori as an iatrogenic disease? In these tragic accounts of iatrogenic suffering, the trope of haunting – especially in fraught postcolonial settings or medical modes – serves as a means for anthropologists to introspectively engage with local understandings and criticisms of hospital medicine, and to scrutinize its intrinsic shortcomings and failures. Even when ghosts themselves do not appear in the articles, haunting is employed as a form of ethical critique. Krauss interprets women’s collective expressions of pain in Mexican abortion clinics as the forced embodiment of the moral paradoxes that lie at the heart of Mexican abortion law, which simultaneously criminalizes all abortion and grants exceptions from prosecution for morally acceptable cases. Krauss conjures pain as a ghost that haunts the law (and anthropological preoccupations with the law) with fundamental ethical questions about the ways in which the moral ambiguity of (Catholic) legal codes affect the wellbeing of women. Kehr employs the concept of “haunting” to describe physicians’ discomfort with the racialized medicine that they practice in the hospital and to capture their desire for a “medicine otherwise”, which might be understood as a desire to build a racially attuned hospital ethics. In Srinagar, the long-term mental health patients that are left behind in the hospital ward in the wake of a policy shift toward care in the community are described as jinn-like, “both their physical existence and the fact of their incarceration are disruptive to the social order, embodying the limited reach of current totalizing projects.” In her recent article on the hauntings of shipyards on the Hoogly River, India, Laura (Bear [2018](https://www.tandfonline.com/doi/full/10.1080/01459740.2018.1521400)) argues that the frequent appearances of ghosts – in the form of jinns – help workers to articulate the limitations and exclusions of a labor ethics premised on perpetual growth. Stories about jinns express an alternative ethics of labor, in which work leads to death and suffering as well as growth. In a workplace where horrific accidents and minor injuries alike are daily occurrences, ghosts “draw attention to the excluded element” of a capitalist ethics premised on productivity, growth and vitality – “individual suffering, decay and death” (Bear [2018](https://www.tandfonline.com/doi/full/10.1080/01459740.2018.1521400)). The ghosts of popular working class Hinduism “do not manifest a traumatic collective memory—an unacknowledged past does not emerge through their agency. Instead… they allow hidden individual suffering in the present to return as a collective tangible visceral experience” (Bear [2018](https://www.tandfonline.com/doi/full/10.1080/01459740.2018.1521400)). I suggest that ghosts fulfill a similar purpose in the hospital environment, giving voice to counter-narratives that challenge the medicine:disease oppositional dyad and making visible the ways in which hospital medicine, precisely because of its embeddedness in colonial institutional histories and social inequalities, may be generative of disease, death and suffering. Hospital futures Ghosts have fulfilled a dual analytic function in the articles that feature in this special issue. In one mode, often dubbed “hauntology” (following Derrida [1994](https://www.tandfonline.com/doi/full/10.1080/01459740.2018.1521400)), and influenced by psychoanalytic and postcolonial theory, they make affectively present the unextinguishable, deferred remnants of repressed violence and wrongdoing that took place in the past. The contributing articles show hauntology to be a singularly productive means of drawing attention to the “multidimensional and multiply temporal” nature of hospital space (Varley and Varma, this issue). In the second mode, which I term “ghostly ethics”, they reveal the excesses, limitations, and impossibilities of a biomedical ethics that is premised on care, trust, and medicine as a life-sustaining force, when it is embedded in hospital infrastructures. Ghostly ethics reveal the abusive relationships that shadow hospital care in places of sectarian conflict, the fruitless pursuit of diagnostic knowledge in places without therapeutic resources, the uncertainty and unpredictability that perpetually haunts medical claims to authority, and the moral ambiguities that saturate medical law. In all these instances, ghosts give voice to people’s experience of hospital medicine as the cause of suffering, uncertainty and death, as well as their amelioration. From the perspective of ghostly ethics, hospitals are haunted because hospital medicine is always shadowed by unresolved ethical questions about the good or harm that institutional care can do. In Papua New Guinea spirits frantically travel through hospital corridors because people die in the wrong place: institutional relationships between patients, doctors, nurses, and kin are experienced as prohibiting the production of healthy bodies. As ethical critique, haunting gives voice to concerns about the intrinsic failings of hospital medicine and generates conversation about what “medicine otherwise” (as Kehr puts it, this issue) might look like for the future.

