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#### 1] The current IP system is just a tool of the capitalist structure – the current pandemic provides the moment to overhaul the system, so action must be taken immediately.

**Vanni 21** - Amaka Vanni[Phd(University of Warwick), LLM International Economic Law(University of Warwick), BA International Relations and Politics, Lecturer in Law at the University of Leeds], 3-23-2021, "On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism," TWAILR, https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/

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.

#### 2] The idea and history of intellectual property protections is predicated on a capitalist society.

Söderberg 02 - Johan Söderberg[educated at the Falmouth College of Arts in England and holds a degree in Science and Technology Policy from Lund University, Sweden], 3-4-2002, "View of Copyleft vs. Copyright: A Marxist Critique," No Publication,<https://firstmonday.org/article/view/938/860>

Intellectual property rights were invented in the Italian merchant states and accompanied the spread of early capitalism to Netherlands and Britain [8]. Early forms of what has become copyright can be traced further back into history, as is sometimes done by copyright champions. In Talmud tradition, for example, sources of information were thoroughly documented, but for the purpose of ensuring the authenticity of information. Copyright in a non-trivial sense can only be realized within the context of a capitalist society, since its function is meaningless without a developed market economy (Bettig, 1996). For most of human existence oral tradition has dominated. Narratives were in constant flux. Performance was regarded more highly than authorship, which seldom could be credited since most culture was built on religious myths or common folklore, and did not originate from an individual creator. With the emergence of a bourgeoisie consciousness of individuals and property, the spread of market relations, and technological breakthroughs, especially the printing press, the need of copyright was created. Consequently, Great Britain developed the first advanced copyright law. In the sixteenth century religious conflicts spurred the circulation of pamphlets, closely followed by legislation that banned writings of heresy, sedition, and treason. Brendan Scott (2000) argues that this censorship bears the legacy of copyright. For example, the custom of printers and authors to have their name listed with their creations began as a law demanding this practice, not to ensure the originator due credit, but in order for the king to keep track of disobedient writers. In 1556 a royal charter established the Stationers' Company and granted it exclusive control of all printing in the United Kingdom. Limiting the number of publishers was a key strategy in the government's arsenal to regulate writings (Bettig, 1996). The two strategies to consolidate control by eradicating anonymity and restricting the number of sources of reproduction are themes that echo into the present day. The expansion of patents and copyright has grown since. It entered a new stage with the signing of the TRIPs Agreement, a global treaty on intellectual property, in 1994 (May, 2000). The tightening of the intellectual property regime coincides with the increasing exchange value of information and what is held to be the coming of an information age.

#### 3] The WTO reinforces a politically assertive form of capitalism and globalizes the economic system for corporate benefit Harry Naio, E-International Relations, "The WTO: Development or the Dollar?", 2012, https://www.e-ir.info/2012/03/02/the-wto-development-or-the-dollar/ Within a Marxist narrative, the declared aims of the WTO and the policy actions that it hast taken, the WTO is seeking to reduce the state to little more than a vehicle for economic development. (Heuben, 447:2006) The case made is that the WTO helps to facilitate the growth of corporations at the expense of the third world in particular but of the working classes generally as the primary gain from increased commerce is going to the largest companies. (Heuben, 455:2006) The role of nations in this picture is to lobby and campaign for free trade and other legislation that is favourable to the corporations based inside them. This is coupled with the desire to maintain areas of influence both economically and politically. (Heuben 456:2006) In order to maintain some sort of hegemonic dominance, the US has attempted to bring as many countries as possible into the WTO in order to force their involvement in the increasingly globalised economic system. The WTO has come under pressure in recent years precisely because of its image as a capitalist vehicle for control. Much of the protest in Seattle was aimed at that very problem. This is attributed to the lack of transparency in its formation by Philip McMichael of Cornell University. This is particularly interesting given the context of increased globalisation in which the WTO was born. (1:2000) The nature of the WTO is fundamentally hidden from the public, with most of its affairs being carried out behind closed doors through bureaucratic tribunals and then making it so that the rulings issued are forced on the governments, who are in turn forced to undermine social protections and regulations at the bequest of an accountable grouping. A good example of this is seen in the potential threat to the welfare state and other such ideas, which would be sacrificed subject to what McMichael describes as; “A politically assertive form of capitalism” (467:2000). This politically assertive capitalism is backed primarily by the US with its entrenched corporate interests but enjoys support from the majority of European states as well. To conclude, the World Trade Organisation is a clear vehicle for the interests of capital through its dominant members, whether it’s by proposing TRIM agreements in or by enforcing patent laws. It is fundamentally better to be a corporate entity working within a WTO nation given the restrictions placed on their governments ability to legislate in any genuine regulatory capacity. This is to the particular cost of developing countries as they are left having to compete against much much more advanced economies without being able to invest in the benefits that the first world obtained during its developmental phase.

#### Capitalism causes every impact—poverty, inequality, democratic decline, disease, climate change, women and worker exploitation, and nuclear war

**Foster 19** (John, PhD from York University, Professor at the University of Oregon Department of Sociology, “Capitalism Has Failed—What Next?,” Monthly Review, 2/1/19, <https://monthlyreview.org/2019/02/01/capitalism-has-failed-what-next/>, JLin)

