# 1AC Quarters Grapevine

## 1AC

### Advantage

#### Only the plan can solve covid access – inequalities heighten the risk of mutations and uneven development – neg objections miss the boat.

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According to Duke Global Health Innovation Center, which monitors COVID-19 vaccine purchases, rich nations representing just 14 per cent of the world population have bought up to 53 per cent of the most promising vaccines so far. As of 4 July 2021, the high-income countries (HICs) purchased more than half (6.16 billion) vaccine doses sold globally. At the same time, the low-income countries (LICs) received only 0.3 per cent of the vaccines produced. The low and middle-income countries (LMICs), which account for 81 per cent of the global adult population, purchased 33 per cent, and COVAX (COVID-19 Vaccines Global Access) has received 13 per cent.10 Many HICs bought enough doses to vaccinate their populations several times over. For instance, Canada procured 10.45 doses per person, while the UK, EU and the US procured 8.18, 6.89, and 4.60 doses per inhabitant, respectively.11

Consequently, there is a significant disparity between HICs and LICs in vaccine administration as well. As of 8 July 2021, 3.32 billion vaccine doses had been administered globally.12 Nonetheless, only one per cent of people in LICs have been given at least one dose. While in HICs almost one in four people have received the vaccine, in LICs, it is one in more than 500. The World Health Organization (WHO) notes that about 90 per cent of African countries will miss the September target to vaccinate at least 10 per cent of their populations as a third wave looms on the continent.13 South Africa, the most affected African country, for instance, has vaccinated less than two per cent of its population of about 59 million. This is in contrast with the US where almost 47.5 per cent of the population of more than 330 million has been fully vaccinated. In Sub-Saharan Africa, vaccine rollout remains the slowest in the world. According to the International Monetary Fund (IMF), at current rates, by the end of 2021, a massive global inequity will continue to exist, with Africa still experiencing meagre vaccination rates while other parts of the world move much closer to complete vaccination.14

This vaccine inequity is not only morally indefensible but also clinically counter-productive. If this situation prevails, LICs could be waiting until 2025 for vaccinating half of their people. Allowing most of the world’s population to go unvaccinated will also spawn new virus mutations, more contagious viruses leading to a steep rise in COVID-19 cases. Such a scenario could cause twice as many deaths as against distributing them globally, on a priority basis. Preventing this humanitarian catastrophe requires removing all barriers to the production and distribution of vaccines. TRIPS is one such barrier that prevents vaccine production in LMICs and hence its equitable distribution.

TRIPS: Barrier to Equitable Health Care Access

The opponents of the waiver proposal argue that IPR are not a significant barrier to equitable access to health care, and existing TRIPS flexibilities are sufficient to address the COVID-19 pandemic. However, history suggests the contrary. For instance, when South Africa passed the Medicines and Related Substances Act of 1997 to address the HIV/AIDS public health crisis, nearly 40 of world’s largest and influential pharma companies took the South African government to court over the violation of TRIPS. The Act, which invoked the compulsory licensing provision, allowed South Africa to produce affordable generic drugs.15 The Big Pharma also lobbied developed countries, particularly the US, to put bilateral trade sanctions against South Africa.16

Similarly, when Indian company Cipla decided to provide generic antiretrovirals (ARVs) to the African market at a lower cost, Big Pharma retaliated through patent litigations in Indian and international trade courts and branded Indian drug companies as thieves.17 Another instance was when Swiss company Roche initiated patent infringement proceedings against Cipla’s decision to launch a generic version of cancer drug, “erlotinib”. Though the Delhi High Court initially dismissed Roche's appeal by citing “public interest” and “affordability of medicines,” the continued to pressure the generic pharma companies over IPR. 18 Likewise, Pfizer’s aggressive patenting strategy prevented South Korea in developing pneumonia vaccines for children.19

A recent document by Médecins Sans Frontières (MSF), or Doctors Without Borders, highlights various instances of how IP hinders manufacturing and supply of diagnostics, medical equipment, treatments and vaccines during the COVID-19 pandemic. For instance, during the peak of the COVID-19 first wave in Europe, Roche rejected a request from the Netherlands to release the recipe of key chemical reagents needed to increase the production of diagnostic kits. Another example was patent holders threatening producers of 3D printing ventilators with patent infringement lawsuits in Italy.20 The MSF also found that patents pose a severe threat to access to affordable versions of newer vaccines.21

The opponents of the TRIPS waiver also argue that IP is the incentive for innovation and if it is undermined, future innovation will suffer. However, most of the COVID-19 medical innovations, particularly vaccines, are developed with public financing assistance. Governments spent billions of dollars for COVID-19 vaccine research. Notably, out of $6.1 billion in investment tracked up to July 2021, 98.12 per cent was public funding.22 The US and Germany are the largest investors in vaccine R&D with $2.2 billion and $1.5 billion funding.

Private companies received 94.6 per cent of this funding; Moderna received the highest $956.3 million and Janssen $910.6 million. Moreover, governments also invested $50.9 billion for advance purchase agreements (APAs) as an incentive for vaccine development. A recent IMF working paper also notes that public research institutions were a key driver of the COVID-19 R&D effort—accounting for 70 per cent of all COVID-19 clinical trials globally.23 The argument is that vaccines are developed with the support of substantial public financing, hence there is a public right to the scientific achievements. Moreover, private companies reaped billions in profits from COVID-19 vaccines.

One could argue that since the US, Germany and other HICs are spending money, their citizens are entitled to get vaccines first, hence vaccine nationalism is morally defensible. Nonetheless, it is not the case. The TRIPS Agreement includes several provisions which mandates promotion of technology transfer from developed countries to LDCs. For instance, Article 7 states that "the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technical knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."24 Similarly, Article 66.2 also mandates the developed countries to transfer technologies to LDCs to enable them to create a sound and viable technological base. The LMICs opened their markets and amended domestic patent laws favouring developing countries’ products against this promise of technology transfer.

Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. However, a waiver would be the first but essential step to increase manufacturing capacity worldwide. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities.

Similarly, the arguments such as that no other manufacturers can carry out the complex manufacturing process of COVID-19 vaccines and generic manufacturing as that would jeopardise quality, have also been proven wrong in the past. For instance, in the early 1990s, when Indian company Shantha Biotechnics approached a Western firm for a technology transfer of Hepatitis B vaccine, the firm responded that “India cannot afford such high technology vaccines… And even if you can afford to buy the technology, your scientists cannot understand recombinant technology in the least.”25 Later, Shantha Biotechnics developed its own vaccine at $1 per dose, and the UNICEF (United Nations Children’s Emergency Fund) mass inoculation programme uses this vaccine against Hepatitis B. In 2009, Shantha sold over 120 million doses of vaccines globally.

India also produces high-quality generic drugs for HIV/AIDS and cancer treatment and markets them across the globe. Now, a couple of Indian companies are in the last stage of producing mRNA (Messenger RNA) vaccines.26 Similarly, Bangladesh and Indonesia claimed that they could manufacture millions of COVID-19 vaccine doses a year if pharmaceutical companies share the know-how.27 Recently, Vietnam also said that the country could satisfy COVID-19 vaccine production requirements once it obtains vaccine patents.28 Countries like the United Arab Emirates (UAE), Turkey, Cuba, Brazil, Argentina and South Korea have the capacity to produce high-quality vaccines but lack technologies and know-how. However, Africa, Egypt, Morocco, Senegal, South Africa and Tunisia have limited manufacturing capacities, which could also produce COVID-19 vaccines after repurposing.

Moreover, COVID-19 vaccine IPR runs across the entire value chain – vaccine development, production, use, etc. A mere patent waiver may not be enough to address the issues related to its production and distribution. What is more important here is to share the technical know-how and information such as trade secrets. Therefore, the existing TRIPS flexibilities, such as compulsory and voluntary licensing, are insufficient to address this crisis. Further, compulsory licensing and the domestic legal procedures it requires is cumbersome and not expedient in a public health crisis like the COVID-19 pandemic.

India’s Role in Ensuring Vaccine Equity India's response to COVID-19 at the global level was primarily two-fold. First, its proactive engagements in the regional and international platforms. Second, its policies and programmes to provide therapeutics and vaccines to the world. Since the beginning of the COVID-19 pandemic, India has been advocating international cooperation and policy coordination in fighting it. For instance, in April 2020, India co-sponsored a UN resolution that called for fair and equitable access to essential medical supplies and future vaccines to COVID-19. Later, in October 2020, India also put pressure on developed countries with a joint WTO proposal for TRIPS waiver. India’s Vaccine Maitri initiative also aims vaccine equity. As of 29 May 2021, India has supplied 663.698 lakh doses of COVID-19 vaccines to 95 countries. It includes 107.15 lakh doses as a gift to more than 45 countries, 357.92 lakh doses by commercial sales, and 198.628 lakh doses to the COVAX facility.29 The COVAX initiative aims to ensure rapid and equitable access to COVID-19 vaccines for all countries, regardless of their income level. India has decided to supply 10 million doses of the vaccine to Africa and one million to the UN health workers under the COVAX facility. India has also removed the IPR of Covaxin that would help platforms like C-TAP once WHO and developed countries’ regulatory bodies approve the vaccine. If agreed, the waiver would benefit India in many ways. First, more vaccines will help the country to control the pandemic and its recurring waves. Second, it will be a boost to India's pharma industry, particularly the generic medicine industry. According to the Biotechnology Innovation Organization, 834 unique active compounds are involved in the current R&D of COVID-19 therapeutics, vaccines, and diagnostics. It means that thousands of new patents are awaited, and that will hinder India's ability to produce COVID-19 related medical products. Only through a waiver, this challenge can be addressed. Similarly, scientists note that mRNA is the future of vaccine technology. However, manufacturing mRNA vaccines involves complex processes and procedures. Only a very few Indian manufacturers have access to this technology; however, that too is limited. Once Indian companies have access to mRNA technology, it will help country’s generic medicine industry and boost India’s economy. Therefore, even if the WTO agrees on a waiver for a period shorter than proposed, India should accept it. In addition, mRNA vaccines can be produced in lesser time compared to the traditional vaccines. While traditional vaccines’ production takes four to five months, mRNA needs only six to eight weeks. Access to this technology will be vital for India in expediting the fight against COVID-19 and future pandemics. Finally, a waiver may strengthen India's diplomatic soft power. At present, what hinders India's Vaccine Maitri initiative is the scarcity of vaccines at home. On the other hand, China is increasing its standing in Africa, South America and the Pacific through vaccine diplomacy. The WHO approval of the Chinese vaccines and lack of access to vaccines by most developing countries, opens up huge space for China to do its vaccine diplomacy. Here, India should convince its Quad partners, particularly Australia and Japan, who oppose the waiver that vaccine production in developing countries through TRIPS waiver will enable the grouping to deliver its pledged billion doses of COVID-19 vaccine in the Indo-Pacific region. In short, the proposed waiver, if agreed, will help India in addressing the public health crisis by producing more vaccines and distributing them at home; economically, by boosting its generic pharmaceutical industry, and diplomatically, providing vaccines to the developing and least-developed countries. Therefore, India should use all available means and methods, from trade-offs to pressurising, to make the waiver happen.

