## NC - Mecklin

### FW

#### The standard is promoting international democratic cooperation. It’s consequentialist, but values societal goods over individual ones.

#### Prefer:

#### It’s linear, the more we promote democracy, the more we maximize public goods like human rights, innovation, and positive feedback loops of oversight and responsibility.

Blanton 99

Shannon Lindsey Blanton (Department of Political Science, Southern Illinois University). “Instruments of Security or Tools of Repression? Arms Imports and Human Rights Conditions in Developing Countries.” 1999 Journal of Peace Research vol 36, no.2, 1999, pp. 233–244. JDN. https://journals.sagepub.com/doi/10.1177/0022343399036002006

Democratic regimes are **less likely** to engage in repressive actions against their citizenry than are authoritarian or totalitarian ones (Henderson, 1991; Poe & Tate, 1994; Rummel, 1995). While democracies have been known to use repression under stressful conditions, such as those induced by war or internal conflict, the democratic emphasis on bargaining and compromise provides a peaceful alternative for resolving conflict. As Rummel (1995: 4) contends, ‘through democratic institutions, social conflicts that might become violent are resolved by voting, negotiation, compromise, and mediation’. Thus, **the more democratic a country, the less the** likelihood of **repression of human rights.**

#### 3. Independently, international democratic cooperation controls the internal link to every existential threat.

Mecklin 20

2020 Doomsday Clock Statement Science and Security Board Bulletin of the Atomic Scientists Editor, John Mecklin Editor’s note: Founded in 1945 by University of Chicago scientists who had helped develop the first atomic weapons in the Manhattan Project, the Bulletin of the Atomic Scientists created the Doomsday Clock two years later, using the imagery of apocalypse (midnight) and the contemporary idiom of nuclear explosion (countdown to zero) to convey threats to humanity and the planet. The decision to move (or to leave in place) the minute hand of the Doomsday Clock is made every year by the Bulletin’s Science and Security Board in consultation with its Board of Sponsors, which includes 13 Nobel laureates. The Clock has become a universally recognized indicator of the world’s vulnerability to catastrophe from nuclear weapons, climate change, and disruptive technologies in other domains. <https://thebulletin.org/doomsday-clock/current-time/> -CAT

