## DA -Climate Patents

#### **Climate innovation is high and solving warming, but continued investment is key -- reducing IP collapses collaboration and investments.**

Brand 5-26, [Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/]

“If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis, can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth?” the discussions around waiving intellectual property (IP) rights set forth in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are currently (and somewhat amorphously) limited to COVID-19 related drug and medical products, it is probably shortsighted to ignore the implications for other technologies critical to sustaining our environment and advancing a more healthful world. In fact, if we want to ensure continued investment in these technologies, we should be very concerned about the message conveyed by the international political tide: if you overcome a challenging scientific problem and your solution has the potential to save lives, be prepared to be subjected to intense political pressure and to potentially hand over your technology without compensation and regardless of the consequences. The biotech industry is making remarkable advances towards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course we dispute this notion), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) Katherine Tai was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. International Pressure May Be Influencing Domestic IP Policy The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensation and no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass, reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietary know-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary international collaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation raised over $1 billion in investment in the second quarter of 2019 alone. If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to invest at the current and required levels. Next on the Chopping Block It is quite reasonable to be worried about the broad implications of a TRIPS IP waiver precedent. International campaigns to weaken IP rights seem to be taking hold in U.S. domestic policy. The TRIPS IP waiver discussions will not conclude in the near term and will not yield more shots in people’s arms. This is not even truly disputed, as our own administration acknowledges that the goal here is technology transfer abroad. Given the signaling that our Administration believes waiving IP rights is an appropriate measure to end global crises, it is proper to worry that facets of the biotech sector addressing climate change may be next on the chopping block.

#### Only a strong private sector can solve climate change

Gulker 19 [Max Gulker, 2-11-2019, "How a Strong Private Sector Will Address Climate Change," AIER, https://www.aier.org/article/how-a-strong-private-sector-will-address-climate-change/]

This is where a society with a free and well-developed private sector ought to shine. The engine of entrepreneurship combined with people responding to facts on the ground with which they alone are intimately aware will yield countless inventions, new construction, and other initiatives great and small. “The private sector” as a whole probably won’t get its due from pundits when the world is adapting to climate change since by its very nature its responses will be decentralized and often hidden in plain sight. We can speculate all we want on entrepreneurial solutions to problems that haven’t yet materialized–but the private sector can shine exactly where our speculation, and that of the public sector, inevitably falls short. Forbes contributor Willy Foote writes, “We need a comprehensive global effort to both mitigate and adapt to the impacts of climate change. But the latter is not a secondary challenge that can be put on hold until the world solves the former. It’s an immediate need.” The private sector is where much of this action will happen: “Social entrepreneurs, investors, and other private actors—unlike most governments—have inherent flexibility. They can experiment, identify the best solutions, and share that knowledge with others.” The environmental left is becoming less shy about wanting to greatly reduce the size and influence of the private sector. Climate change shows why we need a strong private sector–truly unleashing global knowledge and ingenuity to address changes around the world.

#### Climate change is existential and emerging technology is key

Espinosa 20 [Patricia Espinosa 04-xx-2020Frontier technologies to protect the environment and tackle climate change https://www.itu.int/en/action/environment-and-climate-change/Documents/frontier-technologies-to-protect-the-environment-and-tackle-climate-change.pdf]

Climate change is an existential crisis and represents the greatest challenge facing this generation. It is clear that business as usual is simply not good enough anymore. We need deep, transformational and systemic change throughout society if we are to truly build a low-emissions, highly-resilient and more sustainable future. Technological innovations have a critical role to play in this process, including enhancing and accelerating the implementation of Nationally-Determined Contributions, National Adaptation Plans and both long and medium-term climate change strategies. Specifically, technological innovation in adaptation and mitigation has received increased attention, thereby providing opportunities to accelerate climate action on all fronts. Frontier technologies present even greater potential in our fight against climate change. In the energy and renewables sector, innovations such as smart grids, through the Internet of Things (IoT), may substantially lower global emissions, helping to drive their necessary peak and decline. In the area of climate resilience, technologies such as satellite 2.0 and artificial intelligence offer enormous opportunities when it comes to identifying and addressing climate risks and their impacts, as well as promoting climate-resilient development. While the potential of these new technologies is extraordinary, as the United Nations family, it is our responsibility to not only promote the transfer and diffusion of new technologies, but also to ensure that their benefits are available to all people. For example, we must ensure that autonomous systems are free of biases and discrimination and we must also ensure they consider the interests of the most vulnerable. Technology, if harnessed correctly, offers enormous potential in our efforts to address climate change. It can not only offer unique opportunities—including economic—but it can have an immediate and significant impact and put countries on the path to low-carbon and climate-resilient development.

#### Warming causes extinction

Klein 14[(Naomi Klein, award-winning journalist, syndicated columnist, former Miliband Fellow at the London School of Economics, member of the board of directors of 350.org), *This Changes Everything: Capitalism vs. the Climate*, pp. 12-14]