#### Yes scale-up for covid.

Erfani et al 21 [Parsa; Lawrence Gostin; Vanessa Kerry; Parsa Erfani is a Fogarty Global Health Scholar at Harvard Medical School and the University of Global Health Equity. Lawrence Gostin is a professor at Georgetown University Law Center, director of the school’s O’Neill Institute for National and Global Health Law, and director of the World Health Organization Center on National and Global Health Law. Vanessa Kerry is a critical care physician at Massachusetts General Hospital, director of the Program for Global Public Policy at Harvard Medical School, and CEO of Seed Global Health, a nonprofit that trains health workers in countries with critical shortages; “Beyond a symbolic gesture: What’s needed to turn the IP waiver into Covid-19 vaccines,” STAT; 5/19/21; <https://www.statnews.com/2021/05/19/beyond-a-symbolic-gesture-whats-needed-to-turn-the-ip-waiver-into-covid-19-vaccines/>] Justin

Currently many idle suppliers can’t begin vaccine production until they upgrade and repurpose existing manufacturing capacity for new technology. Opponents often argue that this step is the true barrier to rapid scale-up. One high-profile detractor, BIO President and CEO Michelle McMurry-Heath, argues that “handing [needy countries] the blueprint to construct a kitchen that — in optimal conditions — can take a year to build will not help us stop the emergence of dangerous new Covid variants.”

This argument ignores two core truths: In many cases, manufacturing capacity needs only repurposing which can take mere months. And Covid-19, at the current global response and vaccination rates, will be a threat for years.

Both truths suggest that we pass the blueprint and build the kitchen.

Facilitating structures to transfer technology and capacity are already in place. The WHO launched the mRNA technology transfer hub model last month to provide manufacturers in low- and middle-income countries with the financial, training, and logistical support needed to scale up vaccine manufacturing capacity. Scores of manufacturers in these countries have already expressed interest. This initiative, however, requires recipient manufacturers to acquire the IP necessary for mRNA technologies— which is currently missing.

#### Independently, IPR is fundementally racist.

Parthasarathy 20 Shobita Parthasarathy, 11-2-2020, "Racism is baked into patent systems," No Publication, <https://www.nature.com/articles/d41586-020-03056-z> B1ack ZD

In The Color of Creatorship, law scholar Anjali Vats focuses on how racism has shaped intellectual-property systems. Patent, copyright and trademark laws and policies have, she argues, imagined whiteness and creatorship as synonymous while consistently devaluing the ingenuity of people of colour. This is particularly pernicious because it is cloaked in technical legal language and in seemingly objective categories such as invention, novelty and infringement. So it goes unchallenged, and shapes our understanding of who can participate in science, technology and markets — and how. Vats’s powerful analysis draws mainly from laws and legal cases in the United States, moving roughly chronologically from the eighteenth century to the present. But her argument has international reach. US law shapes global industries and markets, and many countries have adopted the US approach to intellectual property. They see it as a model in stimulating innovation and economic growth. Most histories of US intellectual property emphasize that the idea was so central to the founding of the country that it appears in Article I, Section 8 of the Constitution: “To promote the Progress of Science and useful Arts, by securing for limited Times for Authors and Inventors the exclusive Right to their respective Writings and Discoveries”. They also often observe that the US system was intentionally more democratic than its European predecessors, with low barriers to participation. They rarely mention that this access was limited to free persons. Enslaved people created inventions, often in agricultural technology, but could not receive intellectual-property protection through patents. After the abolition of slavery, many Black Americans held patents — including Lewis Latimer and Granville Woods, who worked on electricity and telegraphic communications. Yet, well into the twentieth century, racists used low rates of patenting to argue that people of colour lacked ingenuity and could not fully participate in the US project of technological progress. The problem is not just one of systematic exclusion. Vats argues that it is one of fundamental orientation. The rules and procedures of the patent system embody approaches to knowledge production that promote a “vision of inventorship as a process that unfolds in a laboratory, at the hands of expert scientists”. It has little truck with the creative fruits of the kitchen, forest, farm or workshop.

#### Corona escalates security threats that cause extinction – cooperation thesis is wrong.

Recna 21 [Research Center for Nuclear Weapon Abolition; Nagasaki, Japan; “Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report,” Journal for Peace and Nuclear Disarmament; 5/28/21; <https://www.tandfonline.com/doi/full/10.1080/25751654.2021.1890867>] Justin

The Challenge: Multiple Existential Threats

The relationship between pandemics and war is as long as human history. Past pandemics have set the scene for wars by weakening societies, undermining resilience, and exacerbating civil and inter-state conflict. Other disease outbreaks have erupted during wars, in part due to the appalling public health and battlefield conditions resulting from war, in turn sowing the seeds for new conflicts. In the post-Cold War era, pandemics have spread with unprecedented speed due to increased mobility created by globalization, especially between urbanized areas. Although there are positive signs that scientific advances and rapid innovation can help us manage pandemics, it is likely that deadly infectious viruses will be a challenge for years to come.

The COVID-19 is the most demonic pandemic threat in modern history. It has erupted at a juncture of other existential global threats, most importantly, accelerating climate change and resurgent nuclear threat-making. The most important issue, therefore, is how the coronavirus (and future pandemics) will increase or decrease the risks associated with these twin threats, climate change effects, and the next use of nuclear weapons in war.5

Today, the nine nuclear weapons arsenals not only can annihilate hundreds of cities, but also cause nuclear winter and mass starvation of a billion or more people, if not the entire human species. Concurrently, climate change is enveloping the planet with more frequent and intense storms, accelerating sea level rise, and advancing rapid ecological change, expressed in unprecedented forest fires across the world. Already stretched to a breaking point in many countries, the current pandemic may overcome resilience to the point of near or actual collapse of social, economic, and political order.

In this extraordinary moment, it is timely to reflect on the existence and possible uses of weapons of mass destruction under pandemic conditions – most importantly, nuclear weapons, but also chemical and biological weapons. Moments of extreme crisis and vulnerability can prompt aggressive and counterintuitive actions that in turn may destabilize already precariously balanced threat systems, underpinned by conventional and nuclear weapons, as well as the threat of weaponized chemical and biological technologies. Consequently, the risk of the use of weapons of mass destruction (WMD), especially nuclear weapons, increases at such times, possibly sharply.

The COVID-19 pandemic is clearly driving massive, rapid, and unpredictable changes that will redefine every aspect of the human condition, including WMD – just as the world wars of the first half of the 20th century led to a revolution in international affairs and entirely new ways of organizing societies, economies, and international relations, in part based on nuclear weapons and their threatened use. In a world reshaped by pandemics, nuclear weapons – as well as correlated non-nuclear WMD, nuclear alliances, “deterrence” doctrines, operational and declaratory policies, nuclear extended deterrence, organizational practices, and the **existential risks** posed by retaining these capabilities – are all up for redefinition.

A pandemic has potential to destabilize a nuclear-prone conflict by incapacitating the supreme nuclear commander or commanders who have to issue nuclear strike orders, creating uncertainty as to who is in charge, how to handle nuclear mistakes (such as errors, accidents, technological failures, and entanglement with conventional operations gone awry), and opening a brief opportunity for a first strike at a time when the COVID-infected state may not be able to retaliate efficiently – or at all – due to leadership confusion. In some nuclear-laden conflicts, a state might use a pandemic as a cover for political or military provocations in the belief that the adversary is distracted and partly disabled by the pandemic, increasing the risk of war in a nuclear-prone conflict. At the same time, a pandemic may lead nuclear armed states to increase the isolation and sanctions against a nuclear adversary, making it even harder to stop the spread of the disease, in turn creating a pandemic reservoir and transmission risk back to the nuclear armed state or its allies.

In principle, the common threat of the pandemic might induce nuclear-armed states to reduce the tension in a nuclear-prone conflict and thereby the risk of nuclear war. It may cause nuclear adversaries or their umbrella states to seek to resolve conflicts in a cooperative and collaborative manner by creating habits of communication, engagement, and mutual learning that come into play in the nuclear-military sphere. For example, militaries may cooperate to control pandemic transmission, including by working together against criminal-terrorist non-state actors that are trafficking people or by joining forces to ensure that a new pathogen is not developed as a bioweapon.

To date, however, the COVID-19 pandemic has increased the isolation of some nuclear-armed states and provided a textbook case of the failure of states to cooperate to overcome the pandemic. Borders have slammed shut, trade shut down, and budgets blown out, creating enormous pressure to focus on immediate domestic priorities. Foreign policies have become markedly more nationalistic. Dependence on nuclear weapons may increase as states seek to buttress a global re-spatialization6 of all dimensions of human interaction at all levels to manage pandemics. The effect of nuclear threats on leaders may make it less likely – or even impossible – to achieve the kind of concert at a global level needed to respond to and administer an effective vaccine, making it harder and even impossible to revert to pre-pandemic international relations. The result is that some states may proliferate their own nuclear weapons, further reinforcing the spiral of conflicts contained by nuclear threat, with cascading effects on the risk of nuclear war.

### Plan

#### Plan text: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines during pandemics.

#### Enforcement through limited IP waivers solve – patent term extensions are normal means and solves innovation and scale-up.

Young and Potts-Szeliga 21 [Roberta; Counsel in Seyfarth’s Litigation department and Intellectual Property and Patent Litigation practice groups in Los Angeles; Jamaica Potts-Szeliga; Partner in Seyfarth’s Litigation department and Intellectual Property and Patent Litigation practice groups in Washington, DC. She also provides advice on FDA regulatory issues and is part of the firm’s Health Care, Life Sciences, and Pharmaceuticals team; “A Third Option: Limited IP Waiver Could Solve Our Pandemic Vaccine Problems,” IP Watch Dog; 7/21/21; <https://www.ipwatchdog.com/2021/07/21/third-option-limited-ip-waiver-solve-pandemic-vaccine-problems/id=135732/>] Justin

Limited Waiver Approach

This article suggests a third option, between voluntary vaccine donation and the full IP waiver proposal, that may offer a way forward. The third proposed solution is incentivized limited IP waivers that could encourage (or require) private companies to engage in licensing agreements with nations to share some, but not all, of the knowledge and designs covering the COVID-19 vaccines to the developing world. The limited IP waivers could cover the minimum necessary portions of the technology to produce basic COVID-19 vaccines. The waivers could be limited in time to the duration of the pandemic, or another term agreed to by the WTO. The term could also be defined as ending when widespread vaccination and immunity goals are achieved. The incentive for pharmaceutical companies to support such limited IP waivers could be provided in the form of patent term extensions for the technology covered by the limited IP waivers.

