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## 1

#### The California recall has given democrats optimal election strategy for the midterms to maximize gains – right-wing extremists winning primaries alienate moderates

Ronayne and Riccardi 9/15 (Kathleen Ronayne and Nicholas Riccardi; 9/15/21; AP News; *“Democrats see a midterm map in California recall success”*; accessed 9/19/21; <https://apnews.com/article/donald-trump-california-recall-california-campaigns-health-48a08f0362762dd53f8171c35c09f57b>; Kathleen Ronayne is a olitical reporter for The Associated Press with bylines from California to New Hampshire and swing states in between. Now covering the recall election of Gov. Gavin Newsom and California's influence on the national political debate; Nicholas is a political writer at the associated press) HB

Few Democrats were surprised to see Democratic Gov. Gavin Newsom swat down a Republican-driven recall campaign in bright-blue California. But they were pleased with how he did it. By making the race into a referendum on former President Donald Trump and his supporters’ “extreme” resistance to coronavirus precautions, Newsom offered a formula for survival that could translate to dozens of races in next year’s midterm elections, Democrats said. A healthy turnout, spurred by some late anxiety, showed Democrats remain eager to vote against the former president, even when he’s not on the ballot. California voters rejected the “Republican brand that is centered around insurrection and denying the pandemic,” said Rep. Sean Patrick Maloney, chairman of the Democratic Congressional Campaign Committee. Republicans said they saw nothing to worry about in the California results. Losing badly in a liberal stronghold isn’t much of a prediction of the party’s performance in battlegrounds like Florida or Georgia, they said. They argue they were saddled with a flawed candidate — talk radio host Larry Elder, the Republican frontrunner whom Democrats likened to a Trump clone in a state the former president lost by 30 percentage points and did little to appeal to moderate voters in swingy suburbs. But President Joe Biden and his party won’t have it as easy next year as Newsom did, said Ron Nehring, a former chairman of the California Republican Party who was harshly critical of Elder and worked for one of his rivals “Gavin Newsom had one opponent who he was able to define in the minds of enough swing voters,” he said. “No. 1, Biden himself is not going to be on the ballot and No. 2, he does not have a singular opponent.” On Wednesday, Biden embraced Newsom’s victory and his message. “This vote is a resounding win for the approach that he and I share to beating the pandemic: strong vaccine requirements, strong steps to reopen schools safely, and strong plans to distribute real medicines — not fake treatments — to help those who get sick,” Biden said in a statement. But there will be better test cases coming on how these messages play with voters. In November, voters in Virginia will choose between Democrat Terry McAuliffe, a former governor and longtime Democratic operative, and GOP businessman Glenn Youngkin. McAuliffe has been hammering Youngkin as too extreme for a state that has been growing more diverse, more suburban and more Democratic for years. California has similar demographic trends at play. In Orange County, long a GOP bastion, racial and ethnic diversity and the growing distaste higher-educated, wealthy voters have shown for Trump have opened the door to Democrats in the county — although the GOP won back two House seats there last year. The recall was failing in Orange County by 5 percentage points on Wednesday, although the vote count in California will go on for weeks and the final margins may change. Newsom and his Republican opponent John Cox essentially tied in the county in 2018. Even the incomplete the results buoyed Democrats. “We’re pretty excited about California, and it’s not because we thought we’re going to lose it — it’s because the margin is better than expected and it shows the Republican message is failing badly in swing districts,” Mahoney said. Still, it’s hard to draw too many conclusions from a single election in a state so liberal that Democrats held every statewide office even during Republican wave years of 2010 and 2014. “It’s like us boasting about beating a recall in Alabama,” quipped Matt Gorman, a former strategist with the National Republican Congressional Committee. Gorman said Democrats would only get so much mileage out of demonizing Republican nominees and trying to tie them to Trump. “Biden is the focus” of the midterms, Gorman said, noting how Republicans unsuccessfully tried to tie congressional Democrats to Nancy Pelosi in 2018, when she was only minority leader and didn’t control the House of Representatives. “It becomes less effective once they’re out of power.” “If inflation is high, gas prices are high and COVID is spiking, it’s going to be much harder” for Democrats to talk about Trump and Republican extremism in 2022, Gorman said. It will also be hard for Republicans not to talk about Trump. GOP primaries for Senate seats in Ohio, Georgia and Pennsylvania already are poised to be a competition for Trump’s base. House candidates have been clamoring for Trump’s endorsement. The former president hasn’t been shy about anointing favorites. Democrats are certain to use that against those candidates when they face a general election. “I think a sad reality of the modern GOP is that there are going to be a lot of Larry Elders on the ballot in 2022 because they’re going to win Republican primaries,” said Addisu Demissie, a Newsom campaign strategist. “When the alternative is extreme, you represent not just your base but the middle.”

#### The plan is politically unpopular – voters are divided which means that plans passage flips the major thin margins – vaccines proves

The Hill 5/4 (The Hill; 5/4/21; The Hill; *“Poll: Majority oppose proposal to temporarily waive intellectual property rights on COVID-19 vaccines”*; accessed 8/27/21; <https://thehill.com/hilltv/what-americas-thinking/551797-poll-majority-oppose-proposal-to-temporarily-waive-intellectual>) HB

A majority of voters oppose the proposal to temporarily waive intellectual property rights on COVID-19 vaccines, a new Hill-HarrisX poll finds. The survey comes as the Biden administration faces mounting pressure to support a proposal led by India and South Africa that would waive an international intellectual property agreement that protects pharmaceutical trade secrets. Backers of the move argue it would enable lower-income countries to manufacture the vaccines themselves while those opposed say it could make the vaccine less safe and damper production in existing locations. Fifty-seven percent of registered voters in the May 3-4 survey said they oppose the proposal to waive intellectual property rights on COVID-19 vaccines. By contrast, 43 percent of respondents said they support the proposal. Sixty-four percent of Republican voters along with 52 percent of both Democratic and independent voters said they oppose waiving the intellectual property rights of vaccines. "This is a complex issue with a remarkably sophisticated understanding by the public. The tension is as follows: On one hand you have the need to protect the intellectual property rights of the scientists and companies that brought about the fastest vaccine in history, and will likely need to produce new versions of the shot even faster to battle evolving strains," Dritan Nesho, chief researcher and CEO of HarrisX, told Hill.TV. "On the other hand there’s the need to save lives, reaching global heard immunity and providing access to the vaccine as broadly and equitably as as possible," Nesho continued. "Today a majority of 57 percent of U.S. voters would like to protect the intellectual property of vaccine makers, but as more and more people are vaccinated in advanced economies, voter pressure for broader and more equitable distribution will rise," Nesho added. "Already we see Democrats and independents here split on the issue of whether or not to waive IP rights to provide greater access to the vaccines." President Biden is expected to weigh in on the proposal at a World Trade Organization meeting on Wednesday. The most recent Hill-HarrisX poll was conducted online among 939 registered voters. It has a margin of error of 3.2 percentage points.

#### A Republican win in 2022 shuts out climate action for decades

Silverman 8/24 (Ellie Silverman; 8/24/21; The Washington Post; *“Climate activists fear this is the last chance to pass meaningful legislation”*; accessed 8/27/21; <https://www.washingtonpost.com/dc-md-va/2021/08/24/climate-biden-congress-protest/>; Ellie Silverman covers protest movements, activism and local news. At The Post, she has also covered local crime and courts. She has previously reported on retail, breaking news and general assignment stories for the Philadelphia Inquirer, her hometown paper. She graduated from the University of Maryland, where she reported for the Diamondback) HB

There is a rising frustration among many of those organizers, who say they helped turn out the vote in 2020 but are not seeing climate pledges translate into meaningful changes. They are worried that the opportunity to push through ambitious climate legislation will soon be gone — and that they may not have another chance. “He said he was the climate president,” Peltier — an Anishinaabe citizen of the Turtle Mountain Band of Chippewa and a member of the Indigenous environmental justice organization Honor the Earth — said outside the White House on Monday. “Now he doesn’t care.” Many climate activists have described an escalating sense of urgency to implement the sweeping changes needed to slow Earth’s warming, highlighted by the recent landmark report from the Intergovernmental Panel on Climate Change. U.N. Secretary General António Guterres called the report a “code red for humanity.” The pace of emissions shows the planet is on track to warm more than two degrees Celsius above preindustrial levels, which could trigger irreversible damage, according to the IPCC report. The Greenland ice sheet could collapse, and sea levels could rise more than six feet. There will be more of the climate-fed fires of this summer, deadly heat waves and devastating floods. Natalie Mebane read the IPCC report and thought of how much ground the climate movement in this country lost under President Donald Trump, whose administration allowed more pollution and weakened protections for wildlife. She worries Republicans will regain power in the 2022 midterms and thinks the slim window from now until then may be the final opportunity to see climate priorities passed through Congress. If not, it could be years before Democrats are in control — wasted time that Mebane fears could cause permanent devastation. “If the Democrats lose a single seat in the Senate, it’s over,” said Mebane, the associate director of U.S. policy for 350.org, an international climate group. “These years that we have right now is the last time that we can even make an impact and influence on climate change before it becomes runaway climate change that we have zero control over.” Biden has tackled greenhouse-gas emissions by proposing new federal goals and mandates to begin shifting the country toward electric cars, rejoined the Paris climate accord and revoked a federal permit for the Keystone XL oil pipeline. But activists point out Biden is still supporting Line 3, a tar-sands oil-pipeline expansion project that will be able to carry 760,000 barrels a day from Canada across northern Minnesota and into Wisconsin. They have called for him to revoke the permit, as he did with Keystone XL, and have protested for months, including on construction sites, chaining themselves to equipment and risking arrest. The White House did not respond to a request for comment. Earlier this month, the Senate approved the $1.2 trillion infrastructure bill with funding to tackle climate change, but many activists said the legislation has fallen short of dramatically addressing goals as lofty as this crisis demands. That does not mean Democrats should pass just any climate legislation, activists say — it has to include the right policies. Compromising on climate, they said, is not good enough. Though the bipartisan infrastructure bill apportions billions of dollars toward funding new public transit and electric-car charging stations, measures that are meant to cut climate-warming emissions, environmental organizations say it does not go far enough. They want to see legislation supporting Biden’s stated goal of replacing 100 percent of lead pipes and the replacement of all diesel school buses with clean electric ones. “It’s hard to square the scale of the problem with the solutions being discussed,” said Lukas Ross, program manager for the Climate and Energy Justice program at Friends of the Earth, another environmental group. “This is not the moment to bargain away the store in the name of passing anything.” Climate groups are focusing on the passage of a second bill through budget reconciliation, a process that would allow Democrats to pass more dramatic climate legislation without Republican support. Democrats in Congress are hoping to work in a clean-energy standard that would compel power providers to shift to wind, solar and other low-emission sources of energy to achieve 80 percent clean electricity by the end of the decade.

