## 1 – Cap K

#### The aff’s international approach to the patent system is the essence of the capitalist empire. It seeks to deprive local power while bolstering the influence of the global market over them, securing its position of dominance in the world. Knezevic 07,

Intellectual Property or Intellectual Poverty? Between Colonialism and Empire in the Context of AIDS and Public Health Crises

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February 2007

**The corporate-industrialized world nexus project in pushing the global IP agenda with a view to adopt a “common standard”85 or “one size fits all”86 model for patents regardless of the field of technology (in this case medicine) or socio-economic circumstances in question (AIDS epidemic in Africa) is not only hypocritical but dangerous,** and not just to immediate public health concerns. **It constitutes an attempt to sever the juridical notion of patent from its material historical source** – to deprive us of the language to articulate the un-ethics of the situation. **It seeks to monopolize the very language and thought-processes that permit us to ethically and effectively question the ‘rational’ decision-making of world leaders and corporations**. **This is what Hardt and Negri refer to (in a reading of Foucault) as a ‘biopolitics’ of control, which permeates below the level of consciousness to the bios in order to manipulate** 87 [T]he problem of the new juridical apparatus is presented to us in its most immediate figure: a global order, a justice, and a right that are still virtual but nonetheless apply to us...**our internal moral disposition...tends to be determined by the ethical, political, and juridical categories of Empire...The means of the private and individual apprehension of values are dissolved**: with the appearance of Empire, we are confronted no longer with the local 89 This latter tension represents most faithfully the precise tension between the position of developing nations and that of industrialized nations in relation to pharmaceutical patents. **It is the tension between an adaptive conception that is modified as it is historically and socio-economically contextualized or ‘locally mediated’ – and on the other hand a conception that is in juristic terms rigid and by claiming for itself ‘concrete universality’ extinguishes all contextualized conceptions**. This tendency of the very limits of what we are capable of thinking. The sentiment is echoed in the comment cited above by Spiegel regarding the ‘Cuba taboo’ – a conspicuous silence which reflects an “inclination to narrow the boundaries of what are deemed to be possible approaches”88 to public health. Out of this universalized silence, the global order of ‘Empire’ unfolds [my italics]: [T]he problem of the new juridical apparatus is presented to us in its most immediate figure: a global order, a justice, and a right that are still virtual but nonetheless apply to us...our internal moral disposition...tends to be determined by the ethical, political, and juridical categories of Empire...The means of the private and individual apprehension of values are dissolved: with the appearance of Empire, we are confronted no longer with the local mediations of the universal but with a concrete universal itself. Empire to extinguish and erase context and ‘local mediation’ is not directed merely at the Other – **the industrialized world which here is the agent of empire seeks to expunge its own context and history from the record, too, so long as the order that is universalized is the one it dominates at present**. The characteristic of Empire is that it is “formed not on the basis of force but on the basis of the capacity to present force as being in the service of right and peace.”90 **The only truly effective means to resist this process of Empire then is to deny it its ethical foundation by insisting on history**, both that of the developed and developing world, and in particular the complicity of the former in the plight of the latter, for example: Besides introducing new diseases, European colonial incursions created devastating ecological changes in Africa. Mining, plantation agriculture, irrigation schemes, and drainage ditches created good habitats for malaria- bearing mosquitoes. As Africans died from smallpox and famine, cultivated areas returned to bush, promoting the spread of tsetse flies... That, in short, is the sort of thing European ‘transfer of technology’ to Africa achieved in the 19th and early 20th century. Hunter goes on to note some further examples, among them this: it took until the 1960s to rid the Serengeti plain of the rinderpest virus brought there by the British and Italians in the 1880s, by which time most of the native domestic cattle and wild ungulates on which the Masai population depended were dead. From 1880 to 1933 the population of the Belgian Congo declined from around 40 million to 9.25 million. In another French colony it went from 20 million to 2.5 million in the space of 20 years, 1911-1931. On the heels of these ravages, “Western medicine matured at just the right time to be used as a ‘tool of empire’.”92 This configuration, it seems, persists today in what Hardt and Negri call the new ‘imperial paradigm’, which has migrated from “disciplinary society to a society of control.”93 It is the latter that operates at the level of bios, which rather than merely employing physical coercion, attempts to regulate from afar our very thought processes “to narrow the boundaries of what are deemed to be possible approaches.”94 **What is taking place here is the transition to an order wherein the agents of Empire need not instruct colonial subjects what to do or coerce them to it, but are able to ensure that goals are carried out merely by limiting the horizons of thought.** **It is clear that industrialized countries have taken every opportunity to adapt their patent systems and evolve them according to their immediate socio-economic or public health needs in different epochs**. **Developing countries should be allowed to do the same, especially given the historical complicity of developed countries in their demise and in the retardation of their development**. **The global model imposed by industrialized countries cannot serve the immediate public health needs of the developing world**. In this process and particularly in dealing with existing public health crises such as the AIDS epidemic, Cuba provides the best existing model for developing countries to learn from, given both its success and the country’s socio- economic identity with other developing countries, and there is no reason why this model could not be implemented without replicating its political environment. Over this entire complex, however, looms the hegemonic global order of Empire, with the industrialized world as agent, seeking to universalize its own conception. **In order to resist this universalizing process, developing countries should insist as a matter of right on managing their own public health networks matched by suitable patent regimes crafted to their immediate needs (i.e. compulsory licenses, import of generics) – rather than accepting the universalising imposition in return for ad hoc donations and other aid as a matter of charity or good will**. **Developing nations** should, in other words, **reject ad hoc utilitarian approaches of enforcing patents unconditionally at the service of the industrialized world designed to alleviate their suffering** but never allow them to stand on their own two feet, **leaving them always a step behind and at the mercy of corporate and international donors**. They should continue to assert their moral rights in the face of the global pharmaceutical lobby and insist on their unfettered discretion to determine the existence of health crises on their territories and design patent regimes appropriate to their immediate needs. They should implement “social and organizational priorities” shown to produce results toward the “social production of health” simultaneously investing (socially and financially) in their public health networks and in publicly financed institutions to conduct R&D programs crafted to their concerns, guided by public health needs and motives and not profit possibilities**. The attainment of public health goals is financially well within their reach merely by the implementation of appropriate policies**, as discussed above. This of course raises a number of issues relating to the willingness of African officials and governments to deal with the AIDS crisis in an effective way, and the various cultural and political 96 obstacles to this, however that this only makes the compendium of obstacles to the resolution of the AIDS crisis more complex;97 by removing the global obstacles (stringent pharmaceutical patent protection) and reducing the crisis to the level of national politics, the immediate technical responsibility is placed on the shoulders of leaders who in most cases are in one way or another politically accountable to the very populace afflicted by the epidemic, rather than on the shoulders of corporate executives thousands of miles away who answer primarily to shareholders. Thus if there is unwillingness among African politicians and elites to engage effectively with the epidemic (as some writers suggest), a more systematically ethical and less profit- oriented approach to patent enforcement by industrialized countries would be much more likely to expose this unwillingness and eliminate such politicians. **So long as industrialized countries insist on a ‘common standard’, they will remain the main scapegoat.** If they believe it to be in their interest to produce a greater confluence of norms relating to intellectual property, they should work from the opposite end to where they are now – by investing in the public health networks of developing countries with a view to making them sustainable and self-sufficient both in providing for immediate health needs and conducting R&D in the long term; that is, by working toward a ‘common standard’ in public health rather than in patent protection, for the former would in turn produce greater confluence in patent systems.