#### Hauntology leads to the cancellation of future because of the nostalgia invoked by the aff, we reminisce the past as the future and repeat our atrocities, this turns the aff and is a solvency deficit, they can never solve root cause so long as they ignore the ghosts in the medical sector

Enis Yucekoralp 12-04-21 “Remembering the Future  Nostalgia, Hauntology, and the Spectres of the Internet” https://przekroj.pl/en/society/remembering-the-future-enis-yucekoralp

The melancholy of nostalgia When the term began to be applied to popular culture – most prominently in music by Simon Reynolds and Mark Fisher in 2005 – it was done so to denote a grouping of predominantly British electronic artists who could be labelled ‘hauntologists’, whose music could be described as ‘hauntological’. Fisher and Reynolds equated hauntology to notions of the fragile and involuntary qualities of memory and the melancholy of nostalgia. The irony is that the idea of hauntology itself has seemingly and erroneously become passé; a cultural phenomenon identified in the 2000s and then exorcised. However, before his untimely death in 2017, Mark Fisher continued to sophisticate his reworking of Derrida’s idea in his book Ghosts of My Life. There, in 2014, he suggested that media culture and life in the 21st century is distinguished by ‘anachronism and inertia’, but that this stasis has been concealed by the shallow transience and constant motion of the modern world. He argued that cultural motifs, such as rétrospectif montaging and nostalgia aesthetics, have become so commonplace that they are simply taken as a given. Borrowing a term, he called this the ‘slow cancellation of the future’. This notion “has been accompanied by a deflation of expectations,” Fisher writes. “The feeling of belatedness, of living after the gold rush, is as omnipresent as it is disavowed. Compare the fallow terrain of the current moment with the fecundity of previous periods and you will quickly be accused of ‘nostalgia’. But the reliance of current artists on styles that were established long ago suggests that the current moment is in the grip of a formal nostalgia.” The more things change, the more they stay the same. In Fisher’s sense of hauntology, there is a pervasive feeling that the modern world has lost its cultural and political momentum, that everything exists as some kind of inert relapse under ‘capitalist realism’. This idea – that the ideological persistence of capitalism renders it not just the only ‘viable’ politico-economic system on offer, but in such a way that a real alternative is seemingly unimaginable – is best understood through Frederic Jameson’s remark that “it’s easier to imagine an end to the world than an end to capitalism.” Every generation is nostalgic for the one that came before – either for those that they never lived through, or in the ghostly half-remembrance of childhood eras. Psychological research tells us that nostalgia is a common adaptive response to distress: we insulate ourselves with rose-tinted memories to endure whatever stresses, pain, or meaninglessness we face in the present. During the COVID-19 pandemic, for instance, there has been a stark and predictable rise in retrospective melancholia and delving into our personal digital archives. In April 2020, Spotify reported a 54% increase in its users creating nostalgia-themed playlists; Instagram challenges trended, too, such as last year’s #MeAt20, which encouraged users to share old photos from their pre-pandemic pasts. Familiarity is the cousin of comfort. But reminiscing about the past and invoking idealized versions of it has always been a safeguard against the uncertainty of the future and the incoherence of the present. This is perhaps nowhere more apparent than in the time-altering potential of the internet. A digital medium in every sense of the word; a séance in cyberspace. Digital reflections Though real progress seems dead to the world, technology has never had more velocity; perhaps we are simply going nowhere fast. The standard ideas of time and place have changed irrevocably thanks to new forms of era-defining digital communication. The internet compartmentalizes timings and spacing, weaving them through a system of cyclical returns which radically collapse the foundations of what we feel constitutes our Self and existence. That hauntology has now been attributed to the discourses of new media and technology is unsurprising considering the intangible spectrality of the internet as a medium of information. Of the new technological powers of the late 20th century, Derrida tells us that we cannot help but take into account “so many spectral effects, the new speed of apparition (we understand this word in its ghostly sense) of the simulacrum, the synthetic or prosthetic image, and the virtual event, cyberspace and surveillance, the control, appropriations, and speculations that today deploy unheard-of powers.” From 1993 to 2021, the epochal shift of the internet age and its revolutionizing technological accelerations have ushered in a rapid digital evolution. The world is faster and flatter than ever before. Smartphones and social media, for example, mediate our ability to be present in the current