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#### The removal of patents is a performative action that causes more gatekeeping among big companies which turns the aff and reinforces capitalism.

Morrinville 19

Paul Morrinville ; February 19; “Don’t Be Fooled by His Patent Purge: Elon Musk is Just Another Hypocritical Tech Billionaire” https://www.ipwatchdog.com/2019/02/19/dont-fooled-patent-purge-elon-musk-just-another-hypocritical-tech-billionaire/id=106525/)

Musk believes patents only serve “to stifle progress” and that by releasing his patents he can help get progress moving again—and that progress will somehow win the fight against climate change. But do patents stifle progress, and will releasing patents really have this result? Patents are a trade with a government. **The inventor agrees to disclose the invention to the public in exchange for a limited exclusive right to the invention. No one else can make, use, sell or import the invention without the inventor’s permission. The public interest is served because the invention is publicly disclosed, so anyone can improve the invention and patent that advancement. And anyone can design around it and patent that invention. If the invention has commercial value, no doubt many people will jump in and do one or both.** The patent system still works today as it did the in the antebellum period, when the sewing machine was invented. Elias Howe invented the lock-stitch. That is where a needle passes through the cloth with a thread, the thread is then lock-stitched on the underside of the cloth, and then the needle is pulled back through the cloth, pulling the thread with it. The fabric is moved a short distance by a feed and the process repeats for a second stitch. A sewing machine does not work without the lock-stitch, so Howe’s invention was the core enabling technology of the sewing machine. But Howe fed fabric through the sewing machine with a circular motion feed. This circular motion bunched up the fabric, which made Howe’s sewing machine impractical and not marketable. Singer saw this problem and invented a new feed that pulled cloth straight through (still in use today) thus solving the fabric bunching problem and creating a marketable product. Had Singer not known about Howe’s lock-stitch invention, Singer would not have known to improve Howe’s feed. But it was not just Singer improving Howe’s sewing machine. More than 200 sewing machine companies sprung up at the same time, each with its new sewing machine inventions (levers, bobbins, thread tensioners, etc.). Most of these inventions were also patented. The next time you look at the complicated mechanical inner workings of a sewing machine, know that most of the various parts were invented over 150 years ago by different people engaged in a head on competition for the largest consumer market ever created to date. It is exceedingly rare that an inventor comes up with something completely new. Virtually all inventions are the result of combining existing elements and adding something new. When Howe invented the lock-stitch, existing machines used threaded needles, tied threads, and fed fabric through machines, but it took Howe’s insight and experimentation using all those existing pieces to figure out how to tie a knot on the underside of fabric after a single thread was pushed through with a single needle. All of the things that Howe combined were disclosed to the public in one way or another, many through the patent system. Patents promote progress because of the disclosure to the public of the invention. Anyone can improve it, combine it, or invent around it. None of that is possible if the invention is not disclosed. Musk clearly does not value how patents promote progress. But he does value trade secrets. Tesla is known for keeping a tight lid on its trade secrets. They [protect these trade secrets as far as the law will allow them,](https://arstechnica.com/tech-policy/2018/06/after-subpoenaing-apple-in-trade-secrets-case-tesla-goes-after-facebook/) including suing employees and the rest of the industry. Tesla [recently acquired battery manufacturer Maxwell Technologies’ company for $218 million to learn its trade secrets for dry electrode batteries](http://www.dailyadvent.com/index.php/2019/02/05/tesla-buys-battery-manufacturing-company-for-218-million-to-learn-its-trade-secrets/). Obviously, Musk values trade secrets, and he must believe that they do not stifle progress, or he would have released them to the public as well. However, trade secrets do not promote the progress of innovation. Trade secrets stifle progress. A trade secret, by definition, is a secret. Secrets are only known to the holder of the secret, so no one else knows how the invention works. Since no one else knows how the invention works, nobody else can improve it like Singer improved Howe’s sewing machine by inventing a straight pull cloth feed. Not only can no one improve it, but no one can combine it with something new like Howe did in inventing the lock-stitch. There are good reasons for keeping trade secrets. Some things cannot be patented, like the recipe for Kentucky Fried Chicken, or customer lists. But when an invention could be patented, keeping it as a trade secret denies the public knowledge of how the invention works, which in turn denies the public the ability to improve, combine, or invent around the invention. This secrecy slows the progress of innovation, and therefore harms the public. Trade secrets have become the preferred invention protection choice of many tech multinationals. Many of these companies have huge numbers of customers with thin products that run on or behind internet browsers. Most inventions in these fields can be hidden behind the browser, buried in the bowels of a datacenter, encrypted in code, or embedded in a chip and thus easily protected by trade secrets. In emerging fields, technology advances at a lightning fast pace. Improvements invented by others could bring disastrous disruption to incumbents. In Tesla’s market for electric cars, dry electrode batteries may be that disruptive technology given the $218 million price tag Tesla paid to obtain the trade secrets. The greatest threat to the very existence of these huge multinationals is creative destruction at the hands of someone who invents something that their customers want that they did not think of first. As a result, none of these huge multinationals wants anyone else to learn how their inventions work because someone else could improve it, combine it, or invent around it, which could disrupt their business. Hiding inventions as trade secrets acts to protect these huge multinational corporations against this threat of creative destruction. This is the reason that huge multinationals lobby so hard for strong trade secret laws and weak patent laws. This is clearly shown in Musk’s low valuation of his patents and high valuation of trade secrets. Trade secret protection for inventions that could otherwise be patented is bad public policy because it stifles the progress of innovation and it consolidates money, markets and power into a few huge corporations that become immune to the threat of creative destruction. But back to the self-serving hypocrisy of Elon Musk. If Musk truly wants to promote progress, thereby saving the world from climate change, he would patent his inventions and protect his patents jealously, and he would release his trade secrets for everyone to use freely—especially the trade secrets he just acquired for dry electrode batteries.

#### The reason the aff calls for a reduction in ip protections is because of Capitalism. Capitalism causes every single one of the affs impacts and more—poverty, inequality, democratic decline, disease, climate change, women and worker exploitation, and nuclear war

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

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

#### The aff’s policy action will not cause any meaningful change to the system, it instead reinforces capitalism, and it’s impacts.

