# 1nc

## 1

Interp: debaters may not skip paragraphs or portions of literature in one piece of evidence and write “they add”.

Violation – vats 1 does.

Standards – academic integrity – ncentivizes debaters to ignore parts of ev that contradicts what’s cut which is a terrible norm – this is an independent reason to reject them and is the heighest layer – ethics violations frame how debater ought to operate.

Education comes first – only terminal impact from debate.

Dtd – k2 setting good norms

Ci – reasonability causes a race to the bottom where debaters keep being marginally abusive & incentivizes judge intervention

No rvi or cross application of case –

[1] testing – indicts starting point – illogical u should be able to leverage it

[2] logic – u don’t win for proving that ur evidence isn’t cheating – that should be a starting point

## 2

Interpretation: the resolution should define the division of affirmative and negative ground. To clarify, the aff must defend a world where the member nations of the World Trade Organization have reduced intellectual property protections for medicine.

#### Resolved” means to enact by law.

Words & Phrases ’64

(Words and Phrases; 1964; Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

**Reduce is to diminish**

**Merriam Webster ND** [https://www.merriam-webster.com/dictionary/reduce //](https://www.merriam-webster.com/dictionary/reduce%20//) aaditg

to diminish in size, amount, extent, or number

**Medicine is a substance used to treat something**

**Merriam webster ND** <https://www.merriam-webster.com/dictionary/medicine> //aaditg

a substance (such as a drug or potion) used to treat something other than disease

**WTO is one of three major economic organizations in the world**

**Krueger 2K** [ Anne O. Krueger is a Research Associate in the NBER's Programs on International Trade and Investment and International Finance and Macroeconomics and a professor of economics at Stanford University. “International Economic Organizations, Developing Country Reforms, and Trade” <https://web.archive.org/web/20170518033322/http://www.nber.org/reporter/winter00/krueger.html> ] // aaditg

The three major international economic organizations are the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO). The WTO emerged out of the General Agreement on Tariffs and Trade (GATT) in 1995; it is an arrangement across countries that serves as a forum for negotiations on trading rules as well as a mechanism for dispute settlements in trade issues.(1) By contrast, the World Bank and IMF deal with their member countries one at a time. They have little influence with industrial countries but can affect developing countries during times of economic crisis and when those countries seek additional foreign exchange resources. The origins and evolution of the three organizations are of considerable interest.(2) Perhaps even more important in light of the recent financial crises in Mexico, East Asia, and a few other countries, are the questions that arise about the current and future roles of the IMF and the World Bank.

Standards:

#### [1] procedural fairness – their interpretation eviscerates predictable limits – all negative strategy is premised off a stable reading of the resolution. The lack of a stable mechanism lets them radically re-contextualize their aff and erase neg ground via perms. Including their advocacy authorizes any methodology or orientation tangentially related to the topic, which renders research burdens untenable. That outweighs and precedes their offense – debate is a game that we’ve all chosen to participate in and requires effective negation. It makes no sense to skew a competitive activity in favor of one side. The frame for evaluating offense is that debate is a game and we’re all here to win – that means procedural questions come first.

#### TVA –

#### Plan: The member nations of the World Trade Organization should eliminate patents on medicines based on Indigenous knowledge from patentability.

**IPW ‘06** [Intellectual Property Watch quoting Debra Harry -- executive director of the Indigenous Peoples’ Council on Biocolonialism, and a member of the Paiute tribe in the United States, “Inside Views: Indigenous Groups Tell WIPO, ‘Don’t Patent Our Traditional Knowledge’”, [https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/]//pranav](https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/%5d//pranav)

* Examples of medicines the plan would affect include reserpine, digitoxin, American ginseng medicines, Qualaquin, Neem, Turmeric, Aspirin, and many others.
* The ev cites an actual joint statement from a tribal group
* Ev also answers the “what if a company decides to j mass produce” question

The joint statement of tribal group says: “**Any attempt to develop IPR-based mechanisms to ‘protect’ IK [indigenous knowledge] actually poses much more threat to our knowledge, as a whole, than it can ever claim to prevent**. **Rather than protect, the imposition of IPRs over IK actually would serve to facilitate the alienation, misappropriation, and commercialization of IK.”** “We believe patent applications that include or are based on IK should be specifically excluded from patentability. **In IP terms, we’re sure you understand that these patent claims would fail to meet the test of innovation, novelty or inventiveness**. But more importantly for Indigenous peoples, **such patent claims should be denied because IK is in the Indigenous domain; that is, it is already under the jurisdiction of Indigenous legal systems, which protect the IK in perpetuity as the inherent and inalienable cultural property of Indigenous peoples.**

#### T first –

#### [1] T indicts your reading of the aff in the first place, so it’s an evaluative mechanism to adjudicating substance of the 1AC. It’s silly nonsensical to leverage the aff against T since it presupposes that the aff is being won.

#### [2] T is a question of jurisdiction- judges don’t have the jurisdiction to vote on a non-topical aff that hasn’t met the burden of proof of the resolution.

#### [3] Topic ed – we only have 2 months to talk about the topic, but we can learn about the K outside of debate

#### [4] Extra-topicality – even if the affirmative claims to advocate the resolution, they skirt discussion of its instrumental intent by arguing the benefits derived from their contextualized advocacy outweigh.

[5] FX T – conceded violation – independent reason to reject them for limits – infinite possible actions that could lead to the rez which kills predictability & fairness.

