## 1

#### First, reject their framing. Their case arguments are entirely based off a maximization of pleasure and a minimization of pain. Thus, you should use a consequentialist ethics to evaluate this round, as anything else arbitrarily moots negative offense and skews the debate in favor of the AFF.

#### The standard is maximizing expected well being. Prefer –

#### 1] Only pleasure and pain are intrinsically valuable – all other frameworks collapse.

Moen 16 [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281]

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 2] The public nature of policy-making necessitates consequentialism.

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The central point of conflict is that the first concern of those responsible for public policy is, and ought to be, the consequences of their actions for public policy and the persons that those policies affect. This is not to say that they should not be concerned with the moral evaluation of those consequences-they should; nor that they must be moral consequentialists in the evaluation of the policy, and in turn human, consequences of their actions-whether some form of consequentialism is an adequate moral theory is another matter. But it is to say that persons who directly participate in the formation of public policy would be irresponsible if they did not focus their concern on how their actions will affect policy and how that policy will in turn affect people. The virtues of academic research and scholarship that consist in an unconstrained search for truth, whatever the consequences, reflect not only the different goals of scholarly work but also the fact that the effects of the scholarly endeavor on the public are less direct, and are mediated more by other institutions and events, than are those of the public policy process. It is in part the very impotence in terms of major, direct effects on people's lives of most academic scholarship that makes it morally acceptable not to worry much about the social consequences of that scholarship. When philosophers move into the policy domain, they must shift their primary commitment from knowledge and truth to the policy consequences of what they do. And if they are not prepared to do this, why did they enter the policy domain? What are they doing there?

#### 3] Weighability – only consequentialism can explain the ethical difference in breaking a promise to take someone to the hospital and breaking a promise to take someone to lunch

#### 4] Intuitions outweigh – they’re a necessary side constraint on all ethics – if a very well justified, logical theory concluded "rape good” you wouldn’t say “huh I guess rape is good” you would abandon it because philosophy follows intuitions not the other way around

## Case

#### Capitalism is sustainable and self-correcting---alternatives are a false diagnosis and the wrong solution.

Allison Schrager 20, an economist and senior fellow at the Manhattan Institute, 1/15/2020, "Why Socialism Won’t Work," https://foreignpolicy.com/2020/01/15/socialism-wont-work-capitalism-still-best/, Marsh

Capitalism is still the best way to handle risk and boost innovation and productivity.

With increasingly ubiquitous iPhones, internet, central air conditioning, flat-screen TVs, and indoor plumbing, few in the developed world would want to go back to life 100, 30, or even 10 years ago. Indeed, around the world, the last two centuries have brought vast improvements in material living standards; billions of people have been lifted from poverty, and life expectancy across income levels has broadly risen. Most of that progress came from capitalist economies.

Yet those economies are not without their problems. In the United States and the United Kingdom, the gap between the rich and poor has become intolerably large as business owners and highly educated workers in urban areas have become richer while workers’ wages in rural areas have stagnated. In most rich countries, more trade has brought a bigger, better variety of goods, but it has also displaced many jobs.

With social instability in the form of mass protests, Brexit, the rise of populism, and deep polarization knocking at the capitalist economies’ doors, much of the progress of the last several decades is in peril. For some pundits and policymakers, the solution is clear: socialism, which tends to be cited as a method for addressing everything from inequality and injustice to climate change.

Yet the very ills that socialists identify are best addressed through innovation, productivity gains, and better rationing of risk. And capitalism is still far and away the best, if not only, way to generate those outcomes.

Today’s socialism is difficult to define. Traditionally, the term meant total state ownership of capital, as in the Soviet Union, North Korea, or Maoist China. Nowadays, most people don’t take such an extreme view. In Europe, social democracy means the nationalization of many industries and very generous welfare states. And today’s rising socialists are rebranding the idea to mean an economic system that delivers all the best parts of capitalism (growth and rising living standards) without the bad (inequality, economic cycles).