moment – at once temporizing our decisions and insisting that we act immediately. In these new forms of digital technology, it becomes possible to see the ghost in the machine. We live out online lives simultaneously and in parallel to our ‘real lives’, but in this immersive conjuring we are haunted by our own digital reflections. Yet it is also telling that hauntology was summoned into popular culture at the same time that the internet became the overriding system for cultural consumption and distribution. We may already be aware of deep-fake technology, but the emergence of another technological phenomenon – MyHeritage’s ‘Deep Nostalgia’ – brings with it the quite literal reanimation of the past. In essence, it allows users to upload old photos and have them move in ‘real-time’. Though it lacks the subtle mannerisms and gestures of loved ones, its AI-manipulation of images is the perfect instance of a digital drive for nostalgia and the uncanny effect it produces. Although technical modernity has deeply ruptured the difference between re-enactment and an experience in the present, we must remember that a pure nostalgia does not exist. It is merely a nostalgia-effect that is produced. The liquidity of the internet allows us to deconstruct contexts and traverse time with ease – the interconnectivity of digital networks means that the culture of different or personal and cultural eras is not only accessible, but endlessly malleable. The virtual world is like a ghostly time machine. Revisiting digital memories compresses the depth of history and brings the past both more proximate and more distant in the same gesture. Ascertaining where the past ends and the present starts is no longer straightforward. The past is either flaunted in kitsch citationality or furtively lurks under the surface of the new: endlessly available, endlessly repeatable. The internet is superabundant. Illimitably so. It is intangible, continually increasing, servers upon servers. But in the internet’s endless offering of re-watching, re-listening and re-visiting, “loss is itself lost”, as Fisher would put it. Technology preserves everything, ready to be exhumed at a whim, conjured up and cannibalized. With more than 70 million songs, Spotify, for instance, makes available almost the entire spectrum of the modern history of recorded music and reveals the phantomatic nature of internet time. Does anything really die anymore? Other digital streaming services such as Netflix reveal how patterns of media consumption mirror our desire for the past and retro culture: from 1980s sitcom re-runs to ‘classic movies’ in HD. Indeed, generations will always idealize previous pasts, and nostalgia as we understand it today is nearly always sentimental. The internet catalyses mourning and memorial through its contraction of time and place – the pace at which we can romanticize the ghosts of our past is quickened to hyper speed. The birth of the internet and the evolution of social media has conjured new spectres. The cultural ghosts of yesteryear Platforms such as TikTok, where many spectral moments live and die, are tailored to the attention spans and recollective consciousness of today’s teenagers. Because those born after the year 2000 have never lived in a world without the internet, the meteoric accelerationism of contemporary life and its digital platforms is normalized. Internet-mediated nostalgia is somewhat warped: its compression of time makes weeks feel like years. What is topical one month is passé by the next. Nostalgia has become an ever-more niche trend in the past few years. While the Baby Boomer generation may revive its cultural ghosts of 60s and 70s fashion and culture, Generation Z in 2021 has become nostalgic for 2014 and 2015, for Tumblr and Myspace Millennial chic. Perhaps a similar rising vogue for the 1990s is understandable for a set of teenagers curious about a world without the hyper-speed of internet; however, for neo-digital natives to make nostalgic Instagram memes about a time so proximate seems perhaps lavish. That pop sensation Dua Lipa, for instance, won a Grammy Award in March 2021 for an album inspired by musical memories and entitled Future Nostalgia is unsurprising in this regard. The ephemerality of contemporary culture is startling to generations raised on analogue longevity. Posthumously, it is nothing that Mark Fisher did not predict. The hauntological zeitgeist, of nostalgia for lost futures, has perhaps never been more uncanny in its haunting. At root, this nostalgia seems, as it has always been, to be about an idealized escape: backwards, and away from the alienation and numberless miseries of life in the modern world. But ghosts are not just retrospective, they (dis)appear on a spectrum: introspective, prospective, speculative and spectral. What is being mourned is not necessarily the fact that a certain future never happened, but that the ability to imagine other futures seems to be vanishing. In this way it becomes easier to see how a digital nostalgia for the past is actually nostalgia for the future, albeit the remnants of the future. As Derrida recalls elsewhere: “Modern technology […] increases tenfold the power of ghosts. The future belongs to ghosts.”