Martin 99 [Brian, *Ghandi Marg*, 21 (3) <http://www.uow.edu.au/arts/sts/bmartin/pubs/99gm.html>

From the point of view of nonviolence, a crucial feature of capitalism is its links with systems of violence, notably the military and police. For some capitalist countries, which are run as repressive states, this connection is obvious. But for capitalist countries with representative government, the connections between the military, police and capitalist social relations are less overt. For most of the time, state violence is not required to defend capitalism, since most people go along with the way things are. If the challenge to capitalism is violent, such as by a revolutionary party that uses bombings or assaults, then police and military forces are used to crush the challengers. But sometimes there are serious nonviolent challenges, especially when workers organise. Troops are typically called out when workers in a key sector (such as electricity or transport) go on strike, when workers take over running of a factory or business, or when there is a general strike. Spy agencies monitor and disrupt groups and movements that might be a threat to business or government. Police target groups that challenge property relations, such as workers and environmentalists taking direct action. At the core of capitalism is private property. Military and police power is needed to maintain and extend the system of ownership. It should be noted that petty theft and organised crime are not major challenges to the system of property, since they accept the legitimacy of property and are simply attempts to change ownership in an illegal manner. Criminals are seldom happy for anyone to steal from them. Principled challenges to property, such as squatting and workers' control, are far more threatening. Many people, especially in the United States, believe that government and corporations are antagonistic, with opposite goals. When governments set up regulations to control product quality or pollution, some corporate leaders complain loudly about government interference. But beyond the superficial frictions, at a deeper level the state operates to provide the conditions for capitalism. The state has it own interests, to be sure, especially in maintaining state authority and a monopoly on what it considers legitimate violence, but it depends on capitalist enterprises for its own survival, notably through taxation. In capitalist societies, **states and capitalism depend on and mutually reinforce each other.**

#### Since capitalism causes inevitable crises, inequality, and dehumanization—the alternative is a class-based critique of the system—pedagogical spaces are the crucial staging ground for resistance

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(Peter and Valerie, “Class Dismissed? Historical materialism and the politics of ‘difference’,” Educational Philosophy and Theory Vol. 36, Issue 2, p. 183-199)