#### US climate action is key to world wide action

Beeler 19 (Carolyn Beeler; 9/18/19; PRI; *“Top US leadership is 'missing ingredient' in climate change action”*; accessed 8/27/21; <https://www.pri.org/stories/2019-09-18/top-us-leadership-missing-ingredient-climate-change-action>; Carolyn Beeler leads environment coverage for The World. She reports and edits stories focused on the people and places most impacted by climate change, and what they're doing to address it. She has reported from all seven continents and won national and regional awards for her breaking news and in-depth feature reporting. Before joining The World, Carolyn helped pilot the weekly health and science show, The Pulse, at WHYY in Philadelphia, and reported from Berlin for a year as a Robert Bosch Foundation fellow. She studied journalism at Northwestern University and got her start in radio as a Kroc fellow at NPR.) HB

World leaders will meet in New York next week for the United Nations Climate Summit, an event called by the Secretary-General to push for more and faster cuts to global greenhouse gas emissions. Notably missing at the summit: American leadership. Five years ago, a joint climate policy announcement from the US and China paved the way for the Paris climate accord to come to fruition after decades of failed attempts at an international climate pact. Then in June 2017, President Donald Trump announced that he would withdraw the US from the very same agreement his country had helped broker just a few years before. Under the rules of the accord, countries can announce the intention to leave, but must wait two years before being allowed to do so. Two years later, what impact has this policy whiplash had on the climate? Inside the US, that answer is relatively simple to quantify. Across the country, some 4,000 state and local governments, institutions and businesses have declared that, though the federal government intends to withdraw from the Paris climate agreement, they’re still on board with cutting emissions. One of those local governments is in Arlington, Massachusetts, where the town hall was illuminated green after Trump’s 2017 Paris withdrawal announcement. “We’ve come to the realization that if the federal government’s not going to do it, it’s going to fall to the local level,” said Adam Chapdelaine, Arlington’s town manager. “Somebody has to step up and be a leader.” Even before the Paris Agreement, the town has long worked to reduce its greenhouse gas emissions, from switching its street lights to LED bulbs to buying electric vehicles for its official fleet. Residents can opt-in to 100% renewable energy in their homes and the town is advocating for all-electric heating and cooling systems. Since the US federal government reversed its climate change policies, Arlington has gotten perhaps more ambitious: The town’s new high school is being designed to run on geothermal and solar energy and the whole town aims to go carbon-neutral by 2050. These state and local actions are being highlighted as “answering the global call to combat the climate crisis” by a coalition of sub-national actors formed by New York Mayor Michael Bloomberg and former California Gov. Jerry Brown. But these actions have only partly counteracted sweeping federal changes under the Trump administration. Trump has slashed regulations on emissions from power plants, air conditioners and refrigerators, and oil and gas drilling nationwide. He moved to revoke California’s ability to set its own strict vehicle emission rules on Wednesday, highlighting the limits of state-based action on climate change. So how does the emissions balance sheet tally up today, two years after the US backed away from the Paris agreement? Kate Larsen, a director at the independent research firm the Rhodium Group, said US carbon emissions are a few percentage points higher than they would have been if former President Barack Obama-era policies were in place. Projected forward five years, that gap will just grow. “Under the current set of Trump administration policies, the US is on track to achieve only about 14 to 17% emission reductions below 2005 levels in 2025,” Larsen said. That’s about half of the 26 to 28% emission reductions that the US promised in the climate accord. “[It's] a long way from the commitment that Obama reached in Paris,” Larsen said. Scientists say that to limit warming to 1.5 degrees Celsius and avoid the worst impacts of climate change, global emissions must be cut nearly in half by 2030. Inside the US, local action is partly, but not wholly, counteracting federal policies. The bigger question is how much global ambition to tackle the climate crisis will flag if the world’s largest historic emitter is no longer leading the push. Will countries, seeing the US doing less on climate change, do the same themselves? Under Obama, the US put its full diplomatic muscle into getting countries signed on to the Paris Agreement. “If you were a head of state from India, from China, or from anywhere and you were going to meet with the United States, you knew that you'd have to be prepared to speak about climate change and the Paris Agreement,” said Elan Strait, a former climate negotiator on the Paris Agreement who now works at the World Wildlife Foundation. By 2020, countries are requested to announce new carbon cuts as part of the Paris process. Those cuts have to be more ambitious if countries hope to meet the Paris Agreement goal of keeping warming “well below” 2 degrees Celsius and pursue efforts to limit warming to the scientist-recommended 1.5 degree Celsius. “I completely believe that the missing ingredient this time around is the United States leadership driving climate as a head-of-state agenda,” Strait said. Only when those 2020 climate pledges start rolling in will the international community start to see the full impact of the US climate policy reversal.

**Climate change causes extinction – ocean acidification, water and resource wars, econ collapse, and regional conflicts.**

Pachauri and Meyer 15 (Rajendra K. Pachauri Chairman of the IPCC, Leo Meyer Head, Technical Support Unit IPCC were the editors for this IPCC report, “Climate Change 2014 Synthesis Report” <http://epic.awi.de/37530/1/IPCC_AR5_SYR_Final.pdf> IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland, 151 pp)

SPM 2.3 Future risks and impacts caused by a changing climate Climate change will amplify existing risks and create new risks for natural and human systems. Risks are unevenly distributed and are generally greater for disadvantaged people and communities in countries at all levels of development. {2.3} Risk of climate-related impacts results from the interaction of climate-related hazards (including hazardous events and trends) with the vulnerability and exposure of human and natural systems, including their ability to adapt. Rising rates and magnitudes of warming and other changes in the climate system, accompanied by ocean acidification, increase the risk of severe, pervasive and in some cases irreversible detrimental impacts. Some risks are particularly relevant for individual regions (Figure SPM.8), while others are global. The overall risks of future climate change impacts can be reduced by limiting the rate and magnitude of climate change, including ocean acidification. The precise levels of climate change sufficient to trigger abrupt and irreversible change remain uncertain, but the risk associated with crossing such thresholds increases with rising temperature (medium confidence). For risk assessment, it is important to evaluate the widest possible range of impacts, including low-probability outcomes with large consequences. {1.5, 2.3, 2.4, 3.3, Box Introduction.1, Box 2.3, Box 2.4} A large fraction of species faces increased extinction risk due to climate change during and beyond the 21st century, especially as climate change interacts with other stressors (high confidence). Most plant species cannot naturally shift their geographical ranges sufficiently fast to keep up with current and high projected rates of climate change in most landscapes; most small mammals and freshwater molluscs will not be able to keep up at the rates projected under RCP4.5 and above in flat landscapes in this century (high confidence). Future risk is indicated to be high by the observation that natural global climate change at rates lower than current anthropogenic climate change caused significant ecosystem shifts and species extinctions during the past millions of years. Marine organisms will face progressively lower oxygen levels and high rates and magnitudes of ocean acidification (high confidence), with associated risks exacerbated by rising ocean temperature extremes (medium confidence). Coral reefs and polar ecosystems are highly vulnerable. Coastal systems and low-lying areas are at risk from sea level rise, which will continue for centuries even if the global mean temperature is stabilized (high confidence). {2.3, 2.4, Figure 2.5} Climate change is projected to undermine food security (Figure SPM.9). Due to projected climate change by the mid-21st century and beyond, global marine species redistribution and marine biodiversity reduction in sensitive regions will challenge the sustained provision of fisheries productivity and other ecosystem services (high confidence). For wheat, rice and maize in tropical and temperate regions, climate change without adaptation is projected to negatively impact production for local temperature increases of 2°C or more above late 20th century levels, although individual locations may benefit (medium confidence). Global temperature increases of ~4°C or more 13 above late 20th century levels, combined with increasing food demand, would pose large risks to food security globally(high confidence). Climate change is projected to reduce renewable surface water and groundwater resources in most dry subtropical regions (robust evidence, high agreement), intensifying competition for water among sectors (limited evidence, medium agreement). {2.3.1, 2.3.2} Until mid-century, projected climate change will impact human health mainly by exacerbating health problems that already exist (very high confidence). Throughout the 21st century, climate change is expected to lead to increases in ill-health in many regions and especially in developing countries with low income, as compared to a baseline without climate change (high confidence). By 2100 for RCP8.5, the combination of high temperature and humidity in some areas for parts of the year is expected to compromise common human activities, including growing food and working outdoors (high confidence). {2.3.2} In urban areas climate change is projected to increase risks for people, assets, economies and ecosystems, including risks from heat stress, storms and extreme precipitation, inland and coastal flooding, landslides, air pollution, drought, water scarcity, sea level rise and storm surges (very high confidence). These risks are amplified for those lacking essential infrastructure and services or living in exposed areas. {2.3.2} Rural areas are expected to experience major impacts on water availability and supply, food security, infrastructure and agricultural incomes, including shifts in the production areas of food and non-food crops around the world (high confidence). {2.3.2} Aggregate economic losses accelerate with increasing temperature (limited evidence, high agreement), but global economic impacts from climate change are currently difficult to estimate. From a poverty perspective, climate change impacts are projected to slow down economic growth, make poverty reduction more difficult, further erode food security and prolong existing and create new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger (medium confidence). International dimensions such as trade and relations among states are also important for understanding the risks of climate change at regional scales. {2.3.2} Climate change is projected to increase displacement of people (medium evidence, high agreement). Populations that lack the resources for planned migration experience higher exposure to extreme weather events, particularly in developing countries with low income. Climate change can indirectlyincrease risks of violent conflicts by amplifying well-documented drivers of these conflicts such as poverty and economic shocks (medium confidence). {2.3.2} 2010 )

## 2

#### International Relations is the royal science of empire – the aff engineers “sustainable warfare” through a mutating geopolitics of violence.

Grove ‘19

[Jarius, PoliSci at the University of Hawai’i. 2019. “Savage Ecology: War and Geopolitics in the Anthropocene.”] pat – ask me for the PDF!

Because I wanted this book to inspire curiosity beyond the boundaries of international relations (ir), I considered ignoring the field altogether, removing all mentions of ir or ir theory. However, upon closer reflection, I have decided to keep these references as I think they are relevant for those outside the discipline and for those who, like myself, often feel alienated within its disciplinary boundaries. In the former case, it is important to know that, unlike some more humble fields, ir has always held itself to be a kind of royal science. Scholarship in ir, particularly in the United States, is half research, and half biding time until you have the prince’s ear. The hallowed names in the mainstream of the field are still known because they somehow changed the behavior of their intended clients—those being states, militaries, and international organizations. Therefore, some attention to ir is necessary because it has an all-too-casual relationship with institutional power that directly impacts the lives of real people, and ir is all too often lethal theory. As an American discipline, the political economy of the field is impossible without Department of Defense money, and its semiotic economy would be equally dwarfed without contributory figures like Woodrow Wilson, Henry Kissinger, and Samuel Huntington. The ubiquity of Huntington’s “clash of civilizations” thesis and Kissinger’s particular brand of realpolitik are undeniable throughout the field, as well as the world. Each, in their own way, has saturated the watchwords and nomenclature of geopolitics from an American perspective so thoroughly that both political parties in the United States fight over who gets to claim the heritage of each. Although many other fields such as anthropology and even comparative literature have found themselves in the gravitational pull of geopolitics, international relations is meant to be scholarship as statecraft by other means. That is, ir was meant to improve the global order and ensure the place of its guarantor, the United States of America. Having spent the better part of a decade listening to national security analysts and diplomats from the United States, South Korea, Japan, Europe, China, Brazil, and Russia, as well as military strategists around the planet, I found their vocabulary and worldview strikingly homogeneous.

If this seems too general a claim, one should take a peek at John Mearsheimer’s essay “Benign Hegemony,” which defends the Americanness of the ir field. What is most telling in this essay is not a defense of the U.S. as a benign hegemonic power, which Mearsheimer has done at length elsewhere. Rather, it is his vigorous defense that as a field, ir theory has done well by the world in setting the intellectual agenda for global challenges, and for creating useful theoretical approaches to addressing those problems. For Mearsheimer, the proof that American scholarly hegemony has been benign is that there is nothing important that has been left out. A quick scan of the last ten or twenty International Studies Association conferences would suggest otherwise.

That issues like rape as a weapon of war, postcolonial violence, global racism, and climate change are not squarely in the main of ir demonstrates just how benign American scholarly hegemony is not. As one prominent anthropologist said to me at dinner after touring the isa conference in 2014, “it was surreal, like a tour through the Cold War. People were giving papers and arguing as if nothing had ever changed.” These same provincial scholars aspire and succeed at filling the advisory roles of each successive American presidency. One cannot help but see a connection between the history of the ir field, and the catastrophes of U.S. foreign policy during the twentieth and twenty-first centuries. One could repeat the words of the anthropologist I mentioned to describe the 2016 presidential campaign debates over the future of U.S. foreign policy: it is as if “nothing had ever changed.” And yet these old white men still strut around the halls of America’s “best” institutions as if they saved us from the Cold War, even as the planet crumbles under the weight of their failed imperial dreams.