#### Slight adjustments to the current IP system inevitably fail while allowing global regimes to expand their power. The aff specifically kills the opportunity to critique the current system allowed for by the pandemic. Krikorian and Torreele 6-23,

Krikorian, Gaëlle, and Els Torreele. "We Cannot Win the Access to Medicines Struggle Using the Same Thinking That Causes the Chronic Access Crisis." *Health and Human Rights* 23.1 (2021): 119.

**Supply gaps and market failures are also increasing for health products considered not profitable enough to continue production. The availability of medicines and diagnostics required in small volumes is being increasingly threatened, as is the case for many neglected diseases such as tuberculosis, sleeping sickness, leishmaniasis, and diphtheria**. We are also seeing shortages of old and inexpensive yet essential medicines, such as penicillin and cotrimoxazole.[23](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r23) **In the context of the COVID-19 pandemic, we have witnessed global shortages of key antibiotics** (such as amoxicillin and doxycycline), **morphine, and basic reagents for diagnostics**.[24](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r24) At various points since the start of the pandemic, even if one wanted to buy these, they are simply not available or have already been sold to the highest bidder. **This has led to calls for considering essential medicines strategic products that every country or region should be self-sufficient in and for creating nonprofit- and government-controlled production to ensure this**.[25](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r25) These **emerging tensions are questioning the efficiency, cost-effectiveness, and fairness of the dominant system**. Another extraordinary example of unjustified control by pharmaceutical companies that affects patients worldwide is the rising prices of previously cheap—yet lifesaving—medicines, such as insulin, where a few corporations control the market for their mutual benefit and are able to increase prices year after year to the detriment of many people with diabetes who can no longer afford the treatment.[26](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r26) Seeking to challenge this status quo, **a group of scientists is exploring small-scale community-based open source production of insulin**.[27](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r27) In a similar move to increase access to overly expensive medicines and circumvent monopolies, doctors and pharmacists are looking into bedside magistral production as a way to provide personalized medicine.[28](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r28) **The COVID-19 crisis has added to the growing understanding that the scarcity of many essential medicines, vaccines, and raw materials is not inevitable but rather the consequence of policies** and decisions from the industry and governments. On the one hand, pharmaceutical companies have wielded unrivaled power to determine the scope and direction of medical innovation and to decide who gets access and under which conditions. On the other hand, **states, relinquishing their power to exert their health sovereignty, agree to rely on the private sector for the provision of these essential health tools**. **They thus became dependent on a handful of producers and a globalized supply that cannot fulfill all existing needs**, chose to adopt economic and industrial policies that **prioritized business interests over the needs of their populations and health systems**.[29](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r29) Business-as-usual is not an option; we must break the deadlock Wishing to replicate past successes, **health advocates have pushed for broadening the scope of existing solutions** to encompass additional diseases and health technologies and to expand the set of “eligible” countries for the exceptions created in earlier years. **This has been welcomed by some of the organizations embodying those solutions, as they see it as an opportunity to expand their mandate and scope of activities across disease areas or to new territories and be able to tap into additional funding sources for sustainability**. This applies for instance to Gavi, the Coalition for Epidemic Preparedness Innovations, the Global Fund, the Foundation for Innovative Diagnostics, and Unitaid, which positioned themselves as key players in the design, setup, and functioning of ACT-A together with the Gates Foundation and Wellcome. The same players are now advocating for ACT-A’s evolution into a permanent epidemic response infrastructure.[30](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r30) **But the replication and routinization of ad hoc and donor-driven solutions, bringing more and more public health areas under the control of self-declared global health institutions that focus on narrowly defined biomedical solutions, does not necessarily suit all current and future health challenges or take into account existing shortfalls or pitfalls of these mechanisms**. **It also does not address the governance gaps that exist in many international organizations that function more like untransparent public-private partnerships than institutions whose policies are dictated by public interest**. **Because countries’ ability to set priorities and develop an integrated health policy are often hampered and skewed by donor subsidies and their priorities, there are growing voices from “beneficiary” countries calling for increased agency and participation, if not leadership and autonomy, in designing the solutions they deem most fit to promote the health and well-being of their populations**—a movement that also includes #DecolonizeGlobalHealth.[31](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r31) **For the ongoing COVID-19 pandemic, it is clear that the established global health architecture is unable—and ill suited—to work out relevant and equitable solutions for the developing world,** as exemplified by ACT-A and its well-intended but so far ineffective COVAX facility, held hostage to supply restrictions by companies and the vaccine nationalism from those who created it in the first place.[32](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r32) **Voluntary proposals that keep developing nations captive to the willingness of corporations and wealthy countries to access lifesaving public health tools are being increasingly criticized**.[**33**](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r33) **The political tensions on an IP waiver on COVID-19-related technologies at the World Trade Organization are reopening an old battle that raged during the HIV epidemic 20 years ago between developing countries challenging monopolies on medical technologies and the wealthy countries defending the pharmaceutical corporations** located in their countries.[34](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r34) However, the COVID-19 vaccine scarcity affects people everywhere, rendering the flaws of the monopoly-based yet highly subsidized pharmaceutical economy visible to more people, and making it obvious that **limited exceptions to the IP regimes** (for a few patents, for one virus, for a few months, and so forth) **will not fix the problems.** The COVID-19 crisis illustrates the critical role of public contributions in the research, development, production, and deployment of medical innovations for global public health.[35](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233016/#r35) The inequities in vaccine access that we are seeing due to the fact that control over such innovations was left in the hands of a few private companies highlights the colossal unbalance that exists between the public health interest and private profits. They illustrate how public resources are used without adequate checks and balances to ensure public value, and fail to prevent growing inequalities in access, even in the wealthiest countries. **Tinkering in the margins of the status quo is unlikely to be successful**. The market-based health, pharmaceutical, and medical innovation policies that our governments designed are unable to generate the relevant health technologies and make them available—at an affordable price—to all who need them. Therefore, **we need transparent R&D and access policies and governance that are no longer captive to the current, Western-driven global health order**. The design of needs-driven research and production of pharmaceuticals could be organized to deliver health commons, not market commodities, making the best of public capacities and setting up transparent and fair collaboration with the private sector for the public interest.