For well over two decades we have witnessed the jubilant liberal and conservative pronouncements of the demise of socialism. Concomitantly, history's presumed failure to defang existing capitalist relations has been read by many self-identified ‘radicals’ as an advertisement for capitalism's inevitability. As a result, the chorus refrain ‘There Is No Alternative’, sung by liberals and conservatives, has been buttressed by the symphony of post-Marxist voices recommending that we give socialism a decent burial and move on. Within this context, to speak of the promise of Marx and socialism may appear anachronistic, even naïve, especially since the post-al intellectual vanguard has presumably demonstrated the folly of doing so. Yet we stubbornly believe that the chants of T.I.N.A. must be combated for they offer as a fait accompli, something which progressive Leftists should refuse to accept—namely the triumph of capitalism and its political bedfellow neo-liberalism, which have worked together to naturalize suffering, undermine collective struggle, and obliterate hope. We concur with Amin (1998), who claims that such chants must be defied and revealed as absurd and criminal, and who puts the challenge we face in no uncertain terms: humanity may let itself be led by capitalism's logic to a fate of collective suicide or it may pave the way for an alternative humanist project of global socialism. The grosteque conditions that inspired Marx to pen his original critique of capitalism are present and flourishing. The inequalities of wealth and the gross imbalances of power that exist today are leading to abuses that exceed those encountered in Marx's day (Greider, 1998, p. 39). Global capitalism has paved the way for the obscene concentration of wealth in fewer and fewer hands and created a world increasingly divided between those who enjoy opulent affluence and those who languish in dehumanizing conditions and economic misery. In every corner of the globe, we are witnessing social disintegration as revealed by a rise in abject poverty and inequality. At the current historical juncture, the combined assets of the 225 richest people is roughly equal to the annual income of the poorest 47 percent of the world's population, while the combined assets of the three richest people exceed the combined GDP of the 48 poorest nations (CCPA, 2002, p. 3). Approximately 2.8 billion people—almost half of the world's population—struggle in desperation to live on less than two dollars a day (McQuaig, 2001, p. 27). As many as 250 million children are wage slaves and there are over a billion workers who are either un- or under-employed. These are the concrete realities of our time—realities that require a vigorous class analysis, an unrelenting critique of capitalism and an oppositional politics capable of confronting what Ahmad (1998, p. 2) refers to as ‘capitalist universality.’ They are realities that require something more than that which is offered by the prophets of ‘difference’ and post-Marxists who would have us relegate socialism to the scrapheap of history and mummify Marxism along with Lenin's corpse. Never before has a Marxian analysis of capitalism and class rule been so desperately needed. That is not to say that everything Marx said or anticipated has come true, for that is clearly not the case. Many critiques of Marx focus on his strategy for moving toward socialism, and with ample justification; nonetheless Marx did provide us with fundamental insights into class society that have held true to this day. Marx's enduring relevance lies in his indictment of capitalism which continues to wreak havoc in the lives of most. While capitalism's cheerleaders have attempted to hide its sordid underbelly, Marx's description of capitalism as the sorcerer's dark power is even more apt in light of contemporary historical and economic conditions. Rather than jettisoning Marx, decentering the role of capitalism, and discrediting class analysis, radical educators must continue to engage Marx's oeuvre and extrapolate from it that which is useful pedagogically, theoretically, and, most importantly, politically in light of the challenges that confront us. The urgency which animates Amin's call for a collective socialist vision necessitates, as we have argued, moving beyond the particularism and liberal pluralism that informs the ‘politics of difference.’ It also requires challenging the questionable assumptions that have come to constitute the core of contemporary ‘radical’ theory, pedagogy and politics. In terms of effecting change, what is needed is a cogent understanding of the systemic nature of exploitation and oppression based on the precepts of a radical political economy approach (outlined above) and one that incorporates Marx's notion of ‘unity in difference’ in which people share widely common material interests. Such an understanding extends far beyond the realm of theory, for the manner in which we choose to interpret and explore the social world, the concepts and frameworks we use to express our sociopolitical understandings, are more than just abstract categories. They imply intentions, organizational practices, and political agendas. Identifying class analysis as the basis for our understandings and class struggle as the basis for political transformation implies something quite different than constructing a sense of political agency around issues of race, ethnicity, gender, etc. Contrary to ‘Shakespeare's assertion that a rose by any other name would smell as sweet,’ it should be clear that this is not the case in political matters. Rather, in politics ‘the essence of the flower lies in the name by which it is called’ (Bannerji, 2000, p. 41). The task for progressives today is to seize the moment and plant the seeds for a political agenda that is grounded in historical possibilities and informed by a vision committed to overcoming exploitative conditions. These seeds, we would argue, must be derived from the tree of radical political economy. For the vast majority of people today—people of all ‘racial classifications or identities, all genders and sexual orientations’—the common frame of reference arcing across ‘difference’, the ‘concerns and aspirations that are most widely shared are those that are rooted in the common experience of everyday life shaped and constrained by political economy’ (Reed, 2000, p. xxvii). While post-Marxist advocates of the politics of ‘difference’ suggest that such a stance is outdated, we would argue that the categories which they have employed to analyze ‘the social’ are now losing their usefulness, particularly in light of actual contemporary ‘social movements.’ All over the globe, there are large anti-capitalist movements afoot. In February 2002, chants of ‘Another World Is Possible’ became the theme of protests in Porto Allegre. It seems that those people struggling in the streets haven’t read about T.I.N.A., the end of grand narratives of emancipation, or the decentering of capitalism. It seems as though the struggle for basic survival and some semblance of human dignity in the mean streets of the dystopian metropoles doesn’t permit much time or opportunity to read the heady proclamations emanating from seminar rooms. As E. P. Thompson (1978, p. 11) once remarked, sometimes ‘experience walks in without knocking at the door, and announces deaths, crises of subsistence, trench warfare, unemployment, inflation, genocide.’ This, of course, does not mean that socialism will inevitably come about, yet a sense of its nascent promise animates current social movements. Indeed, noted historian Howard Zinn (2000, p. 20) recently pointed out that after years of single-issue organizing (i.e. the politics of difference), the WTO and other anti-corporate capitalist protests signaled a turning point in the ‘history of movements of recent decades,’ for it was the issue of ‘class’ that more than anything ‘bound everyone together.’ History, to paraphrase Thompson (1978, p. 25) doesn’t seem to be following Theory's script. Our vision is informed by Marx's historical materialism and his revolutionary socialist humanism, which must not be conflated with liberal humanism. For left politics and pedagogy, a socialist humanist vision remains crucial, whose fundamental features include the creative potential of people to challenge collectively the circumstances that they inherit. This variant of humanism seeks to give expression to the pain, sorrow and degradation of the oppressed, those who labor under the ominous and ghastly cloak of ‘globalized’ capital. It calls for the transformation of those conditions that have prevented the bulk of humankind from fulfilling its potential. It vests its hope for change in the development of critical consciousness and social agents who make history, although not always in conditions of their choosing. The political goal of socialist humanism is, however, ‘not a resting in difference’ but rather ‘the emancipation of difference at the level of human mutuality and reciprocity.’ This would be a step forward for the ‘discovery or creation of our real differences which can only in the end be explored in reciprocal ways’ (Eagleton, 1996, p. 120). Above all else, the enduring relevance of a radical socialist pedagogy and politics is the centrality it accords to the interrogation of capitalism. We can no longer afford to remain indifferent to the horror and savagery committed by capitalist's barbaric machinations. We need to recognize that capitalist democracy is unrescuably contradictory in its own self-constitution. Capitalism and democracy cannot be translated into one another without profound efforts at manufacturing empty idealism. Committed Leftists must unrelentingly cultivate a democratic socialist vision that refuses to forget the ‘wretched of the earth,’ the children of the damned and the victims of the culture of silence—a task which requires more than abstruse convolutions and striking ironic poses in the agnostic arena of signifying practices. Leftists must illuminate the little shops of horror that lurk beneath ‘globalization’s’ shiny façade; they must challenge the true ‘evils’ that are manifest in the tentacles of global capitalism's reach. And, more than this, Leftists must search for the cracks in the edifice of globalized capitalism and shine light on those fissures that give birth to alternatives. Socialism today, undoubtedly, runs against the grain of received wisdom, but its vision of a vastly improved and freer arrangement of social relations beckons on the horizon. Its unwritten text is nascent in the present even as it exists among the fragments of history and the shards of distant memories. Its potential remains untapped and its promise needs to be redeemed.

#### Class based critiques are a key starting point—not to obscure intersecting inequalities, but to historicize them and address the engines of mass oppression

**Taylor 11** [Keeanga-Yamahtta Taylor, on the editorial board of the International Socialist Review and a doctoral student in African American Studies at Northwestern University; “Race, class and Marxism,” SocialistWorker.org, http://socialistworker.org/2011/01/04/race-class-and-marxism]