Less than two decades into the twenty-first century, it is evident that capitalism has failed as a social system. The world is mired in **economic stagnation, financialization, and the most extreme inequality in human history,** accompanied by mass unemployment and underemployment, precariousness, **poverty, hunger, wasted output and lives, and** what at this point can only be called a planetary **ecological “death spiral**.”1 The digital revolution, the greatest technological advance of our time, has rapidly mutated from a promise of free communication and liberated production into **new means of surveillance, control, and displacement** of the working population. The institutions of **liberal democracy are at the point of collapse, while fascism**, the rear guard of the capitalist system, **is again on the march**, along with patriarchy, racism, imperialism, and war. To say that capitalism is a failed system is not, of course, to suggest that its breakdown and disintegration is imminent.2 It does, however, mean that it has passed from being a historically necessary and creative system at its inception to being a historically unnecessary and destructive one in the present century. Today, more than ever, the world is faced with the epochal choice between “the revolutionary reconstitution of society at large and the common ruin of the contending classes.”3 Indications of this failure of capitalism are everywhere. Stagnation of investment punctuated by bubbles of financial expansion, which then inevitably burst, now characterizes the so-called free market.4 **Soaring inequality** in income and wealth has its counterpart in the **declining material circumstances of a majority of the population.** Real wages for most workers in the United States have barely budged in forty years despite steadily rising productivity.5 Work intensity has increased, while work and safety protections on the job have been systematically jettisoned. Unemployment data has become more and more meaningless due to a new institutionalized underemployment in the form of contract labor in the gig economy.6 Unions have been reduced to mere shadows of their former glory as **capitalism has asserted totalitarian control over workplaces**. With the demise of Soviet-type societies, social democracy in Europe has perished in the new atmosphere of “liberated capitalism.”7 The capture of the surplus value **produced by overexploited populations in the poorest regions** of the world, via the global labor arbitrage instituted by multinational corporations, is leading to an unprecedented amassing of financial wealth at the center of the world economy and relative poverty in the periphery.8 Around $21 trillion of offshore funds are currently lodged in tax havens on islands mostly in the Caribbean, constituting “the fortified refuge of Big Finance.”9 Technologically driven monopolies resulting from the global-communications revolution, together with the rise to dominance of Wall Street-based financial capital geared to speculative asset creation, have further contributed to the riches of today’s “1 percent.” Forty-two billionaires now enjoy as much wealth as half the world’s population, while the three richest men in the United States—Jeff Bezos, Bill Gates, and Warren Buffett—have more wealth than half the U.S. population.10 **In every region of the world, inequality has increased sharply in recent decades**.11 The gap in per capita income and wealth between the richest and poorest nations, which has been the dominant trend for centuries, is rapidly widening once again.12 More than 60 percent of the world’s employed population, some two billion people, now work in the impoverished informal sector, forming a massive global proletariat. The global reserve army of labor is some 70 percent larger than the active labor army of formally employed workers.13 Adequate health care, housing, education, and clean water and air are increasingly out of reach for large sections of the population, even in wealthy countries in North America and Europe, while transportation is becoming more difficult in the United States and many other countries due to irrationally high levels of dependency on the automobile and disinvestment in public transportation. Urban structures are more and more characterized by gentrification and segregation, with cities becoming the playthings of the well-to-do while marginalized populations are shunted aside. About half a million people, most of them children, are homeless on any given night in the United States.14 New York City is experiencing a major rat infestation, attributed to warming temperatures, mirroring trends around the world.15 In the United States and other high-income countries, **life expectancy is in decline**, with a remarkable resurgence of Victorian illnesses related to poverty and exploitation. In Britain, gout, scarlet fever, whooping cough, and even scurvy are now resurgent, along with tuberculosis. With inadequate enforcement of work health and safety regulations, black lung disease has returned with a vengeance in U.S. coal country.16 **Overuse of antibiotics, particularly by capitalist agribusiness, is leading to an antibiotic-resistance crisis, with the dangerous growth of superbugs** generating increasing numbers of deaths, which by mid–century could surpass annual cancer deaths, prompting the World Health Organization to declare a “global health emergency.”17 These dire conditions, arising from the workings of the system, are consistent with what Frederick Engels, in the Condition of the Working Class in England, called “social murder.”18 At the instigation of giant corporations, philanthrocapitalist foundations, and neoliberal governments, public education has been restructured around corporate-designed testing based on the implementation of robotic common-core standards. This is generating massive databases on the student population, much of which are now being surreptitiously marketed and sold.19 The corporatization and privatization of education is feeding the progressive subordination of children’s needs to the cash nexus of the commodity market. We are thus seeing a dramatic return of Thomas Gradgrind’s and Mr. M’Choakumchild’s crass utilitarian philosophy dramatized in Charles Dickens’s Hard Times: “Facts are alone wanted in life” and “You are never to fancy.”20 Having been reduced to intellectual dungeons, many of the poorest, most racially segregated schools in the United States are mere pipelines for prisons or the military.21 More than two million people in the United States are behind bars, a higher rate of incarceration than any other country in the world, constituting a new Jim Crow. The total population in prison is nearly equal to the number of people in Houston, Texas, the fourth largest U.S. city. African Americans and Latinos make up 56 percent of those incarcerated, while constituting only about 32 percent of the U.S. population. Nearly 50 percent of American adults, and a much higher percentage among African Americans and Native Americans, have an immediate family member who has spent or is currently spending time behind bars. Both black men and Native American men in the United States are nearly three times, Hispanic men nearly two times, more likely to die of police shootings than white men.22 Racial divides are now widening across the entire planet. **Violence against women and the expropriation of their unpaid labor**, as well as the higher level of exploitation of their paid labor, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence. Women’s bodies, in particular, are **objectified, reified, and commodified as part of the normal workings of monopoly-capitalist marketing.**23 The mass media-propaganda system, part of the larger corporate matrix, is now merging into a social media-based propaganda system that is more porous and seemingly anarchic, but more universal and more than ever favoring money and power. Utilizing modern marketing and surveillance techniques, which now dominate all digital interactions, vested interests are able to tailor their messages, largely unchecked, to individuals and their social networks, creating concerns about “fake news” on all sides.24 Numerous business entities promising technological manipulation of voters in countries across the world have now surfaced, auctioning off their services to the highest bidders.25 The elimination of net neutrality in the United States means further concentration, centralization, and control over the entire Internet by monopolistic service providers. **Elections are increasingly prey to unregulated “dark money” emanating from the coffers of corporations and the billionaire class**. Although presenting itself as the world’s leading democracy, the United States, as Paul Baran and Paul Sweezy stated in Monopoly Capital in 1966, “is democratic in form and plutocratic in content.”26 In the Trump administration, following a long-established tradition, 72 percent of those appointed to the cabinet have come from the higher corporate echelons, while others have been drawn from the military.27 War, engineered by the United States and other major powers at the apex of the system, has become perpetual in strategic oil regions such as the Middle East, **and threatens to escalate into a global thermonuclear exchange**. During the Obama administration, the United States was engaged in wars/bombings in seven different countries—Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Pakistan.28 Torture and assassinations have been reinstituted by Washington as acceptable instruments of war against those now innumerable individuals, group networks, and whole societies that are branded as terrorist. A new Cold War and nuclear arms race is in the making between the United States and Russia, while Washington is seeking to place road blocks to the continued rise of China. The Trump administration has created a new space force as a separate branch of the military in an attempt to ensure U.S. dominance in the militarization of space. Sounding the alarm on the increasing dangers of a nuclear war and of climate destabilization, the distinguished Bulletin of Atomic Scientists moved its doomsday clock in 2018 to two minutes to midnight, the closest since 1953, when it marked the advent of thermonuclear weapons.29 Increasingly severe economic sanctions are being imposed by the United States on countries like Venezuela and Nicaragua, despite their democratic elections—or because of them. Trade and currency wars are being actively promoted by core states, while racist barriers against immigration continue to be erected in Europe and the United States as some 60 million refugees and internally displaced peoples flee devastated environments. Migrant populations worldwide have risen to 250 million, with those residing in high-income countries constituting more than 14 percent of the populations of those countries, up from less than 10 percent in 2000. Meanwhile, ruling circles and wealthy countries seek to wall off islands of power and privilege from the mass of humanity, who are to be left to their fate.30 More than three-quarters of a billion people, over 10 percent of the world population, are chronically malnourished.31 Food stress in the United States keeps climbing, leading to the rapid growth of cheap dollar stores selling poor quality and toxic food. Around forty million Americans, representing one out of eight households, including nearly thirteen million children, are food insecure.32 Subsistence farmers are being pushed off their lands by agribusiness, private capital, and sovereign wealth funds in a global depeasantization process that constitutes the greatest movement of people in history.33 Urban overcrowding and poverty across much of the globe is so severe that one can now reasonably refer to a “planet of slums.”34 Meanwhile, the world housing market is estimated to be worth up to $163 trillion (as compared to the value of gold mined over all recorded history, estimated at $7.5 trillion).35 The Anthropocene epoch, first ushered in by the Great Acceleration of the world economy immediately after the Second World War, has generated enormous rifts in planetary boundaries, **extending from climate change to ocean acidification, to the sixth extinction,** to disruption of the global nitrogen and phosphorus cycles, to the loss of freshwater, to the disappearance of forests, to **widespread toxic-chemical and radioactive pollution**.36 It is now estimated that 60 percent of the world’s wildlife vertebrate population (including mammals, reptiles, amphibians, birds, and fish) have been wiped out since 1970, while the worldwide abundance of invertebrates has declined by 45 percent in recent decades.37 What climatologist James Hansen calls the “species exterminations” resulting from accelerating climate change and rapidly shifting climate zones are only compounding this general process of biodiversity loss. Biologists expect that half of all species will be facing extinction by the end of the century.38 If present climate-change trends continue, the “global carbon budget” associated with a 2°C increase in average global temperature will be broken in sixteen years (while a 1.5°C increase in global average temperature—staying beneath which is the key to long-term stabilization of the climate—will be reached in a decade). Earth System scientists warn that the world is now perilously close to a Hothouse Earth, in which catastrophic climate change will be locked in and irreversible.39 The ecological, social, and economic costs to humanity of continuing to increase carbon emissions by 2.0 percent a year as in recent decades (rising in 2018 by 2.7 percent—3.4 percent in the United States), and failing to meet the minimal 3.0 percent annual reductions in emissions currently needed to avoid a catastrophic destabilization of the earth’s energy balance, are simply incalculable.40 Nevertheless, major **energy corporations continue to lie about climate change, promoting and bankrolling climate denialism**—while admitting the truth in their internal documents. These corporations are working to accelerate the extraction and production of fossil fuels, including the dirtiest, most greenhouse gas-generating varieties, reaping enormous profits in the process. The melting of the Arctic ice from global warming is seen by capital as a new El Dorado, opening up massive additional oil and gas reserves to be exploited without regard to the consequences for the earth’s climate. In response to scientific reports on climate change, Exxon Mobil declared that it intends to extract and sell all of the fossil-fuel reserves at its disposal.41 Energy corporations continue to intervene in climate negotiations to ensure that any agreements to limit carbon emissions are defanged. Capitalist countries across the board are putting the accumulation of wealth for a few above combatting climate destabilization, threatening the very future of humanity. Capitalism is best understood as a competitive class-based mode of production and exchange geared to the accumulation of capital through the exploitation of workers’ labor power and the private appropriation of surplus value (value generated beyond the costs of the workers’ own reproduction). The mode of economic accounting intrinsic to capitalism designates as a value-generating good or service anything that passes through the market and therefore produces income. It follows that the greater part of the social and environmental costs of production outside the market are excluded in this form of valuation and are treated as mere negative “externalities,” unrelated to the capitalist economy itself—whether in terms of the shortening and degradation of human life or the destruction of the natural environment. As environmental economist K. William Kapp stated, “capitalism must be regarded as an economy of unpaid costs.”42 We have now reached a point in the twenty-first century in which the **externalities** of this irrational system, **such as the costs of war, the depletion of natural resources, the waste of human lives, and the disruption of the planetary environment, now far exceed any future economic benefits that capitalism offers to society** as a whole. The accumulation of capital and the amassing of wealth are increasingly occurring at the expense of an irrevocable rift in the social and environmental conditions governing human life on earth.43 Some would argue that China stands as an exception to much of the above, characterized as it is by a seemingly unstoppable rate of economic advance (though carrying with it deep social and ecological contradictions). Yet Chinese development has its roots in the 1949 Chinese Revolution, carried out by the Chinese Communist Party headed by Mao Zedong, whereby it liberated itself from the imperialist system. This allowed it to develop for decades under a planned economy largely free of constraints from outside forces, establishing a strong agricultural and industrial economic base. This was followed by a shift in the post-Maoist reform period to a hybrid system of more limited state planning along with a much greater reliance on market relations (and a vast expansion of debt and speculation) under conditions—the globalization of the world market—that were particularly fortuitous to its “catching up.” Through trade wars and other pressures aimed at destabilizing China’s position in the world market, the United States is already seeking to challenge the bases of China’s growth in world trade. China, therefore, stands not so much for the successes of late capitalism but rather for its inherent limitations. The current Chinese model, moreover, carries within it many of the destructive tendencies of the system of capital accumulation. Ultimately, China’s future too depends on a return to the process of revolutionary transition, spurred by its own population.44 How did these disastrous conditions characterizing capitalism worldwide develop? An understanding of the failure of capitalism, beginning in the twentieth century, requires a historical examination of the rise of neoliberalism, and how this has only served to increase the destructiveness of the system. Only then can we address the future of humanity in the twenty-first century.