If international relations was meant to be the science of making the world something other than what it would be if we were all left to our own worst devices, then it has failed monumentally. The United States is once again in fierce nuclear competition with Russia. We are no closer to any significant action on climate change. We have not met any of the Millennium Development Goals determined by the United Nations on eradicating poverty. War and security are the most significant financial, creative, social, cultural, technological, and political investments of almost every nation-state on Earth. The general intellect is a martial intellect.

Despite all this failure, pessimism does not exist in international relations, at least not on paper. The seething doom of our current predicament thrives at the conference bar and in hushed office conversations but not in our research. In public, the darkness disavowed possesses and inflames the petty cynicisms and hatreds that are often turned outward at tired and predictable scapegoats.

After the fury of three decades of critique, most ir scholars still camp out either on the hill of liberal internationalism or in the dark woods of political realism. Neither offers much that is new by way of answers or even explanations, and each dominant school has failed to account for our current apocalyptic condition. One is left wondering what it is exactly that they think they do. Despite the seeming opposition between the two, one idealistic about the future of international order (liberals) and the other self-satisfied with the tragedy of cycles of war and dominance (realists), both positions are optimists of the positivist variety.

For both warring parties, ir optimism is expressed through a romantic empiricism. For all those who toil away looking for the next theory of international politics, order is out there somewhere, and dutifully recording reality will find it—or at least bring us closer to its discovery. For liberal internationalism, this will bring the long-heralded maturity of Immanuel Kant’s perpetual peace. For second-order sociopaths known as offensive realists, crumbs of “useful strategic insight” and the endless details that amplify their epistemophilia for force projection and violence capability represent a potential “advantage,” that is, the possibility to move one step forward on the global political board game of snakes and ladders. Still, the cynicism of ir always creeps back in because the world never quite lives up to the empirical findings it is commanded to obey. Disappointment here is not without reason, but we cynically continue to make the same policy recommendations, catastrophe after catastrophe.

I have an idea about where ir’s recent malaise comes from. I think it is a moment, just before the awareness of the Anthropocene, after the Cold War and before September 11, when the end of everything was only a hypothetical problem for those of a certain coddled and privileged modern form of life. The catastrophe of the human predicament was that there was no catastrophe, no reason, no generation-defining challenge or war. Now the fate of this form of life is actually imperiled, and it is too much to bear. The weird denial of sexism, racism, climate change, the sixth extinction, and loose nukes, all by a field of scholars tasked with studying geopolitics, is more than irrationalism or ignorance. This animosity toward reality is a deep and corrosive nihilism, a denial of the world. Thus ir as a strategic field is demonstrative of a civilization with nothing left to do, nothing left to destroy. All that is left is to make meaning out of being incapable of undoing the world that Euro-American geopolitics created. Emo geopolitics is not pretty, but it is real. The letdown, the failure, the apocalypse-that-was-not finally arrived, and we are too late.

Still, the United States of America continues to follow the advice of “the best and the brightest,” testing the imperial waters, not quite ready to commit out loud to empire but completely unwilling to abandon it. Stuck in between, contemporary geopolitics—as curated by the United States—is in a permanent beta phase. Neuro-torture, algorithmic warfare, drone strikes, and cybernetic nation-building are not means or ends but rather are tests. Can a polis be engineered? Can the human operating system be reformatted? Can violence be modulated until legally invisible while all the more lethal? Each incursion, each new actor or actant, and new terrains from brains to transatlantic cables—all find themselves part of a grand experiment to see if a benign or at least sustainable empire is possible. There is no seeming regard for the fact that each experiment directly competes with Thomas Jefferson’s democratic experiment. One wonders if freedom can even exist anywhere other than temporarily on the fringe of some neglected order. Is this some metaphysical condition of freedom, or is the world so supersaturated with martial orders that the ragged edges between imperial orders are all that we have left? It feels like freedom’s remains persist only in the ruins of everything else. No space is left that can be truly indifferent to the law, security, or economy. Such is the new life of a human in debt. The social contract has been refinanced as what is owed and nothing more: politics without equity. Inequity without equality.

What about the impending collapse of the post–World War II order, the self-destruction of the United States, the rise of China and a new world order? If humanity lasts long enough for China to put its stamp on the human apocalypse, I will write a new introduction. Until then, we live in the death rattle of Pax Americana. While I think the totality of this claim is true, I do not want to rule out that many of us throughout the world still make lives otherwise. Many of us even thrive in spite of it all. And yet, no form of life can be made that escapes the fact that everything can come to a sudden and arbitrary end thanks to the whim of an American drone operator, nuclear catastrophe, or macroeconomic manipulation like sanctions. There are other ways to die and other organized forms of killing outside the control of the United States; however, no other single apparatus can make everyone or anyone die irrespective of citizenship or geographic location. For me, this is the most inescapable philosophical provocation of our moment in time.

The haphazard and seemingly limitless nature of U.S. violence means that even the core principles of the great political realist concepts like order and national interest are being displaced by subterranean violence entrepreneurs that populate transversal battlefields, security corridors, and border zones. Mercenaries, drug lords, chief executive officers, presidents, and sports commissioners are more alike than ever. Doomsayers like Paul Virilio, Lewis Mumford, and Martin Heidegger foretold a kind of terminal and self-annihilating velocity for geopolitics’ technological saturation, but even their lack of imagination appears optimistic. American geopolitics does not know totality or finality; it bleeds, mutates, and reforms. Furthermore, the peril of biopolitics seems now almost romantic. To make life live? Perchance to dream. The care and concern for life’s productivity is increasingly subsumed by plasticity—forming and reforming without regard to the telos of productivity, division, or normative order.

There are, of course, still orders in our geoplastic age, but they are almost unrecognizable as such. When so many citizens and states are directly invested in sabotaging publicly stated strategic ends, then concepts like national interest seem equally quaint. We are witnessing creative and horrifying experiments in the affirmative production of dying, which also deprive those targeted and in some cases whole populations from the relief of death. To follow Rucker, I want to try to see the world for what it is. We can only say that tragedy is no longer a genre of geopolitics. Tragedy redeems. The occluded character of contemporary geopolitics shoehorned into experience produces the feeling that there is no relief, no reason, no victory, no defeats, and no exit within the confines of national security’s constricted world. This is not tragedy: it is horror. We live in an age of horror that, like the victims of gore movies who never quite die so that they can be tortured more, furthers our practice of collective violence and goes on for decades as a kind of sustainable warfare.

#### The affirmative greenlights themselves as the moral savior but hides a history of imperialism – the 1ACs reform is empty and coopted by capitalist imperialist logic which justifies colonialism and reinforces racial difference.

Twailr 21 [Third World Approaches to International Law Review; “On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism,” Twail Review; 3/23/21; <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>] Justin

Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### Focus on medical innovations generates a visceral attachment to life – it produces a need to eliminate those dubbed “subhuman” through state-sanctioned eugenics via the political

Grove 19 (Jairus Victor Grove; 2019; The Duke University Press Books; *“Savage Ecology: War and* Geopolitics at the End of the World”; accessed 7/24/21; ask me for the pdf; Jairus Victor Grove is Associate Professor of Political Science and Director of the Hawai‘i Research Center for Future Studies at the University of Hawai‘i at Manoa.; pages 255-258) HB

Foregrounding the fear of robots is a long history of human mutation, having been the focus of the various iterations of the eugenics movement. Before that, it faced the wrath of superstition. As such, questions of political rights have never been divorced from biological or more specifically species considerations; there exists, rather, a biopolitics of citizenship and in regard to not just the polis but also the species.15 Whereas classical politics could speak of the organization and governance of subjects, the advent of a theory of biological evolution that included humans introduced the possibility of governing the production of subjects, not just in a legal or discursive sense— citizenship, caste, class—but in the “fitness” or biological character of its subjects. Race as a biological concept extends politics from the demographic questions of reproduction and health—as has been reconstructed in Michel Foucault’s Security, Territory, Population—to the intrinsic character of the babies born. The notion of the survival of the fittest lent the epistemic supremacy of science or objectivity to earlier moralized discussions of worker productivity or even the spiritual origins of industriousness and laziness. Nascent theories of racial superiority and inferiority came under the purview of governmentality in the form of Malthusian public health initiatives: birth control for the poor; sterilization of and experimentation on “incompetents” and racial minorities, in particular Native Americans—practices that did not end until the 1970s.16 A brief explanation of recent legal and political responses is worth noting. In 1927 the U.S. Supreme Court decided in Buck v. Bell that “for the protection and health of the state,” forced sterilization of imbeciles and other infirmed or abnormal people was not a violation of fundamental constitutional rights. The official position of the courts has not changed. In 1981 the courts decided in Poe v. Lynchburg Training School and Hospital that the eight thousand women forcibly sterilized in the state of Virginia had not had their constitutional rights violated. In the last year, an email alert was sent to attorneys who serve ad litem for foster children to publicize that the Environmental Protection Agency (epa) had adopted guidelines for testing known environmental toxins and carcinogens on unwanted or unknowing children. According to 70 fr 53857, “the epa proposes an extraordinary procedure applicable if scientifically sound but ethically deficient human research is found to be crucial to epa’s fulfilling its mission to protect public health. This procedure would also apply if a scientifically sound study covered by proposed § 26.221 or § 26.421— i.e., an intentional dosing study involving pregnant women or children as subjects—were found to be crucial to the protection of public health.”17 The explanation and scope of this decision was focused on children who “cannot be reasonably consulted,” such as those who are mentally handicapped or orphaned newborns: these groups may be tested on without informed consent. It also stated that parental consent forms were not necessary for testing on children who have been neglected or abused. As was the case in the original case of Buck v. Bell, being unwanted or otherwise downtrodden was made synonymous with being genetically deficient. To be included in the political community of constitutional rights, one has to be—by this logic—capable of demonstrating an “understanding” of those rights and one must be wanted by that community. As the epa’s proposed guidelines demonstrate, the century-long effort to eradicate human variation has not in any way eliminated unwanted or “subhuman” individuals. Now birth “defects” tend to mark class and national origin. Despite the best efforts of modern science—or because of the best efforts of modern science—public fear of mutation and the specter of genetically engineered beings and artificial intelligence has joined the ranks of the abject and unwanted. There is a recurrent hostility toward forms of life that do not narrowly fit the definition of humanity—a kind of somatic fundamentalism that insists that the genetics, phenotype, and manner of expression all conform to a norm of what it is to be human.18 As Georges Canguilhem argues, norms require a certain abnormality or pathology in order to take on meaning.19 But the abnormal is not merely an index for the normal; the abnormal becomes a moralizing category for measuring and finally determining what is human. In the case of mutation or variation—of either natural or artificial origins—deviating from the human image is what inspires revulsion. Robots and androids create the same feeling but through an inverse movement: they intrude upon the species by transgressing into the proprietary capabilities of consciousness, language, and other monopolies claimed by the human spe-cies. Japanese roboticist Masahiro Mori identified the phenomenon and proposed a hypothesis called the “Uncanny Valley.”20 The theory is that humans are fascinated by, even attracted to, robots as they gain human qualities— eyes, ears, and an identifiable face. Then, once robots become visibly or unmistakably humanlike, the fascination and attraction turns to disgust. The human participant in the experiment becomes agitated and uncomfortable. In recent experiments, the human respondents refuse to allow the robot to stand or move behind them.21 “Movement is a sign of life” and as such seems “wrong” for a machine.22 Although history is rife with the exploitation of other races (colonialism), nonhuman animal species (mechanization of animal husbandry and slaughter and animal experimentation), or subhumans (eugenic policies toward abnormal human development, including the poor and the sick), artificial life is a newly emerging horizon. Even if not “conscious,” the existence and increasing importance of “intelligent” machines confront us with the horror of the automaton while the genetically modified human presents us with something also “not quite right.” The possibility of artificial life in all its forms seems to provoke a response somewhere between atypical human bodies and inanimate objects. The possibility of artificial life treads in both the forbidden zone of challenging human superiority (in this case because it may exceed it, whereas mutations malign it) and the more traditional uncanny provocation of living objects. Therefore, life that does not resemble the norm of human life thus far, whether artificially created or naturally variant, will be met with the same violence and ignorance that those differently abled have faced from eugenicists unless the narrow definitions of life and the fear and ressentiment that inspire those definitions can be altered. This, I argue, requires what Connolly names cultivation. Connolly sees the “visceral attachment to life” as a resource for deep pluralism, one that hopes to transform the fear and loathing of variation into the “preliminary soil from which commitment to more generous identifications, responsibilities, and connections might be cultivated.”23 But I will add to this point that the “Uncanny Valley” not only exists for all those beings that stray from the normative boundaries of the species—whether biologically or synthetically divergent—but also represents a formidable obstacle to the cultivation of connections and generous identifications. This logic holds, in particular, if one’s visceral attachment to life is an attachment to a “human” life. Connolly’s immanent naturalism actively resists the temptation to circumscribe generosity to human subjects. Throughout Neuropolitics, Connolly insists that gratitude and generosity find their inspiration in an “attachment to the earth and care for a protean diversity of being.”24 To read this statement alongside early works such as Identity/Difference or The Ethos of Pluralization, one may wrongly assume that the “protean diversity of being” refers to a human being. However, what is clear in Connolly’s contestation of the nature/culture opposition is that an “attachment to the earth” complicates what Connolly means by being, as examples of communicative bacteria and participatory chimpanzees and crocodiles demonstrate.25 From this standpoint, the danger of falling into an anthropological limit is apparent. Reading Connolly’s deep pluralism only in the human terrain of traditional democratic theory obscures many of the sources of the gratitude and “earthiness” that inspire the necessary ethos for a deep pluralism.