## 3

**The 1AC is invested in a death drive to perfection that inevitably comes out of the gratuitous violence of Indigenous people. The state operates through a drive of eradicating the otherness of the other, which is constitutive of Native genocide.**

**Young 17** (Bryanne Huston, Doctoral Student at the University of North Carolina, Chapel Hill "Killing the Indian in the Child: Materialities of Death and Political Formations of Life in the Canadian Indian Residential School System," pp. 48-55) NIJ//recut anop

Whiteness, the Child, and the Logics of Futurity Against the politicized topographies and temporalities of indigeneity and race, I now move into a consideration of the contributions of psychoanalytic theory to the questions of politics and time presented thus far. ***The kinds of questions psychoanalysis is interested in asking, the registers upon which it performs analysis, and its unique emphasis on temporality, language, and difference provide an excellent conceptual apparatus through which we might begin to trouble/problematize stable, taken-for-granted oppositions between psychic and social, personal and political, self and other***. Freud’s interest in time is evident in his work on the uncanny, and in his inaugural work on what we might now call trauma studies and conditions we now call post-traumatic stress disorder (PTSD). For Freud, this theory of hysteria introduces a provocative temporality in which traumatic events reoccur, flashing up in perfect replication of themselves, as though happening again and again. In his diagnosis of so-called shell-shocked soldiers returning from World War I, Freud was keenly aware that time did not always progress along an even plane. Though Freud’s analysis of trauma is captivating and critically rich, it is not within my purview here to take on the full extent of this scholarship. Instead, what is most salient to my analysis are the capacities of psychoanalytic theory to move critique outside and beyond prevailing notions of time and narratives of progress that only mean moving forward. This chapter writes from a stance that views it as imperative that scholarship reaches beyond, and thinks outside, the paradigms that invented it. ***Psychoanalytic theory***, with its idiosyncratic temporal logics—particularly in conjunction with Foucauldian theory—***offers a productive and robust way to critique the continuing primacy of normative disciplines whose chronologics have historically warranted a politics that kills in the name of life***. Such an approach allows us to hold in productive tension any definition of “the political” as stable and finite, with—as in the case of liberal political philosophy—the legally constructed “person” as its primary epistemological unit. ***This conceptual capacity of psychoanalysis, in turn, allows us to politicize a form of life and modality of corporeal personhood hitherto constructed as what,*** in Bataillean parlance, ***we might call colonialism’s accursed share—colonialism’s pure waste***. Additionally, psychoanalytic notions of the ***death drive***, whose proper movement is explicitly circular, ***allows us to begin to locate the child within logics of futurity, onto which is laminated a kind of indelible whiteness. For the purpose of my analysis I engage Lacanian psychoanalysis, limiting myself to a consideration of the structure of the drives and to a Lacanian conceptualization of language, and its role in the formation of self and the suturing of the psyche to sociality***. Freud, as Teresa De Lauretis (2008) emphasizes, elaborated the death drive between the First and Second World Wars, in a Europe living “under the shadow of death and the threat of biological and cultural genocide” (1). Situating her analysis of the death drive in the contemporary moment, De Lauretis points to this contextual, historical darkening, writing: “I wonder whether our epistemologies can sustain the impact of the real … If I return to Freud’s notion of an unconscious death drive, it is because it conveys the sense and the force of something in human reality that resists discursive articulation as well as political diplomacy, an otherness that haunts the dream of a common world” (9). Using psychoanalysis as reading practice, Freud’s suspicion that human life, both individual and social, is compromised from the beginning by something that undermines it, works against it, is (darkly?) generative. ***The death drive indicates a tension bordering psychic and libidinal relations, which marks Freud’s radical break with Cartesian rationality and points to a negativity that counteracts the optimistic affirmations of human perfectability. This dimension of radical negativity cannot be reduced to an expression of alienated social conditions, nor is it entirely something the body does on its own. Theorized as the destruction drive, the antagonism drive, or sometimes, simply “the drive,” it is impossible to escape. In psychoanalytic theory, therefore, particularly in the clinical setting, the objective is not to overcome the drive, but rather to come to terms with it, in what Slovenian Lacanian psychoanalytic theorist Slavoj Žižek (1989) calls “its terrifying dimension” (4). It is a fundamental axiom of Lacanian psychoanalytic theory that attempts to abolish the drive antagonism are precisely the source of totalitarian temptation. Žižek writes: “The greatest mass murders and holocausts have always been perpetrated in the name of man as harmonious being, of a New Man without antagonistic tension” (5). So it is that one of Canada’s greatest atrocities— the genocide of its First Peoples—took place in the name of Canada itself, that sought progress and unification as a single body politic with claims on a shared futurity. The fulfillment of this destiny relied upon the negation of the other, the bad race, the dangerous race, the race that stood outside the purview of the norm and had no share in its time-zone, the ones called to live in the between space—as nobody. As the relatively more benign civilization policies failed to convert Aboriginal forms of life into separate but civilized, Christian communities on reserves, the federal government intensified its tactics. Policies became more aggressive. As these more aggressive policies (such as enfranchisement) also failed, the federal government intensified its tactics once again, escalating the stakes and the strategies towards the horizon of assimilation. This ‘doubling down’ in the face of failure is a primary trace effect of the death drive, and indeed, it is not unreasonable to argue that the federal government Indian policy has, since confederation, been death driven. Because the aim of fully eradicating the otherness of the other can only fail—in Freudian parlance, it cannot be mastered—the trajectory of the aiming turns in a circularity, orbiting around that which can never be had: perfection. Caught in death drive circularity, the aiming towards the objective (i.e. a unified body politic) authorizes, and indeed recruits, escalating violence in the interest of—finally—closing the open***. For Žižek, ***this compulsive ‘doubling-down’ in the face of failure to arrive at the impossible horizon of perfection tips towards totalitarian temptation, which, he tells us, is implicated in the drive to unify a singular body politic, a new man without antagonistic tension. The drive aims for the return to a moment of unity before the intrusion of language and the entrance of the subject into what Lacan calls the Symbolic—the universe of symbols in which all human subjects share.