Marxists believe that the potential for that kind of unity is dependant on battles and struggles against racism today. Without a commitment by revolutionary organizations in the here and now to the fight against racism, working-class unity will never be achieved and the revolutionary potential of the working class will never be realized. Yet despite all the evidence of this commitment to fighting racism over many decades, Marxism has been maligned as, at best, "blind" to combating racism and, at worst, "incapable" of it. For example, in an article published last summer, popular commentator and self-described "anti-racist" Tim Wise summarized the critique of "left activists" that he later defines as Marxists. He writes: [L]eft activists often marginalize people of color by operating from a framework of extreme class reductionism, which holds that the "real" issue is class, not race, that "the only color that matters is green," and that issues like racism are mere "identity politics," which should take a backseat to promoting class-based universalism and programs to help working people. This reductionism, by ignoring the way that even middle class and affluent people of color face racism and color-based discrimination (and by presuming that low-income folks of color and low-income whites are equally oppressed, despite a wealth of evidence to the contrary) reinforces white denial, privileges white perspectivism and dismisses the lived reality of people of color. Even more, as we'll see, it ignores perhaps the most important political lesson regarding the interplay of race and class: namely, that the biggest reason why there is so little working-class consciousness and unity in the Untied States (and thus, why class-based programs to uplift all in need are so much weaker here than in the rest of the industrialized world), is precisely because of racism and the way that white racism has been deliberately inculcated among white working folks. Only by confronting that directly (rather than sidestepping it as class reductionists seek to do) can we ever hope to build cross-racial, class based coalitions. In other words, for the policies favored by the class reductionist to work--be they social democrats or Marxists--or even to come into being, racism and white supremacy must be challenged directly. Here, Wise accuses Marxism of: "extreme class reductionism," meaning that Marxists allegedly think that class is more important than race; reducing struggles against racism to "mere identity politics"; and requiring that struggles against racism should "take a back seat" to struggles over economic issues. Wise also accuses so-called "left activists" of reinforcing "white denial" and "dismiss[ing] the lived reality of people of color"--which, of course, presumes Left activists and Marxists to all be white. - - - - - - - - - - - - - - - What do Marxists actually say? Marxists argue that capitalism is a system that is based on the exploitation of the many by the few. Because it is a system based on gross inequality, it requires various tools to divide the majority--racism and all oppressions under capitalism serve this purpose. Moreover, oppression is used to justify and "explain" unequal relationships in society that enrich the minority that live off the majority's labor. Thus, racism developed initially to explain and justify the enslavement of Africans--because they were less than human and undeserving of liberty and freedom. Everyone accepts the idea that the oppression of slaves was rooted in the class relations of exploitation under that system. Fewer recognize that **under capitalism, wage slavery is the pivot around which all other inequalities and oppressions turn**. Capitalism used racism to justify plunder, conquest and slavery, but as Karl Marx pointed out, it also used racism to divide and rule--to pit one section of the working class against another and thereby blunt class consciousness. **To claim**, as Marxists do, **that racism is a product of capitalism is not to deny** or diminish **its importance** or impact in American society. It is simply to explain its origins and the reasons for its perpetuation. Many on the left today talk about class as if it is one of many oppressions, often describing it as "classism." What people are really referring to as "classism" is elitism or snobbery, and not the fundamental organization of society under capitalism. Moreover, it is popular today to talk about various oppressions, including class, as intersecting. While it is true that oppressions can reinforce and compound each other, they are born out of the material relations shaped by capitalism and the economic exploitation that is at the heart of capitalist society. In other words, it is the material and economic structure of society that gave rise to a range of ideas and ideologies to justify, explain and help perpetuate that order. In the United States, racism is the most important of those ideologies. Despite the widespread beliefs to the contrary of his critics, Karl Marx himself was well aware of the centrality of race under capitalism. While Marx did not write extensively on the question of slavery and its racial impact in societies specifically, he did write about the way in which European capitalism emerged because of its pilfering, rape and destruction, famously writing: The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of Black skins, signalized the rosy dawn of the era of capitalist production. He also recognized the extent to which slavery was central to the world economy. He wrote: Direct slavery is just as much the pivot of bourgeois industry as machinery, credits, etc. Without slavery you have no cotton; without cotton you have no modern industry. It is slavery that has given the colonies their value; it is the colonies that have created world trade, and it is world trade that is the pre-condition of large-scale industry. Thus slavery is an economic category of the greatest importance. Without slavery North America, the most progressive of countries, would be transformed into a patriarchal country. Wipe out North America from the map of the world, and you will have anarchy--the complete decay of modern commerce and civilization. Cause slavery to disappear and you will have wiped America off the map of nations. Thus slavery, because it is an economic category, has always existed among the institutions of the peoples. Modern nations have been able only to disguise slavery in their own countries, but they have imposed it without disguise upon the New World. Thus, there is a fundamental understanding of the centrality of slave labor in the national and international economy. But what about race? Despite the dearth of Marx's own writing on race in particular, one might look at Marx's correspondence and deliberations on the American Civil War to draw conclusions as to whether Marx was as dogmatically focused on purely economic issues as his critics make him out be. One must raise the question: If Marx was reductionist, how is his unabashed support and involvement in abolitionist struggles in England explained? If Marx was truly an economic reductionist, he might have surmised that slavery and capitalism were incompatible, and simply waited for slavery to whither away. W.E.B. Du Bois in his Marxist tome Black Reconstruction, quotes at length a letter penned by Marx as the head of the International Workingmen's Association, written to Abraham Lincoln in 1864 in the midst of the Civil War: The contest for the territories which opened the epoch, was it not to decide whether the virgin soil of immense tracts should be wedded to the labor of the immigrant or be prostituted by the tramp of the slaver driver? When an oligarchy of 300,000 slave holders dared to inscribe for the first time in the annals of the world "Slavery" on the banner of armed revolt, when on the very spots where hardly a century ago the idea of one great Democratic Republic had first sprung up, whence the first declaration of the rights of man was issued...when on the very spots counter-revolution...maintained "slavery to be a beneficial institution"...and cynically proclaimed property in man 'the cornerstone of the new edifice'...then the working classes of Europe understood at once...that the slaveholders' rebellion was to sound the tocsin for a general holy war of property against labor... They consider it an earnest sign of the epoch to come that it fell to the lot of Abraham Lincoln, the single-minded son of the working class, to lead his country through the matchless struggles for the rescue of the enchained race and the Reconstruction of a social order. Not only was Marx personally opposed to slavery and actively organized against it, but he theorized that slavery and the resultant race discrimination that flowed from it were not just problems for the slaves themselves, but for white workers who were constantly under the threat of losing work to slave labor. This did not mean white workers were necessarily sympathetic to the cause of the slaves--most of them were not. But Marx was not addressing the issue of consciousness, but objective factors when he wrote in Capital, "In the United States of America, every independent movement of the workers was paralyzed as long as slavery disfigured a part of the Republic. Labor cannot emancipate itself in the white skin where in the Black it is branded." Moreover, Marx understood the dynamics of racism in a modern sense as well--as a means by which workers who had common, objective interests with each other could also become mortal enemies because of subjective, but nevertheless real, racist and nationalist ideas. Looking at the tensions between Irish and English workers, with a nod toward the American situation between Black and white workers, Marx wrote: Every industrial and commercial center in England possesses a working class divided into two hostile camps, English proletarians and Irish proletarians. The ordinary English worker hates the Irish worker as a competitor who lowers his standard of life. In relation to the Irish worker he feels himself a member of the ruling nation and so turns himself into a tool of the aristocrats and capitalists of his country against Ireland, thus strengthening their domination over himself. He cherishes religious, social and national prejudices against the Irish worker. His attitude is much the same as that of the "poor whites" to the "niggers" in the former slave states of the USA. The Irishman pays him back with interest in his own money. He sees in the English worker at once the accomplice and stupid tool of the English rule in Ireland. This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short by all the means at the disposal of the ruling classes. This antagonism is the secret of the impotence of the English working class, despite its organization. It is the secret by which the capitalist maintains its power. And that class is fully aware of it. Out of this quote, one can see a Marxist theory of how racism operated in contemporary society, after slavery was ended. Marx was highlighting three things: first, that capitalism promotes economic competition between workers; second, that the ruling class uses racist ideology to divide workers against each other; and finally, that when one group of workers suffer oppression, it negatively impacts the entire class.