#### Global capitalism and industrialization cause climate change and extinction. McDuff 19,

McDuff, Phil. "Ending climate change requires the end of capitalism. Have we got the stomach for it." *The Guardian* 18 (2019).

Climate change activism is increasingly the domain of the young, such as 16-year-old Greta Thunberg, the unlikely face of the school strike for climate movement, which has seen many thousands of children walk out of school to demand that their parents’ generation takes responsibility for leaving them a planet to live on. In comparison, the existing political establishment looks more and more like an impediment to change. **The consequences of global warming have moved from the merely theoretical and predicted to observable reality over the past few years, but this has not been matched by an uptick in urgency. The need to keep the wheels of capitalism well-oiled takes precedence even against a backdrop of fires, floods and hurricanes**. Today’s children, as they become more politically aware, will be much more radical than their parents, simply because there will be no other choice for them. This emergent radicalism is already taking people by surprise. **The Green New Deal (GND**), a term presently most associated with 29-year-old US representative Alexandria Ocasio-Cortez, **has provoked a wildly** **unhinged backlash from the “pro free market” wing**, who argue that it’s a Trojan horse, nothing more than an attempt to piggyback Marxism onto the back of climate legislation. Think we should be at school? Today’s climate strike is the biggest lesson of all Greta Thunberg, Anna Taylor and others Greta Thunberg Read more **The criticism feels ridiculous. Partly because the GND is far from truly radical** and already represents a compromise solution**, but mainly because** the radical economics isn’t a hidden clause, but a headline feature. **Climate change is the result of our current economic and industrial system.** GND-style proposals marry sweeping environmental policy changes with broader socialist reforms because the level of disruption required to keep us at a temperature anywhere below “absolutely catastrophic” is fundamentally, on a deep structural level, incompatible with the status quo. **Right now we can, with a massive investment of effort by 2030, just about keep the warming level below 1.5C. This is “bad, but manageable” territory. Failing to put that effort in sees the world crossing more severe temperature barriers that would lead to outcomes like ecosystem collapse, ocean acidification, mass desertification, and coastal cities being flooded into inhabitability. We will simply have to throw the kitchen sink at this. Policy tweaks such as a carbon tax won’t do it. We need to fundamentally re-evaluate our relationship to ownership, work and capital. The impact of a dramatic reconfiguration of the industrial economy require similarly large changes to the welfare state. Basic incomes, large-scale public works programmes, everything has to be on the table to ensure that the oncoming system shocks do not leave vast swathes of the global population starving and destitute. Perhaps even more fundamentally, we cannot continue to treat the welfare system as a tool for disciplining the supposedly idle underclasses. Our system must be reformed with a more humane view of worklessness, poverty and migration than we have now.** Unfortunately for our children, the people they have to convince of all this are the people who have done very well out of this system, and are powerfully incentivised to deny that it is all that bad. Already, Joke Schauvliege, a Belgian environment minister, has been forced to resign after falsely claiming that she had been told by Belgian state security services that “ghosts” behind the scenes were behind demonstrations in Belgium. This conspiracism of the elite, these claims that genuine mass movement can’t possibly really exist and must be in some way being guided by agents provocateurs, is just one of the ways in which those currently running things have resorted to a kind of political gaslighting in an attempt to maintain their grip on power. 3:18 Dianne Feinstein rebuffs young climate activists' calls for Green New Deal – video **Gaslighting is a term I don’t use lightly, because it describes a genuine form of emotional abuse, where an abuser will deny reality in an attempt to get their victim to literally doubt their own sanity, and this should not be diluted by overuse. Yet I struggle to think of another word that adequately sums up the way in which “sensible” adults are doubling down on their tactic of manufacturing a political reality which bears no relationship to the world we see around us. It’s the Marxism of Groucho rather than Karl: “Who are you going to believe? The serious political professionals or your own lying eyes?”** US Senator Dianne Feinstein’s meeting with schoolchildren petitioning her to take action over the issue went viral because of the way she condescended to them for, basically, asking her to leave them a planet behind to live on. “I’ve been doing this for 30 years,” she said, “I know what I’m doing.” The obvious response is, of course, that messing something up for 30 years is quite long enough, thanks. Long tenure without results is not the same thing as expertise. This is a tough and bitter pill to swallow for the political professionals whose feet are firmly under the table. It is increasingly obvious that all their tactics have done almost nothing except run down the clock, but still they insist that it’s the young who just don’t get it and that things aren’t that simple. They’re the living embodiment of the famous New Yorker cartoon, with a suited man sat in a post-apocalyptic landscape telling his young audience “Yes, the planet got destroyed. But for a beautiful moment in time we created a lot of value for shareholders.” Capitalism can crack climate change. But only if it takes risks Larry Elliott Larry Elliott Read more **This is reality v the vested interests of the powerful. Any meaningful policy has to upset the established power base and the political donor class. Any policy that doesn’t upset these people will be useless. To pretend that we can compromise our way through this while we wait for a magical, technological bullet that will keep temperatures down without costing us anything is beyond wilful ignorance now. It is a question of basic morality.** Many of today’s climate strikers won’t even be 30 by the time the 1.5C deadline comes around in 2030. They are asking us to consider a simple question: is their future worth more than preserving our reputations? What will our response to them be?