But no perfect economic system exists; there are always trade-offs—in the most extreme form between total state ownership of capital and unfettered markets without any regulation or welfare state. Today, few would opt for either pole; what modern socialists and capitalists really disagree on is the right level of government intervention.

Modern socialists want more, but not complete, state ownership. They’d like to nationalize certain industries. In the United States, that’s health care—a plan supported by Democratic presidential candidates Elizabeth Warren (who does not call herself a socialist) and Bernie Sanders (who wears the label proudly). In the United Kingdom, Labour Party leader Jeremy Corbyn, who was trounced at the polls in mid-December, has set his sights on a longer list of industries, including the water, energy, and internet providers.

Other items on the socialist wish list may include allowing the government to be the primary investor in the economy through massive infrastructure projects that aim to replace fossil fuels with renewables, as Green New Deal socialists have proposed. They’ve also floated plans that would make the government the employer of a majority of Americans by offering guaranteed well-paid jobs that people can’t be fired from. And then there are more limited proposals, including installing more workers on the boards of private companies and instituting national rent controls and high minimum wages.

For their part, modern capitalists want some, but less, state intervention. They are skeptical of nationalization and price controls; they argue that today’s economic problems are best addressed by harnessing private enterprise. In the United States, they’ve argued for more regulation and progressive taxation to help ease inequality, incentives to encourage private firms to use less carbon, and a more robust welfare state through tax credits. Over the past 15 years, meanwhile, capitalist Europeans have instituted reforms to improve labor market flexibility by making it easier to hire and fire people, and there have been attempts to reduce the size of pensions.

No economic system is perfect, and the exact right balance between markets and the state may never be found. But there are good reasons to believe that keeping capital in the hands of the private sector, and empowering its owners to make decisions in the pursuit of profit, is the best we’ve got.

One reason to trust markets is that they are better at setting prices than people. If you set prices too high, many a socialist government has found, citizens will be needlessly deprived of goods. Set them too low, and there will be excessive demand and ensuing shortages. This is true for all goods, including health care and labor. And there is little reason to believe that the next batch of socialists in Washington or London would be any better at setting prices than their predecessors. In fact, government-run health care systems in Canada and European countries are plagued by long wait times. A 2018 Fraser Institute study cites a median wait time of 19.8 weeks to see a specialist physician in Canada. Socialists may argue that is a small price to pay for universal access, but a market-based approach can deliver both coverage and responsive service. A full government takeover isn’t the only option, nor is it the best one.

Beyond that, markets are also good at rationing risk. Fundamentally, socialists would like to reduce risk—protect workers from any personal or economywide shock. That is a noble goal, and some reduction through better functioning safety nets is desirable. But getting rid of all uncertainty—as state ownership of most industries would imply—is a bad idea. Risk is what fuels growth. People who take more chances tend to reap bigger rewards; that’s why the top nine names on the Forbes 400 list of the richest Americans are not heirs to family dynasties but are self-made entrepreneurs who took a leap to build new products and created many jobs in the process.

Some leftist economists like Mariana Mazzucato argue that governments might be able to step in and become laboratories for innovation. But that would be a historical anomaly; socialist-leaning governments have typically been less innovative than others. After all, bureaucrats and worker-corporate boards have little incentive to upset the status quo or compete to build a better widget. And even when government programs have spurred innovation—as in the case of the internet—it took the private sector to recognize the value and create a market.

And that brings us to a third reason to believe in markets: productivity. Some economists, such as Robert Gordon, have looked to today’s economic problems and suggested that productivity growth—the engine that fueled so much of the progress of the last several decades—is over. In this telling, the resources, products, and systems that underpin the world’s economy are all optimized, and little further progress is possible.

But that is hard to square with reality. Innovation helps economies do more with fewer resources—increasingly critical to addressing climate change, for example—which is a form of productivity growth. And likewise, many of the products and technologies people rely on every day did not exist a few years ago. These goods make inaccessible services more available and are changing the nature of work, often for the better. Such gains are made possible by capitalist systems that encourage invention and growing the pie, not by socialist systems that are more concerned with how the existing pie is cut. It is far too soon, in other words, to write off productivity.