#### The primary responsibility for the judge is to challenge the neoliberal agenda in the debate space through the alternative

Lieb ‘15-- (Sheryl J., Ph.D. (2015), Educational Studies with a Concentration in Cultural Studies, The University of North Carolina at Greensboro “In Pursuit of a Pedagogy of Personhood: Existentialism and Possibilities for Educator Liberation”, 2015, pg. 71-73) kb

Responsibility and Authenticity as Scholar/Researcher- My intellectual responsibility is to conduct myself as an ethical and diligent researcher and scholar, such responsibility preceded only by my responsibility to be authentic to my study purpose and to the meanings that I make as they emerge in this work. As consistently stated, my purpose is to illuminate the philosophical problem of existential oppression in the realm of 21st century education, specifically targeting the situation of the educator. In order to meet my ultimate intellectual responsibility, I intend that the insights achieved through my work, and the ways in which I write about them, will highlight the problem of educator existential oppression in such a way as to “draw larger conclusions for readers; possibly even to challenge and reconstruct older political or educational narratives” (Nash, 2004, p. 18). Nash qualifies this last statement with “if this is an important goal for the researcher” (p. 18). In my multiple roles as scholar, researcher, educator, and philosophical advocate, my intended goal is to create a dissertation worthy of challenging the dominant, neoliberal narrative from the perspective of the existentially oppressed educator; that is, to challenge the neoliberal educational agenda by shining a light on a problem (institutionalized oppression) that is all too frequently suffered in silent compliance and in the darkness of submerged identities. To this end, I position myself as a potential change agent, intent on radically humanizing the situated space of my undergraduate classroom. Philosophically speaking, I choose to leave the darkness of the neoliberal cave and move into the sunlight of self-awareness and social responsibility, a kind of reclamation of my teaching self and a commitment to a certain kind of pedagogical philosophy that has its roots in existentialism. Finally, the authenticity of my purpose, along with the scholarly work to be produced, rests on my authenticity and integrity as an individual who has experienced existential oppression in the realm of K-12 public education. As one among a multitude of education workers who have experienced or who continue to experience institutional dehumanization on a daily basis, I hope that my voice will resonate beyond the pages on which I write and will resound with personal validity for others. Ideally, I would hope to awaken existential attitudes of resistance among a few current and future teachers should they read my work. Expanding the cave metaphor further, I offer a quote from Greene (1973) whose words, although written decades ago, echo with particular relevance to my concerns at this present time: “If ever there was a desire to be released from ‘sunless caves,’ the desire is apparent now. If ever there was a need for sunlit mountaintops, the need exists today” (p. 37). I submit that the sunless caves of neoliberal educational ideology can be excavated—with great challenge and difficulty, and over time, by chipping away at dehumanizing pedagogical practices piece by piece. Through the conscientious efforts of individual teachers who, newly awakened to existential attitudes of resistance grounded in possibility, projects of self-reclamation can be enacted through their commitment to teaching as a pedagogy of personhood. In fact, according to Pinar (2012), “Teachers can express intransigence to this fascist regime by expressing loyalty to the profession, by refusing to teach to the test, by insisting that students engage with ideas and facts critically and with passion through solitary study and classroom deliberation” (p. 10). While I agree wholeheartedly with Pinar, I would also suggest that each individual teacher can choose to create ~~her~~ (their) own authentic path of resistance as it best serves her situation, hopefully within the school building. However, for some, as was the case for me, the choice to leave a particular educational environment in order to advance a pedagogy of personhood might prove to be a necessary response. Regardless of the choices made, from an existential perspective of personal freedom and responsibility While the academic scope of this work encompasses the theories of classical existential thinkers such as Nietzsche and Kierkegaard, along with 20th century philosophers and educational theorists—highlighting Beauvoir, Fanon, and Freire - I primarily rely on Sartre’s theories to serve as the philosophical basis from which to advance a conception of existentialism, via the existential attitude, as a viable response to educator existential oppression. In line with this focus, I apply my understandings and interpretations of Sartrean existential tenets (individual freedom, subjectivity, choice, action, and responsibility) to my way of being an educator, researcher, and scholar. Overall, I integrate philosophical inquiry and analysis of existential conceptions of oppression and personhood, along with an exploration of existential philosophical theory, with personal narrative. My purpose behind this integrated design is to make my scholarly process more personally and existentially relevant and accessible to the potential reader. As for the narrative portions in general, personal reflections and commentaries are interspersed throughout the chapters. However, in Chapter IV, “Turning to Existentialism, I specifically use “existential” data, excerpts culled from post-class, reflective field notes that I wrote after each class session taught throughout the spring of 2013, to illustrate the existential tenets or principles addressed in this chapter. To be clear, all narrative portions, and especially the focused inclusion of real-world field linked to academic freedom and social responsibility, I submit that small steps taken toward possibilities of educator liberation are better than no steps.