#### The alternative is earth democracy. It prioritizes local values and production over globalization, dismantling global capitalist power while maintaining the ability to produce at large scales and ensure wellbeing of citizens, but it is incompatible with the aff’s view on global trade and the WTO. Fukuda 10,

Fukuda, Yasuo. "WTO regime as a new stage of imperialism: Decaying capitalism and its alternative." *World Review of Political Economy* 1.3 (2010): 485.

There is considerable ongoing debate between “globaphobes” and “globaphiles.” **The decaying nature of modern capitalism shows that free trade is not a panacea for citizen welfare**. The task of this section is not however to recount the arguments between globaphobes and globaphiles. Rather, **the aim is to outline an alternative system**. **The matter at hand is how to restore viability, independence, and sustainability to local communities**. But before arguing how this may be achieved, it is worthwhile to clarify the social conditions necessary for realizing such an outcome. **V. Shiva (2005: Ch. 2) advocates “earth democracy” as an alternative to corporate globalization**. **Earth democracy is composed of four basic principles of sustainable society**. **The first is “ecological sustainability.”** That is, **the recognition that all species have intrinsic worth and that their life-cycles are interdependent of one another.** **The second is “community control of the commons.”** **Resources vital to sustenance, including public services and infrastructure, should not be privately owned; public resources must remain in the commons**. The **third is “security of livelihoods.”** That is, the idea that **all people have the right to basic needs, such as food, water, housing, and jobs**. **The fourth is “local sovereignty,” which amounts to community self-governance in regards to local economic affairs.** **Localization of the economy does not mean a closed economy; rather, it is the idea that local production should have priority over trade**. These four principles are necessary conditions for sound and sustainable community life. The second principle, community control of the commons, and the fourth, local sovereignty, are necessary conditions for the third, security of livelihoods. The first principle, ecological sustainability, guarantees preservation of the environment, thereby protecting sustainability of livelihoods as well. **These principles are not just the necessary conditions for sustainable society (Cavanach and Mander 2004), they are also the policy guidelines for realizing it** (Korten 2001). **It is a requirement of earth democracy that corporate globalization be dismantled**. This is because **corporate globalization denies all of the principles of earth democracy**. Therefore, the **power structure of corporate globalization must be broken up**. **First, the Anti-Trust Act must be reformed so that governments can mitigate the power of large firms in the global marketplace**. Large companies that have no technical reason for maintaining such large organizations should be broken up into more governable segments. **Second, market rules such as WTO agreements, should be rewritten**. **Introduced in the name of deregulation and trade liberalization, the aim of these rules has been nothing other than to allow large companies to use monopolistic power to control the global marketplace**. **Local governments must take back the right to formulate policy on matters affecting their own communities, reclaiming the policy space which has been hijacked by the WTO, the IMF, and the World Bank**. **Third, the ability of corporate power to design market systems must be checked**. The political power of big business is principally based on cozy relationships with government. Therefore, **political contributions from corporations must be prohibited**, **lobbying tied to political money should not be allowed**, **and revolving doors between big business and government must be closed** (Marx et al. 2007). Finally, **corporations should be deprived of the entitlement to express their political opinions through media, think tanks, etc**. Simultaneous to the dismantling of the excesses of corporate power, **it is also necessary that communities regain their independence on matters of economic policy**. The arguments presented below are intended to itemize the policy tasks needed for the rebuilding of community-based society. The **first task is to strengthen the foundations of the local economy**. Here, **the policy matter is how to secure productive investment in local communities**. **Local governments need to protect and support their home firms by adopting policies such as local contents regulations, and reinvestment rules in regards to profits gained locally.** The **second task is to support and nurture local businesses, such as small to medium-sized firms, the self-employed, family farming, and so forth**, as these represent core elements of the local economy. The **priority of industrial policies must be to shift power from big business to these local actors**. The objective of such a policy shift should be to strengthen reproductive circulation within the local economy. Local actors are interdependent on one another through the internal circulations which occur at the local level. Therefore, **the strengthening of local actors leads to the independence of the local economy**. But this policy does not amount to locally closed economies (autarky). To the contrary, **it is essential that local industries establish linkages with external markets to ensure viability of the local economy**. **What is important here is for local actors to take the initiative in establishing these linkages**. Therefore, large firms need to be regulated so as to prevent them from damaging the interests of local economic actors. **Large companies should be made to support local actors rather than inhibit them**. The **third task is for local communities to regain control of the commons.** The commons, including **natural resources** (water, soil, seeds, gene information), **public services and utilities** (municipal water supplies, electric power sources, educational services, medical care), **are indispensable to peoples’ lives**. **It is thus a prerequisite to the establishment of economic independence that local communities retain their policy space on issues which concern the commons**. Even in cases of private ownership, **local communities should have the final say with respect to governance of the commons**. In addition, it should be strongly encouraged for citizens to develop a stake in the local economy through, for example, promotion of the co-ownership of cooperatives and the establishment of municipal holding companies. Localization is a way for people to realize democracy on a higher level. Upon this new dimension of democracy, local citizens can make strides toward more healthy and sustainable lives.

#### The role of the ballot is to contest the ontological structure of capitalism. Global capitalism relies on a structurally divided form of society which allows it to commodify all logic which accepts the given structure. This is used to cover the unsustainability of its current form. However, the lines of such divisions can be contested from outside the commodification by pursuing valuation of ecology, reproduction, and polity above capital. FRASER

[Fraser, Nancy. “Beyond Marx’s Hidden Abode: For an Expanded Conception of Capitalism.” *Critical Theory in Critical Times*. Pg 142-159]