#### The alternative is to embrace the specter – only a critical interrogation of the present and the past as singular, totalizing, and complete can prevent the obstruction of possibility.

Zembylas 13 – Associate Professor of Educational Theory and Curriculum Studies at the Open University of Cyprus (Michalinos, “Pedagogies of Hauntology In History Education: Learning to Live with the Ghosts of Disappeared Victims of War and Dictatorship,” DOI: 10.1111/edth.12010, February 2013)//DD

One way of addressing the past and its representations is through the concept of the specter. In Specters of Marx, a book that initiates the perceived ‘‘ethical turn’’ in his work, Derrida argued that any rethinking of the past and any possibility of a just future depends on whether we can ‘‘learn to live with ghosts’’ (SM, xviii), the specters of the past, particularly the ghosts of victims of atrocities. The spectral is what haunts and returns in a society because the ghosts have unfinished business, something that needs to be corrected. However, the resolution of this unfinished business is not to abolish the specters — for example, through (uncritical) spectacle pedagogies — because, as Derrida warned, this would amount to eliminating the possibility of a different future.32 In addressing the issue of spectrality, Derrida introduced the term hauntology — a near homophone of ‘‘ontology’’ in French — to interrogate and replace the priority of being and presence with the figure of the ghost. Unlike ontology, which is fixed to the present and to what is representable (the traditional Western ontological and epistemological position), hauntology draws attention to specters that are neither present nor absent, neither dead nor alive.33 Hauntology, then, occupies a peculiar ‘‘in-between’’ space that ‘‘reclaims the unspoken and neglected.’’34 For Derrida, specters are both ‘‘revenants’’ and ‘‘arrivants’’ (SM, xix), that is, spirits that come back and spirits that are to come, respectively; both of these temporal dimensions, as Ross Benjamin and Heesok Chang observe, are essential to spectrality.35 ‘‘Spectrality,’’ Fredric Jameson explains in his reaction to Derrida’s book, does not involve the conviction that ghosts exist or that the past (and maybe even the future they offer to prophesy) is still very much alive and at work, within the living present: all it says, if it can be thought to speak, is that the living present is scarcely as self-sufficient as it claims to be; that we would do well not to count on its destiny and solidity, which might under exceptional circumstances betray us.36 Spectrality denotes what is no longer or not yet living, which is not something present or absent, but something that is possibly everywhere, ‘‘bear[ing] traces of a lingering past and hover[ing] in suspense of an unforeseeable future.’’37 Being neither fully present nor fully absent, ghosts do not have an ontological status, but rather exceed all ontological oppositions between presence and absence, visible and invisible, living and dead.38 The concept of the spectral, then, has much to do with the concept of ‘‘trace’’ and thus time is always already spectral;39 in this sense, hauntology abolishes the concept of linear time as an ontological category of historical understanding. A society that has experienced disappearances — such as Argentina or Cyprus, for example — must come to terms with the specters of the disappeared, the traces left by them in the stories and images that are circulated, the societal habits of remembering and forgetting that are no longer noticed, and the public or private rituals that still take place to recognize the victims. The disappeared are ghosts whose stories and images reach from memory and absence; this is to say that ‘‘disappearance’’ as such — as a particular form of relationality between individuals within a society — reaches from a place and time that was and is no longer and records, recalls, and reinscribes remembrance in the aporetic of memory.40 A commonsense yet ideological response to the ghosts of the disappeared, as noted earlier, is a desire to remember and simultaneously a wish to ontologize the ghosts of the disappeared by categorizing them within what is representable — an action that aims at abolishing or reducing them to spectacles. Derrida argued, however, that a society