The increased threat of information warfare and other disruptive technologies Nuclear war and climate change are major threats to the physical world. But information is an essential aspect of human interaction, and threats to the information ecosphere—especially when coupled with the emergence of new destabilizing technologies in artificial intelligence, space, hypersonics, and biology—portend a dangerous and multifaceted global instability. In recent years, national leaders have increasingly dismissed information with which they do not agree as fake news, promulgating their own untruths, exaggerations, and misrepresentations in response. Unfortunately, this trend accelerated in 2019. Leaders claimed their lies to be truth, calling into question the integrity of, and creating public distrust in, national institutions that have historically provided societal stability and cohesion. In the United States, there is active political antagonism toward science and a growing sense of government-sanctioned disdain for expert opinion, creating fear and doubt regarding well-established science about climate change and other urgent challenges. Countries have long attempted to employ propaganda in service of their political agendas. Now, however, the internet provides widespread, inexpensive access to worldwide audiences, facilitating the broadcast of false and manipulative messages to large populations and enabling millions of individuals to indulge in their prejudices, biases, and ideological differences. The recent emergence of so-called “deepfakes”—audio and video recordings that are essentially undetectable as false—threatens to further undermine the ability of citizens and decision makers to separate truth from fiction. The resulting falsehoods hold the potential to create economic, social, and military chaos, increasing the possibility of misunderstandings or provocations that could lead to war, and fomenting public confusion that leads to inaction on serious issues facing the planet. Agreement on facts is essential to democracy and effective collective action. Other new technologies, including developments in biological engineering, high-speed (hypersonic) weapons, and space weapons, present further opportunities for disruption. Genetic engineering and synthetic biology technologies are now increasingly affordable, readily available, and spreading rapidly. Globally, governments and companies are collecting vast amounts of health-related data, including genomic data, ostensibly for the purpose of improving healthcare and increasing profits. But the same data could also be useful in developing highly effective biological weapons, and disagreements regarding verification of the Biological and Toxin Weapons Convention continue to place the world at risk. Artificial intelligence is progressing at a frenzied pace. In addition to the concern about marginally controlled AI development and its incorporation into weaponry that would make kill decisions without human supervision, AI is now being used in military command and control systems. Research and experience have demonstrated the vulnerability of these systems to hacking and manipulation. Given AI’s known shortcomings, it is crucial that the nuclear command and control system remain firmly in the hands of human decision makers. There is increasing investment in and deployment of hypersonic weapons that will severely limit response times available to targeted nations and create a dangerous degree of ambiguity and uncertainty, at least in part because of their likely ability to carry either nuclear or conventional warheads. This uncertainty could lead to rapid escalation of military conflicts. At a minimum, these weapons are highly destabilizing and presage a new arms race. Meanwhile, space has become a new arena for weapons development, with multiple countries testing and deploying kinetic, laser, and radiofrequency anti-satellite capabilities, and the United States creating a new military service, the Space Force. The overall global trend is toward complex, high-tech, highly automated, high-speed warfare. The computerized and increasingly AI-assisted nature of militaries, the sophistication of their weapons, and the new, more aggressive military doctrines asserted by the most heavily armed countries could result in global catastrophe. How the world should respond To say the world is nearer to doomsday today than during the Cold War—when the United States and Soviet Union had tens of thousands more nuclear weapons than they now possess—is to make a profound assertion that demands serious explanation. After much deliberation, the members of the Science and Security Board have concluded that the complex technological threats the world faces are at least as dangerous today as they were last year and the year before, when we set the Clock at two minutes to midnight (as close as it had ever been, and the same setting that was announced in 1953, after the United States and the Soviet Union tested their first thermonuclear weapons). But this year, we move the Clock 20 seconds closer to midnight not just because trends in our major areas of concern—nuclear weapons and climate change—have failed to improve significantly over the last two years. We move the Clock toward midnight because the means by which political leaders had previously managed these potentially civilization-ending dangers are themselves being dismantled or undermined, without a realistic effort to replace them with new or better management regimes. In effect, the international political infrastructure for controlling existential risk is degrading, leaving the world in a situation of high and rising threat. Global