*** Because this economy of signifiers operates through a modality of difference by association, on the premise that language does not reflect or carry within it universal a priori meaning, spirit, or Truth, ***signifiers are always and already sliding along a chain of signification that is never truly fixed.*** Rather, for Lacan, meaning is constructed through quilting points, durable concepts that affix ideas to their signifiers and which, in their durability, structure entire fields of meaning. For Lacan, subjects are formed by their entrance into this system of sliding difference from a pre-linguistic state retroactively constructed through nostalgic affective associations with unity, perfection, and completion. ***The loss or lack occurs in the imaginary, the order of presence and absence, and is formalized in the symbolic.*** This is experienced by the subject as a loss of that to which she/he can never again return, but for which she/he perpetually yearns, and toward which she/he perpetually moves. The circularity of movement toward this impossible horizon is precisely the movement of the drive. ***It is my argument that the concept of “the Indian” is a quilting point through which the field of politics in Canada is sutured into signification, a durable concept that organizes the meaning of nation, citizen, sovereignty, and subjecthood.*** Further, the ***hypoxic vision of national unity and a harmonious white(ned) citizenry is a movement propelled by the drive, a circularity impelled by the belief that what is lacking in the present can be made good in the future—an imaginary that activates/harnesses a kind of libidinal energy that is, by its very nature, inexhaustible***. It matters, in the instance of the Canadian Indian Residential Schools and their mandate, that before child subjects enter into the structuration of language/the Symbolic, their bodies are already marked as disprized, abject, inscribed into the signification for, and, I argue, as, loss itself. As I have argued above, ***reading through psychoanalytic theory facilitates a conceptualization of subject-formation that includes the role of signification in the contouring of subject/ivities***. This analytic rubric is importantly brought to bear in my analysis of “the child” the Canadian Indian Residential School System announces into presence: a child fundamentally and constitutively tied to a death whose temporal structure is always deferred, always impartial, always unfolding, and yet always still to be. Indeed, even in circumstances in which her/his mode of being in the world is not a deliberate practice of making- spectral***, “the child” remains a notoriously ambivalent, slippery signifier. This plasticity—differently stated, this over-abundant availability of “the child” as concept—takes on an interesting significance within political thought, functioning not as that which is politicized, but as the signifier in whose name the political mobilizes itself. In this way, the child functions as the absolute outside to political thought and the logics of its temporality, functioning instead to condition its possibilities and organize, from beyond its borders, its spatial and temporal limits***. An example of this conceptualization of the child as signifier—and certainly one of the more provocative articulations of this phenomena in the contemporary neoliberal moment—is the polemic Lee develops in his monograph No Future: Queer Theory and the Death Drive. For Edelman, the Child—in its conflation with the kind of futurity toward which the teleology of (neo)liberal discourse is mobilized—is not simply important to contemporary politics, but is that which “serves to regulate political discourse [itself]” (ii). Indeed, as Edelman points out, “the figural Child alone embodies the citizen as ideal, entitled to claim full rights to its future share in the nation’s good, though always at the cost of limiting the rights ‘real’ citizens are allowed. For the social exists to preserve for this universalized subject, this fantasmatic Child, a national freedom more highly valued than the actuality of freedom itself” (ii). In Edelman’s polemic, it goes without saying that the figural child is a white child and that ***children of colour, children of mixed heritage, Indian children—within the Ideological State Apparatus of the Indian Residential Schools—far from carrying the over-abundant significance Edelman so adeptly parses, signify on only the most spectral of registers. This child***, I argue, as a kind of spectral(ized) partial subject, ***instantiates a subjectivity simultaneously over-exposed to the political and over-determined by the word of the law, while barely accorded even the status of bare life. This is a subject that is hailed into a circularity of misrecognition in a relationship with death that is virtually inescapable***. This relationship with death is the suture that connects this subject to the social. Edelman’s argument does not address racialized formations of self-hood, but is no less relevant to the argument I seek to develop here. Indeed, it is perhaps all the keener in what it omits—which is the child of color. ***This omission points to the level of signification and the way in which the whitened child is effortlessly lifted from the problematically raced body—the body whose racialized status is found problematic. This fantasy of purification through signification speaks, in ways that are eloquent and disturbing in equal measure, precisely the fantasy of the Canadian Indian Residential School System: that the body of the Indian could be left behind in a transcendent movement away from the vexatious quagmire posed by the Indian body toward the realm of what Kantian philosophy calls pure spirit, the realm of whiteness, purity, and hypoxic visions of what Edelman calls, “a national freedom more highly valued than the actuality of freedom itself”*** (ii). This fantasy of corporeal abandonment points to the latent desire of Western philosophical thought that seeks, through the disavowal of bodily finitude and a fetishization of the logos, access to purity of form, a fantasy that relegates, leaves trapped, the sometimes racialized, sometimes feminized other, mired in flesh and finitude from which it is allowed no escape. ***The Indigenous person***, we remember from Hegel’s Lectures on the Philosophy of World History, is ***imagined as always already outside the teleology of history, already extinct. This way of understanding difference, through the rubric of historical progress, remains central to liberal and neoliberal political thought, economic practices, and policies in the current moment***. Prising the child away from the Indian, meanwhile, continues to have important implications in the way we imagine colonial forms, not only of life, but also of death.