Likewise, the picture I have sketched differs from the view of capitalism as a reified form of ethical life, characterized by pervasive commodification and monetization. In **that view**, as articulated in Georg Luka.cs's celebrated essay on "Reification and the Consciousness **of** the Proletariat," **the commodity form colonizes all of life**, stamping its mark on such diverse phenomena as law, science, morality, art, and culture.11 In my view**, commodification is far from universal in capitalist society**. On the contrary**, where it is present, it depends for its very existence on zones of noncommodification**. **Social, ecological, and political**, these **noncommodified zones do not simply mirror the commodity logic but embody distinctive normative and ontological grammars of their own**. For example, **social practices oriented to reproduction (as opposed to production) tend to engender ideals of care, mutual responsibility, and solidarity, however hierarchical and parochial these may be**.12 Likewise, **practices oriented to polity, as opposed to economy, often refer to principles of democracy, public autonomy, and collective self-determination, however restricted or exclusionary these may be**. Finally, **practices associated with capitalism's background conditions in nonhuman nature tend to foster such values as ecological stewardship, nondomination of nature, and justice among generations, however romantic and sectarian these may be**. Of course, **my point is not to idealize these "noneconomic" normativities** **but** **to register their divergence from the values associated with capitalism**'s foreground-above all, growth, efficiency, equal exchange, individual choice, negative liberty, and meritocratic advancement This divergence makes all the difference to how we conceptualize capitalism. **Far from generating a single, all-pervasive logic of reification, capitalist society is normatively differentiated, encompassing a determinate plurality of distinct but interrelated social ontologies.** What happens when these collide remains to be seen. But the structure that underpins them is already clear: capitalism's distinctive normative topography arises from the foreground-background relations we have identified**. If we aim to develop a critical theory of it, we must replace the view of capitalism as a reified form of ethical life with a more differentiated, structural view.** If capitalism is neither an economic system nor a reified form of ethical life, then what is it? My answer is that it is best conceived as an institutionalized social order, on a par with, for example, feudalism. Understanding capitalism in this way underscores its structural divisions, especially the institutional separations that I have identified. Constitutive of capitalism, we have seen, is the institutional separation of "economic production" from "social reproduction," a gendered separation that grounds specifically capitalist forms of male domination even as it also enables capitalist exploitation of labor power and, through that, its officially sanctioned mode of accumulation. Also definitive of capitalism is the institutional separation of "economy" from "polity," a separation that expels matters defined as "economic" from the political agenda of territorial states, freeing capital to roam in a transnational no-man's-land, where it reaps the benefits of hegemonic ordering while escaping political control. Equally **fundamental to capitalism**, finally, **is the ontological division, preexisting but massively intensified, between its (nonhuman) "natural" background and its (apparently nonnatural) "human" foreground**. Therefore, to speak of capitalism as an institutionalized social order, premised on such separations, is to suggest its nonaccidental, structural imbrication with gender oppression, political domination-both national and transnational, colonial and postcolonial-and ecological degradation, in conjunction, of course, with its equally structural, nonaccidental foreground dynamic of labor exploitation. This is not to suggest, however, that capitalism's institutional divisions are simply given once and for all. On the contrary, as we saw**, precisely where and how capitalist societies draw the line between production and reproduction, economy and polity, human and nonhuman nature varies historically, according to the regime of accumulation**. In fact, we can con­ ceptualize competitive laissez-faire capitalism, state-managed monopoly capitalism, and globalizing neoliberal capitalism in precisely these terms, as three historically specific ways of demarcating economy from polity, production from reproduction, and human from nonhuman nature. Equally important, **the precise configuration of the capitalist order at any place and time depends on politic**s-on the balance of social power and on the outcome of social struggles. **Far from being simply given, capitalism's institutional divisions often become foci of conflict, as actors mobilize to challenge or defend the established boundaries separating economy from polity, production from reproduction, human from nonhuman nature.** **Insofar as they aim to relocate contested processes on capitalism's institutional map, capitalism's subjects draw on the normative perspective**s associated with the various zones that we have identified.We can see this happening today. For example**, some opponents of neoliberalism draw on ideals of car**e, solidarity, and mutual responsibility, associated with reproduction, in order **to oppose efforts to commodify education**. **Others** **summon notions of stewardship of nature** and justice among generations, **associated with ecology, to militate for a shift to renewable energy**. Still others invoke ideals of public autonomy, associated with polity, to advocate international capital controls and to extend democratic accountability beyond the state. **Such claims, along with the counterclaims they inevitably incite, are the very stuff of social struggle in capitalist societies-as fundamental as the class struggles over control of commodity production and distribution of surplus value that Marx privileged**. **These boundary struggles**, as I shall call them, **decisively shape the structure of capitalist societies**.13 They play a constitutive role in the view of capitalism as an institutionalized social order.The focus on boundary struggles should forestall any misimpression that the view I have been sketching is functionalist. Granted, I began by characterizing reproduction, **ecology**, and political power **as necessary background conditions for capitalism's economic front story, stressing their functionality for commodity production, labor exploitation, and capital accumulation. But this structural moment does not capture the full story of capitalism's foreground-background relations. It coexists, rather, with another "moment," already hinted at, which is equally central and which emerges from the characterization of the social, political, and ecological as reservoirs of"noneconomic" normativity. This implies that, even as these "noneconomic" orders make commodity production possible, they are not reducible to that enabling function. Far from being wholly exhausted by, or entirely subservient to, the dynamics of accumulation, each of these hidden abodes harbors distinctive ontologies of so­ cial practice and normative ideals.** Moreover, **these "noneconomic" ideals are pregnant with critical­political possibili**ty**. Especially in times of crisis, they can be turned against core economic practices associated with capital accumulation**. In such times, the structural divisions that normally serve to segregate the various normativities within their own institutional spheres tend to weaken. When the separations fail to hold, capitalism's subjects-who live, after all, in more than one sphere-experience normative conflict. **Far from bringing in ideas from the "outside," they draw on capitalism's own complex normativity to criticize it, mobilizing against the grain the multiplicity of ideals** that coexist, at times uneasily, in an institutionalized social order premised on foreground-background divisions. Thus, the view of capitalism as an institutionalized social order helps us understand how a critique of capitalism is possible from within it. Yet this view also suggests that it would be wrong to construe society, polity, and nature romantically, as "outside" capitalism and as inherently opposed to it. That romantic view is held today by a fair number of anticapitalist thinkers and left-wing activists, including cultural femi­ nists, deep ecologists, and neo-anarchists, as well as by many proponents of "plural," "postgrowth," "solidary," and "popular" economies. Too often, these currents treat "care;' "nature;' "direct action," or "commoning" as intrinsically anticapitalist. As a result, they overlook the fact that their favorite practices not only are sources of critique but also are inte­ gral parts of the capitalist order. Rather, the argument here is that society, polity, and nature arose con­ currently with economy and developed in symbiosis with it. They are effectively the latter's "others" and only acquire their specific character in contrast to it. Thus, reproduction and production make a pair, with each term co-defined by way of the other. Neither makes any sense apart from the other. The same is true of polity/economy and nature/human. Part and parcel of the capitalist order, none of the "noneconomic" realms af­ fords a wholly external standpoint that could underwrite an absolutely pure and fully radical form of critique. On the contrary, political projects that appeal to what they imagine to be capitalism's "outside" usually end up recycling capitalist stereotypes, as they counterpose female nurtur­ ance to male aggression, spontaneous cooperation to economic calcula­ tion, nature's holistic organicism to anthropocentric individualism. To premise one's struggles on these oppositions is not to challenge but to un­ wittingly reflect the institutionalized social order of capitalist society. It follows from this that a proper account of capitalism's foreground­ background relations must hold together three distinct ideas. **First, capitalism's "noneconomic" realms serve as enabling background conditions for its economy; the economy depends for its very existence on values and inputs from the "noneconomic." Second, however, capitalism's "noneco­ nomic" realms have a weight and character of their own, which can, under certain circumstances, provide resources for anticapitalist struggle.** Nevertheless, and this is the third point, these realms are part and parcel of capitalist society, historically coconstituted in tandem with its economy and marked by their symbiosis with it. There is also a fourth idea, which returns us to the problem of crisis with which I began. Capitalism's foreground-background relations harbor built-in sources of social instability. As we have seen**, capitalist production is not self-sustaining; it free rides on social reproduction, nature, and political power. Yet its orientation to endless accumulation threatens to destabilize these very conditions of its possibility**. **In the case of its ecological conditions, what is at risk are the natural processes that sustain life and provide the material inputs for social provisioning.** In the case of its social-reproduction conditions, what is imperiled are the sociocultural processes that supply the solidary relations, affective dis­ positions, and value horizons that underpin social cooperation while also furnishing the appropriately socialized and skilled human beings who con­ stitute "labor." In the case of its political conditions, what is compromised are the public powers, both national and transnational, that guarantee property rights, enforce contracts, adjudicate disputes, quell anticapital­ ist rebellions, and maintain the money supply.