#### We have reached a tipping point – neoliberalism is no longer able to control its spiral into disaster.  Massive structural violence and extinction are inevitable without a fundamental rethinking of the current system.

**Farbod ‘15**  [Faramarz Farbod  (PhD Candidate @ Rutgers, Prof @ Moravian College), Monthly Review, http://mrzine.monthlyreview.org/2015/farbod020615.html, 6-2)] [LADI](http://www.theladi.org/evidence) recut SF

Global **capitalism is the 800-pound gorilla. The twin ecological and economic crises, militarism, the rise of the surveillance state, and a dysfunctional political system can all be traced to its normal operations.** We need a transformative politics from below that can challenge the fundamentals of capitalism instead of today's politics that is content to treat its symptoms. The problems we face are linked to each other and to the way a capitalist society operates. We must make an effort to understand its real character. The fundamental question of our time is whether we can go beyond a system that is ravaging the Earth and secure a future with dignity for life and respect for the planet. What has capitalism done to us lately? **The best science tells us that this is a do-or-die moment. We are now in the midst of the 6th mass extinction** in the planetary history with 150 to **200 species going extinct every day, a pace 1,000 times greater than the 'natural' extinction rate.1 The Earth has been warming rapidly** since the 1970s with the 10 warmest years on record all occurring since 1998.2 The planet has already warmed by 0.85 degree Celsius since the industrial revolution 150 years ago. An increase of 2° Celsius is the limit of what the planet can take before major catastrophic consequences. Limiting global warming to 2°C requires reducing global emissions by 6% per year. However, global carbon emissions from fossil fuels increased by about 1.5 times between 1990 and 2008.3 **Capitalism has** also **led to explosive social inequalities.** The global economic landscape is littered with rising concentration of wealth, debt, distress, and immiseration caused by the austerity-pushing elites. Take the US. The richest 20 persons have as much wealth as the bottom 150 million.4 Since 1973, the hourly wages of workers have lagged behind worker productivity rates by more than 800%.5 It now takes the average family 47 years to make what a hedge fund manager makes in one hour.6 Just about a quarter of children under the age of 5 live in poverty.7 A majority of public school students are low-income.8 85% of workers feel stress on the job.9 Soon the only thing left of the American Dream will be a culture of hustling to survive. Take the global society. The world's billionaires control $7 trillion, a sum 77 times the debt owed by Greece to the European banks.10 The richest 80 possess more than the combined wealth of the bottom 50% of the global population (3.5 billion people).11 **By 2016 the richest 1% will own a greater share of the global wealth than the rest of us combined.12** The top 200 global corporations wield twice the economic power of the bottom 80% of the global population.13 Instead of a global society capitalism is creating a global apartheid. What's the nature of the beast? Firstly, the "egotistical calculation" of commerce wins the day every time. Capital seeks maximum profitability as a matter of first priority. Evermore "accumulation of capital" is the system's bill of health; it is slowdowns or reversals that usher in crises and set off panic. **Cancer-like hunger for endless growth is in the system's DNA and is what has set it on a tragic collision course with Nature**, a finite category. Secondly, **capitalism treats human labor as a cost**. It therefore opposes labor capturing a fair share of the total economic value that it creates. **Since labor stands for the majority and capital for a tiny minority, it follows that classism and class warfare are built into its DNA, which explains why the "middle class" is shrinking and its gains are never secure**. Thirdly, private interests determine massive investments and make key decisions at the point of production guided by maximization of profits. That's why in the US the truck freight replaced the railroad freight, chemicals were used extensively in agriculture, public transport was gutted in favor of private cars, and big cars replaced small ones. What should political action aim for today? The political class has no good ideas about how to address the crises. One may even wonder whether it has a serious understanding of the system, or at least of ways to ameliorate its consequences. The range of solutions offered tends to be of a technical, legislative, or regulatory nature, promising at best temporary management of the deepening crises. The trajectory of the system, at any rate, precludes a return to its post-WWII regulatory phase. **It's left to us as a society to think about what the real character of the system is, where we are going, and how we are going to deal with the trajectory of the system** -- and act accordingly. **The critical task** ahead **is to build a transformative politics capable of steering the system away from its destructive path**. Given the system's DNA, **such a politics from below must include efforts to challenge the system's fundamentals, namely, its private mode of decision-making** about investments and about what and how to produce. Furthermore, it behooves us to heed the late environmentalist Barry Commoner's insistence on the efficacy of a strategy of prevention over a failed one of control or capture of pollutants. At a lecture in 1991, Commoner remarked: "Environmental pollution is an incurable disease; it can only be prevented"; and he proceeded to refer to "a law," namely: "if you don't put a pollutant in the environment it won't be there." What is nearly certain now is that **without democratic control of wealth and social governance** of the means of production, **we will all be condemned to the labor of Sisyphus. Only we won't have to suffer for all eternity, as the degradation of life-enhancing natural and social systems will soon reach a point of no return.**