In a 2012 report, the World Bank laid out the gamble implied by that target. “As global warming approaches and exceeds 2-degrees Celsius, there is a risk of triggering nonlinear tipping elements. Examples include the disintegration of the West Antarctic ice sheet leading to more rapid sea-level rise, or large-scale Amazon dieback drastically affecting ecosystems, rivers, agriculture, energy production, and livelihoods. This would further add to 21st-century global warming and impact entire continents.” In other words, once we allow temperatures to climb past a certain point, where the mercury stops is not in our control.¶ But the bigger problem—and the reason Copenhagen caused such great despair—is that because governments did not agree to binding targets, they are free to pretty much ignore their commitments. Which is precisely what is happening. Indeed, emissions are rising so rapidly that unless something radical changes within our economic structure, 2 degrees now looks like a utopian dream. And it’s not just environmentalists who are raising the alarm. The World Bank also warned when it released its report that “we’re on track to a 4-C warmer world [by century’s end] marked by extreme heat waves, declining global food stocks, loss of ecosystems and biodiversity, and life-threatening sea level rise.” And the report cautioned that, “there is also no certainty that adaptation to a 4-C world is possible.” Kevin Anderson, former director (now deputy director) of the Tyndall Centre for Climate Change, which has quickly established itself as one of the U.K’s premier climate research institutions, is even blunter; he says 4 degrees Celsius warming—7.2 degrees Fahrenheit—is “incompatible with an organized, equitable, and civilized global community.”¶ We don’t know exactly what a 4 degree Celsius world would look like, but even the best-case scenario is likely to be calamitous. Four degrees of warming could raise global sea levels by 1 or possibly even 2 meters by 2100 (and would lock in at least a few additional meters over future centuries). This would drown some island nations such as the Maldives and Tuvalu, and inundate many coastal areas from Ecuador and Brazil to the Netherlands to much of California and the northeastern United States as well as huge swaths of South and Southeast Asia. Major cities likely in jeopardy include Boston, New York, greater Los Angeles, Vancouver, London, Mumbai, Hong Kong, and Shanghai.¶ Meanwhile, brutal heat waves that can kill tens of thousands of people, even in wealthy countries, would become entirely unremarkable summer events on every continent but Antarctica. The heat would also cause staple crops to suffer dramatic yield losses across the globe (it is possible that Indian wheat and U.S. could plummet by as much as 60 percent), this at a time when demand will be surging due to population growth and a growing demand for meat. And since crops will be facing not just heat stress but also extreme events such as wide-ranging droughts, flooding, or pest outbreaks, the losses could easily turn out to be more severe than the models have predicted. When you add ruinous hurricanes, raging wildfires, fisheries collapses, widespread disruptions to water supplies, extinctions, and globe-trotting diseases to the mix, it indeed becomes difficult to imagine that a peaceful, ordered society could be sustained (that is, where such a thing exists in the first place).¶ And keep in mind that these are the optimistic scenarios in which warming is more or less stabilized at 4 degrees Celsius and does not trigger tipping points beyond which runaway warming would occur. Based on the latest modeling, it is becoming safer to assume that 4 degrees could bring about a number of extremely dangerous feedback loops—an Arctic that is regularly ice-free in September, for instance, or, according to one recent study, global vegetation that is too saturated to act as a reliable “sink”, leading to more carbon being emitted rather than stored. Once this happens, any hope of predicting impacts pretty much goes out the window. And this process may be starting sooner than anyone predicted. In May 2014, NASA and the University of California, Irvine scientists revealed that glacier melt in a section of West Antarctica roughly the size of France now “appears unstoppable.” This likely spells down for the entire West Antarctic ice sheet, which according to lead study author Eric Rignot “comes with a sea level rise between three and five metres. Such an event will displace millions of people worldwide.” The disintegration, however, could unfold over centuries and there is still time for emission reductions to slow down the process and prevent the worst. ¶ Much more frightening than any of this is the fact that plenty of mainstream analysts think that on our current emissions trajectory, we are headed for even more than 4 degrees of warming. In 2011, the usually staid International Energy Agency (IEA) issued a report predicting that we are actually on track for 6 degrees Celsius—10.8 degrees Fahrenheit—of warming. And as the IEA’s chief economist put it: “Everybody, even the school children, knows that this will have catastrophic implications for all of us.” (The evidence indicates that 6 degrees of warming is likely to set in motion several major tipping points—not only slower ones such as the aforementioned breakdown of the West Antarctic ice sheet, but possibly more abrupt ones, like massive releases of methane from Arctic permafrost.) The accounting giant PricewaterhouseCoopers as also published a report warning businesses that we are headed for “4-C , or even 6-C” of warming.¶ These various projections are the equivalent of every alarm in your house going off simultaneously. And then every alarm on your street going off as well, one by one by one. They mean, quite simply, that climate change has become an existential crisis for the human species. The only historical precedent for a crisis of this depth and scale was the Cold War fear that we were headed toward nuclear holocaust, which would have made much of the planet uninhabitable. But that was (and remains) a threat; a slim possibility, should geopolitics spiral out of control. The vast majority of nuclear scientists never told us that we were almost certainly going to put our civilization in peril if we kept going about our daily lives as usual, doing exactly what we were already going, which is what climate scientists have been telling us for years. ¶ As the Ohio State University climatologist Lonnie G. Thompson, a world-renowned specialist on glacier melt, explained in 2010, “Climatologists, like other scientists, tend to be a stolid group. We are not given to theatrical rantings about falling skies. Most of us are far more comfortable in our laboratories or gathering data in the field than we are giving interviews to journalists or speaking before Congressional committees. When then are climatologists speaking out about the dangers of global warming? The answer is that virtually all of us are now convinced that global warming poses a clear and present danger to civilization.”

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#### Refusing to center the debate on policy-making and consequences has real world impacts – prefer util, which leads to resolving actual material impacts, over abstract theorizing, “me-search”, and unfeasible, utopian movements that cede the political

**Chandler 7** (David Chandler – Professor of International Relations and the Director of the Centre for the Study of Democracy at the Department of Politics and International Relations at the University of Westminster. He’s also the founding editor of the Journal of Intervention and Statebuilding, “The Attraction of Post-Territorial Politics: Ethics and Activism in the International Sphere (The Inaugural Lecture of Professor David Chandler)”, http://www.davidchandler.org/wp-content/uploads/2014/10/Inaugural-lecture.pdf, pgs. 1-9, EmmieeM)