## 2 – Alt Body Shell

#### Interpretation: The affirmative can’t spec a plan implemented through the rules and procedures of a non WTO intergovernmental association.

#### Violation – They spec the EU

#### Standards –

#### 1] Limits – switching the institution under which the member nations are acting radically changes everything about neg prep – instead of just having to learn about dispute resolutions and treaty procedures relating ot the WTO, I now have to do it about every possible permutation of intergovenrmental associations in the world. All of these functions drastically differently in IP, obligations towards each other, etc. That makes it impossible to affirm.

#### 2] Topic Ed – Policymakers don’t simultaneously think about policies for every permutation of NGOs at once. That’s why the rez specs the WTO – it guides what policies mean in the context of the affirmative. The EU has a parliament with elected officials directly by citizens of the state, while the WTO is a treaty institution. They are drastically different in every sense.

#### Vote on fairness since it’s a procedural constraint to engagement in the first place and skews evaluation and education since that’s why schools fund it.

#### Competing interps

#### a] reasonability is arbitrary and encourages judge intervention,

#### b] reasonability collapses when debating over brightlines.

#### Drop the debater A] to deter future abuse and B] dropping the advocacy is functionally the same.

#### No RVIs

#### A] logic – im fair vote for me makes no sense, logic comes fisrt on all args since to be evaluable they have to be logical

#### B] rvis incentivizes abusive affs to bait theory and go for an RVI

#### C] chilling effect – aff is dangerous on theory because they get to prep a long counterinterp in the 1ar and then get the 2ar to collapse, weigh, and contextualize - negs would always be disincentived from reading theory against good theory debaters which leads to infinite abuse so it outweighs time skew and

## 3 – Presumption/Permissibility

#### Permissibility Negates –

#### 1] Semantics – Ought is defined as expressing obligation which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two.

#### 2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### 3] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions regarding subjects one knows nothing about, i.e if one knew nothing about P one would have to presume that both the "P" and "~P" are true.

#### 4] Shiftiness – Permissibility ground encourages the aff to load up with triggers and the 1ar controls the direction of the round which means they can moot all my offense, I need permissibility in the 2n to compensate.

#### Presume neg- A. We assume statements to be false until proven true. That is why we don’t believe in alternate realities or conspiracy theories. The lack of a reason something is false does not me it is assumed to be true. B. Statements are more often false then true. If I say this pen is red, I can only prove it true in one way by demonstrating that it is indeed red, where I can prove it false in an infinite amount of ways.

## Case

### Inherency

#### The Aff is Not inherent. The EU whistleblower directive already based and reverses the burden of proof to the employer. THEIR OWN SOLVENCY ADVOCATE SAYS SO.

**Abazi 20,** Vigjilenca Abazi, The European Union Whistleblower Directive: A ‘Game Changer’ for Whistleblowing Protection?, Acceptance Date October 7, 2020; Advanced Access publication on October 27, 2020, Industrial Law Journal, Vol. 49, No.4, December 2020, https://academic.oup.com/ilj/article/49/4/640/5941617

**In October 2019, the European Union adopted the Directive on the protection of persons who report breaches of Union law, commonly referred to as protection of whistleblowers (EU Whistleblower Directive)**.1 For over a decade, the European Parliament had repeatedly called for a European Union (EU) law on protection of whistleblowers.2 Yet, the other EU legislative institutions, the European Commission and the Council, were unwilling to act on these calls. The European Commission was not convinced that it had the legal basis to propose a law.3 The Council had minimal political interest to open debates on whistleblowing, as many Member States (MSs) lack national laws with adequate protections and whistleblowing is often a misunderstood issue in public debates.4 Even the term ‘whistleblowing’ does not exist in some national languages.5 Nevertheless, the Commission could not stand idle after a series of revelations by whistleblowers, most notably the ‘LuxLeaks’ scandal, which exposed tax schemes in Luxembourg and involved over 340 companies worldwide. These scandals led to additional public pressure on the then-President of the European Commission, Mr Juncker, to take more seriously calls for a whistleblowing law. After an expansive public consultation process,6 the Commission proposed the EU Whistleblower Directive in April 2018. The Directive was presented by Vera Jouranová, the Commissioner for Justice, Consumers and Gender Equality as a ‘game changer’.7 The Commissioner did not (entirely) overstate the importance of the new rules. They indeed draw from best practice in many respects, including in that they contain a broad definition of who can be a whistleblower, cover a wide range of policy areas, and extend to both the public and private sectors.8 **All forms of retaliation against whistleblowers are prohibited and, in the case of an alleged retaliation, the burden of proof falls on the employer.**