#### The alt is socializing pharma by replacing patent monopolies with public funding – deconstructs capitalism and solves the affirmative by making medicine accessible globally

Baker, Dean, “Replace Patent Monopolies with Direct Public Funding For Drug Research”, Truthout, Center For Economic And Policy Research, July 1 2019

It is impressive to see many of the leading Democratic candidates put forward bold progressive proposals. Unfortunately, in the case of prescription drugs, their imagination has been notably weak. While there have been proposals for lowering drug prices, none of them have been willing to attack the fundamental problem: government makes prices high by granting patent monopolies.This is a simple but incredibly important point that is often lost in the debate. We frequently hear comments about how progressives want the government to intervene in the free market to bring drug prices down through various mechanisms. That story turns logic on its head. In almost all cases, drugs are cheap to manufacture. It is government-granted patent monopolies or some other form of exclusivity that makes drugs expensive. In a truly free market, drugs are cheap. The restrictions on prices being proposed are simply efforts to limit the extent to which drug companies can exploit the monopolies the government has given them. That should lead to the next question: Why give drug companies monopolies in the first place? The obvious reason under the current system is that it is expensive to develop new drugs. This requires initial preclinical research and then an extended period of clinical testing to establish their safety and effectiveness, and ultimately bring them through the Food and Drug Administration’s (FDA) approval process. Most leads for new drugs end up going nowhere, which means that the drug company has spent a great deal of money for no return. No pharmaceutical company would undertake major expenditures for developing new drugs if they would have to compete with generics, which are every bit as good, from the day they were approved by the FDA. The declared intent of government patent monopolies is to give companies an incentive to develop new drugs.There is nothing natural about this mechanism for financing research, and even now, the government does not rely exclusively on patent monopolies for financing research. It spends nearly [$40 billion a year](https://www.nih.gov/about-nih/what-we-do/budget) on research through the National Institutes of Health (NIH) and other agencies. While most of this funding goes to more basic research, many important drugs have been developed with government funding. In addition, the NIH has supported thousands of clinical trials. In principle, there is no reason that Congress could not double or triple the amount of funding for medical research and replace the [$70 billion](https://truthout.org/articles/sanders-khanna-bill-would-stop-propping-up-drug-prices/) that is now supported by patent monopolies. The NIH, or a new agency, could parcel out this money through long-term contracts to private companies. The condition of getting the funding is that all research findings would be posted on the web as soon as practical so that other researchers could benefit from it. The other major condition of the funding is that [and] all patents are placed in the public domain, so newly developed drugs could be sold immediately as generics. The savings to consumers from going this route would be enormous. Cutting-edge drugs that sell for tens or even hundreds of thousands of dollars would instead sell for a [few hundred dollars](https://www.thebodypro.com/article/1000-fold-mark-up-for-drug-prices-in-high-income-c). People would no longer have to struggle with insurers or use GoFundMe pages to pay for necessary medications. The savings to the economy would also be huge. We will spend roughly $460 billion this year on drugs that would likely sell for less than $80 billion in a true free market. The difference of $380 billion a year is more than twice the size of the Trump tax cut and five times the size of the food stamp (SNAP) budget. The benefits go beyond just the savings. Patent monopolies give drug companies an enormous incentive to push their drugs as widely as possible, even when they may not be the most effective drug or have harmful side effects. Purdue Pharma would not have been pushing OxyContin so vigorously if it were selling at generic prices. While the opioid crisis is an extreme case, drug companies exaggerate the benefits of their drugs and conceal negative side effects [all the time](https://www.cepr.net/patent-monopolies-and-the-costs-of-mismarketing-drugs/). If we went the route of direct public funding, the savings would go beyond prescription drugs. Medical equipment and tests are also made expensive because of government-granted patent monopolies. NPR recently did a [piece](https://www.npr.org/sections/health-shots/2019/06/17/732497053/a-year-after-spinal-surgery-a-94-000-bill-feels-like-a-backbreaker) about a woman who had a surprise bill of $94,000 for neuromonitoring services during a surgery on her spine. The reason this process could be billed for $94,000, as opposed to perhaps 1/20th of this amount, is that the process is patented. If the neuromonitoring system had been developed with public funds, there would be no huge bill with which to surprise patients. Given the many bold progressive proposals that Senators Elizabeth Warren, Bernie Sanders and some of the other candidates have put forward, it is surprising that they have not proposed to reform the financing of drug and other medical research. This failure is especially peculiar, since both Sanders and Warren (along with Senators Cory Booker, Kirsten Gillibrand and Amy Klobuchar) were sponsors of a [bill](https://www.brown.senate.gov/newsroom/press/release/brown-introduces-prop) that would provide some public funding for research that would lead to new drugs being introduced as generics.The patent monopoly system of financing the development of new drugs and medical equipment is a disaster in just about every way. Many of the leading Democratic contenders know how to do better, they need to add this to their agenda.

#### The ROB is the resist capitalism. Everything we know has been shaped by capitalist imagination which leads to the cooption of education and therefore it is the judge’s highest obligation. Giroux 15

Giroux, Henry A., and Henry A Giroux. “Henry A. Giroux: Higher Education and the Promise of Insurgent Public Memory.” Truthout, Truthout, 3 Mar. 2015, truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/.