Introduction. It seems that our engagement with and understanding of politics is increasingly shaped by global questions from international terrorism and the war in Iraq, to climate change, the WTO, humanitarian crises and relief from poverty. For many people the fact that politics has become global – that politics is no longer restricted to narrow questions and institutions at a national level, or mainly contested in territorial boxes of the nation state – demonstrates that the stakes are much higher today. On the one hand, it appears that Western powers have carte blanche for the assertion of power in the war on terror or new rights of preventive or humanitarian intervention, on the other, it appears that there are new forms of global struggle is well summed up in radical theorists Hardt and Negri’s view of a struggle between Empire and the Multitude – where every struggle and protest becomes a direct struggle against the Empire of global capital serviced under US leadership. I think that the stakes are high in the new global ethics and activism, but that the stakes are somewhat different to those laid out above. I want to discuss what I think these stakes are by drawing out the reasons for the shift in politics to the global level and the consequences of this process. The Demand for Global Politics. The stakes seem to exist largely at a global level at the same time as what is at stake in domestic politics seems to be increasingly diminished. There are local elections tomorrow; I guess that many people here will be voting. However, our relationship to the electoral process and its role in political life has changed. In the past, casting our vote gave us a sense of connection with society, a sense of connection to other voters who shared our support for a certain political programme and a sense of connection (albeit a hostile one) to those who supported opposing programmes. Voting meant something to us and gave us a sense of relationship to political representatives and to the government of the day. Today, if we vote, we experience not a sense of connection but one of disconnection; we don’t really feel that we share much with others who voted the same way and certainly don’t feel a sense of being part of a project or sharing a goal of the political party which we may have voted for. Today, elections do not give an incoming government the social and political legitimacy that elections did in the past. Governments have a fairly fragile and unmediated relationship with their societies, and individuals have an increasingly atomized sense of their social and political selves. However, politics is no less important to many of us today. Politics still gives us a sense of social connection and social rootedness and gives meaning to many of our lives. It is just that the nature and practices of this politics are different. We are less likely to engage in the formal politics of representation – of elections and governments – but in post-territorial politics, a politics where there is much less division between the private sphere and the public one and much less division between national, territorial, concerns and global ones. This type of politics is on the one hand ‘global’ but, on the other, highly individualized: it is very much the politics of our everyday lives – the sense of meaning we get from thinking about global warming when we turn off the taps when we brush our teeth, take our rubbish out for recycling or cut back on our car use – **we** might also **do** global **politics in deriving meaning from the ethical** or social **value of our work, or in our subscription or support for good causes** from Oxfam to Greenpeace and Christian Aid. I want to suggest that when we do ‘politics’ nowadays it is less the ‘old’ politics, of self-interest, political parties, and concern for governmental power, than the ‘new’ politics of global ethical concerns. I further want to suggest that the forms and content of this new approach to the political are more akin to religious beliefs and practices than to the forms of our social political engagement in the past. Global politics is similar to religious approaches in three vital respects: 1) global post-territorial politics are no longer concerned with power, its’ concerns are free-floating and in many ways, existential, and how we live our lives; 2) global politics revolve around practices with are private and individualized, they are about us as individuals and our ethical choices; 3) the practice of global politics tends to be non-instrumental, we do not subordinate ourselves to collective associations or parties and are more likely to give value to our aspirations, acts, or the fact of our awareness of an issue, as an end in-itself. **It is as if we are upholding our goodness or ethicality in the face of an increasingly confusing, problematic and alienating world** – **our politics** in this sense **are an expression or** voice, in Marx’s words, **of** ‘**the heart in a heartless world’** or ‘the soul of a soulless condition’. The practice of ‘doing politics’ as a form of religiosity is a highly conservative one. As Marx argued, religion was **the ‘opium of the people’** – this is politics as a sedative or pacifier: it feeds an illusory view of change at the expense of genuine social engagement and transformation. I want to argue that global **ethical politics** reflects and institutionalizes our sense of disconnection and social atomization and **results in irrational and unaccountable government policy making**. I want to illustrate my points by briefly looking at the practices of global ethics in three spheres, those of radical political activism, government policy making and academia. **Radical activism**. People often argue that there is nothing passive or conservative about radical political activist protests, such as the 2003 anti-war march, anti-capitalism and anti-globalisation protests, the huge march to Make Poverty History at the end of 2005, involvement in the World Social Forums or the radical jihad of Al-Qaeda. I disagree; these new forms of protest **are highly individualized and personal** ones **– there is no attempt to build a** social or **collective movement**. It appears that **theatrical suicide, demonstrating, badge and bracelet wearing are ethical acts** in themselves: **personal statements of awareness, rather than attempts to engage politically with society.** This is illustrated by the ‘celebration of differences’ at marches, protests and social forums. It is as if **people are more concerned with the creation of a sense of community through differences than with** any **political debate**, shared agreement or collective purpose. It seems to me that **if someone was really concerned with ending war or with ending poverty** or with overthrowing capitalism, that political views and political differences would be quite important. Is war caused by capitalism, by human nature, or by the existence of guns and other weapons? **It would seem important to debate reasons, causes and solutions**, it would also seem necessary to give those political differences an organizational expression if there was a serious project of social change. Rather than a political engagement with the world, it seems that **radical political activism** today **is a form of social disengagement** – expressed in the anti-war marchers’ slogan of ‘Not in My Name’, **or the assumption that wearing a plastic bracelet or setting up an internet blog diary is the same as engaging in political debate**. In fact, is seems that political **activism is a practice whish isolates individuals who think that demonstrating a personal commitment** or awareness of problems **is preferable to engaging with other people** **who are often dismissed as uncaring** or brain-washed by consumerism. The narcissistic aspect of the practice of this type of global politics are expressed clearly by individuals who are obsessed with reducing their carbon footprint, deriving their idealized sense of social connection from an ever increasing awareness of themselves and by giving ‘political’ meaning to every personal action. Global ethics appear to be in demand because they offer us a sense of social connection and meaning while at the same time giving us the freedom to construct the meaning for ourselves, to pick our causes of concern, and enabling us to be free of responsibilities for acting as part of a collective association, for winning an argument or for success at the ballot-box. While the appeal of global ethical politics is an individualistic one, the lack of success or impact of radical activism is also reflected in its rejection of any form of social movement or organization. Governments. Strange as it may seem, the only people who are keener on global ethics than radical activists are political elites. Since the end of the Cold War, global ethics have formed the core of foreign policy and foreign policy has tended to dominate domestic politics. Global ethics are at the centre of debates and discussion over humanitarian intervention, ‘healing the scar of Africa’, the war on terror and the ‘war against climate insecurity’. Tony Blair argued in the Guardian last week that ‘foreign policy is no longer foreign policy’ (Timothy Garten Ash, ‘Like it or Loath it, after 10 years Blair knows exactly what he stands for’, 26 April 2007), this is certainly true. Traditional foreign policy, based on strategic geo-political interests with a clear framework for policy-making, no longer seems so important. The government is down-sizing the old Foreign and Commonwealth Office where people were regional experts, spoke the languages and were engaged for the long-term, and provides more resources to the Department for International Development where its staff are experts in good causes. This shift was clear in the UK’s attempt to develop an Ethical Foreign Policy in the 1990s – an approach which openly claimed to have rejected strategic interests for values and the promotion of Britain’s caring and sharing ‘identity’. Clearly, **the projection of foreign policy on the basis of demonstrations of values and identity, rather than an understanding of the needs and interests of people on the ground, leads to ill thought-through and short-termist policy-making**, as was seen in the ‘value-based’ interventions from Bosnia to Iraq (see Blair’s recent Foreign Affairs article, ‘A Battle for Global Values’, 86:1 (2007), p.79-90). **Governments have been more than happy to put** **global ethics at the top of the political agenda for** – the same reasons that radical activists have been eager to shift to the global sphere – **the freedom from political responsibility that it affords them.