Extensions of patent term are already known and widely used. In the U.S., patent term adjustments are automatically added on to the patent lifespan to account for any delays by the USPTO in the patent prosecution process. In some cases, these mechanisms may extend the patent term for years. Patent term extensions also are available for regulatory delays (35 U.S.C. § 156). In particular, patents covering, inter alia, drug products approved by the United States Food & Drug Administration may be eligible for up to five years of additional patent term to give back time required to complete the regulatory review process. Both patent term adjustments and patent term extensions arise from activities beyond the control of the pharmaceutical companies. A pandemic patent term extension fashioned after such known extensions could be made used to compensate for the current pressing global health needs.

This third proposal may be achievable at the WTO. Hurdles remain and it could be months or years before the WTO reaches an agreement on any waiver of IP protections, and years before countries build factories, gather materials, and gain the expertise to produce the vaccines. A steep hurdle is that mRNA is a new technology, with no machines or experts for hire. Nonetheless, the third solution offers hope to find a middle ground that may begin to be implemented before the end of the current pandemic and be in place for the future.

The patent term extension could be provided for countries with patent offices and could be adapted based on laws and conditions in each country. Pandemic-related patent term extensions could be given for a period of time that the compulsory license is in force. With current pandemic projections of six months to two years for sufficient distribution, providing a patent term extension is reasonable and in line with the time period of many patent term extensions. Given that most pharmaceutical patents are prosecuted in multiple countries, this provides an incentive to participate in a limited waiver program.

Let’s Not Repeat Past Mistakes

It’s been a century since the last pandemic devastated the globe and the only certainty is that this will not be the last pandemic. Solutions created today lay a foundation for mitigation of the next pandemic. It’s been said that those who refuse to learn from history are doomed to repeat it, a thought too painful to contemplate with a pandemic. The industrial nations of the world have technology that others are literally dying to obtain—a high price to pay. Incentivized limited IP waivers may offer a compromise to bridge the gap between maintaining IP rights (and thus relying on charity alone) and arbitrary compulsory licensing that could deter the technological investment to create life-saving solutions in the future.

#### The aff is at the heart of the global south’s demands---only governmental pressure creates the momentum necessary to fight profit motives and white nationalism.

Hassan 21 [Fatima; South African social justice activist and human rights lawyer. She worked on HIV/AIDS medicine access advocacy and litigation for many years with the AIDS Law Project and for the Treatment Action Campaign, clerked at the Constitutional Court of South Africa, served as special advisor to South Africa’s former minister of health and public enterprises, and is the founder and current head of the Health Justice Initiative based in Cape Town; “Don’t Let Drug Companies Create a System of Vaccine Apartheid,” FP; 2/23/21; <https://foreignpolicy.com/2021/02/23/dont-let-drug-companies-create-a-system-of-vaccine-apartheid/>] Justin

The gap in equitable global coverage and African nations’ limited access to available supplies is in large part due to the fact that richer nations had placed multiple individual orders with multiple pharmaceutical companies as well as with COVAX, through advanced market commitments before clinical outcomes were available; these companies also agreed to serve some markets and countries before others, with limited timely sublicensing arrangements.

These one-sided and often nontransparent contracts are not rooted in any epidemiological or sound public health approach and are very similar to the disparities in access to antiretroviral drugs to treat HIV in the late 1990s and 2000s.

As with HIV/AIDS, patent monopolies are determining which countries will get access to certain vaccines, which companies will manufacture supplies, which regions will be prioritized, and which populations will benefit first. Governments that were in the driver’s seat negotiating with public institutions, using public funds with companies to accelerate important vaccine research last year, turned a blind eye to the need for equitable access, affordability, and manufacturing scale-up, and focused instead on narrow national supplies.

Despite initial commitments of global solidarity, vaccine nationalism is a key risk to global population immunity—so much so that both WHO Director-General Tedros Adhanom Ghebreyesus and U.S. infectious disease expert Anthony Fauci recently warned about its impact on the current global goal of vaccinating everyone. This nationalism is manifesting in three ways: through single country or regional deals, export bans, and a refusal to compel manufacturing scale-up beyond a handful of companies and for the benefit of only specific countries.

Worse still, the very institutions set up to address global access equity were at the outset undermined by the non-transparent conduct of richer nations and mostly refuse to condemn this behavior publicly.

The South African and Indian governments have pushed since July 2020 to get a Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver at the World Trade Organization. Despite being backed by 140 nations, the effort continues to be blocked shamelessly by the very nations that have commenced their own selfishly nationalistic vaccination programs.

The TRIPS waiver is at the heart of the vaccine access battle. Implicit in the opposition by richer nations in the European Union—as well as the United States, Canada, Australia, Britain, Japan, and even Brazil—is an existential threat to the continuing practice of treating medicines as a commodity.

The glaring vaccine supply crisis has exposed why that approach is no longer correct or sustainable—medically and economically—during this and future pandemics. These countries’ opposition is rooted in the fear that if the COVID-19 waiver succeeds, it opens the door to a partial relaxation of patents that the industry may not be able to close, which will set a precedent for future pandemics.

That means pharmaceutical giants will not be able to defend monopoly protection and in turn the unfettered power to segment markets; unilaterally decide whether to cooperate or not in technology transfer; carry though exclusivity arrangements; determine sublicenses and the timing of sharing information or know-how; set prices with no reference to true production and research costs (despite often being co-funded by public institutions); demand unconscionable indemnities; and make huge profits now and in the future.

This is an industry that rarely commits to high levels of transparency. Even with HIV/AIDS, lawyers and activists had to challenge the often undisclosed terms and conditions of sublicensing agreements that had a direct impact on people’s health, and the nontransparent pricing practices of companies, to insist on research and development cost disclosure, at times using antitrust routes to challenge monopolies on life-saving medicines. Incidentally, no drug company or vaccine manufacturer has yet voluntarily entered the WHO’s technology access pool.

The White House has now activated the U.S. Defense Production Act albeit in a limited way, in an effort to scale up domestic capacity. While this is country-specific, it suggests a turning of the tide. Recently, after Tedros’s comments and warnings, Fauci also noted that the U.S. government could in fact help strengthen global manufacturing capacity with both policy intervention and the cooperation of pharmaceutical companies in relaxing some patents—following an open letter sent by the People’s Vaccine Campaign for South Africa to Fauci and others, signed by the Anglican archbishop of southern Africa, Thabo Makgoba.

This is a start—but forcing the pharmaceutical industry to put lives ahead of patents and profits will require even greater pressure from governments and civil society globally. As Doctors Without Borders has repeatedly emphasized, “not even a global pandemic can stop pharmaceutical corporations from following their business-as-usual approach, so countries need to use every tool available to make sure that COVID-19 medical products are accessible and affordable for everyone who needs them.”

### Framing

#### The standard is maximizing expected well-being – to clarify, saving lives. Calc indicts don’t link—my framework evaluates offense—pandemics is bad because as far as we know, it would cause suffering.

#### 1] Death outweighs:

#### A] Agents can’t act if they fear for their bodily security—my framework constrains every NC and K

#### B] It’s the worst form of evil:

Paterson 3 – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics.

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81  In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

#### Impact calc –

#### 1] Extinction outweighs:

#### A] Reversibility- it forecloses the alternative because we can’t improve society if we are all dead

#### B] Structural violence- death causes suffering because people can’t get access to resources and basic necessities

#### C] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical

#### D] Uncertainty- if we’re unsure about which interpretation of the world is true, we should preserve the world to keep debating about it

#### E] Extinction isn’t white paranoia and apocalyptic reps are good

Thompson 18 [Nicole Akoukou. Chicago-based creative writer. 4-6-2018. "Why I will not allow the fear of a nuclear attack to be white-washed." RaceBaitR. http://racebaitr.com/2018/04/06/2087/#]