can come to terms with specters without abolishing or reducing them to a spectacle, that is, to a kind of ontology. As he explained in a paragraph that concerns schools and educators in particular, The last one to whom a specter can appear, address itself, or pay attention is a spectator as such. At the theater or at school. The reasons for this are essential. As theoreticians or witnesses, spectators, observers, and intellectuals, scholars believe that looking is sufficient. Therefore, they are not always in the most competent position to do what is necessary: speak to the specter. (SM, 11) To come to terms with the specters of the past, there needs to be an engagement with the past that is not reduced to its totalizing representation and that does not fall into the delusion of a timeless understanding that is ever present. Derrida called on us to speak and listen to the specter not because the specter will reveal some kind of a secret; rather, speaking with and listening to the specter may open us to the experience of unknowing that underlies a productive engagement and a turning away from that which is supposedly determined content to be uncovered by representational practices.41 The ghost of the disappeared, then, pushes at the boundaries of language, thought, and emotion to open new possibilities for the future, possibilities that do not reduce the ghost’s ethical injunction to an object of knowledge.42 The specter signifies, therefore, a critical interrogation of the present and the past as singular, totalizing, and complete; the specter reminds us that the past is incomplete because there are always elusive remnants that cannot be articulated in the languages available to us. This is why it is suggested, for example, that commemorative or justice projects that rely too heavily on epistemological accounts or seek merely redemption become too totalizing to be open to the view that specters can be anything other than obscure forms of representation. Finally, it is important to point out how Derrida linked the specter to the theme of justice and advocated a politics of memory and responsibility that is directed not only to the living, but also to the dead and to the not yet born: No justice ... seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, be they victims of wars, political or other kinds of violence, nationalist, racist, colonialist, sexist, or other kinds of exterminations, victims of the oppressions of capitalist imperialism or any of the forms of totalitarianism. (SM, xix) Derrida chose, as noted earlier, to speak about ghosts in the name of justice because, he observed, ‘‘one cannot speak directly about justice, thematize or objectivize justice, say ‘this is just’ and even less ‘I am just,’ without immediately betraying justice.’’43 Since justice entails ‘‘an experience of the impossible’’ and thus is aporetic — because it is implicated with law, although it cannot be reduced to it44 — spectrality becomes valuable in determining how to address justice demands. It is in this spectral sense that justice is the ‘‘experience of absolute alterity,’’45 an openness toward a radical otherness, to ‘‘the coming of the other, the absolute and unpredictable singularity of the arrivant as justice’’ (SM, 28). The specter’s ethical injunction is that we remain open to the radical otherness of the arrivant as arrivant, what remains to come — for example, a ‘‘democracy to come,’’ ‘‘hospitality without reserve,’’ and ‘‘alterity that cannot be anticipated’’ (SM, 65–66). As Derrida pointed out, ‘‘without this experience of the impossible, one might as well give up on both justice and the event’’ (SM, 65) — that is, the event to come. The responsibility of the haunted is this, then: to be open to justice as unrepresentable, as always to come, as a trace of directionality rather than as a fixed destination.46 Hence justice for disappeared victims, for example, is not a calculable and distributive justice that ends with trials and punishments but an agonistic justice that contests legalistic settlements. In this sense, justice is a critical force that helps to articulate an alternative vision that is motivated by the infinite obligation to the other — in this case, the ghost of a disappeared victim who cannot be assessed by a finite set of qualities, representations, or legal arguments.