** Every government and international institution has shifted from strategic and instrumental policy-making based on a clear political programme to the ambitious assertion of global causes – saving the planet, ending poverty, saving Africa, not just ending war but solving the causes of conflict etc – of course, the more ambitious the aim the less anyone can be held to account for success and failure. In fact, the more global the problem is, the more responsibility can be shifted to blame the US or the UN for the failure to translate ethical claims into concrete results. Ethical global questions, where the alleged values of the UN, the UK, the ‘civilised world’, NATO or the EU are on the line in ‘wars of choice’ from the war on terror to the war on global warming lack traditional instrumentality because they are driven less by the traditional interests of Realpolitik than the narcissistic search for meaning or identity. Governments feel the consequences of their lack of social connection, even more than we do as individuals; it undermines any attempt to represent shared interests or cohere political programmes. As Baudrillard suggests, without a connection to the ‘represented’ masses, political leaders are as open to ridicule and exposure as the ‘Emperor with no clothes’ (In the Shadow of the Silent Majorities, New York: Semiotext(e), 1983, for example). It is this lack of shared social goals which makes instrumental policy-making increasingly problematic. As Donald Rumsfeld stated about the war on terror, ‘there are no metrics’ to help assess whether the war is being won or lost. These wars and campaigns, often alleged to be based on the altruistic claim of the needs and interests of others, are demonstrations and performances, based on ethical claims rather than responsible practices and policies. Max Weber once counterposed this type of politics – the ‘ethics of conviction’ – to the ‘ethics of responsibility’ in his lecture on ‘Politics as a Vocation’. The desire to act on the international scene without a clear strategy or purpose has led to highly destabilizing interventions from the Balkans to Iraq and to the moralization of a wide range of issues from war crimes to EU membership requirements. Academia. Today more and more people are ‘doing politics’ in their academic work. This is the reason for the boom in International Relations study and the attraction of other social sciences to the global sphere. I would argue that the attraction of IR for many people has not been IR theory but the desire to practice global ethics. The boom in the IR discipline has coincided with a rejection of Realist theoretical frameworks of power and interests and the sovereignty/anarchy problematic. However, I would argue that this rejection has not been a product of theoretical engagement with Realism but an ethical act of rejection of Realism’s ontological focus. It seems that our ideas and our theories say much more about us than the world we live in. Normative theorists and Constructivists tend to support the global ethical turn arguing that we should not be as concerned with ‘what is’ as with the potential for the emergence of global ethical community. Constructivists, in particular, focus upon the ethical language which political elites espouse rather than the practices of power. But **the most dangerous trends** in the discipline today **are those frameworks which** have taken up Critical theory and **argue that** focusing on the world as it exists is conservative ‘problem-solving’ while **the task for critical theorists is to focus on emancipatory alternative forms of living or of thinking about the world**. **Critical thought** then **becomes** a process of **wishful thinking rather than one of engagement**, with its **advocates argu**ing that **we need to focus on clarifying our own ethical frameworks** and biases and positionality **before thinking about** or teaching on world **affairs;** in the process **this becomes ‘me-search’ rather than research**. We have moved a long way from Hedley Bull’s perspective that, for academic research to be truly radical, we had to put our values to the side to follow where the question or inquiry might lead. **The inward-looking and narcissistic trends in academia, where we are more concerned with our ‘reflexivity’ – the awareness of our own ethics and values – than with engaging with the world**, was brought home to me when I asked my IR students which theoretical frameworks they agreed with most and they replies mostly Critical theory and Constructivism despite the fact that they thought that states operated on the basis of power and self-interest in a world of anarchy. Their theoretical preferences were based more on what their choices said about them as ethical individuals than about how theory might be used to understand and engage with the world. Conclusion. I have attempted to argue that there is a lot at stake in the new politics of global ethics. **Politics** has become a religious activity, an activity which is no longer socially mediated; it **is less and less an activity based on social engagement and the testing of ideas in public debate or in the academy**. Doing politics today, whether in radical activism, government policy-making, or in academia, seems to bring people into a one-to-one relationship with global issues in the same way religious people have a one-to-one relationship with their God. Politics is increasingly like religion because when we look for meaning we find it inside ourselves rather than in the external consequences of our ‘political’ acts. What matters is the conviction or the act in itself: its connection to the global sphere is one that we increasingly tend to provide idealistically. Another way of expressing this limited sense of our subjectivity is in the popularity of globalization theory – the idea that instrumentality is no longer possible today because the world is such a complex and interconnected place and therefore there is no way of knowing the consequences of our actions. The more we engage in the new politics where there is an unmediated relationship between us as individuals and global issues, the less we engage instrumentally with the outside world and the less we engage with our peers and colleagues at the level of political or intellectual debate and organization. You may be thinking that I have gone some way to describing or identifying what the problems might be but I have not mentioned anything about a solution. I won’t dodge the issue. One thing that is clear is **that the solution is not purely an intellectual or academic one**; the demand for global ethics is generated by our social reality and social experiences. Marx spent some time considering a similar crisis of political subjectivity in 1840s Germany and in his writings – The German Ideology, ‘Introduction to the Critique of Hegel’s “Philosophy of Right”’, ‘Theses on Feuerbach’, and elsewhere – he raged against the idealism of contemporary thought and argued that the criticism of religion needed to be replaced by the criticism of politics – by political activism and social change based on the emerging proletariat. Nearly two centuries later **it is more difficult to see an emerging political subject which can fulfill the task of ‘changing the world’ rather than merely ‘reinterpreting it’ through philosophy**. I have two suggestions. Firstly, that **there is a pressing need for an intellectual struggle against the idealism of** global **ethics.** The point needs to be emphasized that our ‘freedom’ to engage in politics, to choose our identities and political campaigns, as well as **governments’ freedom to choose** their **ethical campaigns and wars of choice**, **reflects a lack of social ties and social engagement.** There is no global political struggle between Empire and its’ Radical Discontents, the Foucauldian temptation to see power and resistance everywhere is a product of wishful or lazy thinking dominated by the social categories of the past. The stakes are not in the global stratosphere but much closer to home. Politics appear to have gone global because there is a breakdown of genuine community and the construction of fantasy communities and fantasy connections in global space. **Unless we bring politics back down to earth from heaven, our critical, social and intellectual lives will continue to be diminished ones**. Secondly, on the basis that the political ‘freedom’ of our social atomization leads us into increasingly idealized approaches to the world we live in, we should take more seriously Bull’s injunction to pursue the question, or in Alain Badiou’s words subordinate ourselves to the ‘discipline of the real’. Subordination to the world outside ourselves is a powerful factor that can bind those interested in critical research, whereas **the turn away from the world and the focus on our personal values can ultimately only be divisive.** To facilitate external engagement and external judgement, I suggest we experiment with ways to build up social bonds with our peers that can limit our freedoms and develop our sense of responsibility and accountability to others. We may have to artificially construct these social connections but their value and instrumentality will have to be proven through our ability to engage with, understand, critique, and ultimately overcome the practices and subjectivities of our time.