Here, it is worth considering the lessons of a previous productivity boom: the Industrial Revolution. As the economist Joel Mokyr has shown, it took new innovations like the steam engine more than 100 years to appear in productivity estimates. The same could be happening today with smartphones and the internet. Meanwhile, even as that upheaval transformed the human experience, creating a more comfortable existence for most everyone, it was also messy and disruptive. The early part of that innovative cycle—like others since—displaced existing workers while the gains flowed to the owners of capital first, causing social instability.

This time around, the effects may end up being less wrenching: The divisions between owners of capital and workers are not as clear as they used to be. More Americans than ever own stock through their workplace retirement accounts. Stock ownership is on the rise in many non-U.S. capitalist economies, too. And several other countries, such as Australia and the United Kingdom, also offer retirement accounts, making their citizens shareholders as well. Unlike 200 years ago, workers’ interests are already more aligned with those of management.

### War

**Cap solves war on a massive scale – it creates lock-in mechanisms that bind countries together and economically dampens conflict – robust studies**

**Dafoe & Kelsey, Political Science and International Economics, ’14** (Allan & Nina; assistant professor in political science at Yale & research associate in international economics at Berkeley; Journal of Peace Research, “Observing the capitalist peace: Examining market-mediated signaling and other mechanisms,” <http://jpr.sagepub.com.proxy.lib.umich.edu/content/51/5/619.full>)