leaders are not responding appropriately to reduce this threat level and counteract the hollowing-out of international political institutions, negotiations, and agreements that aim to contain it. The result is a heightened and growing risk of disaster. To be sure, some of these negative trends have been long in development. That they could be seen coming miles in the distance but still were allowed to occur is not just disheartening but also a sign of fundamental dysfunction in the world’s efforts to manage and reduce existential risk. Last year, we called the extremely troubling state of world security an untenable “new abnormal.” “In this extraordinarily dangerous state of affairs, nuclear war and climate change pose severe threats to humanity, yet go largely unaddressed,” we wrote. “Meanwhile, the use of cyber-enabled information warfare by countries, leaders, and subnational groups of many stripes around the world exacerbates these enormous threats and endangers the information ecosystem that underpins democracy and civilization as we know it. At the same time, other disruptive technologies complicate and further darken the world security situation.” This dangerous situation remains—and continues to deteriorate. Compounding the nuclear, climate, and information warfare threats, the world’s institutional and political capacity for dealing with these threats and reducing the possibility of civilization-scale catastrophe has been diminished. Because of the worldwide governmental trend toward dysfunction in dealing with global threats, we feel compelled to move the Doomsday Clock forward. The need for emergency action is urgent. There are many practical, concrete steps that leaders could take—and citizens should demand—to improve the current, absolutely unacceptable state of world security affairs. Among them: US and Russian leaders can return to the negotiating table to: reinstate the INF Treaty or take other action to restrain an unnecessary arms race in medium-range missiles; extend the limits of New START beyond 2021; seek further reductions in nuclear arms; discuss a lowering of the alert status of the nuclear arsenals of both countries; limit nuclear modernization programs that threaten to create a new nuclear arms race; and start talks on cyber warfare, missile defenses, the militarization of space, hypersonic technology, and the elimination of battlefield nuclear weapons. The countries of the world should publicly rededicate themselves to the temperature goal of the Paris climate agreement, which is restricting warming “well below” 2 degrees Celsius higher than the preindustrial level. That goal is consistent with consensus views on climate science, and, notwithstanding the inadequate climate action to date, it may well remain within reach if major changes in the worldwide energy system and land use are undertaken promptly. If that goal is to be attained, industrialized countries will need to curb emissions rapidly, going beyond their initial, inadequate pledges and supporting developing countries so they can leapfrog the entrenched, fossil fuel-intensive patterns previously pursued by industrialized countries. US citizens should demand climate action from their government. Climate change is a serious and worsening threat to humanity. Citizens should insist that their government acknowledge it and act accordingly. President Trump’s decision to withdraw the United States from the Paris climate change agreement was a dire mistake. Whoever wins the 2020 US presidential election should reverse that decision. The United States and other signatories of the Iran nuclear deal can work together to restrain nuclear proliferation in the Middle East. Iran is poised to violate key thresholds of the deal. Whoever wins the United States’ 2020 presidential election must prioritize dealing with this problem, whether through a return to the original nuclear agreement or via negotiation of a new and broader accord. The international community should begin multilateral discussions aimed at establishing norms of behavior, both domestic and international, that discourage and penalize the misuse of science. Science provides the world’s searchlight in times of fog and confusion. Furthermore, focused attention is needed to prevent information technology from undermining public trust in political institutions, in the media, and in the existence of objective reality itself. Cyber-enabled information warfare is a threat to the common good. Deception campaigns—and leaders intent on blurring the line between fact and politically motivated fantasy—are a profound threat to effective democracies, reducing their ability to address nuclear weapons, climate change, and other existential dangers. The global security situation is unsustainable and extremely dangerous, but that situation can be improved, if leaders seek change and citizens demand it. There is no reason the Doomsday Clock cannot move away from midnight. It has done so in the past when wise leaders acted, under pressure from informed and engaged citizens around the world. We believe that mass civic engagement will be necessary to compel the change the world needs. Citizens around the world have the power to unmask social media disinformation and improve the long-term prospects of their children and grandchildren. They can insist on facts, and discount nonsense. They can demand—through public protest, at the ballot box, and in many other creative ways—that their leaders take immediate steps to reduce the existential threats of nuclear war and climate change. It is now 100 seconds to midnight, the most dangerous situation that humanity has ever faced. Now is the time to unite—and act.