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The Directive was presented by Vera Jouranová, the Commissioner for Justice, Consumers and Gender Equality as a ‘game changer’.7 The Commissioner did not (entirely) overstate the importance of the new rules. They indeed draw from best practice in many respects, including in that they contain a broad definition of who can be a whistleblower, cover a wide range of policy areas, and extend to both the public and private sectors.8 All forms of retaliation against whistleblowers are prohibited and, in the case of an alleged retaliation, the burden of proof falls on the employer. **Yet whether the Directive will attain the expected high standards of protection depends, inter alia, on the transposition of the rules into national law, the enforcement of the Directive’s protections and the embeddedness of the rules in organisational culture.** On all of these challenges, trade unions can assist national legislators to ensure the Directive’s full potential.This note analyses the Directive. It situates this instrument within existing (EU) rules. It explains the comprehensive character of the protections extended by the Directive and the model of reporting channels it adopts. The note draws attention to aspects of the Directive that could be problematic for the implementation and effectiveness of whistleblower protection. It concludes that the EU Whistleblower Directive is an important legal development but that it is only in the early stages towards meaningful protection, rather than a ‘game changer’ for whistleblowers in the EU. 2. THE EU WHISTLEBLOWER DIRECTIVE IN CONTEXT OF EXISTING (EU) LAW The EU Whistleblower Directive fills an important legislative gap. Its adoption was the result of a few decades of incremental change in Europe towards advancing the protection of whistleblowers.9 Advocacy by civil society was a significant factor in raising public awareness and public pressure for legal changes to take place. At the European level, the most important legal developments came from the Council of Europe (CoE) and the European Court of Human Rights (ECtHR). The CoE adopted a number of Resolutions and reports calling on its MSs to protect whistleblowers10 and the ECtHR decided in favour of whistleblowers in several decisions on the basis of protection for freedom of expression.11 All EU MSs are members of the CoE and parties to the European Convention on Human Rights. Hence, for MSs that did not have any legislation on whistleblower protection, or if existing laws did not apply to a particular whistleblower, the affected whistleblowers could seek vindication from the ECtHR on the basis of their right to freedom of expression. The EU Whistleblower Directive  generally follows the case law of the ECtHR,12 although the latter extends protection to political whistleblowing, which the Directive explicitly excludes.13 Political whistleblowing, which is a subset of whistleblowing, refers to the disclosure of information protected by an official secrets regime.14 The EU Whistleblower Directive does not extend protection to information protected under national security regimes or classified information.15 The EU could not legislate on these matters as national security is a national competence.16 Excluding this category of information is a significant shortfall, but one that could be remedied by national legislators if MSs opt to include classified information in national transposition of the Directive. The EU Whistleblower Directive provides for minimum harmonisation standards that should be adopted at the national level. In this respect, MSs may choose to adopt provisions that strengthen the regime, but cannot adopt rules that do not meet the EU standards. Prior to the EU Whistleblower Directive, only exceptionally was whistleblowing protection foreseen at the national level for employees in all fields of work. Most national laws offered a patchwork of protection: some MSs protected only public employees, others foresaw protection in the private sector, and many covered disclosure only of specific wrongdoings.17 An important justification for the EU to legislate on whistleblower protection was precisely to avoid this kind of fragmentation and to create harmonised protection across the EU. The two-year transposition period for implementing the Directive is necessary for MSs to adjust their national laws and adequately transpose the EU law into national rules. MSs are not on level ground in this regard as some have more experience with whistleblower protection while others are only beginning to establish rules. Adjustments to national rules are necessary not only in the light of other national laws, but also to take into account other EU rules, as explained below. Some rules on reporting and disclosure of wrongdoings existed in EU law before the adoption of the Whistleblower Directive.18 The Directive is now a lex generalis on whistleblower protection and it leaves room for other more specialised regimes to apply where such rules exist in the EU, such as money-laundering or competition regimes.19 Other EU rules refer to reporting in the public interest but do not as such give positive protections to whistleblowers. In particular, the Trade Secrets Directive, adopted in 2016, lists disclosure in the general interest as an exception to the protection of trade secrets.20 This exception is intended to prevent the prosecution of individuals in cases in which the ‘acquisition, use or disclosure of the trade secret’ is carried out for purposes of whistleblowing. Yet it remains vague as to the specific protections that would be granted to whistleblowers.21 The Whistleblower Directive makes clear that whistleblowers cannot be  prosecuted if the reported information includes trade secrets and provides definitions and procedures, as explained below.22 The application of the Whistleblower Directive, finally, should be in line with EU data protection and privacy regulations. This aspect of the Directive is currently most heatedly debated in Germany, a country in which there are strong privacy concerns and no prior national law on protecting whistleblowers. Recently, the German Labour Court held that an employee may exercise her right of access to data in accordance with EU data protection rules, and the employer cannot simply rely on the confidentiality procedure of whistleblower protection to negate such access.23 While there is generally no conflict between laws on whistleblowing and privacy, implementing the Directive will require that companies and public institutions take additional measures to prevent infringement of personal data protection during the reporting process and during the investigation of the whistleblowers’ reports. Furthermore, as explained below, the Whistleblower Directive foresees protection for whistleblowers who report on breaches of data protection and privacy laws. 3. COMPREHENSIVE DEFINITIONS AND PROTECTIONS The protections provided in the EU Whistleblower Directive are expressed in technical language. In fact, the Directive neither refers to nor offers a definition of ‘whistleblowing’. Rather, the Directive refers to protecting individuals who report breaches of EU Law. Therefore, strictly national policies are not covered but only disclosures pertaining to ‘breaches of Union law’.24 The purpose of the Directive, as set out in Article 1, is to enhance the ‘enforcement of Union law and policies in specific areas’. The stated objective is not centred on worker protection or freedom of expression but on the improvement of EU law enforcement. This could implicitly suggest that the Directive approaches whistleblowing in an instrumental manner, as enforcing EU law rather than as a direct protection for individuals who speak up at the workplace. The Directive is comprehensive both in its material and personal scope of application. With regard to the material scope, it applies to the private and public sectors. In the private sector, companies with 50 employees or more are required to set up reporting channels.25 Including both sectors is an important step toward ensuring unity of reporting procedures. Moreover, the Directive applies to 12 policy fields, including public procurement, financial services, products and markets, prevention of money-laundering and terrorist financing, product safety and compliance, transport safety, protection of the environment, radiation