#### Thus the Role of the Judge is to adopt martial empiricism.

Bousquet et al ‘20

[Antoine Bousquet, University of London, Jairus Grove, University of Hawai‘i at Manoa, and Nisha Shah University of Ottawa. 2020. “Becoming war: Towards a martial empiricism,” <https://journals.sagepub.com/doi/full/10.1177/0967010619895660>] pat

Haunting the formations and deformations of global life, war confronts us as an abyss in the face of which cherished interpretative frameworks perilously buckle and warp. Indeed, Tarak Barkawi and Shane Brighton (2011: 129) accurately identify a ‘conceptual black hole surrounding the notion of war’ that has insistently gnawed at the study of the phenomenon. Locating the source of this lacuna in the absence of an ‘ontology of war’, they propose to ground one in ‘fighting’ (Barkawi and Brighton, 2011: 136). Although we concur on the diagnosis, we take issue with the suggested remedy. War does not obey any neat philosophical division between epistemology and ontology. For us, the resolute elusiveness of any definitive understanding of war is inherent in that very object. Every attempt to conceptually shackle war is undone by the creative advance of its new modes, residences and intensities. This speaks against the value of ontology per se less than it calls for a strange, paradoxical and provisional ontology that is consonant with the confounding mutability of war. Such an ontology, suspended between infinity and totality, being and nothingness, the sheer fecundity and utter catastrophe of war, may not be too uncanny for its object. In fairness, Barkawi and Brighton (2011: 133) gesture towards this in acknowledging ‘war’s recalcitrance as an object of knowledge’ and allowing for war to unmake any truth. Yet they seem unwilling to embrace the full force of their own insight, which Marc von Boemcken (2016: 239) ultimately declares: ‘even the statement that “war is fighting” may well be eventually undone by war. In a very fundamental manner, war escapes human intelligibility.’

This special issue on ‘Becoming War’ grapples with war as obdurate mystery. In its recurring persistence yet constant reinvention, its paradoxical ordering of life for the generation of death, or its stubborn affront to the better world we all purport to want, war never ceases to perplex us. Our world is one shot through by war, manifest in the nation-states we inhabit, the ecologies of technics that bind us to one another, and the very thoughts ricocheting through our communities of sense. And yet we still do not know war.

Rather than endeavour yet again to ‘say something fundamental about what war is’ (Barkawi and Brighton, 2011: 134, emphasis in original), we choose to explore how war becomes. This is not to say that we deny any durability or regularities in the phenomenon of war over time. Simply that, as Alfred Whitehead (1978: 35) puts it, ‘there is a becoming of continuity, but no continuity of becoming’. Accordingly, we seek to trace the lines of becoming that congeal into what comes to count as war, even as it continually frays at the edges and insolently defies habituated frames of reference. We do not, therefore, offer a theory of continuity, a formula for what all lines of becoming war might have in common, but instead sketch a style of investigation that encompasses both the enduring cohesion and the radical dispersion of war. We call this endeavour ‘martial empiricism’ to renounce attempts to devise a definitive theory of war. Instead, we favour an open-ended conceptual arsenal for following the trail of war wherever it leads us, as opposed to camping in the places where we already expect to find it.

Although we do not aim to circumscribe the remit of its investigations, martial empiricism is nonetheless inherently situational, spurred by the impulse to grasp the present martial condition we inhabit in all its calamity and promise. We would be far from the first to point out the growing inadequacy of the conceptual frameworks of war inherited from the Westphalian historical interval. Yet we still collectively flounder in the face of a combined and uneven landscape of armed conflict populated by metastasizing war machines encompassing overseas contingency operations, fullspectrum hybrid theatres, ethno-supremacist militias, crowd-sourced paramilitaries, Incel shooters and narco-state assassins. The game is definitely up when a task force led by the former head of United States Central Command can write that ‘basic categories such as “battlefield,” “combatant” and “hostilities” no longer have clear or stable meaning’ (Abizaid and Brooks, 2014: 35). Confronted with this reality and the persistent bewilderment it induces, we contend that a certain epistemic humility is in order. Rather than professing to know where war begins and ends, martial empiricism starts in the middle, with only the barest tentative intuitions necessary to explore the logistics, operations and embodiments that engender armed conflict as an unremitting condition of global life.

#### Voting negative adopts failed IR for a healthy dose of pessimism – at the end of the world, all we can do is hope to be buried alive together.

Grove ‘19

[Jarius, PoliSci at the University of Hawai’i. 2019. “Savage Ecology: War and Geopolitics in the Anthropocene.”] pat – ask me for the PDF!

Failed ir affirms the power of this kind of negative thinking as an alternative to the endless rehearsing of moralizing insights and strategic foresight. The negative is not “against” or reacting to something. Rather, it is the affirmation of a freedom beyond the limits of life and death. That is, it is making a life by continuing to think about the world, even if that thinking is not recuperative, and even if nothing we think can save us. In the face of it all, one celebrates useless thinking, useless scholarship, and useless forms of life at the very moment we are told to throw them all under the bus in the name of survival at all costs. This is a logic referred to lately as hope and it is as cruel as it is anxiety inducing. Hope is a form of extortion. We are told that it is our obligation to bear the weight of making things better while being chided that the failure of our efforts is the result of not believing in the possibility of real change. In such an environment, pessimism is often treated as a form of treason, as if only neoliberals and moral degenerates give up—or so goes the op-ed’s insisting upon the renewed possibility of redemption.

In response to these exhortations, pessimism offers a historical atheism, both methodologically and morally. The universe does not bend toward justice. Sometimes the universe bends toward the indifference of gravity wells and black holes. Affirming negativity, inspired by Achille Mbembe, is grounds for freedom, even if that freedom or relief is only fleeting and always insecure. I am not arrogant enough to think a book can attain freedom of this sort, but this book is inspired by refusals of critique as redemption in favor of useless critique and critique for its own sake.

That the pursuit of knowledge without immediate application is so thoroughly useless, even profane, is a diagnosis of our current moment. The neoliberal assault on the university is evidence of this condition, as is the current pitch of American politics. Our indifference as intellectuals to maximizing value has not gone unnoticed. We are still dangerous, worthy of vilification, of attack, sabotage, and derision because we fail so decadently. We are parasites according to Scott Walker, Donald Trump, and the rest. So be it. We are and shall remain irascible irritants to a worldwide assault on thinking that is well underway and facing few obstacles in other jurisdictions.

What would failed scholarship do? Learn to die, learn to live, learn to listen, learn to be together, and learn to be generous. These virtues are useless in that they do not prevent or manage things. They do not translate into learning objectives or metrics. Virtues of this order are selfsame, nontransferable experiences. They are meaningful but not useful. These are luxurious virtues. Like grieving or joy, they are ends unto themselves. But how will these ideas seek extramural grants, contribute to an outcomes-based education system, or become a policy recommendation? They will not, and that is part of their virtue.

Even if there is no straight line to where we are and where we ought to be, I think we should get over the idea that somehow the U.S. project of liberal empire is conflicted, or “more right than it is wrong,” or pragmatically preferable to the alternatives. I hope this book can contribute to the urgent necessity to get out of the way by reveling in the catastrophic failure that should inspire humility but instead seems to embolden too many to seek global control yet again. Demolition may be an affirmative act if it means insurgents and others can be better heard. And yet this may fail too. If we can accomplish nothing at all, we can at least, as Ta-Nehisi Coates and other pessimists have said, refuse to suborn the lie of America any longer. Telling the truth, even if it cannot change the outcome of history, is a certain kind of solace. In Coates’s words, there is a kind of rapture “when you can no longer be lied to, when you have rejected the dream.” Saying the truth out loud brings with it the relief that we are not crazy. Things really are as bad as we think.

If there are those of us who want to break from this one-hundred-year-old race to be the next Henry Kissinger, then why do we continue to seek respect in the form of recognizable standards of excellence? I am not sure where the answer finally lies, but I do know that professionalization will not save us. To appear as normal and recognizably rigorous will not be enough to stave off the neoliberal drive to monetize scholarship, or to demand of us strategically useful insights. The least we can do in the face of such a battle is to find comfort in meaningful ideas and the friendships they build rather than try to perform for those we know are the problem. Some will ask, who is this “we” or is that “they”—where is your evidence? More will know exactly what I am talking about.

The virtues I seek are oriented toward an academy of refuge, a place we can still live, no matter how dire the conditions of the university and the classroom. It is not the think tank, boardroom, or command center. We are, those of us who wish to be included, the last of the philosophers, the last of the lovers of knowledge, the deviants who should revel in what Harney and Moten have called the undercommons.

In one of his final lectures, Bataille speaks of the remnants of a different human species, something not quite so doomed, something that wasted its newly discovered consciousness and tool-being on the art that still marks the walls of prehistoric caves. This lingering minor or vestigial heritage is philosophy’s beginning. Philosophy survives war, atrocity, famine, and crusades. Thinking matters in a very unusual way. Thinking is not power or emancipation. Thinking matters for a sense of belonging to the world, and for believing in the fecundity of the world despite evidence to the contrary.

How do you get all this from pessimism, from failure? Because willing failure is a temptation, a lure to think otherwise, to think dangerous thoughts. Pessimism is a threat to indifferentism and nihilism in the sense of the phenomenon of Donald Trump. Pessimism is a provocation and an enemy of skepticism, particularly of the metaphysical variety. It is not redemption from these afflictions, but in pessimism there is solace in the real. To put it another way, to study the world as it is means to care for it.

The exhortation that our care or interest should be contingent on how useful the world is and how much of it conforms to our designs is as much opposed to care as it is to empiricism. We can study airports, poetry, endurance races, borders, bombs, plastic, and warfare, and find them all in the world. To consider the depth of their existence can be an invitation to the world rather than a prelude to another policy report. One cannot make a successful political career out of such pursuits, but you might be able to make a life out of it, a life worth repeating even if nothing else happens.

At the end of Jack Halberstam’s The Queer Art of Failure, we are presented with the Fantastic Mr. Fox’s toast as an exemple of something meaningful in these dark times of ours.