These throwaway academics are the new invisible poor fighting for better wages, job security, benefits and full-time positions. The status and exploitation of the labor of part-time workers is shameful and is indicative of the degree to which neoliberalism’s culture of cruelty, brutality and iniquitous power now shapes higher education. And while there are a number of serious movements among adjuncts and others to fight against this new form of exploited labor, it is fair to say that such resistance will face an uphill battle. The corporatized university will not only fight such efforts in the courts with their bands of lawyers and anti-union thugs; they will also use, as we have seen recently on a number of campuses, the police and other state repressive apparatuses to impose their will on dissenting students and faculty. But if this growing group of what Kate Jenkins calls the “hyper-educated poor” [(18)](https://truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/#a18) joins with other social movements fighting against militarization, and the war on public goods, public servants and workers, there is a chance for the emergence of a new political formation that may succeed in turning the momentum around in this ongoing battle over academic labor and the fate of higher education in the future. Memory is no longer insurgent; that is, it has been erased as a critical educational and political optic for moral witnessing, testimony and civic courage. While the post-9/11 attacks have taken an even more dangerous turn, higher education is still a site of intense struggle, but it is fair to say the right wing is winning. The success of the financial elite in waging this war can be measured not only by the rise in the stranglehold of neoliberal policies over higher education, the increasing corporatization of the university, the evisceration of full-time, tenured jobs for faculty, the dumbing down of the curriculum, the view of students as customers, and the growing influence of the military-industrial-academic complex in the service of the financial elite, but also in the erasing of public memory. Memory is no longer insurgent; that is, it has been erased as a critical educational and political optic for moral witnessing, testimony and civic courage. On the contrary, it is either being cleansed or erased by the new apologists for the status quo who urge people to love the United States, which means giving up any sense of counter memory, interrogation of dominant narratives or retrieval of lost histories of struggle. The current call to cleanse history in the name of a false patriotism that celebrates a new illiteracy as a way of loving the United States is a discourse of anti-memory, a willful attempt at forgetting the past in the manufactured fog of historical amnesia. This is particularly true when it comes to erasing the work of a number of critical intellectuals who have written about higher education as the practice of freedom, including John Dewey, George S. Counts, W.E.B. Du Bois, the Social Reconstructionists, and others, all of whom viewed higher education as integral to the development of both engaged critical citizens and the university as a democratic public sphere. [(19)](https://truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/#a19) Under the reign of neoliberalism, with few exceptions, higher education appears to be increasingly decoupling itself from its historical legacy as a crucial public sphere, responsible for both educating students for the workplace and providing them with the modes of critical discourse, interpretation, judgment, imagination, and experiences that deepen and expand democracy. As universities adopt the ideology of the transnational corporation and become subordinated to the needs of capital, the war industries and the Pentagon, they are less concerned about how they might educate students about the ideology and civic practices of democratic governance and the necessity of using knowledge to address the challenges of public life. [(20)](https://truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/#a20) Instead, as part of the post-9/11 military-industrial-academic complex, higher education increasingly conjoins military interests and market values, identities and social relations while the role of the university as a public good, a site of critical dialogue and a place that calls students to think, question, learn how to take risks, and act with compassion and conviction is dismissed as impractical or subversive. [(21)](https://truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/#a21) The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the United States. The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the United States, extending from Thomas Jefferson to John Dewey to Maxine Greene, who held that freedom flourishes in the worldly space of the public realm only through the work of educated, critical citizens. Within this democratic tradition, education was not confused with training; instead, its critical function was propelled by the need to provide students with the knowledge and skills that enable a “politically interested and mobilized citizenry, one that has certain solidarities, is capable of acting on its own behalf, and anticipates a future of ever greater social equality across lines of race, gender, and class.” [(22)](https://truthout.org/articles/higher-education-and-the-promise-of-insurgent-public-memory/#a22) Other prominent educators and theorists such as Hannah Arendt, James B. Conant and Cornelius Castoriadis have long believed and rightly argued that we should not allow education to be modeled after the business world. Dewey, in particular, warned about the growing influence of the “corporate mentality” and the threat that the business model posed to public spaces, higher education and democracy.

### Underview

#### 1] The alt is not a rejection of the state, thus I do not cede the political and can engage in state action.

#### 2] Don’t let the aff make a perm, each of the links acts as an independent DA to the aff that turns the case. That means that the perm will never solve those disadvantages, but the alt alone will. Any inclusion of the aff fails.

#### 3] Weigh the K above the case—capitalism controls the root cause of all of their impacts. If we don’t analyze capitalism, we allow it to run rampant and continue on its unsustainable path towards extinction.

## Hollow Hope DA

**Any possibility of progress through the rule of law invests in a myth. The law is not neutral but inherently political; acceptance of the rule of law makes you complicit in the state’s oppression.**

**Hasnas 95:**John Hasnas (associate professor, McDonough School of Business, Georgetown University). “The Myth of the Rule of Law.” Wisconsin Law Review. 1995. http://faculty.msb.edu/hasnasj/GTWebSite/MythWeb.htm

In his novel 1984, George Orwell created a nightmare vision of the future in which an all-powerful Party exerts totalitarian control over society by forcing the citizens to master the technique of "doublethink," which requires them "to hold simultaneously two opinions which cancel[] out, knowing them to be contradictory and believing in both of them." (3) Orwell's doublethink is usually regarded as a wonderful literary device, but, of course, one with no referent in reality since it is obviously impossible to believe both halves of a contradiction. In my opinion, this assessment is quite mistaken. Not only is it possible for people to believe both halves of a contradiction, it is something they do every day with no apparent difficulty. Consider, for example, people's beliefs about the legal system. They are obviously aware that the law is inherently political. The common complaint that members of Congress are corrupt, or are legislating for their own political benefit or for that of special interest groups demonstrates that citizens understand that the laws under which they live are a product of political forces rather than the embodiment of the ideal of justice. Further, as evidenced by the political battles fought over the recent nominations of Robert Bork and Clarence Thomas to the Supreme Court, the public obviously believes that the ideology of the people who serve as judges influences the way the law is interpreted. This, however, in no way prevents people from simultaneously regarding the law as a body of definite, politically neutral rules amenable to an impartial application which all citizens have a moral obligation to obey. Thus, they seem both surprised and dismayed to learn that the Clean Air Act might have been written, not to produce the cleanest air possible, but to favor the economic interests of the miners of dirty-burning West Virginia coal (West Virginia coincidentally being the home of Robert Byrd, who was then chairman of the Senate Appropriations Committee) over those of the miners of cleaner-burning western coal. (4) And, when the Supreme Court hands down a controversial ruling on a subject such as abortion, civil rights, or capital punishment, then, like Louis in Casablanca, the public is shocked, shocked to find that the Court may have let political considerations influence its decision. The frequent condemnation of the judiciary for "undemocratic judicial activism" or "unprincipled social engineering" is merely a reflection of the public's belief that the law consists of a set of definite and consistent "neutral principles" (5) which the judge is obligated to apply in an objective manner, free from the influence of his or her personal political and moral beliefs. I believe that, much as Orwell suggested, it is the public's ability to engage in this type of doublethink, to be aware that the law is inherently political in character and yet believe it to be an objective embodiment of justice, that accounts for the amazing degree to which the federal government is able to exert its control over a supposedly free people. I would argue that this ability to maintain the belief that the law is a body of consistent, politically neutral rules that can be objectively applied by judges in the face of overwhelming evidence to the contrary, goes a long way toward explaining citizens' acquiescence in the steady erosion of their fundamental freedoms. To show that this is, in fact, the case, I would like to direct your attention to the fiction which resides at the heart of this incongruity and allows the public to engage in the requisite doublethink without cognitive discomfort: the myth of the rule of law. I refer to the myth of the rule of law because, to the extent this phrase suggests a society in which all are governed by neutral rules that are objectively applied by judges, there is no such thing. As a myth, however, the concept of the rule of law is both powerful and dangerous. Its power derives from its great emotive appeal. The rule of law suggests an absence of arbitrariness, an absence of the worst abuses of tyranny. The image presented by the slogan "America is a government of laws and not people" is one of fair and impartial rule rather than subjugation to human whim. This is an image that can command both the allegiance and affection of the citizenry. After all, who wouldn't be in favor of the rule of law if the only alternative were arbitrary rule? But this image is also the source of the myth's danger. For if citizens really believe that they are being governed by fair and impartial rules and that the only alternative is subjection to personal rule, they will be much more likely to support the state as it progressively curtails their freedom. In this Article, I will argue that this is a false dichotomy. Specifically, I intend to establish three points: 1) there is no such thing as a government of law and not people, 2) the belief that there is serves to maintain public support for society's power structure, and 3) the establishment of a truly free society requires the abandonment of the myth of the rule of law.