1. Interdependence, 2. Resolve through economic costs, 3. Third parties intervene, 4. Want to avoid costs b/c $$$

Countries with liberal political and economic systems **rarely use military force** against each other. This anomalous peace has been most prominently attributed to the ‘democratic peace’ – the apparent tendency for democratic countries to avoid militarized conflict with each other (Maoz & Russett, 1993; Ray, 1995; Dafoe, Oneal & Russett, 2013).More recently, however, scholars have proposed that the liberal peace could be partly (Russett & Oneal, 2001) or primarily (Gartzke, 2007; but see Dafoe, 2011) **attributed to liberal economic factors**, **such as commercial and financial interdependence**. In particular, Erik Gartzke, Quan Li & Charles Boehmer (2001), henceforth referred to as GLB, have demonstrated that measures of capital openness have a substantial and **statistically significant association with peaceful** dyadic relations. Gartzke (2007) confirms that this association is robust to a large variety of model specifications. To explain this correlation, GLB propose that countries with open capital markets are more able to credibly signal their resolve through **the bearing of greater economic costs prior to the outbreak of militarized conflict.** This explanation is novel and plausible, and resonates with the rationalist view of asymmetric information as a cause of conflict (Fearon, 1995). Moreover, it implies clear testable predictions on evidential domains different from those examined by GLB. In this article we exploit this opportunity by constructing a confirmatory test of GLB’s theory of **market-mediated signaling**. We first develop an innovative quantitative case selection technique to identify crucial cases where the mechanism of market-mediated signaling should be most easily observed. Specifically, we employ quantitative data and the statistical models used to support the theory we are probing to create an impartial and transparentmeans of selecting cases in which the theory – as specified by the theory’s creators –makes its most confident predictions.We implement three different case selection rules to select cases that optimize on two criteria: (1) maximizing the inferential leverage of our cases, and (2) minimizing selection bias. We examine these cases for a necessary implication of market-mediated signaling: that key participants drew a connection between conflictual events and adverse market movements. Such an inference is a necessary step in the process by which market-mediated costs can signal resolve. For evidence of this we examine news media, government documents, memoirs, historical works, and other sources. We additionally examine other sources, such as market data, for evidence that economic costs were caused by escalatory events. Based on this analysis, we assess the evidence for GLB’s theory of market mediated costly signaling. Our article then considers a more complex heterogeneous effects version of market-mediated signaling in which unspecified scope conditions are required for the mechanism to operate. Our design has the feature of selecting cases in which scope conditions are most likely to be absent. This allows us to perform an exploratory analysis of these cases, looking for possible scope conditions. We also consider alternative potential mechanisms. Our cases are reviewed in more detail in the online appendix.1 To summarize our results, our confirmatory test finds that while **market-mediated signaling may be operative in the most serious disputes, it was largely absent in the less serious disputes** that characterize most of the sample of militarized interstate disputes (MIDs). This suggests either that other mechanisms account for the correlation between capital openness and peace, or that the scope conditions for market-mediated signaling are restrictive. Of the signals that we observed, **strategicmarket-mediated signals were relatively more important than automatic market-mediated signals in the most serious conflicts.** We identify a number of potential scope conditions, such as that (1) the conflict must be driven by bargaining failure arising from uncertainty and (2) the economic costs need to escalate gradually and need to be substantial, but less than the expected military costs of conflict. Finally, there were a number of other explanations that seemed present in the cases we examined and could account for the capitalist peace: **capital openness is associated with greater anticipated economic costs of conflict**; capital openness leads **third parties** to have a greater stake in the conflict and therefore be more willing to intervene; a dyadic acceptance of the status quo could promote both peace and capital openness; and countries seeking to institutionalize a regional peace might instrumentally harness the pacifying effects of liberal markets. The correlation: Open capital markets and peace The empirical puzzle at the core of this article is the significant and robust correlation noted by GLB between high levels of capital openness in both members of a dyad and the infrequent incidence of militarized interstate disputes (MIDs) and wars between the members of this dyad (Gartzke, Li & Boehmer, 2001). The index of capital openness (CAPOPEN) is intended to capture the ‘difficulty states face in seeking to impose restrictions on capital flows (the degree of lost policy autonomy due to globalization)’ (Gartzke & Li, 2003: 575). CAPOPEN is constructed from data drawn from the widely used IMF’s Annual Reports on Exchange Arrangements and Exchange Controls; it is a combination of eight binary variables that measure different types of government restrictions on capital and currency flow (Gartzke, Li & Boehmer, 2001: 407). The measure of CAPOPEN starts in 1966 and is defined