## Case

**Countries in the global south rely on imports for drugs – intellectual property reduction isn’t going to change the access to drugs since they can’t make it themselves**

**Hafner and Popp 11**[Hafner - Assistant Professor, Department of Public Administration and Policy, School of Public Affairs, American University, Popp – Research Associate and Syracuse University, National Bureau of Economic Research, “China and India as Suppliers of Affordable Medicines to Developing Countries”, July 2011, <https://www.nber.org/papers/w17249>] DD MN

**Developing countries** tend to **run a trade deficit on pharma**ceuticals **because most countries lack manufacturing and innovative capability**. **They** therefore **depend on imports for their domestic supply of medicines.** **Local pharmaceutical industries in developing countries**, when they exist, **tend to be small and focused on** the production of **traditional medicines or generic medicines for domestic consumption**. Some middle-income countries are an exception to that trend. Argentina, Brazil, China, Cuba, India, Mexico and South Africa, for example, have domestic pharmaceutical industries with varying levels of innovative capability (Balance, 1992). **India and China are important suppliers of medicines, particularly in products such as antibiotics and ARVs that treat diseases 5 prevalent in developing countries.** India produces both active ingredients and final products and is among the leading suppliers of antiretrovirals to developing countries. The government Pharmaceutical Organization in Thailand, for example, sources 90% of its materials for ARV production from India and produces ARVs that are up to 25 times cheaper than their branded equivalent. The Thai Public Health Ministry acknowledges that these savings would have been impossible without the Indian supply (Grace, 2004). China is also a major supplier of ingredients for antibiotics and has been ranked as the leading producer of penicillin, doxycyclin hydrochloride, cephalosporin and teramycin, producing more than 50% of the global supply (Grace, 2004). Brazil is regarded as a leader in its successful response to the HIV/AIDS epidemic which was partially facilitated by domestic production of generic antiretrovirals (Flynn, 2008). **Pharmaceutical production capabilities in Africa are far less developed** but the situation is likely to improve with recent initiatives by the African Union and the United Nations Industrial Development Organization (UNIDO) to strengthen local production (Berger et al., 2010). South Africa is the only country with the ability to manufacture active pharmaceutical ingredients and account for 70% of the estimated $1 billion in annual pharmaceutical production in Sub-Sahara Africa. Ghana, Nigeria and Kenya are also regional players but to a lesser extent.

**IP waivers doesn’t help countries in the global south + turns case bc decreases public trust**

**Bolle and Obstfield, 21** (Monica de Bolle (PIIE) and Maurice Obstfeld (PIIE), Maurice Obstfeld has been nonresident senior fellow at the Peterson Institute for International Economics since February 2019. He is the Class of 1958 Professor of Economics and former chair of the department of economics (1998–2001) at the University of California, Berkeley, where he has taught since 1991. He previously taught at Harvard University (1989–90), the University of Pennsylvania (1986–89), and Columbia University (1979–86).In addition to his academic positions, Obstfeld served at the International Monetary Fund (IMF) as economic counsellor and director of the research department5-12-2021, PIIE, "Waiving patent and intellectual property protections is not a panacea for global vaccine distribution", https://www.piie.com/blogs/realtime-economic-issues-watch/waiving-patent-and-intellectual-property-protections-not)//AK

The Biden administration's decision in early May 2021 to support temporary waivers of intellectual property rights (IPRs) on COVID-19 vaccines produced by the world's largest pharmaceutical companies is a welcome step intended to help countries with low access to vaccines. Unfortunately, however, the waivers by themselves will do little to aid global vaccination in the near term. In fact, these actions could be counterproductive if governments become complacent and fail to finance and organize vaccine supply chains worldwide, without which vaccines will not get to those who need them. As the pandemic has exploded in India and fears for Africa have intensified, the pressure on the United States, the European Union, and other advanced vaccine-producing countries to relax IP protections in World Trade Organization (WTO) agreements has intensified. Policymakers have also increasingly understood that no one is safe from COVID-19 until everyone is safe. Led by India and South Africa, the developing world ha[ve] been arguing on moral and practical grounds that IP waivers are essential to accelerating vaccine distribution and containing the pandemic worldwide. Absent widespread vaccination in less prosperous countries, experts say, all countries, even those with high vaccination rates, would remain vulnerable. But IP waivers alone will not necessarily accomplish that goal. Among the obstacles to getting wide distribution of vaccines are bureaucratic hurdles within the WTO, the difficulty for many poor countries of producing vaccines even if they have the legal right to do so, and the fact that vaccine production depends on global supply chains that cannot quickly be mobilized to deliver shots to low- and middle-income countries. Navigating the procedural obstacles to get WTO agreement on a streamlined mechanism for suspending IP protections is not as easy as it would seem. It is already possible to waive protections in the 1994 WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). But the WTO's track record suggests that roadblocks may lie ahead in expanding the scope of its waiver procedure. Since August 2003, the WTO has explicitly allowed emergency departures from the TRIPS agreement, enabling countries with manufacturing capacity to suspend IP protections to produce life-saving drugs and vaccines, not just for domestic use but also for export to countries that lack manufacturing capacity of their own. However, the process of negotiating the August 2003 decision—which created a temporary procedure for export waivers—took 14 months, and it was not until January 2017 that two-thirds of WTO members had ratified it as a formal amendment to the TRIPS agreement. Because of this painful negotiation process, the bureaucratic procedures for exercising IP flexibility are so cumbersome that there are very few instances of its