#### Their strategy of disidentification is codeword for whiteness – it’s the lexicon of settler colonial violence

Grande 2K (Sandy, Associate Professor of Education at UConnecticut, “American Indian geographies of identity and power: At the crossroads of indigena and mestizaje,” *Harvard Education Review*, Issue Number, No. 4, pp. 492-493)//vikas

Discussion The forces of identity appropriation, cultural encroachment, and corporate commodification pressure American Indian communities to employ essetialist tactics and construct relatively fixed notions **of identity**, and to render the concepts of fluidity and transgression highly problematic. It is evident from the examples above that the notion of fluid boundaries has never worked to the advantage of Indigenous peoples: federal agencies have invoked the language of fluid or unstable identities as the rationale for disman-tling the structures of tribal life and creating greater dependency on the U.S. government; Whitestream America has seized its message to declare open season on Indians, thereby appropriating Native lands, culture, spiritual practices. history, and literature; and Whitestream academics have now eployed the language of postmodern fluidity to unwittingly transmute centu-ries of war between Indigenous peoples and their respective nation-states into a "genetic and cultural dialogue" (Valle &Torres, 1995, p. 141). Thus, in spite of its aspirations to social justice, the notion of a new cultural democracy based on the ideal of mestizaje represents a rather ominous threat to American Indian communities. In addition, the undercurrent of fluidity and sense of displacedness that permeates, if not defines, mestizaje runs contrary to American Indian sensibilities of connection to place, land, and the Earth itself. Consider, for exam-ple, the following statement on the nature of critical subjectivity by Peter Mc-Laren: The struggle for critical subjectivity is the struggle to occupy a space of hope — a liminal space, an intimation of the anti-structure, of what lives in the in-between zone of undecidedability — in which one can work toward a praxis of redemption.... A sense of atopy has always been with me, a resplendent placelessness, a feeling of living in germinal formlessness.... I cannot find words to express what this border identity means to me. All I have are what Georgres Bastille (1988) calls mots glissants (slippery words). (1997, pp. 18-14) McLaren speaks passionately and directly about the crisis of modern society and the need for a "praxis of redemption." As he perceives it, the very possibility of redemption is situated in our willingness not only to accept but to flourish in the "liminal" spaces, border identities, and postcolonial hybridities that are inherent in postmodern life and subjectivity. In fact, McLaren perceives the fostering of a "resplendent placelessness" itself as the gateway to a more just, democratic society. While American Indian intellectuals also seek to embrace the notion of transcendent subjectivities, they seek a notion of transcendence that remains rooted in historical place and the sacred connection to land. Consider, for example, the following commentary by Deloria (1992) on the centrality of place and land in the construction of American Indian subjectivity: Recognizing the sacredness of lands on which previous generations have lived and died is the foundation of all other sentiment. Instead of denying this di-mension of our emotional lives, we should be setting aside additional places that have transcendent meaning. Sacred sites that higher spiritual powers have chosen for manifestation enable us to focus our concerns on the specific form of our lives.... Sacred places are the foundation of all other beliefs and prac-tices because they represent the presence of the sacred in our lives. They prop-erly inform us that we arc not larger than nature and that we have responsibili-ties to the rest of the natural world that transcend our own personal desires and wishes. This lesson must be learned by each generation. (pp. 278, 281) Gross misunderstanding of this connection between American Indian subjectivity and land, and, more importantly, between sovereignty and land has been the source of numerous injustices in Indian country. For instance, I be-lieve there was little understanding on the part of government officials that passage of the Indian Religious Freedom Act (1978) would open a Pandora's box of discord over land, setting up an intractable conflict between property rights and religious freedom. American Indians, on the other hand, viewed the act as a invitation to return to their sacred sites, several of which were on government lands and were being damaged by commercial use. As a result, a flurry of lawsuits alleging mismanagement and destruction of sacred sites was filed by numerous tribes. Similarly, corporations, tourists, and even rock climbers filed suits accusing land managers of unlawfully restricting access CO public places by implementing policies that violate the constitutional separation between church and state. All of this is to point out that the critical pro-ject of mestizaje continues to operate on the same assumption made by the U.S. government in this instance, that in a democratic society, human subjec-tivity — and liberation for that matter — is conceived of as inherently rights-based as opposed to land-based. To be fair, I believe that both American Indian intellectuals and critical theorists share a similar vision — a time, place. and space free of the compulsions of Whitestream, global capitalism and the racism, sexism, classism, and xenophobia it engenders. But where critical scholars ground their vision in Western conceptions of democracy and justice that presume a "liberated" self. American Indian intellectuals ground their vision in conceptions of sov-ereignty that presume a sacred connection to place and land. Thus, to a large degree, the seemingly liberatory constructs of fluidity, mobility, and trangression are perceived not only as the language of critical subjectivity, but also as part of the fundamental lexicon of Western imperialism. Deloria (1999) writes: Although the loss of land must be seen as a political and economic disaster of the first magnitude, the real exile of the tribes occurred with the d6struction of ceremonial life (associated with the loss of land) and the failure or inability of white society to offer a sensible and cohesive alternative to the traditions which Indians remembered. People became disoriented with respect to the world in which they lived. They could not practice their old ways, and the new ways which they were expected to learn were in a constant state of change because they were not a cohesive view of the world but simply adjustments which whites were making to the technology they had invented. (p. 247). In summary, insofar as American Indian identities continue to be defined and shaped in interdependence with place, the transgressive mestizaje functions as a potentially homogenizing force that presumes the continued exile of tribal peoples and their enduring absorption into the American "democratic" Whitestream. The notion of mestizaje as absorption is particularly problematic for the Indigenous peoples of Central and South America, where the myth of the mestizaje (belief that the continent's original cultures and inhabitants no longer exist) has been used for centuries to force the in-tegration of Indigenous communities into the national mestizo model (Van Cott, 1994). According to Rodolfo Stavenhagen (1992), the myth of mestiza-je has provided the ideological pretext for numerous South American gov-ernmental laws and policies expressly designed to strengthen the nation-state through incorporation of all "non-national" (read "Indigenous") ele-ments into the mainstream. Thus, what Valle and Torres (1995) previously describe as "the continent's unfinished business of cultural hybridization" (p. 141), Indigenous peoples view as the continents' long and bloody battle to absorb their existence into the master narrative of the mestizo. While critical scholars do construct a very different kind of democratic solidarity that disrupts the sociopolitical and economic hegemony of the dominant culture around a transformed notion of mestizaje (one committed to the destabilization of the isolationist narratives of nationalism and cul-tural chauvinism), I argue that any liberatory project that does not begin with a clear understanding of the difference of American lndianness will, in the end, work to undermine tribal life. Moreover, there is a potential danger that the ostensibly "new" cultural democracy based upon the radical mes-tizaje will continue to mute tribal differences and erase distinctive Indian identities. Therefore, as the physical and metaphysical borders of the post-modern world become increasingly fluid, the desire of American Indian communities to protect geographic borders and employ "essentialist" tactics also increases. Though such tactics may be viewed by critical scholars as highly problematic, they are viewed by American Indian intellectuals as a last line of defense against the steady erosion of tribal culture, political sover-eignty, Native resources, and Native lands. The tensions described above indicate the dire need for an Indigenous, revolutionary theory that maintains the distinctiveness of American Indians as tribal peoples of sovereign nations (border patrolling) and also encour-ages the building of coalitions and political solidarity (border crossing). In contrast to critical scholars McLaren and Kris Gutierrez (1997), who admon-ish educators to develop a concept of unity and difference as political mobili-zation rather than cultural authenticity, I urge American Indian intellectuals to develop a language that operates at the crossroads of unity and difference and defines this space in terms of political mobilization and cultural authen-ticity, thus expressing both the interdependence and distinctiveness of tribal peoples.