### Offense

**Ambiguous legal standards shred solvency – encourage circumvention, abuse, and costly litigation – that turns case**

**Halaijan 13**

Dina Halaijan (JD, Brooklyn Law School). “Inadequacy of TRIPS & the Compulsory License: Why Broad Compulsory Licensing is Not a Viable Solution to the Access Medicine Problem.” Brooklyn Journal of International Law. Volume 38, Issue 3, Article 7 (2013). JDN. <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1050&context=bjil>

Ambiguities in the interpretation of TRIPS due to the lack of substantive guidelines or definitions also hinder its effective use by increasing the risk of litigation.111 The Doha Declaration merely stated that individual countries have “the right to determine what constitutes a national emergency or other circumstances of extreme urgency” in deciding to grant a compulsory license, and thus did little to ameliorate the different interpretive approaches of developed and developing countries.112 The flexible scope of compulsory licenses leads to abuse which further instills resistance and suspicion from pharmaceutical companies.113 For example, Egypt’s compulsory license for Pfizer’s Viagra tarnishes the reputation of compulsory licensing because erectile dysfunction is clearly a less dire situation and one likely not intended to be covered by the public health exception of TRIPS.114 Such excessive abuse and over-use of compulsory licensing likely encourages pharmaceutical companies to aggressively resist valid uses of compulsory licenses to prevent over-expansion of scope.115 In addition to ambiguity in the scope of intended diseases, conflicting interpretations exist in the type of pharmaceutical products intended for compulsory licensing.116 The scope of countries that should benefit from compulsory licensing remains another area of contention.117 Not limiting the scope of applicable nations may create a chilling effect on the types of drugs pharmaceutical companies choose to invest in and develop to avoid the potential for a compulsory license, which hurts developing nations most in need of help.118 Interpreting the morality exclusion in Article 27(2) also proves difficult, as there is no universally accepted definition.119 In addition to causing differing interpretations between countries, the lack of concrete definitions allows countries to alter their position to fit their self-interest and creates potential for abuse.120 For example, despite the United States’ narrow interpretation of TRIPS flexibilities, the United States contradicted itself during the 2001 anthrax scare by suggesting use of a compulsory license for Cipro, a drug that combats the effects of anthrax.121 On a related note, as India’s government and pharmaceutical industry’s capabilities grow, the future of India’s willingness to grant compulsory licenses and produce cheap generic drugs for export to other developing countries is questionable.122 Indian companies may opt to serve their self-interest and become “innovator companies” to compete globally with other large pharmaceutical companies.123 The vagueness of Article 30, which allowed a narrow interpretation to be given by the WTO dispute resolution panel, is a further impediment to increasing access to medicines.124 Calculating adequate remuneration for payment to the patent holder when a compulsory license is issued is another obstacle to successful use of TRIPS flexibilities and is further complicated by the requirement to take the economic value of the authorization into account, as TRIPS does not provide guidance to determine what is ‘adequate’ and what is the authorization’s ‘value.’125 The WTO members’ inability to reach a decision regarding parallel importation created a “fundamental flaw” of ambiguity.126 In regard to compulsory licensing under the Paragraph 6 Decision, drugs made for export must be distinguishable by special labels, colors, or shapes to prevent trade diversion.127 However, lack of monitoring guidelines and repercussions makes the re-exportation issue troubling.128

#### And we currently lack the necessary framework – we need to STRENGTHEN IPR mechanisms, not WEAKEN them – otherwise avoiding circumvention is impossible. That turns the AFF on circumvention and ow/s on both scope and irreversibility of damages to democratic and institutional norms.

Van Overwalle 16

Geertrui Van Overwalle Patent pools and clearinghouses in the life sciences: back to the future Geertrui Van Overwalle Geertrui Van Overwalle (°1958) studied law at the Katholieke Universiteit Brussel (K.U.Brussel, now H.U.B) and the Katholieke Universiteit Leuven (K.U.Leuven). She received her law degree (Master of Laws) in 1985 magna cum laude at the K.U.Leuven. In addition, she took a course of biotechnology at the Belgian Royal Society of Engineers in 1990. Geertrui Van Overwalle is president of the European Policy for Intellectual Property (EPIP) research network. She is a member of the European Commission’s Expert Group on Biotechnological Inventions. She is also a member of the Economic and Scientific Advisory Board of the European Patent Office and of theScientific Advisory Board (Fachbeirat) of the Max-Planck-Institute for Intellectual Property and Competition Law. Paper submitted in February 2016 for publication in: Research Handbook on IP and the Life Sciences, D. Matthews & H. Zech (eds.), Edward Elgar, 2016 <file:///C:/Users/andre/Downloads/VanOverwalle-IP%20Pools%20Clearinghouses%20Life%20Sciences-2016-ssrn.pdf> -CAT