for many countries (increasingly more over time). Most of the countries that do not have a measure of CAPOPEN are communist.2 GLB implement this variable in a dyadic framework by creating a new variable, CAPOPENL, which is the smaller of the two dyadic values of CAPOPEN. This operationalization is sometimes referred to as the ‘weak-link’ specification since the functional form is consonant with a model of war in which the ‘weakest link’ in a dyad determines the probability of war. CAPOPENL has a negative monotonic association with the incidence of MIDs, fatal MIDs, and wars (see Figure 1).3 The strength of the estimated empirical association between peace and CAPOPENL, using a modified version of the dataset and model from Gartzke (2007), is comparable to that between peace and, respectively, joint democracy, log of distance, or the GDP of a contiguous dyad (Gartzke, 2007: 179; Gartzke, Li & Boehmer, 2001: 412). In summary, CAPOPENL seems to be an important and robust correlate of peace. The question of why specifically this correlation exists, however, remains to be answered. The mechanism: Market-mediated signaling? Gartzke, Li & Boehmer (2001) argue that the classic liberal account for the pacific effect of economic interdependence – that interdependence increases the expected costs of war – is not consistent with the bargaining theory of war (see also Morrow, 1999). GLB argue that ‘conventional descriptions of interdependence see war as less likely because states face additional opportunity costs for fighting. The problem with such an account is that it ignores incentives to capitalize on an opponent’s reticence to fight’ (Gartzke, Li & Boehmer, 2001: 400.)4 Instead, GLB (see also Gartzke, 2003; Gartzke & Li, 2003) argue that financial interdependence could promote peace by facilitating the sending of **costly signals**. As the probability of militarized conflict increases, states incur a variety of automatic and strategically imposed economic costs as a consequence of escalation toward conflict. Those states that persist in a dispute despite these costs will reveal their willingness to tolerate them, and **hence signal resolve**. The greater the degree of economic interdependence, the more a resolved country could demonstrate its willingness to suffer costs ex ante to militarized conflict. Gartzke, Li & Boehmer’s mechanism implies a commonly perceived costly signal before militarized conflict breaks out or escalates: if market-mediated signaling is to account for the correlation between CAPOPENL and the absence of MIDs, then visible market-mediated costs should occur prior to or during periods of real or potential conflict (Gartzke, Li & Boehmer, 2001). Thus, the proposed mechanism should leave many visible footprints in the historical record. This theory predicts that these visible signals must arise in any escalating conflict, involving countries with high capital openness, in which this mechanism is operative Clarifying the signaling mechanism Gartzke, Li & Boehmer’s signaling mechanism is mostly conceptualized on an abstract, game-theoretic level (Gartzke, Li & Boehmer, 2001). In order to elucidate the types of observations that could inform this theory’s validity, we discuss with greater specificity the possible ways in which such signaling might occur. A conceptual classification of costly signals The term signaling connotes an intentional communicative act by one party directed towards another. Because the term signaling thus suggests a willful act, and **a signal of resolve is only credible if it is costly**, scholars have sometimes concluded that states involved in bargaining under incomplete information could advance their interests by imposing costs on themselves and thereby signaling their resolve (e.g. Lektzian & Sprecher, 2007). However, the game-theoretic concept of signaling refers more generally to any situation in which an actor’s behavior reveals information about her private information. In fact, states frequently adopt sanctions with low costs to themselves and high costs to their rivals because doing so is often a rational bargaining tactic on other grounds: they are trying to coerce their rival to concede the issue. Bargaining encounters of this type can be conceptualized as a type of war-of-attrition game in which each **actor attempts to coerce the other through the imposition of escalating costs**. Such encounters also provide the opportunity for signaling: when states resist the costs imposed by their rivals, **they ‘signal’ their resolve.** If at some point one party perceives the conflict to have become too costly and steps back, that party ‘signals’ a lack of resolve. Thus, this kind of signaling arises as a by-product of another’s coercive attempts. In other words, costly signals come in two forms: self-inflicted (information about a leader arising from a leader’s intentional or incidental infliction of costs on himself) or imposed (information about a leader that arises from a leader’s response to a rival’s imposition of costs). Additionally, costs may arise as an automatic byproduct of escalation towards military conflict or may be a tool of statecraft that is strategically employed during a conflict. The automatic mechanism stipulates that as the probability of conflict increases, **various economic assets will lose value due to the risk of conflict and investor flight.** However, the occurrence of these costs may also be intentional outcomes of specific escalatory decisions of the states, as in the case of deliberate sanctions; in this case they are strategic. Finally, at a practical level, we identify three different potential kinds of economic costs of militarized conflict that may be mediated by open capital markets: **capital costs from political risk, monetary coercion, and business sanctions.**