## 3

#### CP: Member nations of the World Trade Organization should enter into a prior and binding consultation with the World Health Organization over reducing intellectual property protections by limiting drug innovators to one market exclusivity of their choice for their drug. Member nations will support the proposal and adopt the results of consultation.

#### WHO says yes

WHO 06 [(World Health Organization, specialized agency of the United Nations responsible for international public health) “Public health, innovation and intellectual property rights,” Report of the Commission on Intellectual Property Rights, Innovation, and Public Health, 2006] JL

Though difficult to discern from incremental innovation in practice, socalled “evergreening” is importantly different. As usually understood, “evergreening” occurs when, in the absence of any apparent additional therapeutic benefits, patent-holders use various strategies to extend the length of their exclusivity beyond the 20-year patent term. President Bush, in 2002, provided a working definition while announcing reforms in response to a Federal Trade Commission (FTC) report (73) on delays to the entry of generic products onto the market:

The FTC...discovered that some brand name drug manufacturers may have manipulated the law to delay the approval of competing generic drugs. When a drug patent is about to expire, one method some companies use is to file a brand new patent based on a minor feature, such as the color of the pill bottle or a specific combination of ingredients unrelated to the drug’s effectiveness … In the meantime, the lower-cost generic drug is shut out of the market … This is not how Congress intended the law to work. Today, I’m taking action to close the loopholes, to promote fair competition and to reduce the cost of prescription drugs in America … These steps we take today will not undermine patent protection. Instead, we are enforcing the original intent of a good law. Our message to brand name manufacturers is clear: you deserve the fair rewards of your research and development; you do not have the right to keep generic drugs off the market for frivolous reasons (81).

Evergreening can occur in a number of ways but typically, as noted by President Bush, it arises when companies file and obtain patents, subsequent to the original patent, on other aspects of the same compound or reformulations of the original compound in ways that might be regarded as of no incremental therapeutic value, but which are nevertheless patentable. For instance, strategies include a similar but different dosage form such as capsules rather than tablets, salts, esters, or crystals (polymorphs) of the same product or other changes dependent on the ingenuity of the formulators and the lawyers. These types of strategies occur in almost all jurisdictions, especially for lucrative products (see Box 4.7) (82, 83).

Where there is a linkage between the patent system and the procedures for approving new drugs (for example, in Canada and the United States), the policy issues take a particular form. In the United States, for instance, the Federal Trade Commission catalogued a number of instances where generic entry was delayed by up to fi ve years by successive stays of up to 30 months on the entry of a generic competitor (see Box 4.7). These stays were provided automatically under the United States law if a brand-holder challenged the generic company for infringement, until the changes announced by President Bush reduced this to one stay only.

These linkage arrangements are essentially supplementary to the patent system. But they alter the way in which the patent system operates for pharmaceutical products.15 Nevertheless, the final decisions on patent validity and infringement cases lie with the courts. This means that any change to tackle evergreening at its roots requires measures to reduce the likelihood of such patents being granted or, if granted, of being upheld in the courts. While, as previously stated, some forms of incremental innovation might be important in terms of patient benefit, faced with the reality of the TRIPS agreement, developing countries need to consider how their own patent laws may deal with this issue. Patents on minor developments are used, often aggressively, by some patent holders to delay or block generic competition. Small and medium-sized generic firms in developing countries, in particular, are generally unable to sustain costly and lengthy legal challenges, and opt to avoid fields where litigation may arise. The outcome may be the reduction or suppression of competition and, in some cases higher prices for patients.