protection and nuclear safety, food and feed safety, animal health and welfare, public health, consumer protection, protection of privacy and personal data, and security of network and information systems.26 Yet the Directive excludes protection for reporting on working conditions and health and safety of workers, issues that—as the COVID-19 pandemic has highlighted— are profoundly serious.27 While it is not entirely clear why the European Commission curtailed workers’ protection for speaking up on these significant matters, one explanation could be the legal basis of the Directive. Namely, adopting this Directive on basis of Article 114 TFEU means first and foremost protecting internal market interests.28 Labour law remains largely a national competence, and working conditions find a separate legal basis in EU primary law, namely Article 153 TFEU. Although the EU Whistleblower Directive brings together 11 Treaty provisions as a legal basis for legislation, Article 153 TFEU is not included. It is odd then, perhaps, that the Directive nevertheless obliges the European Commission to consider whether the scope of the Directive should be expanded to include working conditions when the Directive is reviewed in 2023 and to suggest amendments by 2025 at the latest.29 Bodies such as the Council of European Professional and Managerial Staff (Eurocadres), an organisation associated with the European Trade Union Confederation (ETUC), are already seeking to persuade MSs to include in national laws protections for reporting working conditions. It might be the case therefore that, during the transposition period, some MSs will expand the scope of protection to include working conditions. Aside from the legal aspects, in practice one can ask what should happen in cases when a worker’s working conditions are intrinsically linked to a policy field that is encompassed by the Directive—should protection be granted? To return to the COVID-19 example, a worker’s report on her working conditions would, in this case, be directly linked to public health, a policy area that is encompassed by the Directive. This is not merely a hypothetical example. It is, rather, the reality of the medical workers in Poland who were fired for speaking up about their lack of proper equipment.30 One would hope that, when the Directive is in force, workers would be protected in such instances. In terms of personal scope, the Directive applies to individuals well beyond the traditional conception of a whistleblower as an employee working at the organisation at the time of the reporting. Instead, the Directive also refers to volunteers, paid or unpaid trainees, contractors, subcontractors and suppliers, as well as individuals who disclose breaches during a recruitment process and former workers.31 Furthermore, the definition includes the self-employed, shareholders, management, and administrative or supervisory bodies.32 While the Directive includes national civil servants, it does not encompass EU officials, as employment rights and obligations of EU staff are regulated by the EU Staff Regulation and do not fall under national legislation.33 Each EU institution, body and agency adopts its own rules on the basis of an internal administrative rule-making processes, which leaves EU staff in a fragmented protection of precisely the kind the Directive seeks to remedy at the national level. A further distinctive feature of the Directive is that it extends protection to ‘facilitators, colleagues or relatives of the reporting person who are also in a work-related connection with the reporting person’s employer or customer or recipient of services’.34 This expansive coverage significantly advances whistleblower protection and raises the bar higher than most existing legislation, such as the UK’s Public Interest Disclosure Act. Establishing this kind of broad personal scope is not a question of enacting a generous legal standard, but rather legally matching the lived experience of whistleblowers and acknowledging that not only they, but also other individuals around them face pressure and other negative consequences. The protection of these individuals is foreseen in situations in which there are retaliatory measures against the whistleblower. For an individual to be able to invoke the protection granted by the EU Whistleblower Directive, the person must have reasonable grounds to believe that the information reported was true at the time of reporting and that the information on breaches falls within the scope of the Directive. ‘Information on breaches’ is very broadly defined to include [R]easonable suspicions, about actual or potential breaches, which occurred or are very likely to occur in the organisation in which the reporting person works or has worked or in another organisation with which the reporting person is or was in contact through his or her work, and about attempts to conceal such breaches.35 If this threshold is met, the whistleblower enjoys complete protection against any harassment.36 The Directive outlaws any act or omission that causes detriment, whether direct, indirect, threatened, taken, recommended or even tolerated.37 The Directive imposes criminal, civil or administrative penalties on those who engage in retaliation. Whistleblowers are protected against termination of employment, negative impacts on promotions or salary, unjustified negative performance assessments, transfers and changes of workplace, and harassment or discrimination.38 One of the crucial aspects of the Whistleblower Directive is the protection it provides to whistleblowers in legal proceedings on disclosure of information. As noted above, the legislative debate on the Directive took place as the case of the French whistleblower Antoine Deltour was unfolding. One of the accusations he faced, for exposing information in the LuxLeaks scandal, was of theft of company information. The MEP Rapporteur in charge of the legislative file on the Directive, Virginie Rozière—with strong support from trade unions and NGOs—insisted that a robust provision be included to protect whistleblowers from retaliation and charges when they disclose information that is legally protected, such as trade secrets. This revision during the legislative debate was one of the significant improvements in the final instrument over the proposed text by the Commission. The reversed burden of proof is another important element of the Directive. Any act that constitutes a form of retaliation in light of the definitions provided in the Directive is prohibited. The whistleblower’s threshold of proof is to show that she has made a disclosure following the Directive and that she faced retaliation without having an additional burden of demonstrating the causation between the reporting and the retaliation.40 The burden of proof on the employer is to show that measures taken against the employee did not arise as a result of the employee’s disclosure.41 Lastly, the Directive foresees legal assistance, covering fees and costs for whistleblowers who prevail in their cases.

#### That means they have no offense and you auto negate off performative offense on the Cap K.

#### It’s also a voting issue – if inherency doesn’t matter they can defend any trivially true policy action in the squo, like the voting rights act, making it impossible to negate. Also means I can’t prep for things because I can’t research every single law that has already been passed, links to fairness.

#### AND no RVIs on stock issues – it’s a minimum burden they need to meet and it’s super easy to meet it – you shouldn’t win for meeting the minimum burden.

### Util K

#### Reading util is a voting issue – it justifies the killing of people who use up more resources than others – i.e. if one person uses 5 resources that could be given to 5 other people that use 1 resource, killing them would be just. Also justifies killing depressed people – if depressed people gain less happiness from their resources, it’s better under util to give those resources to people that would use those resources to be happy. Links to accessibility. Accessibility is your first obligation – if debate were violent no one would participate in it & making it more inclusive actively leads to debate being a better place.

### Case

**Not only is the aff not inherent, but it has passed and it’s not working!**

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