They say all foxes are slightly allergic to linoleum, but it’s cool to the paw—try it. They say my tail needs to be dry cleaned twice a month, but now it’s fully detachable—see? They say our tree may never grow back, but one day, something will. Yes, these crackles are made of synthetic goose and these giblets come from artificial squab and even these apples look fake—but at least they’ve got stars on them. I guess my point is, we’ll eat tonight, and we’ll eat together. And even in this not particularly flattering light, you are without a doubt the five and a half most wonderful wild animals I’ve ever met in my life. So let’s raise our boxes—to our survival.

Halberstam says of this queer moment:

Not quite a credo, something short of a toast, a little less than a speech, but Mr. Fox gives here one of the best and most moving—both emotionally and in stop-motion terms—addresses in the history of cinema. Unlike Coraline, where survival is predicated upon a rejection of the theatrical, the queer, and the improvised, and like Where the Wild Things Are, where the disappointment of deliverance must be leavened with the pragmatism of possibility, Fantastic Mr. Fox is a queerly animated classic in that it teaches us, as Finding Nemo, Chicken Run, and so many other revolting animations before it, to believe in detachable tails, fake apples, eating together, adapting to the lighting, risk, sissy sons, and the sheer importance of survival for all those wild souls that the farmers, the teachers, the preachers, and the politicians would like to bury alive.

Although not as much fun as Halberstam’s monument to low theory, Savage Ecology is for all the other wild animals out there studying global politics. May we be buried alive together.

## Case

### Circumvention

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### Companies will just obtain a patent in a different sector.

Thomas 15 [John R; Visiting Scholar, CRS; “Tailoring the Patent System for Specific Industries, Congressional Research Service,” CRS; 2015; <https://crsreports.congress.gov/product/pdf/R/R43264/7>] Justin

In view of the concerns noted above, commentators have gone so far to say that “it has become increasingly difficult to believe that a one-size-fits-all approach to patent law can survive.”75 To the extent the current patent system creates a blanket set of rules that apply comparably to distinct industries, it likely over-encourages innovation in some contexts and under-incentivizes it in others.76 Further, some observers have asserted that the need of firms to identify and access the patented inventions of others may differ among industries.77 As a result, the case can be made that distinct industrial, technological, and market characteristics that exist across the breadth of the U.S. economy compel industry-specific patent statutes. However, others have questioned the wisdom and practicality of such line-drawing.78 The following concerns, among others, have been identified:

• Over its long history, the U.S. patent system has flexibly adapted to new technologies such as biotechnology and computer software. Legislative adoption of technology-specific categories may leave unanticipated, cutting-edge technologies outside the patent system.79

• Defining a specific industry or category of technologies may prove to be a contested proposition.

80 • Over time, new industries may emerge and old industries may consolidate. The dynamic nature of the U.S. economy suggests greater need for legislative oversight within a differentiated patent regime.

81 • Even if an industry or technology remains relatively stable, the innovation environment within it might change. For example, technological or scientific advances might open new possibilities for research and development within hidebound industries—but also increase expense and risk for those firms.

82 • Distinct patent rights among industries or technologies may lead to strategic behavior on behalf of patent applicants. For example, a computer program that controls a fuel injector within an automobile could possibly be identified as either an automobile-related or a computer-related invention.

83 •The legislative effort to enact sector-specific patent laws may provide an opportunity for politically savvy firms to exert more lobbying and political power, at the possible expense of less sophisticated firms.

### AT: Innovation

#### Pharma innovation high now – monetary incentive is the biggest factor.

**Swagel 21** Phillip L. Swagel, Director of the Congressional budget office 4-xx-2021, "Research and Development in the Pharmaceutical Industry," Congressional Budget Office, <https://www.cbo.goc/publication/57126#_idTextAnchor020> SJ//DA

**Every year, the U.S. pharmaceutical industry develops a variety of new drugs that provide valuable medical benefits. Many of those drugs are expensive and contribute to rising health care costs for the private sector and the federal government. Policymakers have considered policies that would lower drug prices and reduce federal drug expenditures. Such policies would probably reduce the industry’s incentive to develop new drugs.** In this report, the Congressional Budget Office assesses trends in spending for drug research and development (R&D) and the introduction of new drugs. CBO also examines factors that determine how much drug companies spend on R&D: expected global revenues from a new drug; cost to develop a new drug; and federal policies that affect the demand for drug therapies, the supply of new drugs, or both. What Are Recent Trends in Pharmaceutical R&D and New Drug Approvals? T**he pharmaceutical industry devoted $83 billion to R&D expenditures in 2019. Those expenditures covered a variety of activities, including discovering and testing new drugs, developing incremental innovations such as product extensions, and clinical testing for safety-monitoring or marketing purposes. That amount is about 10 times what the industry spent per year in the 1980s, after adjusting for the effects of inflation.** The share of revenues that drug companies devote to R&D has also grown: **On average, pharmaceutical companies spent about one-quarter of their revenues (net of expenses and buyer rebates) on R&D expenses** in 2019, which is **almost twice as large a share of revenues as they spent in 2000.** That revenue share is larger than that for other knowledge-based industries, such as semiconductors, technology hardware, and software. The number of new drugs approved each year has also grown over the past decade. On averace, the Food and Drug Administration (FDA) approved 38 new drugs per year from 2010 through 2019 (with a peak of 59 in 2018), which is 60 percent more than the yearly average over the previous decade. **Many of the drugs that have been approved in recent years are “specialty drugs.” Specialty drugs generally treat chronic, complex, or rare conditions, and they may also require special handling or monitoring of patients**. Many specialty drugs are biologics (large-molecule drugs based on living cell lines), **which are costly to develop, hard to imitate, and frequently have high prices.** Previously, most drugs were small-molecule drugs based on chemical compounds. Even while they were under patent, those drugs had lower prices than recent specialty drugs have. Information about the kinds of drugs in current clinical trials indicates that much of the industry’s innovative activity is focused on specialty drugs that would provide new cancer therapies and treatments for nervous-system disorders, such as Alzheimer’s disease and Parkinson’s disease. **What Factors Influence Spending for R&D?** Drug companies’ R&D spending decisions depend on three main factors: Anticipated lifetime global revenues from a new drug, **Expected costs to develop a new drug**, and Policies and programs that influence the supply of and demand for prescription drugs. Various considerations inform companies’ expectations about a drug’s revenue stream, including the anticipated prices it could command in different markets around the world and the expected global sales volume at those prices (given the number of people who might use the drug). The prices and sales volumes of existing drugs provide information about consumers’ and insurance plans’ willingness to pay for drug treatments. Importantly, when drug companies set the prices of a new drug, they do so to maximize future revenues net of manufacturing and distribution costs. A drug’s sunk R&D costs—that is, the costs already incurred in developing that drug—do not influence its price. **Developing new drugs is a costly and uncertain process, and many potential drugs never make it to market. Only about 12 percent of drugs entering clinical trials are ultimately approved for introduction by the FDA. In recent studies, estimates of the average R&D cost per new drug range from less than $1 billion to more than $2 billion per drug**. Those estimates include the costs of both laboratory research and clinical trials of successful new drugs as well as expenditures on drugs that do not make it past the laboratory-development stage, that enter clinical trials but fail in those trials or are withdrawn by the drugmaker for business reasons, or that are not approved by the FDA. Those estimates also include the company’s capital costs—the value of other forgone investments—incurred during the R&D process. Such costs can make up a substantial share of the average total cost of developing a new drug. The development process often takes a decade or more, and during that time the company does not receive a financial return on its investment in developing that drug. The federal government affects R&D decisions in three ways. First, it increases demand for prescription drugs, which encourages new drug development, by fully or partially subsidizing the purchase of prescription drugs through a variety of federal programs (including Medicare and Medicaid) and by providing tax preferences for employment-based health insurance. Second, the federal government increases the supply of new drugs. It funds basic biomedical research that provides a scientific foundation for the development of new drugs by private industry. Additionally, tax credits—both those available to all types of companies and those available to drug companies for developing treatmentscof uncommon diseases—provide incentives to invest in R&D. Similarly, deductions for R&D investment can be used to reduce tax liabilities immediately rather than over the life of that investment. Finally, the patent system and certain statutory provisions that delay FDA approval of generic drugs provide pharmaceutical companies with a period of market exclusivity, when competition is legally restricted. During that time, they can maintain higher prices on a patented product than they otherwise could, which makes new drugs more profitable and thereby increases drug companies’ incentives to invest in R&D. Third, some federal policies affect the number of new drugs by influencing both demand and supply. For example, federal recommendations for specific vaccines increase the demand for those vaccines and provide an incentive for drug companies to develop new ones. Additionally, federal regulatory policies that influence returns on drug R&D can bring about increases or decreases in both the supply of and demand for new drugs. Trends in R&D Spending and New Drug Development Private spending on pharmaceutical R&D and the approval of new drugs have both increased markedly in recent years, resuming a decades-long trend that was interrupted in 2008 as generic versions of some top-selling drugs became available and as the 2007–2009 recession occurred. **In particular, spending on drug R&D increased by nearly 50 percent between 2015 and 2019.** Many of the drugs approved in recent years are high-priced specialty drugs for relatively small numbers of potential patients. By contrast, the top-selling drugs of the 1990s were lower-cost drugs with large patient populations. R&D Spending R&D spending in the pharmaceutical industry covers a variety of activities, including the following: Invention, or research and discovery of new drugs; Development, or clinical testing, preparation and submission of applications for FDA approval, and design of production processes for new drugs; Incremental innovation, including the development of new dosages and delivery mechanisms for existing drugs and the testing of those drugs for additional indications; Product differentiation, or the clinical testing of a new drug against an existing rival drug to show that the new drug is superior; and Safety monitoring, or clinical trials (conducted after a drug has reached the market) that the FDA may require to detect side effects that may not have been observed in shorter trials when the drug was in development. In real terms**, private investment in drug R&D among member firms of the Pharmaceutical Research and Manufacturers of America (PhRMA), an industry trade association, was about $83 billion in 2019, up from about $5 billion in 1980 and $38 billion in 2000**.1 Although those spending totals do not include spending by many smaller drug companies that do not belong to PhRMA, the trend is broadly representative of R&D spending by the industry as a whole.2 A survey of all U.S. pharmaceutical R&D spending (including that of smaller firms) by the National Science Foundation (NSF) reveals similar trends.3 Although total R&D spending by all drug companies has trended upward, small and large firms generally focus on different R&D activities. **Small companies not in PhRMA devote a greater share of their research to developing and testing new drugs,** many of which are ultimately sold to larger firms (see Box 1). By contrast, a greater portion of the R&D spending of larger drug companies (including those in PhRMA) is devoted to conducting clinical trials, developing incremental “line extension” improvements (such as new dosages or delivery systems, or new combinations of two or more existing drugs), and conducting postapproval testing for safety-monitoring or marketing purposes.