I couldn’t spare empathy for a white woman whose biggest fear was something that hadn’t happened yet and might not. Meanwhile, my most significant fears were in motion: women and men dying in cells after being wrongly imprisoned, choked out for peddling cigarettes, or shot to death during ‘routine’ traffic stops. I twitch when my partner is late, worried that a cantankerous cop has brutalized or shot him because he wouldn’t prostrate himself. As a woman of color, I am aware of the multiple types of violence that threaten me currently—not theoretically. Street harassment, excessively affecting me as a Black woman, has blindsided me since I was eleven. A premature body meant being catcalled before I’d discussed the birds and the bees. It meant being followed, whistled at, or groped. As an adult, while navigating through neighborhoods with extinguished street lights, I noticed the correlation between women’s safety and street lighting—as well as the fact that Black and brown neighborhoods were never as brightly lit as those with a more significant white population. I move quickly through those unlit spaces, never comforted by the inevitable whirl of red and blue sirens. In fact, it’s always been the contrary. Ever so often, cops approach me in their vehicle’s encouraging me to “Hurry along,” “Stay on the sidewalk,” or “Have a good night.” My spine stiffening, I never believed they endorsed my safety. Instead, I worried that I’d be accused of an unnamed accusation, corned by a cop who preys on Black women, or worse. A majority of my 50-minute bus ride from the southside of Chicago to the north to join these women for the birthday celebration was spent reading articles about citywide shootings. I began with a Chicago Tribute piece titled “33 people shot, seven fatally, in 13 hours,” then toppled into a barrage of RIP posts on Facebook and ended with angry posts about police brutality on Tumblr. You might guess, by the time I arrived to dinner I wasn’t in the mood for the “I can’t believe we’re all going to die because Trump is an idiot” shit. I shook my head, willing the meal to be over, and was grateful when the check arrived just as someone was asking me about my hair. My thinking wasn’t all too different from Michael Harriot’s ‘Why Black America Isn’t Worried About the Upcoming Nuclear Holocaust.” While the meal was partly pleasant, I departed thinking, “fear of nuclear demolition is just some white shit.” Sadly, that thought would not last long. I still vibe with Harriot’s statement, “Black people have lived under the specter of having our existence erased on a white man’s whim since we stepped onto the shore at Jamestown Landing.” However, a friend—a Black friend—ignited my nuclear paranoia by sharing theories about when it might happen and who faced the greatest threat. In an attempt to ease my friend’s fear, I leaned in to listen but accidentally toppled down the rabbit hole too. I forked through curated news feeds. I sifted through “fake news,” “actual news,” and foreign news sources. Suddenly, an idea took root: nuclear strike would disproportionately impact Black people, brown people, and low-income individuals. North Korea won’t target the plain sight racists of Portland, Oregon, the violently microaggressive liberals of the rural Northwest, or the white-hooded klansmen of Diamondhead, Mississippi. No, under the instruction of the supreme leader Kim Jong-un, North Korea will likely strike densely populated urban areas, such as Los Angeles, Chicago, Washington D.C., and New York City. These locations stand-out as targets for a nuclear strike because they are densely populated U.S. population centers. Attacking the heart of the nation or populous cities would translate to more casualties. With that in mind, it’s not lost on me that the most populous cities in the United States boast sizeable diverse populations, or more plainly put: Black populations. This shit stresses me out! There’s a creeping chill that follows me, a silent alarm that rings each time my Google alert chimes letting me know that Donald Trump has yet again provoked Kim Jong-Un, a man who allegedly killed his very own uncle. I’ve grown so pressed by the idea of nuclear holocaust that my partner and I started gathering non-perishables, candlesticks, a hand-crank radio, and other must-buy items that can be banked in a shopping cart. The practice of preparing for a nuclear holocaust sometimes feels comical, particularly when acknowledging that there has long been a war on Black people in this country. Blackness is bittersweet in flavor. We are blessed with the melanized skin, the MacGyver-like inventiveness of our foremothers, and our blinding brightness—but the anti-blackness that we experience is also blinding as well as stifling. We are stuck by rigged systems, punished with the prison industrial complex, housing discrimination, pay discrimination, and worse. We get side-eyes from strangers when we’re “loitering,” and the police will pull us over for driving “too fast” in a residential neighborhood. We get murdered for holding cell phones while standing in our grandmother’s backyard. The racism that strung up our ancestors, kept them sequestered to the back of the bus and kept them in separate and unequal schools still lives. It lives, and it’s more palpable than dormant. To me, this means one thing: Trump’s America isn’t an unfortunate circumstance, it’s a homecoming event that’s hundreds of years in the making, no matter how many times my white friends’ say, “He’s not my president.” In light of this homecoming, we now flirt with a new, larger fear of a Black genocide. America has always worked towards Black eradication through a steady stream of life-threatening inequality, but nuclear war on American soil would be swift. And for this reason I’ve grown tired of whiteness being at the center of the nuclear conversation. The race-neutral approach to the dialogue, and a tendency to continue to promote the idea that missiles will land in suburban and rural backyards, instead of inner-city playgrounds, is false. “The Day After,” the iconic, highest-rated television film in history, aired November 20, 1983. More than 100 million people tuned in to watch a film postulating a war between the Soviet Union and the United States. The film, which would go on to affect President Ronald Reagan and policymakers’ nuclear intentions, shows the “true effects of nuclear war on average American citizens.” The Soviet-targeted areas featured in the film include Higginsville, Kansas City, Sedalia, Missouri, as well as El Dorado Springs, Missouri. They depict the destruction of the central United States, and viewers watch as full-scale nuclear war transforms middle America into a burned wasteland. Yet unsurprisingly, the devastation from the attack is completely white-washed, leaving out the more likely victims which are the more densely populated (Black) areas. Death tolls would be high for white populations, yes, but large-scale losses of Black and brown folks would outpace that number, due to placement and poverty. That number would be pushed higher by limited access to premium health care, wealth, and resources. The effects of radiation sickness, burns, compounded injuries, and malnutrition would throttle Black and brown communities and would mark us for generations. It’s for that reason that we have to do more to foster disaster preparedness among Black people where we can. Black people deserve the space to explore nuclear unease, even if we have competing threats, anxieties, and worries. Jacqui Patterson, Director of the Environmental and Climate Justice Initiative, once stated: African American communities are disproportionately vulnerable to and impacted by natural (and unnatural) catastrophes. Our socio-economic vulnerability is based on multiple factors including our lack of wealth to cushion us, our disproportionate representation in lower quality housing stock, and our relative lack of mobility, etc.

#### 2] Calc indicts fail:

#### A] Ethics- it would indict everything since they use events to understand how their ethics have worked

#### B] Reciprocity- they are NIBs that create a 2:1 skew where I have to answer them to access offense while they only have to win one

#### C] Internalism- asking why we value pain and pleasure is nonsensical cuz the answer is intrinsic since we just do, which means we still prefer hedonism despite shortcomings.

### Underview

#### 1] 1AR theory is legit – anything else means infinite abuse – drop the debater, competing interps, and the highest layer – 1AR are too short to make up for the time trade-off – no RVIs – 6 min 2NR means they can brute force me every time.

#### 2] Psychoanalysis is infinitely regressive, not falsifiable, and too abstract

Gordon 1 – Paul Gordon, accomplished psychotherapist, “Psychoanalysis and Racism: The Politics of Defeat,” RACE & CLASS v. 42 n. 4, 2001, pp. 17-34.

But in the thirty years since Kovel wrote, that attempt to relate mind and society has been fractured by the advent of postmodernism, with its subsumption of the material/historical, of notions of cause and effect, to what is transitory, contingent, free-¯oating, evanescent. Psychoanalysis, by stepping into the vacuum left by the abandonment of all metanarrative, has tended to put mind over society. This is particularly noticeable in the work of the Centre for New Ethnicities Research at the University of East London, which purports to straddle the worlds of the academy and action by developing projects for the local community and within education generally.28 But, in marrying psychoanalysis and postmodernism, on the basis of claiming to be both scholarly and action oriented, it degrades scholarship and undermines action, and ends in discourse analysis a language in which metaphor passes for reality. Cohen's work unavoidably raises the question of the status of psycho- analysis as a social or political theory, as distinct from a clinical one. Can psychoanalysis, in other words, apply to the social world of groups, institutions, nations, states and cultures in the way that it does, or at least may do, to individuals? Certainly there is now a considerable body of literature and a plethora of academic courses, and so on, claim- ing that psychoanalysis is a social theory. And, of course, in popular discourse, it is now a commonplace to hear of nations and societies spoken of in personalised ways. Thus `truth commissions' and the like, which have become so common in the past decade in countries which have undergone turbulent change, are seen as forms of national therapy or catharsis, even if this is far from being their purpose. Nevertheless, the question remains: does it make sense, as Michael Ignatieff puts it, to speak of nations having psyches the way that individuals do? `Can a nation's past make people ill as we know repressed memories sometimes make individuals ill? . . . Can we speak of nations ``working through'' a civil war or an atrocity as we speak of individuals working through a traumatic memory or event?' 47 The problem with the application of psychoanalysis to social institutions is that there can be no testing of the claims made. If someone says, for instance, that nationalism is a form of looking for and seeking to replace the body of the mother one has lost, or that the popular appeal of a particular kind of story echoes the pattern of our earliest relationship to the maternal breast, how can this be proved? The pioneers of psychoanalysis, from Freud onwards, all derived their ideas in the context of their work with individual patients and their ideas can be examined in the everyday laboratory of the therapeutic encounter where the validity of an interpretation, for example, is a matter for dialogue between therapist and patient. Outside of the consulting room, there can be no such verification process, and the further one moves from the individual patient, the less purchase psychoanalytic ideas can have. Outside the therapeutic encounter, anything and everything can be true, psychoanalytically speaking. But if everything is true, then nothing can be false and therefore nothing can be true. An example of Cohen's method is to be found in his 1993 working paper, `Home rules', subtitled `Some re¯ections on racism and nation- alism in everyday life'. Here Cohen talks about taking a `particular line of thought for a walk'. While there is nothing wrong with taking a line of thought for a walk, such an exercise is not necessarily the same as thinking. One of the problems with Cohen's approach is that a kind of free association, mixed with deconstruction, leads not to analysis, not even to psychoanalysis, but to . . . well, just more free association, an endless, indeed one might say pointless, play on words. This approach may well throw up some interesting associations along the way, connections one had never thought of but it is not to be confused with political analysis. In `Home rules', anything and everything to do with `home' can and does ®nd a place here and, as I indicated above, even the popular ®lm Home Alone is pressed into service as a story about `racial' invasion.

#### 3] Anti-blackness is contingent and historically shaped – their theory overestimates white supremacy’s durability.

Kelley 17 Robin D.G. Kelley, Gary B. Nash Professor of American History at UCLA, “Robin D.G. Kelley & Fred Moten In Conversation”, YouTube, 1:57:36 – 2:02:56, 15 June 2017, accessed: 21 January 2021, <https://www.youtube.com/watch?v=fP-2F9MXjRE>, \*most likely transcribed by Dustin Meyers Levi (dml), R.S.

Kelley: Um, Fred—Fred will take most of these questions. So that's why I'm going to begin first because he's gonna, he's gonna—he's gonna end it because he, he, he has the answer to all these questions ‘cause I turn to him for these questions. On the specific, on the first question, I just want to make sure I understand it because I'm, you know, I don't always recognize, uh, it may be because I'm just old, but I don't always recognize, uh, that black politics, black [unclear—maybe “guys”] work politics have been structured or defined by white supremacy. I mean, white supremacy is there. And I guess maybe because I'm such a student of Cedric Robinson, you know, not everything is about, or in response to, white supremacy.

And in fact, one of the critiques coming out of doing Southern history was this idea that race relations framework, that race relations defines, uh, African-American history or Black history. And it's simply **not true** because much of what people do in terms of, of social formation, community building, um, is, is, is what Raymond Williams might call alternative cultures. In other words, **it may be structured in dominance in some ways, but not defined by it.** And Cedric's Black Marxism, you know, really made this point. He talks about the ontological totality, you know, the, this sense of being and making ourselves whole, in that we come out of an experience, again, structured by white supremacy, structured by violence, structured by enslavement and dispossession, but, but one in which western hegemony didn't work, you know, that modes of thinking wasn't defined by Enlightenment modes of thinking.

In other words, that, that part of the **Black radical tradition is** a **refusal to be property**, to even admit that human beings could be property. You know, so we sometimes give white supremacy **way too much credit**, and maybe I misunderstood the question. And so I think that there's lots of things that happen outside of joy and survival, and survival is important, but survival is not the end all, you know. So I think, and I'll give you one very, very specific example, and now I'm not gonna say anything else after this. The way we have tended to more recently treat slavery, Jim Crow and mass incarceration as a piece, as the reinstantiation of the same thing, the continuation, that denies the fact that these systems are **actually** **distinct**, that they are historically specific, and in fact they’re responses to, in many ways, to the weakness of this as a racial regime.