**Normative legal thought obscures the pain and death of disciplinary systems with language games. Schlag 90:**

(Pierre, Professor of Law, University of Colorado, “NORMATIVE AND NOWHERE TO GO”, Stanford Law Review (November 1990), http://lawweb.colorado.edu/profiles/pubpdfs/schlag/SchlagSLR.pdf)

It is at this point that the legal thinker recognizes that the value (if any) of normative legal thought does not depend so much on its relation to the practices it seeks to describe or govern. It now becomes evident that the value (if any) of normative legal thought depends on a decentered economy of bureaucratic institutions and practices--such as those constituting and traversing the law school, the organized bar, the courts--that define and represent their own operations, their own character, their own performances, in the normative currency**.** Indeed, at this point, **normative legal thought takes on a completely different character. It becomes the mode of discourse by which bureaucratic institutions and practices re-present themselves as subject to the rational ethical-moral control of autonomous individuals (when indeed they are not), just as normative legal thought constructs us (you and me) to think and act as if we were at the center**--in charge, so to speak--**of our own normative legal thought (when indeed we are not).** Normative \*186 legal thought can no longer be seen to govern, regulate or even describe human activity. In fact, as a further step in this degeneration/development, it now appears that it is very difficult to discern any significam difference between normative legal thought and the operation, performance reproduction, and proliferation of bureaucratic practices and institutions. The two collapse into each other. At this point, normative legal thought has become the operation, performance, reproduction, and proliferation of bureaucratic practices and institutions. Normative legal thought is effective--very effective--but not in any way it imagines itself to be. Its significance can no longer be in its specific prescriptions or conclusions (which are rarely adopted or even capable of being adopted). **Normative legal thought--this form of thought so concerned with producing normatively desirable worldly effects-- has**, ironically, **become its own self-referential end**. [FN52] And that end is coextensive with the operation, performance, reproduction, and proliferation of bureaucratic practices and institutions. Welcome to the crash. My sense is that when legal thinkers re-cognize that normative legal thought is an economy of self-refereatial instrumentalist rhetorical structures run from elsewhere and gradually seeping themselves of meaning, both constative and performative, playing this language game of normative legal thought will lose a great deal of its moral and intellectual cachet. It is one thing to understand one's self as engaged in a normative enterprise aimed at improving the moral or political or economic performance of the legal profession or the courts through normative argument. It is quite another to understand one's self as a bureaucratic vehicle for the proliferation of a mode of discourse (normative legal thought) that is coextensive with bureaucratic practice and institutional inertia. As self-images go, my sense is that the latter is not really great. It is likely to lead to a certain degree of disenchantment. And my sense is that the disenchantment of normative legal thought is already well on its way. [FN53] Now, one reaction a normative legal thinker might have to all this is that it is all perfectly horrible--and that we should all try to preserve our normative universe by using words more carefully and by arguing very morally against instrumentalism and the instrumentalization of law (and so on). But \*187 this argument misses the point again. This is history--not dialogue among disembodied Cartesian selves. And it doesn't do much good to make normative arguments against history--especially not if you keep misidentifying your own addressee, your agent of change, your subject. Unfortunately, that is precisely what normative legal thought keeps getting confused about. It keeps thinking that it is addressing some morally competent, well-intentioned individual who has his [their] hands on the levers of power. [FN54] The pervasiveness of this metaphysical confusion--its routine character within the legal academy-- is precisely what engenders the more socially situated confusions of "liberal" and "progressive" legal academics as to whether or not the Warren Court is still sitting. [FN55] \* \* \* All of this can seem very funny. That's because it is very funny. It is also deadly serious. It is deadly serious, because all this **normative legal thought**, as Robert Cover explained, **takes place in a field of pain and death**. [FN56] And in a very real sense Cover was right. **Yet as it takes place, normative legal thought is playing language games-- utterly oblivious to the character of the language games it plays, and thus, utterly uninterested in considering its own rhetorical and political contributions (or lack thereof) to the field of pain and death.** To be sure, normative legal thinkers are often genuinely concerned with reducing the pain and the death. However, the problem is not what normative legal thinkers do with normative legal thought, but what normative legal thought does with normative legal thinkers. **What is missing in normative legal thought is any serious questioning, let alone tracing, of the relations that the practice, the rhetoric, the routine of normative legal thought have (or do not have) to the field of pain and death.** And there is a reason for that: Normative legal thought misunderstands its own situation. Typically, normative legal thought understands itself to be outside the field of pain and death and in charge of organizing and policing that field. It is as if the action of normative legal thought could be separated from the background field of pain and death. This theatrical distinction is what allows normative legal thought its own self-important, self-righteous, selfimage--its congratulatory sense of its own accomplishments and effectiveness. All this self-congratulation works very nicely so long as normative legal \*188 thought continues to imagine itself as outside the field of pain and death and as having effects within that field. [FN57] Yet it is doubtful this image can be maintained. It is not so much the case that normative legal thought has effects on the field of pain and death--at least not in the direct, originary way it imagines. Rather, it is more the case that normative legal thought is the pattern, is the operation of the bureaucratic distribution and the institutional allocation of the pain and the death. [FN58] And apart from the leftover ego-centered rationalist rhetoric of the eighteenth century (and our routine), there is nothing at this point to suggest that we, as legal thinkers, are in control of normative legal thought. The problem for us, as legal thinkers, is that the normative appeal of normative legal thought systematically turns us away from recognizing that normative legal thought is grounded on an utterly unbelievable re-presentation of the field it claims to describe and regulate. The problem for us is that normative legal thought, rather than assisting in the understanding of present political and moral situations, stands in the way. It systematically reinscribes its own aesthetic--its own fantastic understanding of the political and moral scene. [FN59] Until normative legal thought begins to deal with its own paradoxical postmodern rhetorical situation, it will remain something of an irresponsible enterprise. **In its rhetorical structure, it will continue to populate the legal academic world with individual humanist subjects who think themselves empowered Cartesian egos, but who are largely the manipulated constructions of bureaucratic practices--academic and otherwise.** [FN60]