### AT Deleuze

#### Openness to flux and constant becoming destroys the foundations for political institutions necessary to sustain radical democratic life---some universal, “fixed” guarantees of equality are crucial to politics

Schwartz PhD 8 (Joseph Shwartz, PhD in polisci @ Harvard, Professor of Polisci @ Templue University, Septemper 9, 2008 or January 1, 2009 (sources conflict), The Future of Democratic Equality, 56-61)

Butler, Brown, and Connolly reject the essentialism of “narrow” identity politics as an inverted “ressentiment” of the Enlightenment desire for a universal, homogenized identity. They judge identity politics to be a politics of “wounding, resentment, and victimization” that only can yield bad-faith moralization Wendy Brown takes to task identity politics for “essentializing” conceptions of group identity. For example, she critiques the work of Catherine MacKinnon as epitomizing “identity” political theory, accusing MacKinnon of denying women agency by depicting them purely as victims.38 Brown also remains wary of the patriarchal, conformist nature of traditional left conceptions of solidarity and citizenship. Brown’s implicit concept of radical democratic citizenship rests upon the recognition that political identity is continually in flux and is socially constituted through “agonal” political struggle. Brown celebrates an Arendtian conception of a polity in which both shared and particular identities are continually open to reconstruction. In this “left Nietzschean” view of an “everyperson’s” will to power, there can be no cultural certainties or political givens, as such “givens” would repress difference and fluidity.39 But, if the human condition is a world of permanent flux, then we must postulate a human capability of living with constant insecurity, for in this world there can be no stable political institutions or political identities.40 An ability to calculate the probabilities of political actions or public policies would disappear in this world of infinite liminality. By assuming that the pre-eminent democratic value is that of leaving all issues as permanently open to question, post-structuralist “democratic theory” eschews the theoretical and political struggle over what established institutions and consensual values are needed to underpin a democratic society.

Post-structuralist analysis has contributed to a healthy suspicion of narrow and “essentializing” identity politics. But a self-identified feminist, African- American, or lesbian activist is likely to value the shared historical narratives that partly constitute such group identities. Of course, if one is a democrat and a pluralist, one would reject the oppressive homogenization and potentially authoritarian aspects of ethnic or racial chauvinism and of “essentializing” types of identity politics. The democratic political home should be open, fluid, and self-reflective; but if participation is to be open to all, then such a society also needs to reproduce a shared democratic culture and the institutional guarantee of democratic rights. That is, contrary to post-structuralist analysis, not all issues can be open to “agonal struggle” in a democratic society. The traditional radical democratic critique of democratic capitalism remains valid; the equal worth of the individual is devalued by rampant social inequality within and between groups. Thus, a radical democrat, whether post-structuralist or not, must not only be committed to institutional protections of political and civil rights, but also to social rights—the equal access to the basic goods of citizenship (education, health care, housing, child care). Of course, the precise nature and extent of these rights will be politically contested and constructed. But a democratic society cannot leave as totally “open” the minimal institutional basis of democracy— a democratic society cannot be agnostic as to the value of freedom of speech, association, and universal suffrage.

Social movements fighting for an expansion of civil, political, and social rights, rarely, if ever, rest their arguments on appeals to epistemological truths— whether “foundational” or “anti-foundational.” To remain democratic, their policy goals cannot be so specific that they preclude political argument about both their worth and how best to institutionalize them. If social movements in a 58 democratic society deemed that every policy defeat meant a betrayal of basic democratic principles, there would be no give-and-take or winners and losers within democratic politics. But if a government were to abolish freedom of speech and competitive elections, or deny a social group basic rights, it would be reasonable for an observer to judge that democratic principles had been violated. Democratic political movements and coalitions struggle to construct shared meanings about those political, civil, and social rights that should be guaranteed to all citizens—and they often work to expand the types of persons to be recognized as citizens (such as excluded immigrants). Such arguments are inevitably grounded in normative arguments that go beyond merely asserting the import of “flux,” “difference,” and “anti-essentialism.” The civil rights movement did not demand equal rights for all solely as an “agonal” assertion of the will of the excluded; they desired to gain for persons of color an established set of civil and political rights that had been granted to some citizens and denied to others. The movement correctly assumed that the exclusion of citizens from full political and civil rights violated the basic norms of a democratic society. Thus, postmodern epistemological commitments to “flux” and “openness” cannot in-and-of-themselves sustain the “fixed” moral positions needed to sustain a radical democracy.

Post-structuralist theorists openly proclaim their hostility to all philosophical “meta-narratives.” They reject comprehensive conceptions of how society operates and the type of society that would best instantiate human freedom. But post-structuralists go beyond rejecting “meta-narratives”; they insist that only an “anti-foundational” epistemology can ground a politics of emancipation. For Butler, Brown, and Connolly, not only do “meta-discourses” invariably fail in their efforts to ground moral positions in a theory of human nature or human reason. They also assert that an agonal politics of democratic “we” formation can alone sustain democratic society. This agonal politics, they claim, can only be sustained by a recognition of the inconstant signification of discourse and the ineluctable flux of personal and group identity.41 Rejecting the authoritarian, celebration of the “ubermensch” by Nietzsche, they offer a post-Nietzschean, “amoral” conception of democracy as an open-ended project of defining a self and community that is constantly open to the desires of “others.” These theorists constantly reiterate the definitiveness (dare we say “foundational truth”) of this grounding of democracy, despite the historical reality that social movements often contest dominant narratives in the name of a stable alternative narrative of a democratic and pluralist community.