#### The standard is maximizing expected wellbeing.

#### The constitutive obligation of the state is to protect citizen interest

**Goodin 95** (Robert E. Goodin. Philosopher of Political Theory, Public Policy, and Applied Ethics. Utilitarianism as a Public Philosophy. Cambridge University Press, 1995. p. 26-7)

The great adventure of **util**itarianismas a guide to public conduct is that it avoids gratuitous sacrifices**,** it **ensures** as best we are able to ensure in the uncertain world of public policy-making **that policies are sensitive to** people’s **interests** or desires or preferences. The great failing of more **deont**ological **theories,** applied to those realms, isthatthey **fixate upon duties** done **for the sake of duty rather than for** the sake of any **good** thatis **done** by doing one’s duty. Perhaps it is permissible (perhaps it is even proper) for private individuals in the course of their personal affairs to fetishize duties done for their own sake. **It would be a mistake for public officials to do likewise**, not least **because it is impossible. The fixation on motives makes absolutely no sense in the public realm**, and might make precious little sense in the private one even, as Chapter 3 shows. **The reason public action is required** at all **arises from the inability of uncoordinated individual action to achieve certain** morally **desirable ends.** Individuals are rightly excused from pursuing those ends. The inability is real; the excuses, perfectly valid. But libertarians are right in their diagnosis, wrong in their prescription. That is the message of Chapter 2. **The same thing that makes those excuses valid at the individual level – the same thing that relieves individuals of responsibility – makes it morally incumbent upon individuals to organize themselves into collective units that are capable of acting where they as isolated individuals are not. When they organize themselves into these collective units, those collective deliberations inevitably take place under very different circumstances and their conclusions inevitably take very different forms**. **Individuals** are morally required to operate in that collective manner, in certain crucial respects. But they **are practically circumscribed in how they can operate, in their collective mode**. And **those special constraints characterizing the public sphere of decision-making give rise to the special circumstances that make utilitarianism peculiarly apt for public policy-making,** in ways set out more fully in Chapter 4. Government house utilitarianism thus understood is, I would argue, a uniquely defensible public philosophy.

#### Util is axiomatically true - all value stems from experienced wellbeing

**Harris 10** Sam Harris 2010. CEO Project Reason; PHD UCLA Neuroscience; BA Stanford Philosophy.  The Moral Landscape: How Science Can Determine Human Values.”

I believe that we will increasingly understand good and evil, right and wrong, in scientific terms, because **moral concerns translate into facts about how our thoughts and behaviors affect the well-being of conscious creatures like ourselves**. If there are facts to be known about the well-being of such creatures—and there are—then there must be right and wrong answers to moral questions. Students of philosophy will notice that **this commits me to some form of moral realism** (viz. moral claims can really be true or false) **and** some form of **consequentialism** viz. the rightness of an act depends on how it impacts the well-being of conscious creatures). While moral realism and consequentialism have both come under pressure in philosophical circles, **they have the virtue of corresponding to many of our intuitions about how the world works**. Here is my (consequentialist) starting point: **all questions of value** (right and wrong, good and evil, etc.) **depend upon the possibility of experiencing such value. Without potential consequences at the level of experience**—happiness, suffering, joy, despair, etc. —**all talk of value is empty.** Therefore, **to say that an act is morally necessary**, or evil, or blameless, **is to make** (tacit) **claims about its consequences in the lives of conscious creatures** (whether actual or potential).I am unaware of any interesting exception to this rule. Needless to say, if one is worried about pleasing God or His angels, this assumes that such invisible entities are conscious (in some sense) and cognizant of human behavior. It also generally assumes that it is possible to suffer their wrath or enjoy their approval, either in this world or the world to come. **Even within religion, therefore, consequences and conscious states remain the foundation of all values**.

**Moral uncertainty means we default to preventing extinction under any ethical framework**

**BOSTROM 11** (2011) Nick Bostrom, Future of Humanity Institute, Oxford Martin School & Faculty of Philosophy

These reflections on **moral uncertainty suggest[s**] an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. We may not now know—at least not in concrete detail—what outcomes would count as a big win for humanity; we might not [or] even yet be able to imagine the best ends of our journey. **If we are** indeed profoundly **uncertain about our ultimate aims**, then we should recognize that **there is a great option value in preserving—**and ideally improving—**our ability to recognize value and to steer the future** accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value. **To do this, we must prevent any existential catastrophe.**

### Cap good

#### Cap sustainable and inevitable and solves crisis but the fails

Ruy **Teixeira &** John **Judis 17**, senior fellow at both The Century Foundation and American Progress AND editor-at-large at Talking Points Memo, former senior writer at The National Journal and a former senior editor at The New Republic, “Why The Left Will (Eventually) Triumph: An Interview With Ruy Teixeira,” <http://talkingpointsmemo.com/cafe/why-left-will-eventually-win-ruy-teixeira>