So if you think of like the whole idea of the new Jim Crow to me is very, very problematic. Um, although that book by Michelle Alexander is very, very powerful and very useful in terms of educating people about prisons. **Jim Crow was not the continuation of slavery.** It was not. Jim Crow was a **response to** the **Black Democratic**, uh, **upsurge** after slavery. It was a revolution of Reconstruction. It was a way to try to suppress that. The fact that, that, you know, there was this incredible response. That's why there's a, there's a huge gap between 1877 at the official end of Reconstruction and the rise of Jim Crow, which is the 1890s, disfranchisement, lynching. That's because you've had 13, 14, 15, 20, 25 years of a democratic possibility and struggle. The same thing with mass incarceration—yes, we've had incarceration, but it's, but that, that, that, that upward swing has a lot to do with, again, **response**s **to** the **struggles in the 1960s**, the assault on the Keynesian welfare-warfare state, the fact that you know the, the war on political, the formation of political prisoners, those struggles in fact was the state's **response to opposition.** And so if we don't acknowledge that, then what we end up doing is thinking that somehow there's a structure of white supremacy that's unchanging, fixed, and so powerful we can't do anything about it when in fact it's the opposite.

White supremacy is fragile. White supremacy is weak. Racial regimes actually are always having to shore themselves up precisely **because they're unstable.** We can see that. We can't see it because **the whole system of hegemony** is to give us the impression that it is so powerful, there's **no space out.** And yet it’s working overtime to, to respond to our opposition. Right. That may not answer your question, but that's sort of a way I think about it. Maybe it’s not satisfactory, but yeah.

#### 4] The 1AC’s dialogue of life and death posits blackness as the pornographic spectacle vulnerable to commodification and white enjoyment

Tyrone S. Palmer, 2016, “Devouring the Flesh: Notes Toward an Analytics of Seeing”, <http://www.academia.edu/28104586/Devouring_the_Flesh_Notes_Toward_an_Analytics_of_Seeing> Taja1h

One would be hard pressed to find a time or place in the history of western Civilization wherein the people called “Black” have not been subjected to gratuitous violence; a violence beyond the bounds of reason, yet central to the post--‐ Enlightenment project of Reason; a violence, in many ways, beyond violence. Today we find ourselves perpetually mired in images of Black death, while insisting on the matter of Black life. To be sure, the current proliferation of such images is not novel (it exists within a visual--‐cultural context saturated with scourged backs, lynching postcards, and other morbid souvenirs), but its omnipresence in the field of vision undoubtedly is. Every advance in visual technology eventually seems to render visible a simultaneous shift in the tactics of anti--‐Black terror; however, unique to our current predicament, is the near impossibility of avoiding images of Black flesh bleeding, Black flesh torn apart, bullet--‐ridden, falling, lifeless, dying. These videos and images serve a crucial (one might even say ineffable) function. As Claudia Rankine reminds us, the mediated image of the dead and dying Black body often serves as “a spectacle for white pornography: the dead body as an object that satisfies an illicit desire.”1 Following this point, I would like to briefly consider the historical and material relationships between current forms of digital video technology and anti--‐Black violence. It is particularly clear that the current structure of digital technologies and its mechanisms of circulation (i.e. “virality,” “meme--‐ification,” and so on) positions the Black death as an inescapable spectacle. This inescapable spectacle fulfills a psychic need in this sadistic, white--‐supremacist culture: the abject, dying Black body as a cipher and symbolic counterpoint to white life, and the locus of a peculiar industry of its own. Over the past several years, proliferating images of Black death have become uniquely commodified, taking on a distinct fetish character. Rather than serving as evidence of wrongdoing, something worthy of more than performative “moral outrage,” such omnipresent video footage serves to reify the synonymy of Blackness and death in the dominant cultural imaginary. Blackness comes to signify death, mystifying an entire social configuration and political--‐economic apparatus already both literally and figuratively sustained through gratuitous anti--‐Black violence. It is imperative we theorize the various (material, discursive, affective) economies in which images of Black death circulate and the particularity of such circulation in our “hyper--‐mediated” historical present. We need to develop a different analytics of seeing—an alternative hermeneutic method for studying the political economy of spectacularized Black death. The problem of Black death is a problem of the flesh. Literary and cultural theorist Hortense Spillers proffers an analytics of the flesh, arguing that the transatlantic slave trade marked a theft of the African body generative of the dimorphic gendered categories of modernity (i.e. woman/man, mother/father, nature/culture), while registering the captive Black in an ontological position outside of and in the interstices between such categories. This theft of the body, and the abject violence to which the captive was subjected, reduced the body to “flesh”—the base level of existence; an existence in the raw; that “zero degree of social conceptualization.”2 Reduced to flesh, the captive African was subject to a peculiarly singular form of commodification: the transubstantiation of personality into property, an incipient being--‐for--‐the--‐captor imbued with “destructive sensuality.” Black flesh stood as a “prime commodity of exchange” as well as the object upon which white desire cathected. The violent rending of Being from African personality, the creation of Black flesh, is an originary terror endlessly repeated. This abject violence radically alters the very materiality of the captive body. To quote Spillers at length: The anatomical specifications of rupture, of altered human tissue, take on the objective description of laboratory prose—eyes beaten out, arms, backs, skulls branded, a left jaw, a right ankle, punctured; teeth missing, as the calculated work of iron, whips, chains, knives, the canine patrol, the bullet. These undecipherable markings on the captive body render a kind of hieroglyphics of the flesh whose severe disjunctures come to be hidden to the cultural seeing by skin color. We might well ask if this phenomenon of making and branding actually ‘transfers’ from one generation to another, finding is various symbolic substitutions in an efficacy of meanings that repeat the initiating moments?3 Revisiting Spillers this time, we are reminded of Marx’s theorization of the commodity fetish. In Capital: Vol. I, Marx develops a theory of the commodity that hinges on its peculiar quality and “mysterious” character. This quality—what Marx terms the fetish character of the commodity—is affixed to the product of human labor as it is turned into a commodity--‐form. The commodity’s exchange value imbues it with a fantastic, mystical quality divorced from its use--‐value and actual material existence. Commodities are social hieroglyphs [that] require specialized interpretation for their social meaning to become apparent. Commodities are hieroglyphs because of their peculiar fetish character.4 The commodification of race produces (a racialized) commodity fetish, which foregrounds the use--‐ value of the racial commodity: race acquires a metaphysical status . . . consequently it is not seen as historically formed and reproduced in the labor and ideological practices of capitalist social relations.5 Akin to the processes through which the fetishism of the commodity mystifies the extraction of labor power, the absorption of surplus--‐value, and the exploitative relations that produce it—turning it into a “social hieroglyph”—the structure of cultural fictions that define Blackness in the dominant imaginary obscures the wounds and gashes which produce Black flesh. This is what Spillers terms the hieroglyphics of the flesh: the fatal disjuncture between the look of Blackness (the generalized and innumerable meanings and metaphors attached to Black skin) and the violent markings that produce Blackened beings. Such violence is “hidden to the cultural seeing,” as Spillers puts, and a primary aspect of its commodification. The rabid consumption of images of Black death—the unsated appetite for more— obscures the facticity of Black death and anti--‐Black violence. What do we see when we see a dead Black body? The Black body is open for the looking. The looking precludes a deeper seeing. We are rendered captive by the looking.

#### 5] Their theory causes resentment and depression – only imagining black futurity will rewrite the narratives of Blackness.

Lake 19 Gyasi Lake May 2, 2019. “How Afro-futurism helped me reclaim the narrative around Blackness in a hopeless world” <https://racebaitr.com/2019/05/02/how-afro-futurism-helped-me-reclaim-the-narrative-around-blackness-in-a-hopeless-world/> B1ack ZD

As social media made me more cognizant of the atrocities of state-sanctioned violence, my thoughts began to grow darker. My soft optimist soon crystallized into a hardened soul. Entering my senior year, I was left with no more aspirations for the future because I couldn’t visualize one where Black bodies could live freely. I often thought about the [Dred Scott decision](https://www.history.com/this-day-in-history/dred-scott-decision) and how I longed for that type of finality. Scott was denied recognition as a U.S citizen thus providing the ultimate understanding of Black people’s relationship, or lack thereof, to U.S law. Now, on paper we have been granted the illusion of full citizenship, while our relationship has been more like citizens of an occupied state. Not having a viable outlet such as therapy to process my mounting Afro-pessimistic depression, my relationships (familial, platonic, and romantic) shifted in a volatile nature. I carried resentment and anger into every interaction, an act that contributed further to my isolation. My escapist ritual of devouring sci-fi literature was thwarted once I realized that I had to place myself into narratives that didn’t acknowledge my existence. In a genre that can invent entire complex universes, sci-fi/fantasy is notorious for its tone deaf treatment of race through metaphor (Harry Potter, etc.) Narratives that were essentially depicting conditions that non-whites have been living in for hundreds of years. Discovering Janelle Monae was a cathartic experience for me. Through her artistic expression, she used a droid, Cindi Mayweather, as an allegory for those that are considered “The Other.” The ambiguity of The Other allows the most marginalized to place themselves within the narrative of the protagonist through her spectrum of complexity. Monae delved into questions of one’s recognition of being human, finding identity, and love. Through her music I found release in words about revolting against an oppressive system of domination. I also discovered the term “Afrofuturism,” an umbrella term for speculative fiction exploring the future through a Black lens, and fell down the rabbit hole of the artistic style. My consumption became an obsession, beginning with Octavia E. Butler and proliferated onwards towards Nalo Hopkinson, Nnedi Okorafor and others. The power of Afrofuturism rests in its ability to reclaim the narrative around Blackness. Academic books have gone on to become revered best sellers while equating dark skin with the primitive, thus suggesting Black people didn’t deserve the distinction of humanity. Afrofuturism is a political statement to envision free Black bodies in the future in a society that never relents in its obsession to cause said bodies destruction. At a time when my Blackness felt more like a target, Afrofuturism proved a lens in which to look at my melanin as a gift, to see the richness in history and envision a future I’d fight to see develop.