One might well contend that the post-structuralist political stance is guilty of a new meta-narrative of “bad faith,” that of “anti-foundationalism.” According to this anti-foundational politics, a true democrat must reject any and all a priori truths allegedly grounded upon the nature of human reason or human nature. A committed democrat may well be skeptical of such neo-Kantian or neo-Hegelian conceptions of freedom; but, many committed democrats justify their moral commitments using these philosophical methods. A democrat might also reject (or accept) the arguments of a Jurgen Habermas or Hans Georg Gadamer that the structure of human linguistic communication contains within it the potential for a society based on reasoned argument rather than manipulation and domination. But there are numerous other philosophically “pragmatic” ways to justify democracy, even utilitarian ones. Political democrats may well disagree about the best philosophical defense of democracy. But, invariably, “practicing democrats” will defend the belief (however philosophically “proved” or “justified”) that democratic regimes best fulfill the moral commitment to the equal worth of persons and to the equal potential of human beings to freely develop and pursue their life plans.

To contend that only an anti-foundationalist, anti-realist epistemology can sustain democracy is to argue precisely for a foundational metaphysical grounding for the democratic project. It is to contend that one’s epistemology determines one’s politics. Hence, Brown and Butler both spoke at a spring 1998 academic conference at the University of California at Santa Cruz where some attributed “reactionary” and “left cultural conservatism” to belief in “reactionary” “foundationalist humanism.”42 Post-structuralism cannot escape its own essentialist conception of identity. For example, Butler contends in Feminist Contentions that democratic feminists must embrace the post-structuralist “nondefinability of woman” as best suited to open democratic constitution of what it is to be a “woman.”43 But this is itself a “closed” position and runs counter to the practices of many democratic feminist activists who have tried to develop a pluralist, yet collective identity around the shared experiences of being a woman in a patriarchal society (of course, realizing that working-class women and women of color experience patriarchy in some ways that are distinct from the patriarchy experienced by middle-class white women).

One query that post-structuralist theorists might ask themselves: has there ever existed a mass social movement that defined its primary “ethical” values as being those of “instability and flux”? Certainly many sexual politics activists are cognizant of the fluid nature of sexuality and sexual and gender identity. But only a small (disproportionately university educated) segment of the women’s and gay and lesbian movement would subscribe to (or even be aware of) the core principles of post-structuralist “anti-essentialist epistemology.” Nor would they be agnostic as to whether the state should protect their rights to express their sexuality. Post-structuralist theorists cannot avoid justificatory arguments for why some identities should be considered open and democratic and others exclusionary and anti-democratic. That is, how could post-structuralist political theorists argue that Nazi or Klan “ethics” are antithetical to a democratic society—and that a democratic society can rightfully ban certain forms of “agonal” (e.g. harassing forms of behavior against minorities) struggle on the part of such anti-democratic groups.

### Solvency

#### IP Protections are vital to innovation and economic growth-reject myopic moralizing about human rights

Bacchus, JD, 20

(James, adjunct scholar at the Cato Institute, a professor of global affairs at the University of Central Florida, An Unnecessary Proposal A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines <https://www.cato.org/sites/cato.org/files/2020-12/FTB_78.pdf>, 12-16)