Patent growth and patent thickets 2.1. Increase of patents One of the most striking aspects of the intellectual property (IP) system in recent years is the ongoing worldwide increase of intellectual property rights (IPRs) in general,17 and of patents and patent applications in particular.18 At first sight, life sciences is a field with a very high volume of patents and patent applications. On closer inspection, a more nuanced picture arises: in Europe biotechnology grew the fastest in 2014, taking the 8th place in the top ten of technical fields,19 while applications in pharmaceuticals dropped significantly for the second year in a row, but still taking the 10th place in the top ten of technical fields.20 The overall growth of patents has been attributed to several factors. First and foremost, the increase of patents has been said to be caused by technological complexity.21 Complex technology sectors are characterized by the need to assemble multiple elements to develop a final product.22 These sectors are therefore more sensitive to this trend.23 A second cause is the growing importance of sequential technologies. Innovation across the economy is becoming more cumulative in nature, building on previous inventions and innovations.24 A third factor is the explosive growth in innovation in sectors like the ICT and biotechnology industry. Dissenting voices suggest, however, that the rise of patents does not correspond to a dramatic increase in the overall levels of innovation at all.25 A fourth factor is said to be uncertainty in the legal system. Uncertainty in the patent system has a counter-intuitive effect: instead of using it less, firms are choosing to file for more patents, either to fend off perceived threats or to take advantage of the weakness in the system.26 2.2. Patent thickets. Concept The burning question following from the brief statistical overview is, whether the increasing use of patent leads to patent thickets in the life sciences. Before embarking on this issue, let us first (re-)address the notion of IP thickets in general, and patent thickets in particular. With the ICT sector in mind, Merges cautioned for a possible IP thicket, defining such an IP thicket as “a tangled, twisted mass of intellectual property rights, which criss-cross the established walkways of commerce” and where progress requires “numerous contracts with multiple, independent right holders”.27 In the same sense, Shapiro spoke of “a dense web of overlapping intellectual property rights that a company must hack its way through in order to actually commercialize new technology”.28 Ullrich resonated this approach where he argued that a patent thicket may be present when “the field is crowded by a large number of patents, with ownership being dispersed among many patentees, so that it becomes impossible for anyone to work naturally coherent pieces of the technology without first obtaining consent by many other patentees”.29 Carefully reading the various definitions suggests that a patent thicket is likely to emerge when a multitude of IP rights is held by multiple IP owners.30

## Discourse DA

### Discourse DA (1:47)

#### Consensus seeking hurts effective policymaking – it’s driven by synthetic visions of ideal unity and credible reputation-building, but inevitably fails because it lacks rigorous testing, scenario planning, and intentional design. The impact is ineffective policymaking that fails to maximize utility.

Morin and Gold 10

Jean-Frédéric Morin and Richard Gold. “CONSENSUS-SEEKING, DISTRUST AND RHETORICAL ENTRAPMENT: THE WTO DECISION ON ACCESS TO MEDICINES.” European Journal of International Relations, vol 16-4, 2010, pp. 563-587. CAT