#### 6] Antiblackness is ahistorical. Haider 18:

Asad haider [new goat founding Editor of Viewpoint Magazine, an investigative journal of contemporary politics. He is a PhD candidate in the History of Consciousness at UC Santa Cruz and a member of UAW-2865, the Student-Workers Union at the University of California.] “Mistaken Identity: Race and Class in the Age of Trump” Verso, 2018 RE

Allen and Ignatiev turned to this question in their further research, inspired by the insights of Du Bois. In the process they presented an exemplary model of a materialist investigation into the ideology of race, one that went from the abstract to the concrete. This work emerged alongside that of Barbara Fields and Karen Fields, David Roediger, and many others as a body of thought devoted to exposing race as a social construct. All of this research, in varying ways, has examined the history of the “white race” in its specificity. The guiding insight that must be drawn from it is that this racial phenomenon is not simply a biological or even cultural attribute of certain “white people”: it was produced by white supremacy in a concrete and objective historical process. As Allen put it on the back cover of his extraordinary vernacular history The Invention of the White Race: “When the first Africans arrived in Virginia in 1619, there were no white people there.” At the most immediate level, Allen was pointing to the fact that the word white didn’t appear in Virginia colonial law until 1691. Of course, this doesn’t mean that there was no racism before 1691. Allen’s argument was to show that racism was not attached to a concept of the white race. There were ideas of the superiority of European civilization, but this did not correspond to differences in skin color. The clearest example is that of the Irish, whose racial oppression by the English precedes their racial oppression of Africans by several centuries. Today white nationalists distort this history, attempting to use the racial oppression of the Irish to try to dismiss the history of white supremacy. Yet this example actually demolishes their entire framework. What the example of the Irish illustrates is a form of racial oppression that is not based on skin color and that in fact precedes the very category of whiteness. Indeed, the early forms of English racial ideology represented the Irish as inferior and subhuman, and this ideology was later repeated word for word to justify both the genocide of Indigenous people in the Americas and the enslavement of Africans. Nor was it only a matter of words: the very practices of settler colonialism, land seizures, and plantation production were established in Ireland. Allen demonstrates this with reference to specific laws: If under Anglo-American slavery, “the rape of a female slave was not a crime, but a mere trespass on the master’s property,” so, in 1278, two Anglo-Normans, brought into court and charged with raping Margaret O’Rorke were found not guilty because “the said Margaret is an Irishwoman.” If a law enacted in Virginia in 1723, provided that, “manslaughter of a slave is not punishable,” so under Anglo-Norman law it sufficed for acquittal to show that the victim in a slaying was Irish. Anglo-Norman priests granted absolution on the grounds that it was “no more sin to kill an Irishman than a dog or any other brute.”9 So racial oppression arises in the Irish case without skin color as its basis. We are forced to ask how we end up with a racial ideology revolving around skin color that represents African people as subhuman and that considers both Irish and English to be part of a unitary “white race.” The historical record quite clearly demonstrates that white supremacy and thus the white race are formed within the American transition to capitalism, specifically because of the centrality of racial slavery. However, we have to resist the temptation, imposed on us by racial ideology, to explain slavery through race. Slavery is not always racial. It existed in ancient Greece and Rome and also in Africa, and was not attached specifically to a racial ideology. Slavery is a form of forced labor characterized by the market exchange of the laborer. But there are various forms of forced labor, and its first form in Virginia was indentured labor, in which a laborer is forced to work for a limited period of time to work off a debt, often with some incentive like land ownership after the end of the term. The first Africans to arrive in Virginia 1619 were put to work as indentured servants, within the same legal category as European indentured servants. In fact, until 1660 all African American laborers, like their European American counterparts, were indentured servants who had limited terms of servitude. There was no legal differentiation based on racial ideology: free African Americans owned property, land, and sometimes indentured servants of their own. There were examples of intermarriage between Europeans and Africans. It was only in the late seventeenth century that the labor force of the American colonies shifted decisively to African slaves who did not have limits on their terms of servitude. As Painter points out in The History of White People, these forms of labor and their transformations are fundamental in understanding how racial ideology comes about: Work plays a central part in race talk, because the people who do the work are likely to be figured as inherently deserving the toil and poverty of laboring status. It is still assumed, wrongly, that slavery anywhere in the world must rest on a foundation of racial difference. Time and again, the better classes have concluded that those people deserve their lot; it must be something within them that puts them at the bottom. In modern times, we recognize this kind of reasoning as it relates to black race, but in other times the same logic was applied to people who were white, especially when they were impoverished immigrants seeking work.10 “In sum,” Painter writes, “before an eighteenth-century boom in the African slave trade, between one-half and two-thirds of all early white immigrants to the British colonies in the Western Hemisphere came as unfree laborers, some 300,000 to 400,000 people.”11 The definitions of whiteness as freedom and blackness as slavery did not yet exist. It turns out that defining race involves answering some unexpected historical questions: How did some indentured servants come to be forced into bondage for their entire lives rather than a limited term? How did this category of forced labor come to be represented in terms of race? Why did the colonial ruling class come to rely on racial slavery when various other regimes of labor were available? The first economic boom of the American colonies was in Virginia tobacco production in the 1620s, and it was based on the labor of primarily European indentured servants. African Americans were only about a fifth of the labor force: most forced labor was initially European, and the colonial planter class relied on this forced labor for its economic growth. But they couldn’t just rely on European indentured labor because it was based on voluntary migration, and the incentive to participate in a life of brutal labor and die early was not sufficient to generate a consistently growing workforce. As Barbara Fields puts it, “Neither white skin nor English nationality protected servants from the grossest forms of brutality and exploitation. The only degradation they were spared was perpetual enslavement along with their issue in perpetuity, the fate that eventually befell the descendants of Africans.”12 African Americans, on the other hand, had been forcibly removed from their homelands. So the ruling class began to alter its laws to be able to deny some laborers an end to their terms of servitude, which they were only able to accomplish in the case of African laborers. What really changed everything was Bacon’s Rebellion in 1676. This began as a conflict within the elite planter class, directed toward a brutal attack on the Indigenous population. But it also gave rise to a rebellious mob of European and African laborers, who burned down the capital city of Jamestown and forced the governor to flee. The insurrectionary alliance of European and African laborers was a fundamental existential threat to the colonial ruling class, and the possibility of such an alliance among exploited peoples had to be prevented forever. Here we see a watershed moment in the long and complex process of the invention of the white race as a form of social control. The ruling class shifted its labor force decisively toward African slaves, and thus avoided dealing with the demand of indentured servants for eventual freedom and landownership. It fortified whiteness as a legal category, the basis for denying an end to the term of servitude for African forced labor. By the eighteenth century the Euro-American planter class had entered into a bargain with the Euro-American laboring classes, who were mostly independent subsistence farmers: it exchanged certain social privileges for a cross-class alliance of Euro-Americans to preserve a superexploited African labor force. This Euro-American racial alliance was the best defense of the ruling class against the possibility of a Euro-American and African American working-class alliance. It is at this point, Nell Painter concludes, that we see the “now familiar equation that converts race to black and black to slave.”13 The invention of the white race further accelerated when the Euro-American ruling class encountered a new problem in the eighteenth century. As the colonial ruling class began to demand its independence from the divinely ordained executives and landed wealth of the English nobility, they made claims for the intrinsic equality of all people and the idea of natural rights. As Barbara Fields puts it: Racial ideology supplied the means of explaining slavery to people whose terrain was a republic founded on radical doctrines of liberty and natural rights, and, more important, a republic in which those doctrines seemed to represent accurately the world in which all but a minority lived. Only when the denial of liberty became an anomaly apparent even to the least observant and reflective members of Euro-American society did ideology systematically explain the anomaly.14 In other words, the Euro-American ruling class had to advance an ideology of the inferiority of Africans in order to rationalize forced labor, and they had to incorporate European populations into the category of the white race, despite the fact that many of these populations had previously been considered inferior. This racial ideology developed further as the new American nation encountered the phenomenon of the voluntary migration of free laborers from Europe, many of whom came from populations that were viewed as distinct European races: the Italians, Eastern Europeans, and Jews, but especially the exemplary case of the Irish, whose emigration to the US spiked with the famines of the mid-nineteenth century produced by English colonialism. The Irish, among the most oppressed and rebellious groups in Europe, were offered the bargain that had protected the American ruling class. Frederick Douglass pointed this out very clearly in 1853, at the anniversary meeting of the American and Foreign Anti-Slavery Society in New York: The Irish, who, at home, readily sympathize with the oppressed everywhere, are instantly taught when they step upon our soil to hate and despise the Negro. They are taught to believe that he eats the bread that belongs to them. The cruel lie is told them, that we deprive them of labor and receive the money which would otherwise make its way into their pockets. Sir, the Irish-American will find out his mistake one day.15 Douglass had gone to Ireland to avoid being returned to slavery and said he was for the first time in his life treated as an ordinary person, exclaiming in a letter to the abolitionist William Lloyd Garrison, “I breathe, and lo! the chattel becomes a man … I meet nothing to remind me of my complexion.”16 Of course, this was not because of some intrinsic kindness of the Irish. It was rather because, at this stage in history, there were no white people there. This was clear to Douglass because he arrived during the Great Famine. Writing in his memoirs of the songs sung by slaves on the American plantations, he added: “Nowhere outside of dear old Ireland, in the days of want and famine, have I heard sounds so mournful.”17 But what Irish immigrants realized after immigrating to the United States is that they could ameliorate their subjugation by joining the club of the white race, as Ignatiev has recounted.18 They could become members of a “white race” with higher status if they actively supported the continuing enslavement and oppression of African Americans. So the process of becoming white meant that these previous racial categories were abolished and racialized groups like the Irish were progressively incorporated into the white race as a means of fortifying and intensifying the exploitation of black laborers. It was the great insight of Frederick Douglass to describe this as the Irish-American’s mistake. Douglass clearly emphasized the novelty of the very description of people as white: “The word white is a modern term in the legislation of this country. It was never used in the better days of the Republic, but has sprung up within the period of our national degeneracy.”19 Let us be clear on what the invention of the white race meant. It meant that Euro-American laborers were prevented from joining with African American laborers in rebellion, through the form of social control imposed by the Euro-American ruling class. In exchange for white-skin privilege, the Euro-American workers accepted white identity and became active agents in the brutal oppression of African American laborers. But they also fundamentally degraded their own conditions of existence. As a consequence of this bargain with their exploiters, they allowed the conditions of the Southern white laborer to become the most impoverished in the nation, and they generated conditions that blocked the development of a viable mass workers’ movement. This is why the struggle against white supremacy has in fact been a struggle for universal emancipation—something that was apparent to African American insurgents. As Barbara Fields points out, these insurgents did not use a notion of race as an explanation for their oppression or their struggles for liberation: It was not Afro-Americans … who needed a racial explanation; it was not they who invented themselves as a race. Euro-Americans resolved the contradiction between slavery and liberty by defining Afro-Americans as a race; Afro-Americans resolved the contradiction more straightforwardly by calling for the abolition of slavery. From the era of the American, French and Haitian revolutions on, they claimed liberty as theirs by natural right.20 However, this was not always recognized by socialist movements. Early American socialists in the late nineteenth and early twentieth centuries sometimes failed to recognize that the division between white and black workers prevented all workers from successfully emancipating themselves. We should not oversimplify this point or use it to discredit the whole history of the labor movement. The early socialist parties were largely composed of immigrants who were often not yet fully incorporated into the white race, and there were very significant black socialists—including, for example, Hubert Harrison, who played an important role in connecting black nationalism to socialism at the beginning of the twentieth century. The majority of the early American socialists were not racists, and in fact openly and vigorously opposed racism. However, most of these early socialist organizations failed to recognize that there was anything unique about the demands of black workers. They were also willing to work with craft unions that discriminated against black workers, and they did not attempt to recruit black members. Without an analysis of white supremacy, these socialist organizations did not address the fact that black workers were often excluded from jobs available to whites, that they were subjected to racist violence beyond the workplace, and that they could not expect racist employers to extend increasing wages to them. The cost of this indifference to race was that socialism was always competing for recruitment with whiteness. New European immigrants were often very radical and prepared to join militant labor struggles. But they were also being invited to join the white race. Once again, in the case of the Irish, this meant finally leaving behind the racial oppression that had become familiar to them in Europe. This began to change with the reconfiguration of American socialists into the Communist Party in 1919. By the 1920s the CP had incorporated not only many immigrant socialists but also the clandestine organization called the African Blood Brotherhood, which included many important black Communists, such as Cyril Briggs, Claude McKay, and Harry Haywood. These black Communists were absolutely central to Communist organizing, because they argued that the party would have to directly attack whiteness if it wanted to build a labor movement. As a result of their work, the CP threw itself into antiracist organizing in the late 1920s and early 1930s. This meant, first of all, placing a heavy emphasis on educating white members to reject white chauvinism, and organizing some of the only interracial social events that were held in the segregated US. The party worked to eliminate the influence of whiteness from the ranks of the party itself. But it also sent its organizers down South and into the black neighborhoods of Northern cities to work on political projects. These included unions for sharecroppers, tenant farmers, miners, and steelworkers; armed defense against lynching; legal defense for black victims of the racist justice system; and movements against unemployment, evictions, and utility shut-offs. Robin D.G. Kelley describes some of these initiatives in Hammer and Hoe: Representatives of the unemployed councils often dissuaded landlords from evicting their tenants by describing the potential devastation that could occur once an abandoned house became a free-for-all for firewood. When a family’s electricity was shut off for nonpayment, activists from the unemployed council frequently used heavy-gauge copper wires as “jumpers” to appropriate electricity from public outlets or other homes. Council members also found ways to reactivate water mains after they had been turned off, though the process was more complicated than pilfering electricity. And in at least one instance, a group of black women used verbal threats to stop a city employee from turning off one family’s water supply.21 Unfortunately, the complicated history of political disputes within the CP, along with the state repression of the Communist movement, led to this work being cut short. As an increasingly conservative party leadership distanced itself from the project of black liberation, white chauvinism was on the rise in the CP. It had previously been most effectively combated through mass antiracist organizing: by joining different people and disparate demands in a common struggle. But now that this practice had been abandoned, the party launched what Harry Haywood called a “phony war against white chauvinism.” In Haywood’s analysis, this phony war only ended up strengthening the material foundations of white chauvinism, now uprooted from its structural foundations and seen as a free-floating set of ideas. Instead of mass organizing, opposing white chauvinism was now seen as a matter of policing the language of those who were ostensibly comrades, thus strengthening the party bureaucracy and introducing a climate of paranoia and distrust among members. As Haywood wrote: It was an atmosphere which was conducive to the development of a particularly paternalistic and patronizing form of white chauvinism, as well as to a rise in petty-bourgeois narrow nationalism among blacks. The growth of the nationalist side of this distortion was directly linked to the breakdown of the basic division of labor among communists in relation to the national question. This division of labor, long ago established in our party and the international communist movement, places main responsibility for combating white chauvinism on the white comrades, with Blacks having main responsibility for combating narrow nationalist deviations.22 In other words, in the absence of mass organizing, racial ideology rushes to the fill the vacuum. And without the political division of labor that Haywood describes, the struggle against racism is reduced to the redress of individual injuries.