Judis: In your book, you explain at several points that you are no longer a socialist and instead support a reformed capitalism. When we met many years ago, we were in a socialist organization. When did this transformation occur? Teixeira: What happened is that I began to think a lot about how economies actually work. When I was a socialist, I **didn’t think very carefully** and **long** about what **actually** a socialist economy would look like. I had this **general idea** that the capitalist system was **inefficient** and **prone to crisis** and that one should **somehow tamp down the profit motive** and limit the freedom of action of capitalists. But **the more I thought** about how economies worked, it was **hard to gainsay** that the market was **absolutely essential** for the efficient delivery of goods and services. And the more I read, the more I realized my viewpoint was closer to social democrats than to socialists. Capitalism needs to be **regulated**, it needs to be **pointed in the right direction**, you **need to have a big safety net**, but you **can’t replace it**. Judis: Was there something that happened, a book you read, that changed your mind? Teixeira: I would say it was an obscure book by Alec Nove called “The Economics of Feasible Socialism.” Judis: That’s amazing. I was deeply influenced by the same book. Teixeira: Nove was a historian of the Soviet Union. He came from a Menshevik family, and he basically laid out the way the standard conceptions of socialism that a lot of people on the left had couldn’t work. If you wanted to **think rationally about what’s feasible**, the way economies and people tend to work, you **had to have a market**. The goal as I see it is a mixed economy that works as well as possible, and of course you have not gotten that in the West for the last several decades. The mixed economy just needs improvement and modification. Judis: And what kind of improvements would that be? Teixeira; I favor what economists are calling a model of **equitable growth**. It would mean **substantial government investment** in creating new opportunities for the middle and aspirational classes. It could include a **dramatic expansion of the educational system** and a Manhattan-style investment in bringing down the price of clean energy and building the infrastructure to match. Granted, these kind of proposals would not get through Congress now, but it is the kind of agenda that I am optimistic that the Democrats will endorse and that the country will **eventually embrace**. The Left Prospers in Prosperity Judis: Your book is titled “The Optimistic Leftist,” but if you look at the terrain of politics today, the center-left or left of center parties are decimated. The Democrats haven’t been in such bad shape nationally and in the states since the 1920s. The Dutch Labor Party got less than 10 percent in the recent election. Jeremy Corbyn and British Labor may be routed in June. The French Socialist candidate came in fifth with 6 percent. Why is this happening? And given that this is happening, what grounds do you have for thinking that the left will suddenly find itself on top? Teixeira: The way I look at it we are going through a **long transition** from an industrial capitalist system to a **post-industrial services-based capitalist system**. So far this transition has **not gone well**. It hasn’t had the outcomes that people want. We have **slow productivity growth** and **rising inequality**. The central point I’d make is that **by and large**, **poor economic times** are **not good for the left**. They **make people reactive**, **pessimistic**, **trying to hold onto their own**, and **not supportive of collective endeavors** to help the way society functions. And we’ve seen all that in spades in the last decade. Really that kind of situation is **best for the right**, and the left has had a very difficult time figuring out a way forward. The Democrats have their problems, but in Europe, you see the problems crystallized. Europe’s mainstream left was based in the industrial working class and has had a terrible time adjusting to the transition to post-industrial capitalism and figuring out what a new model of capitalism and capitalist growth would look like. They have thrown in their lot with a much more right-wing approach, beginning with the Third Way in the ’90s. The idea behind it was that capitalism can pretty well function on its own and we just have to let it rip. We’re still coming out of that phase, and I think the mainstream social democrats with their collaboration with austerity in places like France and the Netherlands are reaping the whirlwind. But if you look at other parts of the left, they are actually doing relatively well. If you look at the Netherlands election, the green left did very well, and if you add up the votes of the Socialist Party (a left-socialist party), the greens, Democrats 66 (a left social-liberal party) and the social democrats, the left **hasn’t been totally decimated**. What has really been decimated is the Party of Labor, as the social democrats in the Netherlands are called. We are seeing the same thing in France where the Socialist Party (the French social democrats) candidate did terribly, but [independent socialist Jean-Luc] Melenchon did quite well. The left **still has strength**, but it is **divided up among different political tendencies**. It is going to have to **reorganize itself around an economic program** that is going to deliver what people want, which is **better growth** and **better distribution**. Until that happens, the left will be **in a quagmire**. Judis: I want to look more closely at your argument that the left does better in good times and the right in bad times. Bill Clinton got elected in the wake of a recession in 1992, Barack Obama might not have won the presidency in 2008 if the financial crash hadn’t happened that September. The Populists came out of the farm crisis in 1880s and early 1890s; the New Deal out of the Great Depression. I am not saying that bad times is better for the left, but only that there isn’t a necessary connection in either case and that you are making too facile an assumption about which times promote which politics. Teixeira: Bad times do propel people into motion and produce protest and reaction, but looked at from when you can **accomplish** the **goals** of the left of **making society better** and **implementing important reforms**, I think it is **typically easier** when the economy is **expanding fairly rapidly** and **living standards are going up** than when the reverse is true. It is **not a perfect relationship**, but **by and large** I think it’s true. So yeah, Obama can get elected in a situation where he was aided by an economic downturn, but his ability to **put together a progressive coalition** that could **stick together for a long time** and continue to implement reforms was **very much undermined by the economic situation**. Judis: Let’s turn it around and look at the connection between the right and good and bad times. In America, the 1920s were relatively good times, and the Republicans controlled the government the whole decade. Teixeira: The 1920s were not nearly as good a time people think it was. It was a time of relatively slow per capita income growth. It was very unequally distributed, the industrial working class did somewhat well, but the rural areas did poorly, and there were four recessions between 1918 and 1929. It was not such a great time. It was relatively poor compared to the Progressive Era. Judis: So the Republicans did well in the 1920s because they were really bad times? Teixeira: There was a sense of real uncertainty, real economic paranoia. Judis: I don’t think you could call the 1920s bad times. You could call it uneven times. “Bad times” is stretching it. In addition, you have the real bad times of the Depression staring you in your face which is the time of the greatest advance in terms of a left and social democracy in our history. Teixeira: Desperate times make for desperate measure sometimes. There is **no guarantee they will help the left rather than the right**. I think that’s what we saw in the U.S. Obviously it didn’t work out so well in Europe. When I make the general analysis that the left is better off in a period of economic expansion and rising living standards, it doesn’t correspond exactly to the political outcomes you’ll have in those different periods. I am saying that **in a general sense**, the left has the **easiest time making advances** and **improving society** when things are going well **rather than when are going poorly**. Judis: Let’s look at Europe. In some of the countries in Northern Europe that are doing well, the center-right parties are in charge. Teixeira: Yes, but I think you can make the case the center-right parties aren’t exactly in charge in Europe. They also have their problems. The rise of populism in Europe is blowing apart the party system. Judis: You have got Holland, Denmark, Germany, and Austria. Those are all countries that are doing pretty well compared to the rest of the EU and that have center-right governments. Teixeira: The Netherlands is not doing that well. It’s all relative. Their recovery has been somewhat better. Their employment level has been high compared to other European countries, but there are a number of cuts in social services, wages haven’t been going up much, there is a lot more insecurity. Judis: Isn’t Germany doing well? Teixeira:. Germany is doing relatively well, but it hasn’t been a period of expansive growth for them either. There is a lot of wage stagnation and compression there. I **never meant to imply** that you can **perfectly predict social reform from economic outcomes**. But I think it **provides an important lens** on when the left does well and when the left does poorly. By and large when you look at Europe, you see the ~~straitjacket~~ [**dilemma**] that the Eurozone has created in the economies. People are **fearful**, they are **pessimistic**, they are **passive**. This is **very bad for the left**. Until you **break out** of that [dilemma] ~~straitjacket~~, the left is **not going to be able to do that well**, and the right is **going to continue to do relatively well** compared to them, and you’ll see the **continued rise in populism** because people have no faith in the system. So what I am trying to do is to get the left to focus on **getting to a new stage of capitalist growth** and **being able actually to deliver rising incomes**. There is No Alternative to the Left Judis: So let’s talk about how this political change will come about. What I took from your book is that we are currently suffering from secular stagnation, and that to get to a new stage of growth, we will have to implement the kind of left program that you describe. I worry that this argument contains a contradiction. On the one hand, the left can’t get its program enacted as long as times are bad. On the other hand, the only way to get out of bad times is for the left to get its program enacted. Teixeira: I see what you are asking. I think it is going to be **two steps forward**, **one step back**. We are sort of **slouching** toward the next stage of capitalism. I **don’t think it’s going to be pretty**. Political and economic factors are going to propel us in that direction. Ultimately, people want things to work better, they want their problems to be solved. And the **only way** we are going to get there is along the road I have described. I think this **equitable growth** approach that the Democrats united around is the future. The level of growth is going to vary over time, but I think the Democrats are the ones who are going to put us there and I think they are going to be rewarded for it. Judis:. But how does that happen? Isn’t there a crisis scenario implicit in your account? At some time, the current Third Way or neoliberal approach results in another Great Recession and at that point people will buy into a left-wing approach, the left-wing approach will create prosperity and at that time we will have an enduring left-wing or Democratic majority. Isn’t a step like this missing from your argument? Teixeira:. That certainly could be the way it goes down, but it’s **not clear we are required to have a recession** on the level we did in 2007 and 2008, or whether this sort of rolling crisis we have combined with other political events might do it. I don’t know, it’s hard to predict, but I think the great economist Herbert Stein said, if something cannot go on forever, it will stop. Judis: The great socialist Rosa Luxembourg said the choice was socialism or barbarism. I am not saying we are heading toward barbarism, but I think there is a determinism in your argument. I think you are saying that people will eventually choose a politics that will best help them. Reason will prevail. And I am not sure if that holds up historically. When you talk about the EU, you say eventually they will consolidate into a fiscal monetary union. I am not sure that is going to happen. It’s also possible that the Eurozone could break up and that there could be a lot of chaos. We have periods in history where things don’t happen in the best of all possible ways. Teixeira: The trajectory is **ultimately going to take us** to a **different** and **better place**. I think **eventually we will adapt** and we will **get something better** than we have because it is the **only solution to the ongoing problems**. **There is no alternative**. Judis: Countries are sometime structurally unable to do what is in their best interest. In the U.S., we have this strong anti-statist tradition going back to the revolution that seems to get in the way every time we want to do something like what you are proposing. It is possible that contrary to Hegel, the rational won’t turn out to be the real. Teixeira: Of course it is possible, but if you look at the history of the United States, **despite the anti-statist bias** and **despite all the other political problems**, the way the country has evolved over time is toward a **larger government** that **does more** and **provides more for people**. And we **obviously have evolved tremendously** in the social realm as well. Governments don’t do what is rational in the short term, at least rational in the sense you are describing it, but political systems **evolve over time** in a way that is consistent with the values and priorities of the left, and I expect that to continue over time. The 2016 Election Judis: Let’s talk about the 2016 election. Why did Clinton lose to such a weak opponent? Teixeira: The Democrats have an evolving majority that consists of groups like minorities, professionals, young people, single women and what have you, and that’s a true fact. It’s growing over time and it will continue to grow, but it was always mathematically true that if you take the declining group, the white non-college voters, and they move sufficiently in the direction of the other party, that will be enough to undermine your coalition. You won’t win. That’s exactly what happened in 2016. These voters moved rapidly away from the Democrats both in local and state races and in the presidential election. Judis: Why did they move? Teixeira: They do not have any faith that the Democrats share their values and are going to deliver a better life for them and their kids, and I think Hillary Clinton was a very efficient bearer of that meme. Whether she wanted to or not, the message she sent to these voters is that you are really not that important and I don’t take your problems seriously, and frankly I don’t have much to offer you. And that’s despite the fact that her economic program and policies would have actually been very good for these people. There was a study of campaign advertising in 2016 that showed Hillary outspent Trump significantly and that almost none of her advertising was about what she would actually do. Almost all of it was about how he was a bad dude. Voters were **fed up with stagnation** and with the Democrats and they **turned to someone who thought could blow up the system**. The way the Democrats and the left could **mitigate that problem** is to show these voters that they **take their problems seriously** and have their interests in mind, and could improve their lives. I **don’t think there is any way of doing that** without a **new model of economic growth**.