At the heart of this emerging trade debate is a belief by many people worldwide that all medicines should be “global public goods.” There is little room in such a belief for consideration of any rights to IP. As one group of United Nations human rights experts expressed: “There is no room for . . . profitability in decision-making about access to vaccines, essential tests and treatments, and all other medical goods, services and supplies that are at the heart of the right to the highest attainable standard of health for all.”16 This view is myopic. Subordinating IP rights temporarily to pressing public needs during a pandemic or other global health emergency is one thing. Eliminating any consideration of “profitability” in all policymaking relating to “access to vaccines, essential tests and treatments, and all other medical goods, services and supplies” is quite another.17 To be sure, there is a superficial moral appeal in such a view. But does this moral appeal hold up if such a “human rights” approach does not result in meeting those urgent public needs? With the belief that medicines should be “public goods,” there is literally no support in some quarters for the application of the WTO TRIPS Agreement to IP rights in medicines. Any protection of the IP rights in such goods is viewed as a violation of human rights and of the overall public interest. This view, though, does not reflect the practical reality of a world in which many medicines would simply not exist if it were not for the existence of IP rights and the protections they are afforded. Technically, IP rights are exceptions to free trade. A long-standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be extended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID-19 is but the latest global occasion for this ongoing discussion. The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long-term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”18 The knowledge from innovations inspired by IP rights spills over to inspire other innovations. The protection of IP rights promotes the diffusion, domestically and internationally, of innovative technologies and new know-how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas-based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation. In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable Development Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.19 As Stephen Ezell and Nigel Cory of the Information Technology and Innovation Foundation wrote, “A fundamental fault line in the debate over intellectual property pertains to the need to achieve a reasoned balance between access and exclusive rights.”20 This fault line is much on display in the WTO rules on IP rights. These rules recognize that “intellectual property rights are private rights” and that rules and disciplines are necessary for “the provision of effective and appropriate means for the enforcement of trade-related intellectual property rights.”21 Yet, where social and economic welfare is at stake, WTO members have sought to strike a balance in these rules between upholding IP rights and fulfilling immediate domestic needs.

#### The WTO has already published how to make COVID vaccines.

Taylor 8-5-21 (Nick Taylor [Journalist specializing in the biopharma industry], Biopharma Reporter, WTO lists critical inputs for COVID-19 vaccines to address gaps in global supply, 8/5/21, <https://www.biopharma-reporter.com/Article/2021/08/05/WTO-lists-critical-inputs-for-COVID-19-vaccines?utm_source=copyright&utm_medium=OnSite&utm_campaign=copyright>) hwof

The World Trade Organization (WTO) Secretariat has published a list of critical inputs for COVID-19 vaccines as part of an effort to address gaps in global production and distribution of the products. Officials at the WTO Secretariat prepared the list to inform talks at its COVID-19 Vaccine Supply Chain and Regulatory Transparency Symposium in late June. A version was released for consultation after the event. The document lists the wide range of products that are needed to make COVID-19 vaccines and get them to the public. On the manufacturing side, the list covers the active ingredients for vaccines from AstraZeneca, Johnson & Johnson, Moderna and Pfizer-BioNTech, noting that the latter two products use “nucleoside-modified mRNA encoding the viral spike (S) glycoprotein of SARS-CoV-2.”Consumables and equipment required for production A long list of inactive ingredients is also included by the WTO Secretariat, as is a breakdown of the other ingredients such as preservatives, adjuvants and stabilizers that are used in the four vaccines.The list features details of the consumables and equipment required to make the vaccines, too. For example, the list states that single-use bioreactor bags are needed for cell culture and fermentation and microfluid and nanofluid mixers are required to produce the lipid nanoparticles that are used in the delivery of mRNA vaccines. Dry ice, vials and stoppers Finally, the list covers the products needed to get vaccines from manufacturing plants and into the arms of people. The list ranges from vials and vulcanized rubber stoppers, to dry ice for storage and adhesive bandages to put on the injection site after administration of the vaccine. The list is the product of multiple organizations. The WTO Secretariat said the Asian Development Bank, the Organization for Economic Cooperation and Development, the World Customs Organization, some COVID-19 vaccine manufacturers, researchers Chad Bown and Chris Rogers, the Coalition for Epidemic Preparedness Innovations and DHL jointly produced the list.