#### Consultation displays strong leadership, authority, and cohesion among member states which are key to WHO legitimacy

Gostin et al 15 [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University) “The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### WHO diplomacy solves great power conflict

Murphy 20 [(Chris, U.S. senator from Connecticut serving on the U.S. Senate Foreign Relations Committee) “The Answer is to Empower, Not Attack, the World Health Organization,” War on the Rocks, 4/21/2020] JL

The World Health Organization is critical to stopping disease outbreaks and strengthening public health systems in developing countries, where COVID-19 is starting to appear. Yemen announced its first infection earlier this month, and other countries in Africa, Asia and the Middle East are at severe risk. Millions of refugees rely on the World Health Organization for their health care, and millions of children rely on the WHO and UNICEF to access vaccines.

The World Health Organization is not perfect, but its team of doctors and public health experts have had major successes. Their most impressive claim to fame is the eradication of smallpox – no small feat. More recently, the World Health Organization has led an effort to rid the world of two of the three strains of polio, and they are close to completing the trifecta.

These investments are not just the right thing to do; they benefit the United States. Improving health outcomes abroad provides greater political and economic stability, increasing demand for U.S. exports. And, as we are all learning now, it is in America’s national security interest for countries to effectively detect and respond to potential pandemics before they reach our shores.

As the United States looks to develop a new global system of pandemic prevention, there is absolutely no way to do that job without the World Health Organization. Uniquely, it puts traditional adversaries – like Russia and the United States, India and Pakistan, or Iran and Saudi Arabia – all around the same big table to take on global health challenges. It has relationships with the public health leaders of every nation, decades of experience in tackling viruses and diseases, and the ability to bring countries together to tackle big projects. This ability to bridge divides and work across borders cannot be torn down and recreated – not in today’s environment of major power competition – and so there is simply no way to build an effective international anti-pandemic

## 4

#### Innovation high– postdates your ev and we have stats

Ezell 20. Stephen Ezell, July 2020, “Ensuring U.S. Biopharmaceutical Competitiveness,” Information Technology and Innovation Foundation, <http://www2.itif.org/2020-biopharma-competitiveness.pdf> sean!

Medicines are critical to health. Since 2000, the FDA has approved more than 500 new medicines. 2 As of 2020, biopharmaceutical companies in the United States have more than 3,400 drugs under clinical development, accounting for almost half of the estimated 8,000 medicines under development globally (1,100 of which are being developed to treat various forms of cancers).3 And while some have asserted that biotechnology companies focus too often on “me-too” drugs that compete with other treatments already on the market, the reality is that most of the drugs currently under development seek to tackle some of the world’s most intractable diseases, including Alzheimer’s, cancer, and communicable diseases. This includes 130 coronavirus vaccines under development globally as well as 144 active trials of coronavirus therapeutic agents, and another 457 development programs for new therapeutic agents, which the FDA is tracking through its Coronavirus Treatment Acceleration Program.4 Moreover, such arguments miss that many of the drugs developed in recent years have in fact been first of their kind. For instance, in 2014, the FDA’s Center for Drug Evaluation and Research (CDER) approved 41 new medicines (the most since 1996 at that point), many of which were first-in-class medicines, meaning they represent a possible new pharmacological class for treating a medical condition.5 In that year, 28 of the 41 drugs approved were considered biologic or specialty agents, and 41 percent of medicines approved were intended to treat rare diseases. In 2018, CDER approved a record 59 novel drugs, and in 2019, 48 novel drugs, making 2019 the third-largest approval class in the past 25 years.6 As of 2020, 74 percent of medicines in clinical development in the United States are potentially first-in-class medicines, including 86 percent for Alzheimer’s, 70 percent for various forms of cancer, and 73 percent for cardiovascular diseases

#### 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

## 5

#### Counterplan Text: The member nations of the World Trade Organization should add more stringent requirements for filing secondary patents by requiring secondary patent filers to demonstrate increased efficacy as compared to the original.