Gabriel García Márquez’s novel, Chronicle of a Death Foretold, tells the story of a tragic murder in a remote tropical community. While the townspeople were well aware of the murderer’s intention, each had his or her own reason not to prevent this predictable crime, creating an odd consensual collusion. One could argue that the title of this novel could as easily describe the story of the WTO Decision on generic drug exports. Actors consensually agreed to a mechanism that they knew would not work but that would save their reputations and advantageously position them for the next round of negotiations. This alternative Chronicle of a Death Foretold begins with the signature of the Doha Declaration on the TRIPs Agreement and Public Health in November 2001. The Declaration called for international negotiations to address the need of some countries to import generic medicines produced under compulsory licensing. At the time, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) provided that compulsory licenses ‘shall be authorized predominantly for the supply of the domestic market.’1 Thus, if a developing country did not possess sufficient manufacturing capacity to make a locally issued compulsory license practicable, TRIPs prevented it from importing drugs produced under compulsory licenses in another country. With the Doha Declaration, WTO members formally agreed that this situation was unacceptable and committed themselves to find an ‘expeditious solution.’ It was not until the summer of 2003 that Member States reached what WTO Director, Supachai Panitchpakdi, called ‘an historic agreement.’2 The so-called 30 August 2003 Decision defined conditions under which a country could export pharmaceutical products to another under a compulsory license. In December 2005, WTO members translated this Decision into a permanent amendment to the TRIPs agreement, making it the first WTO agreement to be amended. The adopted mechanism received praise from around the world, including from rock star Bono, UNICEF, the United States Trade Representative, and Pfizer. Some NGOs expressed cautious skepticism over the Decision but nevertheless soon lobbied for its implementation in domestic legislation. The effectiveness of the global mechanism, however, proved disappointing. The early literature, published before the adoption of the final Decision and the first attempts at its 2 implementation, presents the Doha Declaration as a breakthrough and credited NGOs for bringing public health concerns in a trade forum (Hoen, 2002; Sell and Prakash, 2002). Even some of later work treated the Declaration as a victory for NGOs, but with the warning that ‘at the time of writing, it was too early to assess further any net effects of this case and later events’ (Odell and Sell, 2006: 106). Eight years after the Doha Declaration, the conclusion has become clear that the WTO Decision actually changed little. In the six years following its adoption, only one compulsory license has ever been issued under this mechanism. That was between Canada and Rwanda, as exporter and importer respectively, of 260,000 packs of the HIV/AIDS combination therapy. The Canadian company involved stated that ‘it's almost a miracle Rwanda may be getting any drugs under this law.’3 Meanwhile, most other developing countries continue to lack safe and affordable pharmaceutical products. ‘We have failed lamentably’, concluded Stephen Lewis, the former United Nations Special Envoy for HIV/AIDS in Africa.4 More recent studies provide three explanations for the failure of the WTO mechanism to increase access to medicines in developing countries (Islam, 2004; Baker, 2004; Gopakumar, 2004; Pugatch, 2006). Most argue that the holdup is caused by the procedural requirements for obtaining a compulsory license, which are burdensome and create unnecessary transaction costs. Others explain away the current low use of the mechanism by pointing to the fact that India has been supplying affordable drugs that had not been patented in that country. Finally, others argue that the problem lies in an asymmetry of information about the mechanism such that many developing countries are not even aware that it exists. These three explanations converge on the conclusions that the legal mechanism is inadequate and that international pharmaceutical economics undermines its effectiveness. This paper addresses the upstream problem of how the world found itself in this situation. If we assume, along with most observers, that the legal mechanism is not suited to the realities of pharmaceutical economics and business models, why did policy-makers adopt such an ill-fitted mechanism in the first place and why did most non-state actors publically support it? This problem is especially puzzling since frequent explanations for ineffective regimes are unsatisfactory. The facts run against the interest group literature argument that policymakers were captured by one interest group at the expense of others. Pharmaceutical companies were the only potential losers of the mechanism, but they surprisingly joined the NGOs in advocating for the implementation of the mechanism in domestic legislation. As John Odell and Susan K. Sell observed, ‘if the dominant powers’ preferences had been sufficient to determine the outcome, there would have been no WTO declaration at all, or one expressing sympathy for victims while reaffirming the status quo without qualification’ (2006: 97). We agree with Odell and Sell that actors may have recognized that walking away with nothing in hand was worse than a mechanism that they knew was flawed. But this does not explain how they put themselves into a situation where this would be true. It is far from clear why the United States and the pharmaceutical industry considered that a new exception to 3 exclusive rights was better than the alternatives. It is even more difficult to understand why NGOs and developing countries felt that walking away from discussions in disgust was worse than a public health mechanism they knew to be flawed. We argue that the actors became trapped in a rhetoric of consensus-seeking that made it preferable for all to agree to a flawed mechanism rather than to keep negotiating. With this procedural norm of consensus-seeking in place, it became more important to be seen as having participated in the process in a collaborative manner than to pursue the declared objectives of the regime. Thus, actors gave priority to reaching a shared decision over adopting an effective solution aligned with the formal objectives of the negotiations. The Decision represents more a convergence of relational interests (i.e. preserving reputation gains and ending the debate) than a convergence of the minds (i.e. a moral duty to amend a treaty with the aim of increasing access to medicines). This finding is of critical importance at a time when consensus-seeking is often presented by many policymakers and some academics as the most desirable process to govern trade-related matters (Wolfe, 2005; King, 2003; Kapoor, 2004). Such an approach is believed to avoid unfair outcomes otherwise favored by tyrannical majorities or hegemonic powers. If governments, patent-holders, generic producers, and humanitarian organizations, which are usually stuck in dead-ended antagonism, can agree on a solution, one could (wrongly) presume that it will be balanced and effective. Yet, our study shows that the procedural norm of consensus-seeking can also lead not only to unworkable outcomes, but to flawed processes as well. More specifically, we argue that when consensus-seeking is elevated to the status of procedural norm, it is likely to bring participants into a position of ‘rhetorical action.’ Rhetorical action refers to the strategic deployment of an organized set of claims with the purpose of convincing an audience or depriving opponents of rhetorical materials (Müller, 2004; Krebs and Jackson, 2007; Risse, 2000; Schimmelfennig, 2001; Ulbert and Risse, 2005). As illustrated in Table 1, rhetorical action is situated within a continuum from strategic action based on pure gain maximization (an ideal-type conceptualized by rational choice theory) to communicative action based on pure truth-seeking deliberation (an ideal-type conceptualized by Jürgen Habermas). Lying between strategic and communicative actions, rhetorical action has characteristics of each: it is based on using arguments to persuade others but without a willingness to give up on maximizing one’s own gains. 4