#### The market-based growth model is inevitable and self-correcting – alt can’t overcome.

**Kaletsky ’10** (Anatole, Masters in Economics from Harvard, Honour-Degree Graduate at King’s College and Cambrdige, editor-at-large of The Times of London, founding partner and chief economist of GaveKal Capital, He is on the governing board of the New York– based Institute for New Economic Theory (INET), a nonprofit created after the 2007– 2009 crisis to promote and finance academic research in economics outside the orthodoxy of “efficient markets.” From 1976 to 1990, Kaletsky was New York bureau chief and Washington correspondent of the Financial Times and a business writer on The Economist, “Capitalism 4 0: The Birth of a New Economy in the Aftermath of Crisis” )

The world did not end. Despite all the forebodings of disaster in the 2007– 09 financial crisis, the first decade of the twenty-first century passed rather uneventfully into the second. The riots, soup kitchens, and bankruptcies **predicted by many** of the world’s most respected economists **did not materialize**— and no one any longer **expects the global capitalist system to collapse**, whatever that emotive word might mean. Yet the capitalist system’s survival does not mean that the precrisis faith in the wisdom of financial markets and the efficiency of free enterprise will ever again be what it was before the bankruptcy of Lehman Brothers on September 15, 2008. A return to decent economic growth and normal financial conditions is likely by the middle of 2010, but will this imply a return to business as usual for politicians, economists, and financiers? Although **globalization will continue** and many parts of the world will gradually regain their prosperity of the precrisis period, the traumatic effects of 2007– 09 will not be quickly forgotten. And the economic costs will linger for decades in the debts squeezing taxpayers and government budgets, the disrupted lives of the jobless, and the vanished dreams of homeowners and investors around the world. For what collapsed on September 15, 2008, was not just a bank or a financial system. What fell apart that day was an entire political philosophy and economic system, a way of thinking about and living in the world. The question now is what will replace the global capitalism that crumbled in the autumn of 2008. The central argument of this book is that global capitalism will be replaced by nothing other than global capitalism. The traumatic events of 2007– 09 will neither destroy nor diminish the fundamental human urges that have always powered the capitalist system— ambition, initiative, individualism, the competitive spirit. These natural human qualities will instead be redirected and reenergized **to create a new version of capitalism** that will ultimately be even **more successful and productive** than the system it replaced. To explain this process of renewal, and identify some of the most important features of the reinvigorated capitalist system, is the ambition of this book. This transformation will take many years to complete, but some of its consequences can already be discerned. With the benefit of even a year’s hindsight, it is clear that **these consequences will be different from the nihilistic predictions** from both ends of the political spectrum at the height of the crisis. On the Left, anticapitalist ideologues seemed honestly to believe that a few weeks of financial chaos could bring about the disintegration of a politico-economic system that had **survived two hundred years of revolutions**, depressions, and world wars. On the Right, free-market zealots insisted that private enterprise would be destroyed by government interventions that were clearly necessary to save the system— and many continue to believe that the crisis could have been resolved much better if governments had simply allowed financial institutions to collapse. A balanced reassessment of the crisis must challenge both left-wing hysteria and right-wing hubris. Rather than blaming the meltdown of the global financial system on greedy bankers, incompetent regulators, gullible homeowners, or foolish Chinese bureaucrats, this book puts what happened into historical and ideological perspective. It reinterprets the crisis in the context of the economic reforms and geopolitical upheavals that have repeatedly transformed the nature of capitalism since the late eighteenth century, most recently in the Thatcher-Reagan revolution of 1979– 89. The central argument is that capitalism has **never been a static system** that follows a fixed set of rules, characterized by a permanent division of responsibilities between private enterprise and governments. Contrary to the teachings of modern economic theory, **no immutable laws govern** the behavior of **a capitalist economy**. Instead, capitalism is an **adaptive social system that** mutates and **evolves** in response to a changing environment. **When capitalism is seriously threatened** by a systemic crisis, a new version emerges that is **better suited to the changing environment** and replaces the previously dominant form. Once we recognize that capitalism is not a static set of institutions, but an evolutionary system that reinvents and reinvigorates itself through crises, we can see the events of 2007– 09 in another light: as the catalyst for the fourth systemic transformation of capitalism, comparable to the transformations triggered by the crises of the 1970s, the crises of the 1930s, and the Napoleonic Wars of 1803– 15. Hence the title of this book.