#### 7] The 1AC isn’t reformism – it doesn’t conflate change with progress or validate legal institutions – it’s a tactical intervention that reduces violence while exposing the contradictions within law.

Spade 13 Dean Spade, associate professor of law @ Seattle University, “Intersectional Resistance and Law Reform” *Signs* Vol. 38, No. 4, Summer 2013

What intersectional politics demands¶ Social movements using critical intersectional tools are making demandsthat are often difficult for legal scholars to comprehend because of the ways that they throw US law and the nation-state form into crisis. Because they recognize the fact that legal equality contains and neutralizes resistance and perpetuates intersectional violence and because they identify purportedly neutral administrative systems as key vectors of that violence, critical scholars and activists are making demands that include ending immigration enforcement and abolishing policing and prisons. These demands suggest that the technologies of gendered racialization that form the nation cannot be reformed into fair and neutral systems. These systems are technologies of racialized-gendered population control that cannot operate otherwise—they are built to extinguish perceived threats and drains in order to protect and enhance the livelihood of the national population. These kinds of demands and the analysis they represent produce a different relation to law reform strategies than the national narrative about law reform suggests, and different than what is often assumed by legal scholars interested in the field of “equality law.” Because legal equality “victories” are being exposed as primarily symbolic declarations that stabilize the status quo of violence, declarations from courts or legislatures become undesirable goals. Instead, law reform, in this view, might be used as a tactic of transformation focused on interventions that materially reduce violence or maldistribution without inadvertently expanding harmful systems in the name of reform. One recent example is the campaign against gang injunctions in Oakland, California. A broad coalition—comprising organizations focused on police violence, economic justice, imprisonment, youth development, immigration, gentrification, and violence against queer and trans people—succeeded in recent years in bringing significant attention to the efforts of John Russo, Oakland’s city attorney, to introduce gang injunctions (Critical Resistance 2011). The organizations in this coalition are prioritizing anticriminalization work that might usually be cast as irrelevant or marginal to organizations focused on the single axis of women’s or LGBT equality. The campaign has a law reform target in that it seeks to prevent the enactment of certain law enforcement mechanisms that are harmful to vulnerable communities. However, it is not a legal-equality campaign. Rather than aiming to change a law or policy that explicitly excludes a category of people, it aims to expose the fact that a facially neutral policy is administered in a racially targeted manner (Davis 2011; Stop the Injunctions 2011).¶ Furthermore, the coalition frames its campaign within a larger set of demands not limited to what can be won within the current structure of American law but focused on population-level conditions of maldistribution. The demands of the coalition include stopping all gang injunctions and police violence; putting resources toward reentry support and services for people returning from prison, including fully funded and immediate access to identity documents, housing, job training, drug and alcohol treatment, and education; banning employers from asking about prior convictions on job applications; ending curfews for people on parole and probation; repealing California’s three-strikes law; reallocating funds from prison construction to education; ending all collaborations between Oakland’s government and Immigration and Customs Enforcement (ICE); providing affordable and low-income housing; making Oakland’s Planning Commission accountable regarding environmental impacts of development; ending gentrification; and increasing the accountability of Oakland’s city government while augmenting decision-making power for Oakland residents (Stop the Injunctions 2011). These demands evince an analysis of conditions facing vulnerable communities in Oakland (and beyond) that cannot be resolved solely through legal reform since they include the significant harm inflicted when administrative bodies like ICE and the Planning Commission implement violent programs under the guise of neutral rationales. These demands also demonstrate an intersectional analysis of harm and refuse logics of deservingness that have pushed many social movements to distance themselves from criminalized populations. Instead, people caught up in criminal and immigration systems are portrayed as those in need of resources and support, and the national fervor for law and order that has gripped the country for decades, emptying public coffers and expanding imprisonment, is criticized.¶ Another example of intersectional activism utilizing law reform without falling into the traps of legal equality is activism against the immigration enforcement program Secure Communities**.** Secure Communities is a federal program in which participating jurisdictions submit the fingerprints of arrestees to federal databases for an immigration check. As of October 2010, 686 jurisdictions in thirty-three states were participating.12 Diverse coalitions of activists and organizations around the United States launched organizing campaigns to push their jurisdictions to refuse to participate. Organizations focused on domestic violence, trans and queer issues, racial and economic justice, and police accountability, along with many others, have joined this effort and committed resources to stopping the devolution of criminal and immigration enforcement. Their advocacy has rejected deservingness narratives that push the conversation toward reform for “good, noncriminal” immigrants. These advocates have won significant victories, convincing certain jurisdictions to refuse to participate and increasing understanding of the intersecting violences of criminal punishment and immigration enforcement.13 This work also avoids the danger of expanding and legitimizing harmful systems that other legal reform work can present. It is focused on reducing, dismantling, and preventing the expansion of harmful systems.14¶ I offer these examples not because they are perfect—certainly a significant range of tactics and strategies are part of each of these campaigns, and, with detailed analysis, we might find instances of co-optation, deservingness divides, and other dangers of legal reform work occurring even as some are avoided and rejected. However, these examples are indicative of resistance to limitations of legal equality or rights strategies. These demands exceed what the law recognizes as viable claims. These campaigns suggest that those who argue that a politics based on intersectional analysis is too broad, idealistic, complex, or impossible—or that it eliminates effective immediate avenues for resistance—are mistaken. Critical political engagements are resisting the pitfalls of rights discourse and seeking to build broad-based resistance formations made up of constituencies that come from a variety of vulnerable subpopulations but find common cause in concerns about criminalization, immigration, poverty, colonialism, militarism, and other urgent conditions.Their targets are administrative systems and law enforcement mechanisms that are nodes of distribution for racialized-gendered harm and violence, and their tactics seek material change in the lives of vulnerable populations rather than recognition and formal inclusion. Their organizing methods mobilize directly affected communities and value horizontal structures, leadership development, mutual aid, democratic participation, and community solutions rather than top-down, elite-imposed approaches to political transformation. These analytical and practical methods owe a great deal to women-of-color feminist formations that have innovated and continue to lead inquiry and experimentation into transformative social justice theory and practice.15

#### 8] Evolutionary analysis proves offensive realism.

Johnson and Thayer 16 – Dominic D. P. Johnson, D.Phil., Ph.D.\* and Bradley A. Thayer, Ph.D., “The evolution of offensive realism Survival under anarchy from the Pleistocene to the present,” https://www.cambridge.org/core/services/aop-cambridge-core/content/view/56B778004187F70B8E59609BE7FEE7A4/S073093841600006Xa.pdf/div-class-title-the-evolution-of-offensive-realism-div.pdf