#### The alternative is to refuse the affirmative’s endorsement of settler political selfhood. This isn’t “reject the aff”—it’s a micro-political process that destabilizes the settler psyche by breaking down the coherence of settler colonialism built through repetition. Debate is an ethical affirmation of a certain ideology. Voting neg forces a confrontation of the genocidal settlement, destabilizing the settler subject—that comes prior to evaluating the settler truth claims of the aff.

**Henderson 15** Henderson, Phil. (2015). Imagoed communities: the psychosocial space of settler colonialism. Settler Colonial Studies, 7(1), 40–56. doi:10.1080/2201473x.2015.1092194 // JPark//recut anop

At a distance, the duplicity here is quite strange. Lines are drowned, forests are cut, nets are stolen, because **settlers know reflexively that they have a right – duty even – to shape the vacant land according to their collective and individual needs.** Yet, the very things which they seek to remove should prove the falsity of terra nullius, as they evidence indigenous presence. **The settler subject is able to gloss the violence of his actions so easily, however, because he is ultimately the product of, and dependent upon, a series of power relations that actively disappear indigenous peoples as active sovereign bodies. Within the psychosocial order of settler sovereignty, supported by the settler imago, these acts are understood as progressive or represent an adherence to the law, and become *unreadable to the settler for what they are*: the latest in a series of dispossessive acts.** Destabilizing a dispossessive subject Not only does the concept of the spatial imago allow us to interrogate the formation of the settler as a subject, it also provides a powerful analytical tool to explain the extreme vitriolic reactions that indigenous peoples constantly face from settlers. Many point to racism as 10 P. HENDERSON Downloaded by [New York University] at 15:35 26 February 2016 the source of such reactions, and this is not without cause, as settlers have long imbibed a sense of racial and cultural superiority – particularly toward indigenous peoples. Despite these prejudices, however, Wolfe notes that the ‘primary motive’ of settler colonialism’s domination ‘is not race’ but ‘access to territory’. 63 **Thus, inasmuch as the settler colonial imago validates access to territory by occluding indigenous sovereignty, the ongoing presences on and claims to the land by indigenous peoples trouble the settler imago and induce panic in settler subjects. Facing assertive indigenous presences within settler colonial spaces, settlers must answer the legitimate charge that their daily life – in all its banality – is predicated upon the privileges produced by ongoing genocide. The jarring nature of such charges offers an irreconcilable challenge to settlers qua settlers.**64 **Should these charges become impossible to ignore, they threaten to explode the imago of settler colonialism, *which had hitherto operated within the settler psyche in a relatively smooth and benign manner*. This explosion is potentiated by the revelation of even a portion of the violence that is required to make settler life possible. If, for example, settlers are forced to see ‘their’ beach as a site of murder and ongoing colonization, it becomes more difficult to sustain it within the imaginary as a site of frivolity**.65 As Brown writes, in the ‘loss of horizons, order, and identity’ **the subject experiences a sense of enormous vulnerability**.66 Threatened with this ‘loss of containment’, the settler subject embarks down the road to psychosis.67 Thus, to parlay Brown’s thesis to the settler colonial context, the uncontrollable rage that indigenous presences induce within the settler is not evidence of the strength of settlers, but rather of a subject lashing out on the brink of its own dissolution. This panic – this rabid and insatiable anger – is always already at the core of the settler as a subject. As Lorenzo Veracini observes, the settler necessarily remains in a disposition of aggression ‘even after indigenous alterities have ceased to be threatening’. 68 **This disposition results from the precarity inherent in the maintenance of settler colonialism’s imago, wherein any and all indigenous presences threaten subjective dissolution of the settler as such**. Trapped in a Gordian Knot, the very thing that provides a balm to the settler subject – further development and entrenchment of the settler colonial imago – is also what panics the subject when it is inevitably contravened.69 **We might think of this as a process of hardening that leaves the imago brittle and more susceptible to breakage. Their desire to produce a firm imago means that settlers are also always already in a psychically defensive position – that is, the settler’s offensive position on occupied land is sustained through a defensive posture. For while settlers desire the total erasure of indigenous populations, the attendant desire to disappear their own identity as settlers necessitates the suppression of both desires, if the subject’s reliance on settler colonial power structure is to be psychically naturalized**. Settlers’ reactions to indigenous peoples fit, almost universally, with the two ego defense responses that Sigmund Freud observed. The first of these defenses is to attempt a complete conversion of the suppressed desire into a new idea. In settler colonial contexts, this requires averting attention from the violence of dispossession; as such, **settlers** often suggest that they **aim to create a ‘city on the hill’.** 70 Freud noted that the conversion defense mechanism does **suppress the anxiety-inducing desire**, but it also leads to ‘periodic hysterical outbursts’. Such is the case when settlers’ utopic visions are forced to confront the reality that the gentile community they imagine is founded in and perpetuates irredeemable suffering. A second type of defense is to channel the original desire’s energy into an obsession or a phobia. The effects of this defense are seen in the preoccupation that settler colonialism has with purity of blood or of community.71 As we have already seen, this obsession at once solidifies the power of the settler state, thereby naturalizing the settler and simultaneously perpetuating the processes of erasing indigenous peoples. **Psychic defenses are intended to secure the subject from pain, and whether that pain originates inside or outside the psyche is inconsequential.