#### The affs wholesale attack on secondary patents ruins innovation---prefer contingencies that solve evergreening.

Holman 18 [Christopher; 9/21/18; Professor at the University of Missouri-Kansas City School of Law, where his primary research focus lies at the intersection of intellectual property and biotechnology; “*Why Follow-On Pharmaceutical Innovations Should Be Eligible For Patent Protection*,” Intellectual property watch, <https://www.ip-watch.org/2018/09/21/follow-pharmaceutical-innovations-eligible-patent-protection/>] Justin

Why Protect Follow-On Innovation? The attack on secondary pharmaceutical patents is based in part on the flawed premise that follow-on innovation is of marginal value at best, and thus less deserving of protection than the primary inventive act of identifying and validating a new drug active ingredient. In fact, follow-on innovation can play a critical role in transforming an interesting drug candidate into a safe and effective treatment option for patients. A good example can be seen in the case of AZT (zidovudine), a drug ironically described in the Guidelines as the “first breakthrough in AIDS therapy.” AZT began its life as a failed attempt at a cancer drug, and it was only years later that its potential application in the fight against AIDS was realized. Follow-on research resulted in a method-of-use patent directed towards the use of AZT in the treatment of AIDS, and it was this patent that incentivized the investment necessary to bridge the gap between a promising drug candidate and a safe, effective, and FDA-approved pharmaceutical. Significantly, because of the long lag time between the first public disclosure of AZT and the discovery of its use in the treatment of AIDS, patent protection for the molecule per se was unavailable. In a world where follow-on innovation is unpatentable, there would have been no patent incentive to invest in the development of the drug, and without that incentive AZT might have languished on the shelf as simply one more failed drug candidate. Other examples of important drugs that likely never would have been made available to patients without the availability of a “secondary” patent include Evista (raloxifene, used in the treatment of osteoporosis and to reduce the risk of invasive breast cancer), Zyprexa (olanzapine, used in the treatment of schizophrenia), and an orally-administrable formulation of the antibiotic cefuroxime. Pharmaceutical development is prolonged and unpredictable, and frequently a safe and effective drug occurs only as a result of follow-on innovation occurring long after the initial synthesis and characterization of a pharmaceutically interesting chemical compound. The inventions protected by secondary patents can be just as critical to the development of drugs as a patent on the active ingredient itself. The Benefits of Follow-On Innovation The criticism of patents on follow-on pharmaceutical innovation rests on an assumption that follow-on innovation provides little if any benefit to patients, and merely serves as a pretense for extending patent protection on an existing drug. In fact, there are many examples of follow-on products that represent significant improvements in the safety-efficacy profile. For example, the original formulation of Lumigan (used to treat glaucoma) had an unfortunate tendency to cause severe hyperemia (i.e., redeye), and this adverse event often lead patients to stop using the drug, at times resulting in blindness. Subsequent research led to a new formulation which largely alleviated the problem of hyperemia, an example of the type of follow-on innovation that significantly benefits patients but that which would be discouraged by a patent regime that does not reward follow-on innovation. Follow-on pharmaceutical innovation can come in the form of an extended-release formulation that permits the drug to be administered at less frequent intervals than the original formulation. Critics of secondary patents downplay the significance of extended-release formulations, claiming that they represent nothing more than a ploy to extend patent protection without providing any real benefit to patients. In fact, the availability of a drug that can be taken once a day has been shown to improve patient compliance, a significant issue with many drugs, particularly in the case of drugs taken by patients with dementia or other cognitive impairments. Extended-release formulations can also provide a more consistent dosing throughout the day, avoiding the peaks and valleys in blood levels experienced by patients forced to take an immediate-release drug multiple times a day. Other examples of improved formulations that provide real benefits to patients are orally administrable formulations of drugs that could previously only be administered by more invasive intravenous or intramuscular injection, combination products that combine two or more active pharmaceutical agents in a single formulation (resulting in improved patient compliance), and a heat-stable formulation of a lifesaving drug used to treat HIV infection and AIDS (an important characteristic for use in developing countries with a hot climate). “Evergreening” – an Incoherent Concept Drug innovators are often accused of using secondary patents to “evergreen” the patent protection of existing drugs, based on an assumption that a secondary patent somehow extends the patent protection of a drug after the primary patent on the active ingredient is expired. As a general matter, this is a false assumption — a patent on an improved formulation, for example, is limited to that improvement and does not extend patent protection for the original formulation. Once the patents covering the original formulation have expired, generic companies are free to market a generic version of the original product, and patients willing to forgo the benefits of the improved formulation can choose to purchase the generic product, free of any constraints imposed by the patent on the improvement. Of course, drug innovators hope that doctors and their patients will see the benefits of the improved formulation and be willing to pay a premium for it, but it is important to bear in mind that ultimately it is patients, doctors, and third-party payers who determine whether the value of the improvement justifies the costs. Of course, this assumes a reasonably well-functioning pharmaceutical market. If that market breaks down in a manner that forces patients to pay higher prices for a patented new version of a drug that provides little real improvement over the original formulation, then it is the deficiency in the market which should be addressed, rather than the patent system itself. For example, if a drug company is found to have engaged in some anticompetitive activity to block generic competition in the market for the original product once it has gone off patent, then antitrust and competition laws should be invoked to address that problem. If doctors are prescribing an expensive new formulation of a drug that provides little benefit compared to a cheaper, unpatented original product, then that is a deficiency in the market that should be addressed directly, rather than through a broadside attack on follow-on innovation. In short, if is found that secondary patents are being used in a manner that creates an unwarranted extension of patent protection, it is that misuse of the patent system which should be addressed directly, rather than through what amounts to an attack on the patent system itself.

#### Secondary and Follow-on patents are key to innovation.

IP Watch 18 9-21-2018 "Inside Views: Why Follow-On Pharmaceutical Innovations Should Be Eligible For Patent Protection" <https://www.ip-watch.org/2018/09/21/follow-pharmaceutical-innovations-eligible-patent-protection/> (a non-profit independent news service that provides professional coverage of global policymaking on intellectual property and innovation.)//Elmer

Why Protect Follow-On Innovation? The **attack on secondary** pharmaceutical **patents is based** in part **on** the **flawed premise** that **follow-on innovation is of marginal value** at best, and thus less deserving of protection than the primary inventive act of identifying and validating a new drug active ingredient. In fact, **follow-on innovation** **can play** a **critical role in transforming** **an interesting drug candidate into a safe and effective treatment option** for patients. A good example can be seen in the case of **AZT** (zidovudine), a drug ironically described in the Guidelines as the “first breakthrough in AIDS therapy.” AZT **began** its life **as a** failed attempt at a **cancer drug**, and it was **only years later** that its potential **application in the fight against AIDS** was realized. Follow-on research resulted in a method-of-use patent directed towards the use of AZT in the treatment of AIDS, and it was this patent that incentivized the investment necessary to bridge the gap between a promising drug candidate and a safe, effective, and FDA-approved pharmaceutical. Significantly, because of the long lag time between the first public disclosure of AZT and the discovery of its use in the treatment of AIDS, patent protection for the molecule per se was unavailable. In a world where follow-on innovation is unpatentable, there would have been no patent incentive to invest in the development of the drug, and without that incentive AZT might have languished on the shelf as simply one more failed drug candidate. Other examples of important drugs that likely never would have been made available to patients without the availability of a “secondary” patent include **Evista** (raloxifene, used in the treatment of osteoporosis and to reduce the risk of invasive breast cancer), **Zyprexa** (olanzapine, used in the treatment of schizophrenia), and an orally-administrable formulation of the antibiotic cefuroxime. **Pharmaceutical development** **is prolonged and unpredictable**, and frequently **a safe and effective drug** **occurs only as a result of** **follow-on innovation** occurring **long** **after the initial synthesis** and characterization of a pharmaceutically interesting chemical compound. The inventions protected by secondary patents can be just as critical to the development of drugs as a patent on the active ingredient itself. The Benefits of Follow-On Innovation The criticism of patents on follow-on pharmaceutical innovation rests on an assumption that follow-on innovation provides little if any benefit to patients, and merely serves as a pretense for extending patent protection on an existing drug. In fact, there are many examples of follow-on products that represent significant improvements in the safety-efficacy profile. For example, the original formulation of Lumigan (used to treat glaucoma) had an unfortunate tendency to cause severe hyperemia (i.e., redeye), and this adverse event often lead patients to stop using the drug, at times resulting in blindness. Subsequent research led to a new formulation which largely alleviated the problem of hyperemia, an example of the type of follow-on innovation that significantly benefits patients but that which would be discouraged by a patent regime that does not reward follow-on innovation. Follow-on pharmaceutical innovation can come in the form of an extended-release formulation that permits the drug to be administered at less frequent intervals than the original formulation. Critics of secondary patents downplay the significance of extended-release formulations, claiming that they represent nothing more than a ploy to extend patent protection without providing any real benefit to patients. In fact, the availability of a drug that can be taken once a day has been shown to improve patient compliance, a significant issue with many drugs, particularly in the case of drugs taken by patients with dementia or other cognitive impairments. Extended-release formulations can also provide a more consistent dosing throughout the day, avoiding the peaks and valleys in blood levels experienced by patients forced to take an immediate-release drug multiple times a day. Other examples of improved formulations that provide real benefits to patients are orally administrable formulations of drugs that could previously only be administered by more invasive intravenous or intramuscular injection, combination products that combine two or more active pharmaceutical agents in a single formulation (resulting in improved patient compliance), and a heat-stable formulation of a lifesaving drug used to treat HIV infection and AIDS (an important characteristic for use in developing countries with a hot climate).

#### EXTENDED PATENTS ARE KEY TO FUND RESEARCH, NO MONEY TO PAY FOR NEW INNOVATIONS POST PLAN

**Bloom 12** (Josh Bloom (director of chemical and pharmaceutical sciences at the American Council on Science and Health, a health-care education and advocacy group based in New York). Should Patents on Pharmaceuticals Be Extended to Encourage Innovation? 1/23/2012, https://www.wsj.com/articles/SB10001424052970204542404577156993191655000#)

The American pharmaceutical industry is seriously ill. And extended patent protection is just the medicine the drug companies need. Pharmaceutical companies have long been demonized by many politicians and others as heartless behemoths that place profit ahead of people's well-being. But that perception couldn't be more wrong. The profits these companies make on blockbuster medications support the research that produces such breakthroughs. And the scientists working in the labs are fervently committed to finding useful new medicines. Unfortunately, there are far fewer of those scientists at work than there were 10 years ago, and their companies are in trouble. What's the problem? A confluence of events in recent years has made drug discovery more difficult, expensive and time consuming. Most important, it has become less profitable, largely because longer development times mean companies have less time left under patents to exclusively market their discoveries. Now, the industry faces a financial crisis because of the recent or imminent expiration of the patents on many of its most profitable drugs. Without extended patent protection for new discoveries, the industry won't be able to fund the current level of research. And the consequences are profound: decreased innovation, fewer new drugs and more job losses. Ugly Numbers Next time you hear about a drug making billions of dollars for its maker, consider this: Currently, bringing one new drug to market takes roughly 14 years, at a cost of about $1.3 billion. For every drug that makes it to market, more than 50 other research programs fail. After all that, only two of every 10 newly approved drugs will be profitable. Those profits must fund not only all the research programs that failed, but also all the drugs that are launched but lose money. When the industry was producing a steady stream of blockbuster drugs, as it did beginning in the 1990s (for example, all the AIDS drugs), the math worked in its favor. But in recent years the numbers have turned against the drug industry, for several reasons. For one, the Food and Drug Administration has become more risk-averse in the wake of the 2004 Vioxx debacle. Drug makers are now required to conduct more studies with many more subjects. That adds to costs and stretches out development times. And every year spent in clinical trials equals one year of lost patent coverage. In 1968, when development time was much shorter than today, most drugs had an effective patent life of about 17 years. Now companies usually have only about 11 years of market exclusivity for their drugs. And this number is expected to continue dropping as development times grow even longer—approaching a point where the costs and risks of development outweigh the rewards and research will stop. Many of the diseases addressed in the 1990s were simply easier to tackle. Since then, despite increased research spending, fewer breakthrough drugs have been discovered. Difficult conditions such as cancer, Alzheimer's, Parkinson's and obesity remain problematic. Amid all these challenges, the drug industry is losing its financial cushion as patents from the 1990s expire. Since 2006, brand drugs have lost an estimated $60 billion in sales because of patent expirations; by 2015, this figure is projected to rise to $160 billion. This is the so-called patent cliff. It shouldn't be surprising, then, that the industry is showing signs of stress. The share prices of the major drug makers have fallen sharply in the past decade, and weakened companies have succumbed to mergers and acquisitions, causing the elimination of 300,000 jobs during this time. Stretch Some, Cut Others Extension of patent life for the most innovative drugs would, at the very least, postpone the rush toward the patent cliff, providing drug companies with extra time to discover the next cycle of new, innovative therapies. With U.S.-based drug companies scaling back their research, there will be fewer discoveries to fill the gap and keep new treatments coming to market. Academic researchers are very good at studying the basic biology of a disease, but this is just the very beginning of the discovery process. The lion's share of the work—progressing from basic biology to an actual drug—requires the expertise and resources that academic and government labs simply don't have. Of course, longer patents would mean that important drugs would remain relatively expensive for a longer time. But the expense of new drugs is preferable to not having them at all. The fact that drug companies thrived in the past without patent protection is irrelevant. Companies didn't face the regulatory and competitive environment of today. For example, generic competition was minimal until the 1980s. Remember that manufacturers of generic drugs contribute nothing to innovation. Yet they take up to 90% of sales away from the comparable brand-name drugs whose makers risked the time and money to bring breakthrough treatments to market. There are some drugs that deserve less patent protection. These are the so-called line extensions—where companies simply tweak existing drugs enough to earn a new patent. Virtually identical to the original compound, these provide little real innovation. When companies are under economic stress, line extensions may become an attractive way to keep revenue flowing, drawing resources away from innovative, more important work. To discourage that and to keep drug companies focused instead on innovative treatments, patents for line extensions should be shortened, perhaps by three years or so, while patents for high-risk, first-in-class drugs and those that address unmet medical needs should be extended significantly—five more years could be a starting point for discussion. (Most drugs now get 20 years of protection from the time a patent application is filed, which is effectively about 11 years after accounting for development time.) One alternative that has been suggested is that in order to gain FDA approval, new drugs should have to demonstrate superiority to existing ones. This would be unrealistic because that standard could hardly ever be met in clinical trials—in nearly all cases you can't tell the real differences between two drugs until they are in the marketplace and being taken by millions of people. A well-planned extension of patent protection, especially for innovative drugs, is both reasonable and necessary to keep what is left of the American pharmaceutical industry healthy enough to continue its crucial work. In the absence of a remedial measure like patent-life extension, the industry will continue its decline, resulting in incalculable losses to the U.S. economy and poorer medical care for its citizens. This would be a national disgrace.