Table

Description automatically generated

The concept of rhetoric can usefully bridge two theoretical schools. Rational choice theory alone cannot explain our case as norms and discourse have clearly affected the outcome. However, hardcore constructivism is equally insufficient. Actors had pre-defined material interests and sought to maximize their utility. We consider that rhetorical action, as a middle-ground between constructivism and rational choice theory, better explain the adoption of the 2003 WTO Decision. Rhetoric could be a powerful tool if used unilaterally. However, if all actors engage in rhetorical action and do not share any normative commitment other than the procedural norm of consensus-seeking, they will find themselves trapped in an endless debate, unable to persuade others and unwilling to move. To overcome this situation, actors have three options. First, they can turn their dynamic of rhetorical action into strategic action. For this, they must be prepared to behave in contradiction with their own discourse and suffer reputational costs. Second, they can try to elevate their rhetorical action into truth-seeking action. This, however, required more than intersubjectively shared norms and the prevalence of argument over bargaining, two conditions currently identified by the current Habermasian literature on world politics (Risse, 2000; Kapoor, 2004; Mitzen, 2005; Müller, 2004). Our research suggests that trust – or at least the absence of distrust – is an independent intervening variable. Third, actors unwilling to suffer reputational costs by having behaviors inconsistent with their previous discourse, and unwilling to build trust with their interlocutors by ignoring their previous behaviors, can close their debate by adopting an unworking agreement.

#### Discourse is a prior question; it frames our thought and gatekeeps permissible research questions – so deconstructing it operates on the highest layer

Bleiker 01

Richard – Senior lecturer and co-director of Rotary centre of International studies in Peace and Conflict resolution (Robert, “The Zen of International Relations”, edited by Stephen Chan, Peter Mandeville, and Ronald Blieker, p. 47, 2001, KTOP) -recut CAT