Newsome 17, A [(JD candidate George Washington School of Law). (2017). Side effects of evergreening may include decreased competition & increased prices in the pharmaceutical industry. AIPLA Quarterly Journal, 45(4), 791-822] Justin

The current framework for evaluating a patent application, particularly the requirements of utility and nonobviousness, is insufficient for evaluating whether a secondary patent should be issued for a drug. Given that courts are tied to the low bar for utility and inconsistent with their application of nonobviousness,1 04 it is necessary to pass legislation creating a new utility requirement tailored to secondary pharmaceutical patents. This Note's Author proposes legislation language as follows: 35 U.S.C. § 106: Patentable Pharmaceutical Inventions (a) Utility requirement for secondary patent: In the case of a pharmaceutical invention claiming an improvement on a patented invention, the applicant shall demonstrate through clear and convincing evidence in the written description that such invention has increased efficacy as compared to the original. (b) Increased efficacy defined: As used in part (a), "increased efficacy" refers to a proven improvement in the mechanism of action, as disclosed in the patent claims. 0 5 (c) Mechanism of action defined: As used in part (b), "mechanism of action" refers to the process by which a drug functions to produce a therapeutic effect, as disclosed in the patent claims. 06 Under this legislation, the USPTO could grant a secondary patent only if the new formula's mechanism of action, or production of the intended pharmacological effect, in fact improves upon the patented drug's mechanism of action. For example, because VidaDrug is a chemotherapy drug, the new formula must include a change in the mechanism of action which causes an improvement in the efficacy of the drug's tumor-shrinking abilities to be eligible for a secondary patent. A formula tweak that reduces side effects is insufficient, because the underlying purpose of the drug - to treat cancer - remains unaffected. Lowell provides some precedent for creating a higher utility standard. 07 This new standard would focus on a drug's overall improved efficacy, rather than a minor tweak in the formula that would mitigate or resolve a previously caused side effect. This standard would require holding the pharmaceutical industry to a higher standard than other industries, which could potentially conflict with the United States' TRIPS Agreement obligations with the WTO.

#### Solves best.

Newsome 17, A [(JD candidate George Washington School of Law). (2017). Side effects of evergreening may include decreased competition & increased prices in the pharmaceutical industry. AIPLA Quarterly Journal, 45(4), 791-822] Justin

Pharmaceutical patents are inherently different from software or manufacturing patents. 144 Pharmaceutical companies create life-saving drugs that carry a very serious benefit for a vulnerable group of consumers - patients. Because of this, the pharmaceutical industry should be held to a higher standard if its companies seek to prohibit affordable generic drugs from coming to the marketplace. An Efficacy-Focused Standard Will Motivate Pharmaceutical Companies to Channel Resources to Creating Real Innovation Pharmaceutical companies argue that patent-life-cycle-management strategies (their preferred name for those tactics described herein as evergreening) are essential to ensuring they recoup R&D costs. 145 However, creation of a standard such as the one proposed here would ensure that pharmaceutical companies are properly incentivized to channel R&D resources to creating measurable change in the drugs, rather than creating minor changes that prolong the time they can profit off of monopolies at the expense of patients. For those industries in which R&D is more productive, like the pharmaceutical industry, "patent procedures should be refined to tighten the relationship between patents and the underlying inventions."14 6 A Higher Standard for Secondary Pharmaceutical Patents Will Increase Competition & Lead to Lower Prices The patent system enables pharmaceutical companies to retain market exclusivity for their drugs, allowing them to set high prices without an eye toward competition.1 47 The companies cite the need to recoup R&D costs as the driving factor for their pricing decisions,148 but critics say their main motivation is making a profit.'49 While the pharmaceutical companies' argument may hold weight, high prices for drugs have a negative impact on those patients who need those drugs, but cannot afford them.150 Tightening patent laws to prevent pharmaceutical companies from retaining patent protection for minor changes in their patented drugs will allow other companies to enter the marketplace sooner and drive prices down through competition. 5

## 6

#### 4k—ss in doc

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#### dtd on cringe, peer pressure solves and she owes me 5$

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