**Structural violence outweighs hypothetical future conflicts – it is the root cause environmental degradation and war, accelerating extinction.**

**Szentes 8 bracketed for problematic language:**

(Tamás, Professor Emeritus at the Corvinus University of Budapest, and member of the Hungarian Academy of Sciences, “Globalisation and prospects of the world society” <http://www.eadi.org/fileadmin/Documents/Events/exco/Glob.___prospects_-_jav..pdf>)

It’s a common place that human society can survive and develop only in a lasting real peace. Without peace countries cannot develop. Although since 1945 there has been no world war, but --numerous local wars took place, --terrorism has spread all over the world, undermining security even in the most developed and powerful countries, --arms race and militarisation have not ended with the collapse of the Soviet bloc, but escalated and continued, extending also to weapons of mass destruction and misusing enormous resources badly needed for development, --many “invisible hidden wars” are suffered by the poor and oppressed people, manifested in mass misery, poverty, unemployment, homelessness, starvation and malnutrition, epidemics and poor health conditions, exploitation and oppression, **racial** and other **discrimination**, physical terror, **organised injustice**, disguised forms of violence, the denial or regular infringement of the democratic rights of citizens, women, youth, ethnic or religious minorities, etc., and last but not least, in the degradation of human environment, which means that --the “war against Nature”, i.e. the disturbance of ecological balance, wasteful management of natural resources, **and large-scale pollution of our environment**, is still going on, causing also losses and fatal dangers for human life. Behind global terrorism and “invisible hidden wars” we find striking international and intrasociety inequities and distorted development patterns , which tend to generate social as well as international tensions, thus paving the way for unrest and “visible obvious” wars. It is a commonplace now that peace is not merely the absence of war. **The prerequisites of a lasting peace** between and within societies **involve not only** - though, of course, necessarily - demilitarisation, but also a systematic and gradual **elimination of the roots of violence, of the causes of “~~invisible~~ hidden wars”, of the structural and institutional bases of** large-scale international and intra-society **inequalities,** **exploitation and oppression**. Peace requires a process of social and national emancipation, a progressive, democratic transformation of societies and the world bringing about equal rights and opportunities for all people, sovereign participation and mutually advantageous co-operation among nations. It further requires a pluralistic democracy on global level with an appropriate system of proportional representation of the world society, articulation of diverse interests and their peaceful reconciliation, by non-violent conflict management, and thus also a global governance with a really global institutional system. Under the contemporary conditions of accelerating globalisation and deepening global interdependencies in our world, peace is indivisible in both time and space. It cannot exist if reduced to a period only after or before war, and cannot be safeguarded in one part of the world when some others suffer visible or invisible hidden wars. Thus, peace requires, indeed, a new, demilitarised and democratic world order, which can provide equal opportunities for sustainable development. “Sustainability of development” (both on national and world level) is often interpreted as an issue of environmental protection only and reduced to the need for preserving the ecological balance and delivering the next generations not a destroyed Nature with overexhausted resources and polluted environment. However, no ecological balance can be ensured, unless the deep international development gap and intra-society inequalities are substantially reduced. Owing to global interdependencies there may exist hardly any “zero-sum-games”, in which one can gain at the expense of others, but, instead, the “negative-sum-games” tend to predominate, in which everybody must suffer, later or sooner, directly or indirectly, losses. Therefore, the actual question is not about “sustainability of development” but rather **about the “sustainability of human life”,** **i.e. survival of [hu]mankind** – because of ecological imbalance and globalised terrorism. When Professor Louk de la Rive Box was the president of EADI, one day we had an exchange of views on the state and future of development studies. We agreed that development studies are not any more restricted to the case of underdeveloped countries, as the developed ones (as well as the former “socialist” countries) are also facing development problems, such as those of structural and institutional (and even system-) transformation, requirements of changes in development patterns, and concerns about natural environment. While all these are true, today I would dare say that besides (or even instead of) “development studies” we must speak about and make “survival studies”. While the monetary, financial, and debt crises are cyclical, we live in an almost permanent crisis of the world society, which is multidimensional in nature, involving not only economic but also socio-psychological, behavioural, cultural and political aspects. The narrow-minded, election-oriented, selfish behaviour motivated by thirst for power and wealth, which still characterise the political leadership almost all over the world, paves the way for the final, last catastrophe. One cannot doubt, of course, that great many positive historical changes have also taken place in the world in the last century. Such as decolonisation, transformation of socio-economic systems, democratisation of political life in some former fascist or authoritarian states, institutionalisation of welfare policies in several countries, rise of international organisations and new forums for negotiations, conflict management and cooperation, institutionalisation of international assistance programmes by multilateral agencies, codification of human rights, and rights of sovereignty and democracy also on international level, collapse of the militarised Soviet bloc and system-change3 in the countries concerned, the end of cold war, etc., to mention only a few. Nevertheless, the crisis of the world society has extended and deepened, approaching to a point of bifurcation that necessarily puts an end to the present tendencies, either by the final catastrophe or a common solution. Under the circumstances provided by rapidly progressing science and technological revolutions, human society cannot survive unless such profound intra-society and international inequalities prevailing today are soon eliminated. Like a single spacecraft, the Earth can no longer afford to have a 'crew' divided into two parts: the rich, privileged, wellfed, well-educated, on the one hand, and the poor, deprived, starving, sick and uneducated, on the other. Dangerous 'zero-sum-games' (which mostly prove to be “negative-sum-games”) can hardly be played any more by visible or invisible wars in the world society. Because of global interdependencies, the apparent winner becomes also a loser. The real choice for the world society is between negative- and positive-sum-games: i.e. between, on the one hand, continuation of visible and “invisible wars”, as long as this is possible at all, and, on the other, transformation of the world order by demilitarisation and democratization. No ideological or terminological camouflage can conceal this real dilemma any more, which is to be faced not in the distant future, by the next generations, but in the coming years, because of global terrorism soon having nuclear and other mass destructive weapons, and also due to irreversible changes in natural environment.

## AT Case

#### Even with increased access, this doesn’t mean vaccination rates increase at the same rate: administration of vaccines requires more than a waiver.