** Because of the threat that indigeneity presents to the phantasmatic wholeness of settler colonialism, settlers must always remain suspended in a state of arrested development between these defensive positions. **Despite any pretensions to the contrary, the settler is necessarily a parochial subject who continuously coils, reacts, disavows, and lashes out, when confronted with his dependency on indigenous peoples and their territory.** This psychic precarity exists at the core of the settler subject because of the unending fear of its own dissolution, should indigenous sovereignty be recognized.72 Goeman writes as an explicit challenge to other indigenous peoples, but this holds true to settler-allies as well, that **decolonization must include an analysis of the dominant ‘self-disciplining colonial subject’**. 73 However, as this discussion of subjective precarity demonstrates, the degree of to which these disciplinary or phenomenological processes are complete should not be overstated. For settler-allies must also examine and cultivate the ways in which settler subjects fail to be totally disciplined. Evidence of this incompletion is apparent in the subject’s arrested state of development. Discovering the instability at the core of the settler subject, indeed of all subjects, is the central conceit of psychoanalysis. This exception of at least partial failure to fully subjectivize the settler is also what sets my account apart from Rifkin’s. His phenomenology falls into the trap that Jacqueline Rose observes within many sociological accounts of the subject: that of assuming a successful internalization of norms. From the psychoanalytical perspective, the ‘unconscious constantly reveals the “failure”’ of internalization.74 As we have seen, **within settler subjects this can be expressed as an irrational anxiety that expresses itself whenever a settler is confronted with the facts regarding their colonizing status**. Under conditions of total subjectification, such charges ought to be unintelligible to the settler. Thus, the process of subject formation is always in slippage and never totalized as others might suggest.75 Because of this precarity, **the settler subject is prone to violence and lashing out; but the subject in slippage also provides an avenue by which the process of settler colonialism can be subverted – creating cracks in a phantasmatic wholeness which can be opened wider. Breakages of this sort offer an opportunity to pursue what Paulette Regan calls a ‘restorying’ of settler colonial history and culture, to decanter settler mythologies built upon and within the dispossession of indigenous peoples.76 The cultivation of these cracks is a necessary part of decolonizing work, as it continues to panic and thus to destabilize settler subjects. Resistance to settler colonialism** does not occur only in highly visible moments like the famous conflict at Kanesatake and Kahnawake,77 it also **occurs in reiterative and disruptive practices, presences, and speech acts. Goeman correctly observes that the ‘repetitive practices of everyday life’ are what give settler spaces their meaning, as they provide a degree of naturalness to the settler imago and its psychic investments.**78 As such, **to disrupt the ease of these repetitions is at once to striate radically the otherwise smooth spaces of settler colonialism and also to disrupt the easy (re)production of the settler subject.** Goeman calls these subversive acts the ‘**micro-politics of resistance’**, which historically 12 P. HENDERSON Downloaded by [New York University] at 15:35 26 February 2016 took the form of ‘moving fences, not cooperating with census enumerators, sometimes disrupting survey parties’ amongst other process.79 **These acts panic the subject that is disciplined as a product of settler colonial power, by forcing encounters with the sovereign indigenous peoples that were imagined to be gone. This reveals to the settler, if only fleetingly, the violence that founds and sustains the settler colonial relationship. While such practices may not overthrow the settler colonial system, they do subvert its logics by insistently drawing attention to the ongoing presence of indigenous peoples who refuse erasure. Today, we can draw similar inspiration from the variety of tactics used in movements like Idle No More. From flash mobs in major malls, to round dances that block city streets, and even projects to rename Toronto locations, Idle No More is engaged in a series of micro-political projects across Turtle Island**.80 The micro-politics of the movement strengthen indigenous subjects and their spatialities, while leaving an indelible imprint in the settler psyche. Predictably, rage and resentment were provoked in some settlers;81 however, **Idle No More also drew thousands of settler-allies into the streets and renewed conversations about the necessity of nation-to-nation relationships**. With settler colonial spaces disrupted and a relationship of domination made impossible to ignore, in the tradition of centuries of indigenous resistance, **Idle No More put the settler subject into serious flux once more.**

#### The interp is that you should evaluate the 1AC as an object of study

#### [a] Sociogeny – debate may not spill over to political change but it has the potential to reproduce affirmations and negations that trigger neurohcmeical responses via reward and punishment mechanisms privilege certain research methods as valuable in the way debaters view the world.

#### [b] Objectivity – consequence based plan focus shifts the focus of debate from our investments in settler colonialism to a plan text, which is incoherent because debate is a communicative activity and their inter sidesteps discussions of genocide.

## Case

### ROJ

Settler move to innocence – shifts focus to ‘decolonizing education’ which trades off wit hteh broader project and leads to co-optpion only the radicalism of the alternative can coslve.