### Turn

#### **Regulating intellectual property participates in a scarcity logic that re-affirms a broader market ownership over information – that consolidates neoliberal control through a shift to private protections, even if the individual act of the aff is good**

Soderberg 1 [Johan, BA from Falmouth College of the Arts. “Copyleft vs Copyright: A Marxist Critique” https://firstmonday.org/article/view/938/860]

"The contradiction that lies at the heart of the political economy of intellectual property is between the low to non-existent marginal cost of reproduction of knowledge and its treatment as scarce property" [23].

This contradiction [24], May demonstrates, is concealed by information capitalists whose interests are best served if ideas are treated as analogous to scarce, material property [25]. The privatisation of cultural expressions corresponds to the enclosure of public land in the fifteenth to eighteenth century.

As then, the new enclosure is concerned with creating conditions for excludability. Lawrence Lessig lists four methods to direct the behaviour of the individual to comply with property regulation: social norms, markets, architecture (including technology and code), and law. "Constraints work together, though they function differently and the effect of each is distinct. Norms constrain through the stigma that a community imposes; markets constrain through the price that they extract; architectures constrain through the physical burdens they impose; and law constrains through the punishment it threatens" [26].

Several new national laws have been passed in recent years on intellectual property rights. In the U.S. the Digital Millennium Copyright Act was passed in 1998 and has been imitated by legislation in Europe. The European Patent Office circumvented scheduled political decisions to be taken by European governments, and decreed a regulation that authorises patent claims to computer programmes [27]. These national laws were implemented under the direction of what is known as the Uruguay Round agreements [28], established by the World Trade Organisation (WTO). As a part of the bargain came the treaty of Trade Related Intellectual Property (TRIP), and its importance lies in two respects: "as an extension of the rights accorded to the owners of intellectual property and as part of the extension of a property-based market liberalism into new areas of social interaction, previously outside market relations" [29]. Simply by coordinating national regulations on a global level the net of intellectual property is tightened. TRIP was backed by American and European pharmacy companies and entertainment industries, and unsuccessfully opposed by the developing nations and northern civil society.

Despite the rigged debate on intellectual property in the mainstream media [30], the rhetoric of 'piracy' has not transformed social norms to any greater extent. The failure to curb copying is linked with the low costs and low risks for individuals to copy, i.e. the non-existent constriction of the market. However, Bettig remarks "The initial period following the introduction of a new communications medium often involves a temporary loss of control by copyright owners over the use of their property" [31].

Similarly, Lessig warns against the false reliance, common among hackers, that information technology is inherently anarchistic. The industry is determined to re-design hardware and software to command compliance with the intellectual property regime. "Code can, and will, displace law as the primary defence of intellectual property in cyberspace" [32]. It is predominantly this struggle that I now will attend to.

#### IP tinkering represents a myopic focus on making capitalism nicer, but only legitimates the broader process of informatic commodification as integral to class violence

Soderberg 1 [Johan, BA from Falmouth College of the Arts. “Copyleft vs Copyright: A Marxist Critique” https://firstmonday.org/article/view/938/860]

Though I stress the importance of recognising the social construction of information into a commodity, I believe that the post-industrial advocates are right in that information as a resource has qualitively changed. The shift can be extrapolated from capital's ambition to replace the workforce with machinery and science, primarily to suppress labour militancy. A consequence of the replacement of labour with robots is that the cost of labour in production falls while the expenses for fixed capital, high-tech machinery and cutting edge science, sharply rises. Thus comes a rapid shift of relative costs (exchange value) from labour to fixed capital - i.e. information. Furthermore, the productivity of industries depends now more on the development of fixed capital than the human labour:

"But to the degree that large industry develops, the creation of real wealth comes to depend less on labour time and on the amount of labour employed than on the power of the agencies set in motion during labour time, whose powerful effectiveness is itself in turn out of all proportion to the direct labour time spent on their production, but depends rather on the general state of science and on the progress of technology, or the application of this science to production" [16].

This marks the emergence of what Marx called the 'general intellect' as a productive source in itself.

More clues are offered in a marginal (non-Marxist) theory within political economy known as Kondratiev waves [17]. Writing in this tradition, Perez and Freeman introduce the idea of 'Techno-Economical Paradigms' [18], building on the classic work of Thomas Kuhn about scientific evolution (Kuhn, 1996). A Techno-Economic Paradigm stretches for 50-60 years and centres on a major technological breakthrough in one sector that affects the economy, industry, and organisational forms of that whole period. Different scholars have suggested coal, iron, railway, steel, electricity, oil, and combustion engines as key technologies of previous Techno-Economic Paradigms. The common denominator of these key technologies is that they are located in the areas of materials, energy and transportation. However, inspecting the latest Techno-Economic Paradigm, a near consensus exists among scholars that its key technologies are manifested in microelectronics and possibly microbiology (Volland, 1987; Grubler and Nowotny, 1990).

The broken continuity can be explained in terms of Marxist value theory. During the industrial period, materials and energy were essential to the creation of exchange value, and the transportation of this value depended on infrastructure. However, when the highest exchange value is extracted from information, (while the exchange value of material goods is becoming peripheral relative to information) those sectors lose in importance.

"At the pinnacle of contemporary production, information and communication are the very commodities produced; the network itself is the site of both production and circulation" [19].

Computer networks become both the factory and distribution channel of exchange value.

The characteristics of the information sector will gradually encompass most of the economy. This tendency was essential in Marx's analysis. "In all forms of society there is one specific kind of production which predominates over the rest, whose relations thus assign rank and influence to the others. It is a general illumination which bathes all the other colours and modifies their particularity" [20]. Or, to be more specific: "Just as the processes of industrialization transformed agriculture and made it more productive, so too the informational revolution will transform industry by redefining and rejuvenating manufacturing processes" [21].

The increase in costs/exchange value of information (fixed capital) in relation to direct labour is the cause for capitalism to commodify information, not the other way around. But because of the intangible nature of information, contradictions emerges out of attempts to enclose it.