use. The best known (though not very successful) example occurred with Canadian exports of an AIDS treatment to Rwanda in 2007. Complicating matters further has been the opposition of some major countries to revisiting the issue, as well as the likely need for WTO members to revise their domestic legal frameworks to accommodate patent waivers. These factors make it clear that renewed negotiations within the WTO are unlikely to yield results with the speed that the current health emergency demands or result in a meaningfully better framework. Recognizing the likely difficulty of negotiations, WTO Director-General Ngozi Okonjo-Iweala has suggested a December 3, 2021 deadline for completion—but like past initial deadlines in this space, this one could well prove overoptimistic. The second, and arguably more intractable, challenge is technical: Even if they overcome IP obstacles and get permission to produce vaccines, less prosperous countries lack the know-how, facilities, and trained personnel to produce them. Despite the abysmal decades-long record of vaccine distribution in those countries, existing TRIPS flexibilities have done nothing to improve the situation. A smoother IP waiver process might help, but only as a component of a broader effort. True, patent protection is the main obstacle to creation of generic small-molecule drugs, which chemists can synthesize. But other major obstacles exist for vaccines, which are biologics. For the latter category of drugs, an identical product requires an identical production technology, with most steps categorized as hard-to-replicate trade secrets rather than patentable innovations. Thus, Moderna announced in October 2020 that it would not enforce its COVID-19-related patents during the pandemic. But this step, however laudable, is of limited immediate help to would-be producers of a "generic" version of the Moderna vaccine. Without precisely replicating all steps of Moderna's production process, including the many quality controls, a generic version would have untested immunogenicity (the ability to induce the body to generate an immune response) and thus would require extensive clinical trials before release. Production glitches—such as those that afflicted the Janssen/Johnson & Johnson vaccine in the United States—could prompt widespread vaccine skepticism, damaging pandemic control efforts. The replication hurdle is especially high for the new and more sophisticated messenger ribonucleic acid (mRNA) vaccines, which have proven most effective against SARS-CoV-2 (the virus that causes COVID-19) and which are likely to provide the most adaptable platforms for the vaccines of the future. The genetic vaccines produced by Pfizer-BioNTech and Moderna require considerable technical knowledge and sophisticated techniques to generate a version of the viral spike protein that elicits a strong immune response.1 Therefore, from a biological standpoint, patent and IP waivers alone cannot resolve the existing lack of capacity in most countries to produce genetic vaccines at scale locally. A final challenge is that vaccine supply chains are intricate and global in scope. Different stages of vaccine manufacturing are spread across different parts of the globe, with various countries supplying key inputs and equipment. Patent and IP waivers cannot resolve export restrictions that these countries may decide to impose—and in fact have imposed—throughout the pandemic. Nor can poor countries with production waivers easily integrate into global supply chains. At the moment, current production capacity and quality standards continue to constrain global supply. A streamlined mechanism for IP waivers can be useful, but the back and forth of waiver negotiations within the WTO will prove counterproductive if it distracts from necessary immediate and longer-term measures to contain the pandemic and prepare for future threats. In the short run, global vaccine production by existing producers should be ramped up with more global sharing, and at subsidized prices for poor countries. All countries can start by renouncing export restrictions that threaten global supply chains. Rich countries must also step up to provide financial support for vaccine purchases and immunization programs and also to directly share vaccine doses that are now in oversupply. Political leaders in the rich countries should explain to their citizens that aiding poor countries is in their own interest. That is because the pandemic is producing potentially more transmissible and deadlier variants that will inevitably spread worldwide. Over the long run, the global community needs to build a cooperative infrastructure to address the likelihood of the current pandemic lasting a long time, while preparing for future pandemics that could arrive with increasing frequency. In February 2021, the Group of Seven nations proposed a global health treaty that would help create a framework for more effective and coordinated pandemic response. Systematic worldwide genomic surveillance of current and potential pathogens is one aspect of such a treaty that would be imperative in order to inform public health policymakers and guide rapid vaccine development. Another useful step could be a vaccine investment and trade agreement, as suggested by Thomas J. Bollyky and Chad P. Bown, which would enable countries to coordinate vaccine development, supply chains, and production to eliminate beggar-thy-neighbor policies and speed vaccine development and deployment worldwide. The public-private partnerships underlying such an agreement might incorporate reform of the TRIPS patent and IP flexibilities acceptable to all parties. Unfortunately, finance ministers and central bank governors did little more than rehearse broad principles at their April 2021 Group of Twenty (G20) meeting, even as the COVID-19 outlook has deteriorated in India and elsewhere. Italy will host the next important international public health meeting on May 21, 2021 at a Global Health Summit in Rome. Participants may consider proposals by the High Level Independent Panel on Financing the Global Commons for Pandemic Preparedness and Response, which the G20 established in January 2021 and which Dr. Okonjo-Iweala co-chairs. International engagement over patents and other IP protections will be immensely more beneficial as a component of much broader commitments to speed vaccine deployment in the near term and build a robust cooperative framework for ongoing pandemic response. By the time of their October leaders' meeting, G20 countries should be well along in implementing an ambitious global public health framework rather than squabbling over the narrower issue of IP protections.