The doorkeepers of IR are those who, knowingly or unknowingly make sure that the discipline’s discursive boundaries remain intact. Discourses, in a Foucaultian sense, are subtle mechanisms that frame our thinking process. They determine the limits of what can be, talked and written of in a normal and rational way. In every society the production of discourses is controlled, selected, organized and diffused by certain procedures. They create systems of exclusion that elevate one group of discourses to a hegemonic status while condemning others to exile. Although the boundaries of discourses change, at times gradually, at times abruptly, they maintain a certain unity across time, a unity that dominates and transgresses individual authors, texts or social practices. They explain, to come back to Nietzsche, why 'all things that live long are gradually so saturated with reason that their origin in unreason thereby becomes improbable'.32 Academic disciplines are powerful mechanisms that direct and control the production and diffusion of discourses. They establish the rules of intellectual exchange and define the methods, techniques and instru- ments that are considered proper for the pursuit of knowledge. Within these margins each discipline recognizes true and false propositions based on the standards of evaluation it established to assess them.” It is not my intention here to provide a coherent account or historical survey of the exclusionary academic conventions that have been estab- lished by the discipline of IR.” Instead, I want to illustrate the process o disciplining thought by focusing on an influential monograph by the well-placed academics, Gary King, Robert O. Keohane and Sidney Verba. By outlining the methodological rules about how to conduct good scholarly research, they fulfil important and powerful doorkeeping functions. These functions emerge as soon as the authors present their main argument, that 'qualitative' and 'quantitative' research approaches do not differ in substance for both can (and must be) systematic and scientific.” One does not need to be endowed with the investigating genius of a Sherlock Holmes to detect positivist traits in these pages. One easily recognises an (anti)philosophical stance that attempts to separate subject and object, that believes the social scientist, as detached observer, can produce value-free knowledge. Such a positivist position assumes only that which is manifested in experience, which emerges from observing ‘reality’, of deserves the name know- ledge. All other utterances have no cognitive and empirical merit, they are mere value statements, normative claims, unprovable speculations.” Indeed, if the doorkeepers did not inform us that their methodological suggestions emerged from years of teaching a core graduate course at one of North America's foremost research institutions, one could easily mistake their claims as parodies of positivism. We are told that the goal of research is 'to learn facts about the real world' and that all hypothesis 'need to be evaluated empirically before they can make a contribution to knowledge' Which facts? Whose 'real' world? What forms of knowledge? I— The discursive power of academic disciplines, George Canguilhem argues, works such that a statement has to be 'within the true' before one can even start to judge whether it is true or false, legitimate or illegitimate.38 Hence the doorkeepers inform us that what distinguishes serious research about the 'facts' of the 'real world' from casual observa­tion is the search for 'valid inferences by the systematic use of well-established procedures ofjnaiiuyl.39 Such procedures not only suggest on what grounds things can be studied legitimately, but also decide what issues are worthwhile to be assessed in the first place. In other words, a topic has to fulfil a number of preliminary criteria before it can even be evaluated as a legitimate IR concern. The criteria of admittance, the doorkeepers notify us, are twofold. A research topic must 'pose a question that is "important" in the real world' and it must contribute to the scholarly literature by 'increasing our collective ability to construct verified scientific explanation of some aspect of the world'.40 The doorkeepers of IR remind the women and men from the country who pray for admittance to the temple of IR that only those who abide by the established rules will gain access. Admittance cannot be granted at the moment to those who are eager to investigate the process of knowing, to those who intend to redraw the boundaries of 'good' and 'evil' research, or to those who even have the audacity of questioning what this 'real world' really is. The warning is loud and clear: 'A pro­posed topic that cannot be refined into a specific research project per­mitting valid descriptive or causal inference should be modified along the way or abandoned.'41 And if you are drawn to the temple of IR after all, the doorkeepers laugh, then just try to go in despite our veto. But take note, we are powerful and we are only the least of the doorkeepers, for ultimately all research topics that have no 'real-world importance' will run 'the risk of descending to politically insignificant questions'.42 Or could it be that these allegedly unimportant research topics need to be silenced precisely because they run the risk of turning into politically significant questions? The dominant IR stories that door keeping functions uphold are sustained by a wide range of discipline related procedures linked to aspects such as university admittance standards teaching curricula, examination topics, policies of hiring and promoting teaching staff or publishing criteria determined by the major or journals in the field. At least the doorkeepers of IR have not lost a sense of (unintended) irony. They readily admit that we seek not dogma, but disciplined thought'. Academic disciplines discipline the production of discourses. They have the power separate from irrational from irrational stories. They force the creation and exchange of knowledge into preconceive spaces, called debates. Even if one is to engage the orthodox position in a critical manner, the outcome of the discussion is already circumscribed by the parameters that had been established through the initial framing of the debates. Thus, as soon as one addresses academic disciplines on their own terms one has to play according to the rules of a discursive police which is reactivated each time one speaks.