### 1NC – Exclusitivites Defecit

#### THE AFF ONLY IMPACTS PATENTS AND NOT NON-PATENT EXCLUSIVITIES-THEY ARE DISTINCT WHICH MEANS THE AFF DOESN’T SOLVE

FDA 20 (FDA, 2/5/2020, Frequently Asked Questions on Patents and Exclusivity, https://www.fda.gov/drugs/development-approval-process-drugs/frequently-asked-questions-patents-and-exclusivity#What\_is\_the\_difference\_between\_patents\_a)

[1. What is the difference between patents and exclusivity?](https://www.fda.gov/drugs/development-approval-process-drugs/null)  
Patents and exclusivity work in a similar fashion but are distinct from one another and governed by different statutes. Patents are a property right granted by the United States Patent and Trademark Office anytime during the development of a drug and can encompass a wide range of claims.  Exclusivity refers to certain delays and prohibitions on approval of competitor drugs available under the statute that attach upon approval of a drug or of certain supplements.  A new drug application (NDA) or abbreviated new drug application (ANDA) holder is eligible for exclusivity if statutory requirements are met.  See 21 C.F.R. 314.108, 316.31, 316.34 and sections 505A, 505E, and 505(j)(5)(B)(iv) of the FD&C Act.  Periods of exclusivity and patent terms may or may not run concurrently. Exclusivity was designed to promote a balance between new drug innovation and greater public access to drugs that result from generic drug competition.

#### YOUR OWN AUTHOR SAYS EXCLUSIVITIES ARE KEY PART OF EVERGREENING

**Feldman 2** (Robin Feldman 18, May your drug price be evergreen, Journal of Law and the Biosciences, Volume 5, Issue 3, December 2018, Pages 590–647, <https://doi.org/10.1093/jlb/lsy022> Arthur J. Goldberg Distinguished Professor of Law, Albert Abramson ’54 Distinguished Professor of Law Chair, and Director of the Center for Innovation (Study Notes: Presenting the first comprehensive study of evergreening, this article examines the extent to which evergreening behavior—which can be defined as artificially extending the protection cliff—may contribute to the problem. The author analyses all drugs on the market between 2005 and 2015, combing through 60,000 data points to examine every instance in which a company added a new patent or exclusivity.)

Anecdotal evidence has identified strategic behaviors various companies have deployed to great effect. One such practice is ‘evergreening’, which can be defined as artificially extending the life of a patent or other exclusivity by obtaining additional protections to extend the monopoly period.[30](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn30) Scholarly work, including our own, has documented these behaviors as examples have emerged in individual cases and in press reports.[31](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn31) What has been missing from the literature, however, is a comprehensive empirical view.[32](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn32) Just how pervasive are such behaviors? Is it simply a matter of certain bad actors, to whom everyone points repeatedly, or is the problem endemic to the industry? Only by answering this question can we contemplate the extent to which reforms are needed, as well as the extent to which strategic behavior to block generic competition may be contributing to rising drug prices. This study answers the questions. Providing a robust empirical analysis was no easy task. Transparency is not in the industry's interests, and companies have been known to go to great lengths to camouflage strategic behavior.[33](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn33) After all, a pharmaceutical company would be loath to let regulators and legislators know what it is up to, let alone competitors who might mimic the clever strategies. To accomplish our study, we turned to government sources, analysing more than a decade of data published by the US Food and Drug Administration (FDA). This involved extracting and analysing detailed information on as many as 11 different aspects of roughly 1800 drugs. The task would have been sufficiently challenging if the information were readily available. It was not. The project required teasing information painstakingly out of each monthly and annual publication, many of which are no longer available from the government in any form. Moreover, the complexities of pharmaceutical regulation and approval require intricate analysis of the information disclosed by the government, when that information is disclosed at all. In all, our work required assembling and analysing over 160,000 individual cells of data, all entered by hand. The results, however, were striking, and they show a startling departure from the classic conceptualization of intellectual property protection for pharmaceuticals. The data demonstrate that throughout the industry, companies create serial barriers to hold off the type of competitive entry that is fundamental to our innovative system. Key results from our 2005 to 2015 study include the following: Rather than creating new medicines, pharmaceutical companies are recycling and repurposing old ones. In fact, 78% of the drugs associated with new patents in the FDA’s records were not new drugs coming on the market, but existing drugs. Adding new patents and exclusivities to extend the protection cliff is particularly pronounced among blockbuster drugs. Of the roughly 100 best-selling drugs, more than 70% had their protection extended at least once, with almost 50% having the protection cliff extended more than once. Looking at the full group, almost 40% of all drugs available on the market created additional market barriers by having patents or exclusivities added on to them. Once a company starts down this road, there is a tendency to keep returning to the well. Eighty per cent of those who added protections added more than one. Among those adding more than one barrier, some were serial offenders, with almost half adding 4 or more protections and some adding more than 20. The problem is growing across time. The number of drugs that had a patent added on to them almost doubled during the time period. The addition of certain other types of barriers increased at an even greater rate, with some tripling.[34](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn34) These results may easily understate the landscape. In designing the methodology, we repeatedly adopted a conservative approach, following the path that would point away from suggesting a competitive barrier. In addition, the pharmaceutical industry has developed techniques for erecting competitive barriers that do not involve obtaining additional patents and exclusivities, techniques that would not be captured by our analysis.[35](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn35) Finally, we could only quantify those behaviors of which we are aware. Much behavior in the pharmaceutical industry remains obscured, and we cannot measure what we cannot see.[36](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6534750/#fn36)

#### YOUR SOLVENCY ADVOCATE SAYS EXCLUSVITIES NEED TO BE COVERED BY ONE AND DONE

**Feldman 3** (Robin Feldman 2-11-2019 "‘One-and-done’ for new drugs could cut patent thickets and boost generic competition" https://www.statnews.com/2019/02/11/drug-patent-protection-one-done/)

One-and-done would apply to both patents and exclusivities. A more limited approach, a baby step if you will, would be to invigorate the existing patent obviousness doctrine as a way to cut back on patent tinkering. Obviousness, one of the five standards for patent eligibility, says that inventions that are obvious to an expert or the general public can’t be patented.

### 1NC – AT: Feldman and Wang

#### Your author pulls warrants from a misleading and incomplete database – dates aren’t updated, protections are misidentified, and years are wrong.

**C-Ip 3/4** (C-Ip2, 3-4-2021, "UC Hastings’ Evergreen Drug Patent Search Database: A Look Behind the Statistics Reveals Problems with this Approach to Identifying and Quantifying So-Called “Evergreening”," Center for Intellectual Property x Innovation Policy, <https://cip2.gmu.edu/2021/03/04/uc-hastings-evergreen-drug-patent-search-database-a-look-behind-the-statistics-reveals-problems-with-this-approach-to-identifying-and-quantifying-so-called-evergreening/#_ftn1>)The problems we have identified with the statistics provided by the Evergreening Database are numerous and multifaceted, and it would be beyond the scope of a single blog post to try to address them all. Instead, we have decided to focus on a single drug, ranolazine, which is used to treat angina and marketed by Gilead under the tradename Ranexa. There is nothing particularly unique about ranolazine—the problems with its statistics are representative of what we have generally observed to be pervasive throughout the Database. The ranolazine entry caught our attention because it purports to show that the drug was a subject of a relatively large number of “protections” (24 of them) and 13 years of “additional protection time,” even though the total time between the approval of the drug and expiration of all associated patents and exclusivities was only a little more than 13 years—about five years less than the average term of a U.S. patent. We will start with an initial explanation of the methodology underlying the Evergreening Database. As mentioned above, the statistics are derived from out-of-date versions of the FDA’s Orange Book, which is published on the FDA’s website and provides information on patents and “exclusivities” associated with FDA-approved drugs. The exclusivities can be any of a variety of non-patent regulatory exclusivities that Congress created to reward innovators that have achieved certain outcomes that Congress sought to incentivize. Examples include the “NCE exclusivity”—five years of data exclusivity awarded for the initial approval of a new active ingredient, i.e., a “new chemical entity”—and the seven years of orphan drug exclusivity awarded to an innovator that develops a drug for a rare disease or condition. The Orange Book provides a listing of these exclusivities, as well as a list of patents relating to the approved drug (i.e., patents claiming the drug’s active ingredient, formulations of the drug, and methods of using the drug). It also provides expiration dates for the patent and exclusivities. The FDA periodically revises the Orange Book, and when it does, it removes from the lists any patents and exclusivities that have expired. The creators of the Evergreening Database compiled this historical data in a Comma Separated Values file (“the CSV file”). The Database uses the patents and exclusivities derived from the CSV file to generate various statistics for each drug, including a total number of “protections” and “extensions,” as well as the “earliest protection date,” “latest protection date,” and the number of “months of additional protection” (which is the time between the earliest protection date and the latest protection date). Presumably, these statistics are intended to shed some light on the purported evergreening practices of pharmaceutical companies. Now let us turn to ranolazine. The Evergreening Database entry for ranolazine provides the New Drug Application (“NDA”) number for the drug (21526), the branded product name (Ranexa), the name of the innovator company associated with the branded drug (Gilead), and the date of FDA approval (January 27, 2006). The ranolazine entry also provides various statistics derived from the raw data, including the number of “protections” (26) and the amount of “additional protection time” (156 months, i.e., 13 years). This seems to provide an example of evergreening. The statistics appear to show that Gilead gamed the system to “artificially extend the protection horizon of its patents” by 13 years. However, a closer examination of the raw data tells a quite different story. First, what are the 26 purported “protections” that Gilead has apparently secured with respect to Ranexa? Eleven of them are patents that were once listed in the Orange Book for the drug. All the listed patents have expired, so none appear in the current Orange Book. While the Database lists the patents, it does not include expiration dates, which are necessary to understand the “protection time” statistics. Worse, the Database provides no information with respect to the other 15 “protections,” i.e., non-patent exclusivities. With some effort, the missing information can be found in the CSV file. The following step-by-step instructions will hopefully make it easier for others interested in following this path. Beginning on the homepage for the Evergreening Database, click on the “About the Data” hyperlink, which will take you to another page which states: To download the original dataset, that was used to develop the results for the article May Your Drug Price Be Evergreen, along with information about researching the FDA’s Orange Book, please see:

#### Feldman [\*\*and Wang\*\*] is a joke.

Risch 17 [Michael; “Data for the Evergreening Debate,” Written Description; 11/21/17; <https://writtendescription.blogspot.com/2017/11/data-for-evergreening-debate.html>] Justin

**Feldman and Wang** argue that the Orange Book has been used by companies to "evergreen" their drugs - that is, to extend exclusivity beyond patent expiration. The paper is on SSRN and the abstract is here:

Why do drug prices remain so high? Even in sub-optimally competitive markets such as health care, one might expect to see some measure of competition, at least in certain circumstances. Although anecdotal evidence has identified instances of evergreening, which can be defined as artificially extending the protection cliff, just how pervasive is such behavior? Is it simply a matter of certain bad actors, to whom everyone points repeatedly, or is the problem endemic to the industry?