#### The vaccine charities that the aff is advocating for only legitimatize structural violence in the Global South

Harman et al. 21 [Sophie Harman, Professor of International Politics at the University of London, Parsa Erfani, Fogarty Global Health Fellow at the University of Global Health Equity and a medical student at Harvard Medical School, Tinashe Goronga, medical doctor and co-founder of the Centre for Health Equity Zimbabwe and a National Specialist at the United Nations Development Programme Inclusive Governance Initiative, Jason Hickel, Leverhulme Early Career Fellow at the Department of Anthropology, Michelle Morse, Instructor in Medicine and Department of Global Health and Social Medicine Affiliate, Harvard Medical School, a Hospitalist at Brigham and Women's Hospital, and founding director of EqualHealth, Eugene T. Richardson, Assistant Professor of Global Health and Social Medicine, Harvard Medical School Assistant Professor of Medicine, Brigham and Women's Hospital, 07- 29-2021, “Global vaccine equity demands reparative justice — not charity,” London School of Economics, https://blogs.lse.ac.uk/covid19/2021/07/29/global-vaccine-equity-demands-reparativejustice-not-charity/]/Kankee

Three limited ‘solutions’ to vaccine inequity. There are currently three approaches to reduce inequity in COVID-19 vaccine distribution: bilateral charity, multilateral charity and temporary waivers or suspensions of IP. The first is the most straightforward. States that stockpile COVID-19 vaccines have committed to sharing their leftovers with low-income and middle-income countries. Norway was one of the first nations to accede to donating doses to poorer countries in parallel with its vaccine programme. This is the weakest form of equity as it is unclear if this will be done for free, at a lower cost, tied to diplomacy or conditionality, or crucially, when these vaccines will be made available, where they will go, or how many will be delivered. The bilateral charity approach has little to do with equity and more to do with geopolitics, wealth and aid dependency. The second is multilateral charity, best exemplified by COVAX. In 2020, COVAX emerged as an international collaboration by the World Health Organisation (WHO), United Nations Children’s Fund, Gavi and the Coalition for Epidemic Preparedness Innovations to ensure equitable global access to COVID-19 vaccines. Rich countries can access doses for 10%–50% of their populations, depending on how much they have paid in, and poor countries can access doses for 20% through the scheme. It is the 20% for poor countries that has come to be COVAX’s unique selling point: here is a mechanism that ensures every country in the world can get the vaccine regardless of ability to pay. This is the first time such an initiative has been trialled. The shortcomings of COVAX are numerous. If vaccines are delivered as planned, COVAX may reach 27% of the population in lower-income countries by the end of 2021—a depressing goal compared with the estimated 70% coverage needed for herd immunity and the open vaccine access currently granted to Americans. Furthermore, COVAX isstill significantly underfunded and there are concerns regarding supply chains. While capital and resource transfer from wealthy countries to poorer ones is surely needed in the current pandemic response, any system that solely relies on aid will ultimately fail to achieve equity. In the setting of vaccine scarcity, in which suppliers are unable to deliver doses as scheduled and countries are banning exportsto keep vaccines at home, there is a risk that COVAX aid-recipient states will fall further down the priority list, awaiting the leftover vaccines from the rich country stockpiles. What may be most pernicious about the COVAX scheme, however, is that rich countries and their pharmaceutical companies have repeatedly used it as a shield to deflect demandsfor IP waivers. This is an enduring problem with aid: it papers over and distracts our attention away from the underlying structural violence. And in so doing, it maintains and perpetuates inequalities. Over 50 years ago, Kwame Nkrumah observed how aid is a ‘revolving credit’ which returns to countries of the global North in the form of increased profits. To the extent that COVAX is being leveraged to protect corporate patents and profits, Nkrumah’s words continue to be germane. The third approach is focused on pooling, temporary waivers, or suspension of IP. In May 2020, the WHO created the COVID-19 Technology Access Pool for companies to share IP and transfer technologies in a coordinated manner. But to date, not a single company has utilised the transfer process—likely because such forms of global IP sharing would quell profits, even if royalties are included. Pharmaceutical companies and universities prefer one-off transfer deals because it enables them to set their own terms with non-disclosure agreements. Given that they are accountable to shareholders and boards—not patients—financial incentives will drive transfer decisions, not public health demand. Following the blockages at the WHO around IP, attention shifted towards the World Trade Organization (WTO). In October 2020, India and South Africa proposed a temporary waiver of IP rights to COVID-19 technologies for the duration of the pandemic, so that all manufacturers with sufficient capacity and shared knowhow could start production. Although backed by over 100 countries within the WTO and a global campaign for the ‘People’s Vaccine,’ the proposal has been repeatedly blocked at every committee meeting since then by select wealthy countries with large pharmaceutical industries, including the UK, Japan and EU states. Those who oppose the IP waiver argue that it will not do anything to solve the problem: even if you were to liberate the recipe for the vaccines, low-income and middle-income countries do not have the capacity to produce it. But this argument is specious. For one, several middle-income countries—including India, Brazil, Senegal and South Africa—do have the ability to ramp up production by repurposing existing manufacturing capacity. In addition, an IP waiver can and should be supplemented with technology transfers, logistical support and financial investment to facilitate this repurposing process. And the most important point is that such a waiver could drastically reduce costs across the board, making vaccine imports more affordable for poor countries. Opponents of the waiver also claim that IP-related obstacles can be addressed through existing arrangements for ‘compulsory licensing’ under the WTO’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). But the past evidence suggests that this process is slow, cumbersome and subject to various shaming practices by the international community. Some point instead to the possibility of voluntary licensing. But voluntary licenses are often executed secretly and are limited to companies or governments that can afford them. The University of Pennsylvania, which owns IP rights relating to the mRNA vaccines, is helping Chulalongkorn University in Bangkok develop a vaccine production facility. This partnership was possible because Thailand—unlike other middle-income countries—was able to put up the money. Poorer countries are left out. Sharing of IP and technology transfers can and will accelerate global vaccine production. The question is on whose terms. Organizations such as the WHO and African Union are currently mobilizing support and resources to accelerate production in low-income and middle-income countries. But these efforts will be to waste unless IP for COVID-19 technologies is shared broadly and quickly. Vaccine coloniality Donor-based approaches to vaccine equity are grounded in old, even colonial ideas of aid and dependency, which have failed to serve the health needs of the Majority World or deliver on health equity. This failed model has not promoted health equity in the past and is clearly inadequate in the present, on account of dependency on donor whims(the bilateral ‘leftovers’ approach), persistent funding gaps and shortfalls(COVAX), and time-consuming diplomacy and filibustering over what is or is it not within current trade rules(WTO). Vaccine apartheid is only one symptom of broader global health inequalities that have their roots in colonialism. Once again in the political economy of global health, the charitable model of COVAX becomesthe smokescreen for inequitable systems. When states are asked about their stockpiling, they point to COVAX. When pharmaceutical companies are asked about IP, they pointto COVAX or their low-cost commitment. The focus on a donor-based model of aid in achieving vaccine equity has distracted leaders from the ideologies, economic systems and trade regulations that leave accessto medicine to the forces of the marketplace rather than global health priorities. Achieving global vaccine justice requires a rapid shift in trade regulations and contract transparency that streamlines IP sharing and technology transfers. The resultant collaborations across economies will not only accelerate vaccine production but will also increase competition and push vaccine prices down. Finally, old models of vaccine equity have not kept pace with changes in discourse and thinking around global health governance, equity and justice. 2021 is not the early 2000s, where new public–private partnerships or funding models were de rigueur. Donor countries are increasingly wary of aid dependency as they pay the cost of continuing high profile health programmes with diminishing strategic returns. Aid-recipient countries are similarly exasperated by funding gaps that lead to delays and materiel shortfalls, the NGO-industrial complex and attendant consultants that rationalize them, and fundamentally, by the notion that their populations only seem to matter when another state can capitalize on them. Conclusion Vaccine apartheid is only one symptom of broader global health inequalities that have their roots in colonialism and persist today because of neocolonial forms of power. As Grosfoguel writes, ‘The heterogeneous and multiple global structures put in place over a period of 450 years did not evaporate with the juridical–political decolonization of the periphery over the past 50 years. We continue to live under the same ‘colonial power matrix.’ With juridical–political decolonisation we moved from a period of ‘global colonialism’ to the current period of ‘global coloniality.’ Vaccine justice starts with moving beyond aid models of vaccine donation, in which poorer countries are gifted vaccine leftovers. It demands rapidly achieving global consensus for the IP waiver, democratizing vaccine IP and know-how and supporting low-income and middle-income countries to build manufacturing capacity for this pandemic and the next. These steps can mark the start of a reparative justice movement in global health that demands we confront and overturn colonial legacies that continue to devastate the health of low- and middle-income countries. A commitment to funding vaccine justice in the face of the COVID-19 pandemic can be a first step in this direction.