### Disidentification

Vats 2 –

[a] turn – companies will marginally change something and patent it which proves that databases don’t solve

[b] obviously doesn’t solve – people in America still practice yoga and tons of gyms still have classes

#### [c] IP protections can be used as defensive measures for protection of traditional knowledge – empirics flow neg

Tesh Dagne 14, [© Tesh Dagne 2014. LL.B; LL.M; JSD; Assistant Professor of Law, Thompson Rivers University Faculty of Law, Kamloops, BC. This paper is part of a research project on control of access for the utilization of biodiversity resources, funded under the TRU Internal Research Fund. The author acknowledges the TRU Research Office for the support. Also, the author thanks Jessica DeMarinis for great research assistance. Protecting Traditional Knowledge in International Intellectual Property Law: Imperatives for Protection and Choice of Modalities, 14 J. Marshall Rev. Intell. Prop. L. 25 (2014)]/.anop

Given the effectiveness of IPRs in regulating economic relations, segments of stakeholders have recently become receptive to the possible use of IP as frameworks to protect TK for external use.110 Proposals to protect TK through IP mostly include either the use of existing IPRs, or the use of their modified versions in some cases, or the use of their amended version in others. Examples in the latter category include the application of case law interpreting unmodified statutes of IPRs in a manner that responds to the interest of ILCs. In this line, the Australian Aboriginal artists successfully invoked claims of copyrights and unfair trade practices against carpets imported from Vietnam that replicated Aboriginal arts.111 In resolving the dispute that arose, the Federal Court of Australia granted compensatory damages for “personal suffering” to take account of cultural aspects.112 It decided that even though only individuals could be recognized as copyright owners: [T]here may be scope…for the distribution of the proceeds of the action to those traditional owners who have legitimate entitlements, according to Aboriginal law, to share the compensation paid by someone who has, without permission, reproduced the artwork of an Aboriginal artist.”113 The jurisprudence developed from this and similar cases have generally helped to introduce the issue of TK into the Australian IPRs establishment.114 For example, the National Indigenous Arts Advocacy Association in Australia adopted the Indigenous Label of Authenticity in 1999 to help promote the marketing of the art and cultural products, and to deter the sale of products that are falsely labeled as originating from Aboriginal peoples.115 The result of the certification of authenticity in this manner, however, has not proved fruitful and thus, the initiative has been abandoned.116 New Zealand uses existing IPRs to provide defensive measures of TK protection.117 The New Zealand Trade Marks Act was amended to prohibit the registration of trademarks that would likely offend a significant segment of the community, including the indigenous Maori people.118 In addition, the Act allows the invalidation of a registered mark upon application by a person “culturally aggrieved,” even if the mark is distinctive of a registered owner.119 Bearing in mind the holistic nature of TK, it combines the use of IPRs with initiatives for sui generis approach to TK.120 In Canada, there has yet to be any amendments to IPRs legislation based on protection for TK and TK-based resources.121 As a working paper from the Department of Indian and Northern Development indicates, however, indigenous peoples in Canada directly utilize existing Copyrights and Trademark systems to establish rights on the products of their knowledge.122 This includes the use of copyrights in the woodcarvings of Pacific coast artists, including masks and totem poles, and in the silver jewelry of Haida artists.123 In the trademark regime, the Department of Indian and Northern Affairs uses the symbol Igloo as a certification mark, which identifies Inuit artwork as authentic.124 In addition, members and groups of Aboriginal peoples protect a number of marks as official marks and certification marks to identify a wide specter of goods and services, ranging from traditional art and artwork to food products, clothing, tourist services, and enterprises.125

[2] vats 3 j says indingenous people should leave their knowledge behind – that makes it super easy for people to steal it – empirically proven with European colonization AND archeoligcal projects abroad

[3] vats 4 doesn’t trade off w other explanations – also wrong starting point – and is about other imagery of indigenous people which the aff cant solve

[4] vats 5 -

### Offense

#### They can only leverage the amount of settler colonialism solved by the aff – alt causes – Chinese oppression of Uighurs, Turkey’s involvement in Syria, and Native Americans making $.60 to the dollar

#### Patents prevent biopiracy

Erstling 09 [(Jay, Emeritus Professor of Law at Mitchell Hamline School of Law, J.D., Cornell University Law School, 1974) “Using Patents to Protect Traditional Knowledge,” Texas Wesleyan Law Review, 2009] JL

Finally, while the patent system has been accused of facilitating biopiracy by tolerating third-party patenting of TK, using the patent system appropriately to protect TK can serve more to prevent biopiracy than to permit it. Biopiracy generally refers to the exploitation of traditional knowledge or genetic resources-typically by multinational companies-without the authorization of the holders of that knowledge, and/or the patenting of inventions based on traditional knowledge without the consent of the knowledge holders or payment of compensation.24 Several cases of alleged biopiracy, including patents granted for neem, turmeric, the enola bean, and quinoa, have aroused controversy and focused attention on how patenting can lead to unjust results.25 Although it is extremely difficult to estimate the extent to which biopiracy actually takes place in any particular country, protecting TK could provide some assurance against misappropriation by clarifying the duty that third parties owe to the holders of the knowledge when the knowledge has contributed to an invention that is the subject of a patent application.