Few principles unite the discipline of international relations, but one exception is anarchy—the absence of government in international politics. Anarchy is, ironically, the ‘‘ordering’’ principle of the global state system and the starting point for most major theories of international politics, such as neoliberalism and neorealism.42,43,44,45 Other theoretical approaches, such as constructivism, also acknowledge the impact of anarchy, even if only to consider why anarchy occurs and how it can be circumvented.46,47 Indeed, the anarchy concept is so profound that it defines and divides the discipline of political science into international politics (politics under conditions of anarchy) and domestic politics (politics under conditions of hierarchy, or government). Given the prominence of the concept in present-day international relations theory, it is striking that anarchy only took hold as a central feature of scholarship in recent decades, since the publication of Kenneth Waltz’s Theory of International Politics in 1979. In fact, however, **anarchy has been a constant feature of the entire multimillion year history of the human lineage (and indeed the 3.5 billion–year history of the evolution of all life on Earth before that). It is not just that we lack a global Leviathan today; humans never had such a luxury. The fact that human evolution occurred under conditions of anarchy, that we evolved as hunter-gatherers in an ecological setting of predation, resource competition, and intergroup conflict, and that humans have been subject to natural selection** for millions of years **has profound consequences for understanding human behavior**, not least how humans perceive and act toward others. Scholars often argue over whether historically humans experienced a Hobbesian ‘‘state of nature,’’ but—whatever the outcome of that debate—it is certainly a much closer approximation to the prehistoric environment in which human brains and behavior evolved. **This legacy heavily influences our decision-making and behavior today, even—perhaps especially—in the anarchy of international politics**. We argue that **evolution under conditions of anarchy has predisposed human nature toward the behaviors predicted by offensive realism: Humans**, particularly men, **are strongly self-interested, often fear other groups, and seek more resources, more power, and more influence** (as we explain in full later). **These strategies** are not unique to humans and, in fact, **characterize a much broader trend in behavior among mammals as a whole—especially primates**—as well as many other major vertebrate groups, including birds, fish, and reptiles. **This recurrence of behavioral patterns** across different taxonomic groups **suggests that the behaviors characterized by offensive realism have broad and deep evolutionary roots**. This perspective does not deny the importance of institutions, norms, and governance in international politics. On the contrary, it provides or adds to the reasons why we demand and need them, and indeed why they are so hard to establish and maintain. Until recently, **international relations theorists rarely used insights from the life sciences to inform their understanding of human behavior**. However, **rapid advances in the life sciences offer increasing theoretical and empirical challenges to scholars in** the social sciences in general and **international relations** in particular, who are therefore under increasing pressure to address and integrate this knowledge rather than to suppress or ignore it. Whatever one’s personal views on evolution, **the time has come to explore the implications of evolutionary theory for mainstream theories of international relations**. **The most obvious challenge that evolutionary theory presents to international relations concerns our understanding of human nature**. Theories purporting to explain human behavior make explicit or implicit assumptions about preferences and motivations, and mainstream theories in international politics are no exception. Many **criticisms of international relations theories focus on these unsubstantiated or contested assumptions about underlying human nature. The parsimony of general theories depends on how well they explain phenomena across space and time**; in other words, the more closely they coincide with empirical observations across cultures and throughout history. The most enduring theories of international relations, therefore, will be ones that are able to incorporate (or at least do not run against the grain of) evolutionary theory. Although Thomas Hobbes claimed to have deduced Leviathan scientifically from ‘‘motion’’ and the physical senses, he was writing two hundred years before Darwin and so had no understanding of evolution. International relations scholars have tended to claim to deduce their own theories from Hobbes, or subsequent philosophers who followed him, and we suggest it is time to revisit the idea of foundational scientific principles. **Starting with biology, or with human evolutionary history, has never been typical in international relations scholarship**, but this approach is now less exotic than it once seemed as innovators in a range of social sciences, including economics, psychology, sociology, and political science, pursue this line of inquiry. **International relations stands to gain from** similar **interdisciplinary insights**. At the dawn of the 21st century, an era that will be dominated by science at least as much as philosophy, **we have the opportunity to move away from untested assumptions about human nature. Instead, we can make more concrete predictions about how humans tend to think and act in different conditions, based on new scientific knowledge about human cognition** and behavior, **and in particular a greater understanding of the social and ecological context in which human brains and behaviors evolved**. But what was that context?

#### antiblackness isn’t ontological – the world requires voluntary attitudes to construct it which can be reversed

Marcus Brown 19, PhD candidate in the Department of Philosophy at Stony Brook University, 8/24/19, “Bad Faith and Afropessimism: Notes Toward a Debate,” https://content.redvoice.news/bad-faith-and-afropessimism-notes-toward-a-debate/

As should by now be obvious, my intent in drafting these notes is not to call Wilderson up to the pillory. There is much to be admired in both the form and content of his books, essays, and interviews. He is a captivating narrator and prose stylist; and the thick splotches of pathos that sometimes distract from his arguments are regularly broken by ironic caesuras that prevent the reader's suffocating on Black pain. Compared with some of his colleagues and disciples, his arguments are mercifully lucid, capable of connection into something like an account of the social whole. Yet that whole turns out to be false, and not in the Adornian, but in the classical sense: Wilderson’s adopted standpoint fails to yield a coherent account of the contradictions that rend our social totality, or an actionable program for liberation from racial capitalism, because it mistakes a chimerical subject-position (the natally alienated Black subject) for the Archimedean point of a global modernity in crisis.

Wilderson’s flawed standpoint has two regrettable consequences for Afropessimist thought. First, it limits Afropessimist sources of Black rebellion to our dehumanized being-for-others (the white other), rather than acknowledging positive forms of self-regard and communal recognition among Black folk that are reservoirs of resistance against white supremacy. Second, in overemphasizing the role of antiblackness in the constitution of Black and non-Black lifeworlds, Wilderson and his cohort seem deliberately to overlook the Fanonist basis for revolutionary internationalism: since the major antagonism in modern life centers on colonized versus non-colonized nations, the presence of un-reflective anti-Blackness among non-Black people of color does not prevent radical coalition with them, any more than similarly reactionary beliefs among and between Black groups cut off our shared revolutionary potential. Both positions ultimately land the Afropessimists on an error whose irony is underlined by their collective Francophilia. That error is Sartrean mauvaise-foi, or bad faith, the paradoxical human capacity to lie to ourselves about what we know to be true concerning our facticity (the inescapable accretion of our past decisions) and our freedom (to transcend what we have been toward what we are not yet).

To my first criticism, I would like to invoke the modified Du Boisian concept of potentiated double-consciousness. Double consciousness, in Du Bois's classic formulation from Souls of Black Folk, is the ability of the colonized/racialized subject to see themselves not only through their own eyes, but also through the eyes of their oppressor. As Lewis Gordon and Paget Henry have argued, Du Boisian double consciousness is not just the undialectical opposition within the Black subject of our self-concept with that of the racial other—such an opposition, as even Du Bois understood, is not in itself productive of a radical politics. As their argument goes, the self-concept with which the Black subject begins must be affirmative of their humanity and value as a Black human being. If the Black subject understands that the imperatives of an antiblack world are the real source of degrading racial archetypes —and not their private inability to meet the unrealistic standards of white oppressors—then, they will not succumb to these archetypes by tragically identifying with them, or by neurotically avoiding them in slavish imitation of whites (as do the colonized petits-bourgeois of Fanon’s Black Skin, White Masks). Instead they will actively confront and resist them and the structures that produce them, as do the (Black and non-Black) makers of history in Wretched of the Earth. (Outside of Gordon’s Existentia Africana, the best brief description of potentiated double-consciousness can be found in Henry’s article “Africana Phenomenology: Its Philosophical Implications.”) This stance needs a positive self-conception of the colonized, in contrast with the Afropessimist position that defines Blackness, in Patterson’s term, strictly as ‘social death,’ i.e. as fully determined by the project of an antiblack world. Consistently with the Hegelian theory of recognition against which it nonetheless rises in critique, double consciousness implies the simultaneous acknowledgment of our human freedom to produce and sustain values as well as its limitation by social nonrecognition. This freedom is rejected in bad faith by our Afropessimist inscription outside of the human condition.

In fact, it can be argued that the ideal Afropessimist consciousness is not doubled, but single, and singularly racist. The wholly negative conception of what it means to be Black is especially evident in the works of Saidiya Hartman. Already in Patterson’s account, there is a deliberate focus on the formative role of the slave for the identity of the master, and a corresponding neglect of the slave's psychic life. Hartman dutifully threshes out the Nietzschean-Foucauldian implications in her Scenes of Subjection, where to be Afro-American is simply to be a victim of existential disruption by the slave trade; and maintained in that slavery to the present, even with our dubious legal ‘progress’ from irresponsible human property to the ‘burdened individual’ personhood of liberal contractual relations (1997: 115-123). The play of continuity and rupture in this work has the predictable effect of preserving us as slaves (i.e., as antiblack society has constructed us), but denying our Africanity (i.e., how our ancestors chose to construct themselves) as positive content in our resistance to enslavement. In discussing collective memory on the plantation, Hartman rejects even the search for African cultural survivals conducted by Blassingame, Stuckey, and other scholars as a mythological-primitivist search for an unrecoverable past (ibid 72-75). For Hartman, the horizon of Blackness is traced by the pendulous swinging of a lynched slave. But more than that: the very humanist project of liberating Black folk from the literal-figurative rope and lash is but another technique in the subjection of those who are constructed as Black. Like Foucault’s imprisoned madman in Discipline and Punish, the Black subject acquires their Black identity inseparably with their powerlessness. An acquisition that, by a double move, also constitutes the liberal white spectator as conscience-stricken liberator, as the empowered possessor of a conscience.

There is something to be said for Hartman’s hermeneutics of the white gaze; and no critical theorist can afford to be ignorant of the dialectic of freedom and slavery, of personal liberty and indebtedness, in modern liberal thought, least of all a Black theorist. The contradictions of white liberalism do concern us, no doubt; but where the majority of us must work, play, love, reflect, and die, they do not define us, even while they indicate the basic existential threat. Mute, dead objects cannot revolt against the possibility of having no possibilities. Unless they actually possess the human freedom to make the world other than it is at present, they could not possibly know or fight for what they would lose in the total objectification of real death.

Which brings us to the second prong of Afropessimist bad faith. According to this camp, anti-blackness supposedly pervades the entire world, so that no existing social or political tendencies within it can lead to Black emancipation. Consequently, the non-Black ‘allies’ of the Bandung World are bound to betray us once a common tactical goal has been achieved—Du Bois’s Dark Princess vision dissolves in a vat of Bollywood antiblackness. But since the social world is not a product of natural laws, but is sustained by free human activity, then it follows that voluntary human attitudes can make a difference in shaping the structures and outcomes of that world. The point here is that commitment to the project of a new world in spite of all apparent evidence of its futility has made a difference in the Black freedom struggles of the past, and can make a difference in the future, even if it’s not guaranteed to do so in our lifetime. Like Fanon, Sartre, and Gordon, this counter-argument emphasizes that the terrible weight of the past hangs on the literal nothingness that is human freedom; that to discard the choice of struggle on the heap of past failure, cannot save us from our burning consciousness of even that choice.