David Adler, 7-20-2021, "To Vaccinate the World, Supply Is Only Half the Issue," Foreign Policy, https://foreignpolicy.com/2021/07/20/wto-trips-waiver-vaccine-equity-distribution-covid-pandemic/

On July 20, the World Trade Organization holds another Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council meeting to consider waiving intellectual property protections for COVID-19 vaccines. But vaccinating the world will take more than just increasing supply. Vaccines need to be distributed and administered so they end up in people’s arms. Yet there is still limited global focus on this critical last mile problem. The United States is a perfect case study of the importance of rollout planning and what can go wrong. It led the world in COVID-19 vaccine development and manufacturing, accomplished by Operation Warp Speed, in record time. But vaccine rollout was another story: The United States lagged behind both Israel and the United Kingdom in getting shots into people’s arms. Now, as the United States and the world consider ways to vaccinate every country, there is every reason to believe this rollout problem will reappear on a global scale. Even if the world manufactures an adequate vaccine supply—a very big if—this doesn’t mean afflicted countries will be able to effectively administer vaccines. Given ongoing deaths from COVID-19 in countries experiencing outbreaks as well as the flourishing of new variants that could breach existing vaccines, the consequences will be deadly. The origins of this rollout problem are predominantly institutional: The U.S. government and multilateral institutions working on supplying vaccines to the world have less of a focus on getting shots into people’s arms. This is often left up to individual countries ill-equipped for this task. Administering shots in the arm was another story. This was primarily left up to the states. Initially, Operation Warp Speed planned to have the U.S. Defense Department administer shots in the arms, but state and local authorities complained of the [militarization of vaccine administration](https://www.astho.org/Federal-Government-Relations/Correspondence/ASTHO-Joins-Comments-Operation-Warp-Speed-Leaders/) and took over this function. For whatever the reason—lack of resources, lack of planning, [poor communication](https://www.astho.org/Press-Room/Nations-Health-Officials-Call-for-Greater-Collaboration-and-Communication-with-Federal-Government/09-02-20/) from the federal government—the states had trouble administering the vaccines on time. As of Jan. 15, more than 31 million doses had been “distributed” but only around 12 million doses had been “administered.”

#### Current IP reductions are largely performative—other barriers prevent it from creating meaningful change in medicines access.

David Adler, 7-20-2021, "To Vaccinate the World, Supply Is Only Half the Issue," Foreign Policy, https://foreignpolicy.com/2021/07/20/wto-trips-waiver-vaccine-equity-distribution-covid-pandemic/

Nonetheless, the Biden administration’s signature international COVID-19 policy, the [TRIPS waiver](https://crsreports.congress.gov/product/pdf/IN/IN11662), is a supply side move—but one unlikely to lead to any actual increase in supply. This waves intellectual property protections for COVID-19 vaccines to further foreign production. The [U.K.](https://www.gov.uk/government/news/wto-trips-council-june-2021-uk-statements) and [German](https://www.dw.com/en/germany-rejects-us-push-to-waive-covid-vaccine-patents/a-57453453) governments have viewed it skeptically and can block it. Also, as has been widely noted, manufacturing involves trade secrets and supply chain issues that go well beyond intellectual property (IP) rights. Less widely noted is the fact that the Johnson & Johnson, AstraZeneca, and Novavax vaccines have already been [licensed to Indian manufacturers](https://www.statnews.com/2021/05/05/india-vaccine-heist-shoddy-regulatory-oversight-imperil-global-vaccine-access/), so it is not clear to what degree IP rights are really hindering additional foreign production. Therefore, the TRIPS waiver can be seen as essentially a political or even theatrical gesture, well removed from the messy world of vaccine distribution and administration. It appealed to a domestic audience hostile to Big Pharma and an international audience of countries like India and South Africa whose industrial policies have long called for limitations on IP rights.

**Legal reform is a palliative measure that sutures superficial instances of oppression while amplifying their underlying causes – that TURNS the case. Spade 13:**

(Dean, Associate Professor of Law at Seattle University School of Law. “Intersectional Resistance and Law Reform” (Summer 2013), Signs vol. 38 no. 4, University of Chicago Press)

Critical race theory brought to legal scholarship a critique of formal legal equality and the discrimination principle, recognizing the failures of civil rights legislation to alleviate the systemic racialized maldistribution of wealth and life chances. The concept of formal legal equality articulates an important disjuncture between the racial neutrality declared by law and the material realities of white supremacy. This disjuncture stems, at least in part, from the inadequacy of the discrimination principle for conceptualizing the conditions of white supremacy. The discrimination principle understands racist harm in such a limited way as to make it exceptionally difficult to prove that a violation of discrimination law has occurred and to make the conditions produced by racism unreachable through discrimination doctrine. Racism is understood through the paradigm of individual discriminators who take race into account when making decisions about activities like hiring, firing, leasing, selling, or serving ðFreeman 1996Þ. In the absence of explicit, intentional exclusion, courts rarely find a violation of discrimination law. Proving that harm was intentional and based on race can be exceptionally dif- ficult, especially when multiple vectors of subjection exist for the affected person or people ðCrenshaw 2008Þ. Moreover, the discrimination principle regards intentional exclusions or preferences based on race as equally harmful whether they harm or benefit people of color. Color blindness is the rationale for this approach. It dehistoricizes racial exclusion and suggests that any individual’s experience of exclusion or preference based on race is equally harmful. It assumes a level playing field in which race consciousness, not white supremacy, is the problem the law must seek to eliminate**.**1 These features of the discrimination principle have produced troubling results. Programs aimed at remedying racial disparity have been declared illegally discriminatory; meanwhile, antidiscrimination **laws have proven to be largely ineffective in addressing even the narrowest version of individual race discrimination.** Most people of color who have been denied a job or an apartment cannot produce the required evidence of intent, not to mention that the people for whom such losses will produce the worst consequences likely cannot afford an attorney ðLegal Services Corporation 2009Þ. **These people—poor people, people with disabilities, women, queer and trans people, immigrants—are also unlikely to have the kind of single-axis discrimination case that courts and lawyers most easily understand.** They are more likely to be facing multiple vectors of exclusion and to be interacting in less formal conditions, such as low-wage contingent labor, which further decreases the chances that there will be a paper trail proving that their experience was the result of discrimination ðRuckelshaus and Goldstein 2002Þ. **The most severe conditions produced by white supremacy cannot be addressed or even imagined by antidiscrimination law.** Those conditions that do not result from the misdeeds of a perpetrating individual or organization—the broad conditions of maldistribution visible in the United States’s racial wealth divide; extreme racial disparity in access to housing, employment, education, food, and health care; the ongoing occupation and expropriation of native lands; and targeting in criminal punishment, environmental harm, and immigration enforcement—are cast as neutral by the discrimination principle ðGilmore 1998–99; United for a Fair Economy 2006Þ. When racist harm is framed as a problem of aberrant individuals who discriminate and when intention must be proved to find a violation of law, the central conditions of white supremacy are implicitly declared neutral. In the United States, this has been accompanied by a robust discourse that blames people of color for poverty and criminalization, a logical leap required when color blindness has been declared the law of the land and racism has been defined so narrowly as to exclude it from blame in the most widespread adverse conditions facing people of color. Critical race theorists have supplied the concept of “preservation-through-transformation” to describe the neat trick that civil rights law performed in this dynamic ðSiegel 1997, 1119; Harris 2006. **In the face of significant resistance to conditions of subjection, law reform tends to provide just enough transformation to stabilize and preserve status quo conditions.** In the case of widespread rebellion against white supremacy in the United States, civil rights law and color-blind constitutionalism have operated as formal reforms that mask the perpetuation of the white supremacist status quo. **Explicit exclusionary policies and practices became officially forbidden, yet the racialized-gendered maldistribution of life chances in the United States remained the same or worsened with the increasing concentration of wealth and the simultaneous dismantling of social welfare systems** ðHarris 2006, 1554–61; United for a Fair Economy 2006).