#### Unpatented medicine cause counterfeits—

Lynbecker 16 [(Kristina M. L. Acri née, an Associate Professor of Economics at Colorado College in Colorado Springs, where she is also the Associate Chair of the Department of Economics and Business and the Gerald L. Schlessman Professor of Economics. Dr. Lybecker’s research analyzes the difficulties of strengthening intellectual property rights protection in developing countries, specifically special problems facing the pharmaceutical industry.) “Counterfeit Medicines and the Role of IP in Patient Safety,” IPWatchDog, 7/27/16. <https://www.ipwatchdog.com/2016/06/27/counterfeit-medicines-ip-patient-safety/id=70397/>] RR

The threat of counterfeit goods took center stage on June 15th in a hearing convened by Senate Finance Committee Chairman Orrin Hatch (R-Utah). Focusing on trade opportunities and challenges for American businesses in the digital age, Senator Hatch stated:

“The Organization for Economic Co-Operation and Development (OECD) recently released a study that shows that counterfeit products accounted for up to 2.5 percent of world trade, or $461 billion, in 2013. This is a dramatic increase from a 2008 estimate that showed that fake products accounted for less than half that amount. Counterfeits are a worldwide problem, but the OECD estimates that the United States is the hardest hit, followed by Italy and France. Of the estimated $461 billion in counterfeit trade in 2013, goods with registered intellectual property rights in the U.S. represented 20 percent, or $92 billion, of the OECD estimate.”[1]

As the author of the chapter on illicit trade in counterfeit medicines within the OECD report, I worry that global policymakers may be working against each other when it comes to battling counterfeit drugs, especially in the context of intellectual property rights. While the Senate Hearing and the OECD report highlight the importance of strong IP protection in combating the growing threat of counterfeit goods, their efforts coincide with an initiative by the UN Secretary-General that has the potential to greatly worsen the problems of counterfeit pharmaceuticals. UN Secretary General Ban Ki Moon’s High Level Panel on Access to Medicines proposes “to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies.”[2] The High Level Panel is a thinly veiled attempt to undermine the intellectual property rights architecture that incentivizes pharmaceutical innovation and protects patients from counterfeit medicines.

While patents and other forms of intellectual property rights are widely recognized as fostering pharmaceutical innovation, they also serve to inhibit counterfeiting. The World Health Organization has determined that counterfeiting is facilitated where “there is weak drug regulatory control and enforcement; there is a scarcity and/or erratic supply of basic medicines; there are extended, relatively unregulated markets and distribution chains, both in developing and developed country systems; price differentials create an incentive for drug diversion within and between established channels; there is lack of effective intellectual property protection; due regard is not paid to quality assurance”.[3]

[Kristina]

According to INTERPOL estimates, approximately 30 percent of drugs sold worldwide are counterfeit.[4] However, as is the case with many other counterfeit trade statistics, the origins of this figure are somewhat uncertain, as is the methodology used to make the calculation. Perhaps the most widely-cited statistic originates from the World Health Organization, which estimates that 10 percent of the global market for pharmaceuticals is comprised of counterfeits and reports place the share in some developing countries as high as 50-70%.[5]

While difficult to measure, estimates do exist on the extent of the market for counterfeit drugs and the harm done to human health. As noted in my chapter in the OECD report,

“INTERPOL estimates that more than one million people die each year from counterfeit drugs.[6] While counterfeit drugs seem to primarily originate in Asia, Asian patients are also significantly victimized by the problem. A 2005 study published in PLoS Medicine estimate that 192,000 people are killed in China each year by counterfeit medicines.[7] According to work done by the International Policy Network, an estimated 700,000 deaths from malaria and tuberculosis are attributable to fake drugs. [8] The World Health Organization presents a much more modest number noting that malaria claims one million lives annually and as many as 200,000 may be attributed to counterfeit medicines which would be avoidable if the medicines available were effective, of good quality and used correctly.[9] Even this number is double that presented by academic researchers Amir Attaran and Roger Bate who claim that each year more than of 100,000 people around the world may die from substandard and counterfeit medications.[10]” [11]

Given the devastating impact of counterfeit medicines on patients and the importance of intellectual property protection in combating pharmaceutical counterfeiting, it is troubling

that the UN High Level Panel seems poised to prevent a series of recommendations that will undermine public health under the guise of enhancing access. Without the assurance of quality medicines, access is meaningless. Moreover, while falsely presenting intellectual property rights as the primary obstacle to global health care, the High Level Panel downplays a host of other factors that prevent developing country patients from getting the drugs they need: inadequate medical infrastructure, insufficient political will, a shortage of clinical trials in nations where neglected diseases are endemic, poverty, and insufficient market incentives.

#### 50% of medicine comes from IK

Eiland 08 [Dr. Eiland received a doctorate in Oriental Archaeology from Oxford University and an LLM from the Munich Intellectual Property Law Center], “Patenting Traditional Medicine”, Nomos Verlagsgesellschaft mbH & Co. KG, pg. 7-10, 2008 //SLC PK

* TM = traditional medicine

In 1982, it was estimated that about 50 % of all filled prescriptions in the US originated from drugs that were derived – one way or another – from natural substances. This generated US sales of about 20 billion.4 Another estimate found that 3/4 of the plants used in prescription drugs originally came to the attention of drug companies because of their use in TM.5 In 1995, the worldwide market value of TM derived pharmaceuticals was estimated to be $43 billon.6 While one could argue about the precise values, TM has significant pharmaceutical applications. Drug companies are interested in acquiring TM, both natural substances, as well as the knowledge about how to use them.

Alt causes – breske criticizes the broader system of settlerism which the aff cannot solve, but only the alt does & ev is ab patents writ large, but aff only gets rid of some patents.

#### Turn – Indigenous people can get patents for their traditional knowledge – they can list them as trade secrets, patent the process, or patent the specific seed or plant part. At leas this system protects them and gives them due profit because it allows them to sue companies. Under the aff’s model nobody has control over anything – which results in companies just taking what they need.

#### Either this aff loses to vagueness and circumvention. The government, judges, etc will define indigenous knowledge to be very limited and the plan will have zero effect. Fiat guarantees the plan passes, not that its obvious wording flaws are fixed.