This study examines all drugs on the market between 2005 and 2015, identifying and analyzing every instance in which the company added new patents or exclusivities. The results show a startling departure from the classic conceptualization of intellectual property protection for pharmaceuticals. Key results include: 1) Rather than creating new medicines, pharmaceutical companies are recycling and repurposing old ones. Every year, at least 74% of the drugs associated with new patents in the FDA’s records were not new drugs coming on the market, but existing drugs; 2) Adding new patents and exclusivities to extend the protection cliff is particularly pronounced among blockbuster drugs. Of the roughly 100 best-selling drugs, almost 80% extended their protection at least once, with almost 50% extending the protection cliff more than once; 3) Once a company starts down this road, there is a tendency to keep returning to the well. Looking at the full group, 80% of those who added protections added more than one, with some becoming serial offenders; 4) The problem is growing across time.

I think the data the authors have gathered is extremely important, and I think that their study sheds important light on what happens in the pharmaceutical industry. That said, as I explain below, my takeaways from this paper are much different from theirs.

My concerns are fourfold. First, even assuming that every one of the efforts listed by the the study were an attempt to evergreen, I have no sense for whether evergreening actually happened. This study doesn't provide any data about generic entry or pricing. For example, the study describes 13 listings for OxyContin, but I'd bet dollars to donuts that there was plenty of generic oxycodone available. Similarly, many of the new listings are changes from Drug 1.0 to "new and improved!" Drug 2.0. This, of course, has been criticized as anti-competitive (since generics rely on auto-substitution laws), but the study presents no data about whether insurers refuse to pay for Drug 2.0 and instead require the generic, nor does it explain why generics can't do their own advertisements to get doctors to prescribe Drug 1.0.

Second, many of these listings and the new patents that go with them are for advances, like extended release and dissolvables. These can be critically important advances, and they are preferred by consumers. Thus, one person's "evergreening" is another person's innovation. I take extended release drugs (and expensive generic) to avoid side effects and I gave my son dissolvable Prevacid when he wouldn't stop crying with GERD (and was glad for it). Without consumer data or patent data, it is impossible to tell just how much evergreening is going on (or how harmful it is). Now, if these patents are obvious because making them dissolvable or extended is easy, I'm all for stripping protection - but that's a different issue.

Third, the article speaks of orphan drug approvals as if they are a bad thing. This made me bristle, quite frankly. My mother has an extremely rare autoimmune disease that is very painful. I often wondered, isn't there some incentive to develop drugs to treat it? Turns out there is, and though she got no relief, apparently a bunch of other rare diseases did, and that's the whole point behind orphan drug exclusivity. Concern about this exclusivity seems misguided anyway. If it turns out that drug companies are gaming it and nobody actually needs the drug, then the the loss is not too large, because it's a small population and nobody needs the generic anyway. And if it turns out that they do need it, the Orange Book only limits labeling, and doctors are free to prescribe a generic for off-label use. Without evidence that doctors refuse to do so, there's no real evidence that Orphan exclusivity does much harm. In another personal story, my wife was prescribed a generic drug in a different formulation than the patented tablet for off-label use.

Fourth, and most generally, the article speaks of new patents as if there is no innovation. New use discoveries are important. Many of our most important drugs are not for their original uses. As far as I know, generics are not barred from finding new uses and patenting them, either, though admittedly their hands are tied for patient use. So, where the authors see evergreening, I see innovation. Maybe. Maybe it's obvious. But we can't tell that from this high level, and I'm not ready to write it all off as evergreening. It is telling that I was able to provide four personal stories about how supposed evergreening efforts benefited, would have benefited, or did not increase costs for my family or me (and thankfully none of them involved oxycodone).

### 1NC – AT: AMR

#### 1] Low prices independently cause AMR.

Babu and Suma 6 Babu, Varsha, and C. Suma. "Antibiotic pricing: when cheaper may not be better." Clinical infectious diseases 43.8 (2006): 1085-1086. (Government Primary Health Center)//Elmer

To The Editor—Antibiotics in India have always been cheaper in absolute terms thanks to weak patent laws that have been in effect until recently. Because a direct translation of drug prices from US dollars to Indian rupees (INR) would have rendered most new antibiotics inaccessible to the vast majority of Indians, such patent violations were subtly encouraged. Even despite this, we were caught unaware when pharmaceutical representatives approached our primary care center in rural India, claiming that a 5-day course of levofloxacin would henceforth cost the patient ∼INR 20 (<$0.50). Reluctant to accept such a statement at face value, we consulted the CIMS Updated Prescriber's Handbook [1], a popular index of pharmaceutical drugs available in India. Here, we discovered that a 5-day course of oral levofloxacin (500 mg once daily) cost anywhere from INR 19.5 to INR 475 ($0.50–$10.50), with most companies pricing their brand at <$1 for a full course. The same course in the United States would cost >$100. Intrigued, we did some more research and came up with the following results. The cheapest 5-day courses of first-line antibiotics, such as oral amoxicillin (500 mg thrice daily) or oral erythromycin (500 mg 4 times daily), cost INR 45 ($1) and INR 90 ($2), respectively. On the other hand, the cost of a 3-day course of oral azithromycin (500 mg daily) was one-half that of a course of erythromycin. Despite the obvious price advantage to the patients, we find this trend troubling. **Lower prices** often **lead to wider prescription of a given drug**, especially in resource-limited settings. **If** second-line **antibiotics**—such as levofloxacin and azithromycin—**are made available at lower prices** than first-line antibiotics, **there is a high probability of their overuse and subsequent development of resistance**. In the face of **very low costs of medication**, patients are unlikely to complain of escalating medical expenses. The issue assumes more gravity when one considers the fact that levofloxacin is an important second-line drug for the treatment of tuberculosis [2]. Its widespread use in the community **is likely to lead to emergence of resistance** **among** **mycobacteria** **and** delayed diagnosis of **tuberculosis** [3]—an occurrence that India, with its large population of tuberculosis-affected patients, cannot afford. We believe we have encountered a situation where **low prices of antibiotics are likely to cause more harm than good**. In the post World Trade Organization treaty scenario, governments in resource-limited countries should use their privileges of essential drug control to ensure that the costs of first-line antibiotics remain lower than those of second-line drugs. Such a government-instituted ladder in antibiotic pricing is essential to prevent the misuse of antibiotics in the community and to ensure that antibiotic resistance is kept at low levels.

# 2N

### 2NR – O/V

#### International Relations is a failure – geopolitics is the royal science of imperialism that attempts to study conflict not to devise an alternative to it, but instead make warfare more sustainable – the aff is an investment into “scholarship as statecraft” that takes DOD cash and scholarly hegemony to mutate geopolitics into new forms which all maintain constant warfare as the condition of modernity – empire is collapsing and they are unable to conceive of any alternative to our current apocalyptic condition which means it’s try-or-die to find new ways of life outside of neocolonialism, racial violence and ecological devastation.

IR Good

#### They’re losing our thesis level claim that imperialism and the conquest for domination via sustainable warfare – means that even if IR Research and Policymaking is a good thing, it sustains a larger structure of imperialism.

### 2NR – L – SepOct Medicinal Eugenics

#### Medical Eugenics DA - The second Grove Ev – Medical Innovation generates a visceral attachment to life which fuels the eradication of abnormality. The affirmative is ultimately emblematic of the eugenics movement, their pursuit of medical innovation via removing intellectual property protections operates under the guise of “preventing extinction”, while in reality their pursuit of medical innovation is fueled by the revulsion of deviating from the ideal of what is considered “human”. Their Eugenics-fueled mission is part and parcel with the non-consensual sterilization of black women in the Carribean .The impact is Sustainable warfare through the imperialistic drive to eradicate all forms of deviancy from the cishet white male which turns case – the reliance on warfare to structure geopolitics results in the infinite accumulation of bodies over time which also outweighs the case on magnitude. The affirmative is like the USA intervening in the middle east, promising peace in the region, while simultaneously reproducing the exact same conflict on a much larger scale- Prioritize this impact as questioning the ethicality of the geopolitical reliance on warfare to sustain itself is a pre-requisite to addressing resolutional, geopolitical action.

### 2NR – Core

#### The Role of the Judge is to adopt martial empiricism – Bousquet isolates a uniqueness question in IR studies about the way warfare has changed – white supremacy, new forms of warfighting, and ideological structures all undermine understandings of warfare as an event – you should instead center this debate as an understanding of how warfare becomes – that means the aff should not be read as a fiated plan but as the theory of IR that justifies it – every link arg we win proves it impacts the outcome of the plan.

### 2NR – Failed IR

#### The alternative adopts failed IR as an interjection into the discourse of the 1AC – the aff gaslights the colonized and dispossessed into believing that imperial statecraft can save us from the ongoing extinctions it created – voting negative lodges a pessimistic demand to refuse the desire for policy relevance and their desire for hope itself – that creates a new way of living and caring for and with each in other during empire’s collapse which is the only possible way to create new modes of subjectivity that resist violence.

#### We control uniqueness with regards to current debates over our apocalyptic condition – if the collapse of the imperial order is inevitable and we’re all screwed anyways, the only thing worth hoping for is that we can be buried alive together.

### Case

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#### Conceded that low prices independently cause amr because antibiotics being made available at a low prive increases probability of overuse and development of amr resistance

#### Companies will just obtain a patent in a different sector.

Thomas 15 [John R; Visiting Scholar, CRS; “Tailoring the Patent System for Specific Industries, Congressional Research Service,” CRS; 2015; <https://crsreports.congress.gov/product/pdf/R/R43264/7>] Justin

In view of the concerns noted above, commentators have gone so far to say that “it has become increasingly difficult to believe that a one-size-fits-all approach to patent law can survive.”75 To the extent the current patent system creates a blanket set of rules that apply comparably to distinct industries, it likely over-encourages innovation in some contexts and under-incentivizes it in others.76 Further, some observers have asserted that the need of firms to identify and access the patented inventions of others may differ among industries.77 As a result, the case can be made that distinct industrial, technological, and market characteristics that exist across the breadth of the U.S. economy compel industry-specific patent statutes. However, others have questioned the wisdom and practicality of such line-drawing.78 The following concerns, among others, have been identified:

• Over its long history, the U.S. patent system has flexibly adapted to new technologies such as biotechnology and computer software. Legislative adoption of technology-specific categories may leave unanticipated, cutting-edge technologies outside the patent system.79

• Defining a specific industry or category of technologies may prove to be a contested proposition.

80 • Over time, new industries may emerge and old industries may consolidate. The dynamic nature of the U.S. economy suggests greater need for legislative oversight within a differentiated patent regime.

81 • Even if an industry or technology remains relatively stable, the innovation environment within it might change. For example, technological or scientific advances might open new possibilities for research and development within hidebound industries—but also increase expense and risk for those firms.

82 • Distinct patent rights among industries or technologies may lead to strategic behavior on behalf of patent applicants. For example, a computer program that controls a fuel injector within an automobile could possibly be identified as either an automobile-related or a computer-related invention.

83 •The legislative effort to enact sector-specific patent laws may provide an opportunity for politically savvy firms to exert more lobbying and political power, at the possible expense of less sophisticated firms.