## 1

#### Maybe I'm a fool To settle for a place with some nice views Maybe I should move Settle down, two kids and a swimming pool I'm not brave I'd rather live outside I'd rather live outside I'd rather go to jail

#### Frank Ocean, ‘Siegfried’ (2016)

**Two forces define reality: The Real and the Symbolic. The ever-present gap between the Symbolic, composed of signifiers, and the Real creates lack. In order to fill this lack, politics attempts to capture the Real via the fantasy of the Child, an endless drive for an impossible future which is inaccessible to queer people trapping them in the fantasy.**

Baedan 12 baedan, 2012, “baedan,” Journal of Queer Nihilism, The Anarchist Library, <https://theanarchistlibrary.org/library/baedan-baedan> //Lex AKo™

It should be obvious through Edelman’s treatment of the relationship of politics to the Child that the cathexis which captures all political ambition is a drive toward the future. The social order must concern itself with the future so as to create the forward-moving infrastructure and discourse to proliferate itself. Edelman’s name for this insistence on the Child as the future is reproductive futurism. Reproductive futurism is the ideology which demands that all social relationships and communal life be structured in order to allow for the possibility of the future through the reproduction of the Child, and thus the reproduction of society. The ideology of reproductive futurism ensures the sacrifice of all vital energy for the pure abstraction of the idealized continuation of society. Edelman argues that “futurity amounts to a struggle for Life at the expense of life; for the Children at the expense of the lived experiences of actual children.” If queerness is a refusal of the symbolic value of the Child as the horizon of the future, queerness must figure as being against the future itself. To be specific, our queer project must also pose itself as the denial of the future of civilization. Edelman argues that “the queer comes to figure the bar to every realization of futurity, the resistance, internal to the social, to every social structure or form.” He locates this queer antifuturity as being the primary fantastic justification for anti-queer violence: “If there is no baby and, in consequence, no future, then the blame must fall on the fatal lure of sterile, narcissistic enjoyments understood as inherently destructive of meaning and therefore as responsible for the undoing of social organization, collective reality, and, inevitably, life itself.” He invokes the anti-queer interpretations of the Biblical destruction of Sodom to describe the ways in which the collective imaginary is still haunted by the notion that a proliferation of queerness can only result in a persistent threat of societal apocalypse. Thus in the name of the Child and the future it represents, any repression, sexual or otherwise, can be justified. The Child, immured in an innocence seen as continuously under siege, condenses a fantasy of vulnerability to the queerness of queer sexualities precisely insofar as that Child enshrines, in its form as sublimation, the very value for which queerness regularly find itself condemned: an insistence on sameness that intends to restore an Imaginary past. The Child, that is, marks the fetishistic fixation of heteronormativity: an erotically charged investment in the rigid sameness of identity reality that is central to the compulsory narrative of reproductive futurism. And so, as the radical right maintains, the battle against queers is a life-and-death struggle for the future of a Child whose ruin is pursued by queers. Indeed, as the Army of God made clear in the bomb-making guide it produces for the assistance of its militantly “pro-life” members, its purpose was wholly congruent with the logic of reproductive futurism: to “disrupt and ultimately destroy Satan’s power to kill our children, God’s children.” Edelman goes on to cite the ways in which reproductive futurism is intrinsic to white supremacist ideology and white nationalism; bound as the Child is to notions of race and nation: 16 Let me end with a reference to the “fourteen words,” attributed to David Lane, by which members of various white separatist organizations throughout the United States affirm their collective commitment to the cause of racial hatred: “we must secure the existence of our people and a future for white children.” So long as “white” is the only word that makes this credo appalling, so long as the figural children continue to “secure our existence” through the fantasy that we survive in them, so long as the queer refutes that fantasy, effecting its derealization as surely an encounter with the Real, for just so long must [queerness] have a future after all. To bolster his argument about the repressive nature of reproductive futurism, Edelman cites Walter Benjamin in describing the way in which the fantasy of the future was intrinsic to the spread of fascism in Europe. Edelman, via Benjamin, describes “the fascism of the baby’s face,” a phrase meant to illustrate the absolute power afforded to the ideology of reproductive futurism. This fascism of the baby’s face serves to reify difference and thus to secure the reproduction of the existent social order in the form of the future. No atrocity is out of the question if it is for the Child; no horrible project of industry should precluded if it will serve to hasten the future of industrial civilization. Armies of men, imperial and revolutionary alike, have always lined up to the slaughter in the name of the Child. But we needn’t look any further than today’s headlines to see the symbolic power the Child’s face deploys in the service of the social order. This year, the nation has been captivated by two horrific examples of the death-regime of white supremacy in the United States. Trayvon Martin in Sanford, Florida and Bo Morrison in Slinger, Wisconsin: two black youth murdered at the hands of racist vigilantes. While the systematic murder and imprisonment of black people is so commonplace that it cannot make headlines, these stories have swept the nation particularly because of the way they intersect with the narratives of innocence and childhood. Specifically in the case of Trayvon Martin, whose future was taken from him at the age of seventeen, a debate is raging centered around his character and his innocence with regard to his symbolic place as the Child. One side of this debate circulates a “angelic” picture of his face to assure society of his child-like nature. The other side circulates a doctored picture of him wearing a grill as a kind of racialized testament to his adultness. Each side feverishly examines the ‘evidence’ to argue whether or not he had attacked his murderer before he died. What’s at stake in this debate is Trayvon’s symbolic position as the Child: if he represents the Child, his murder is the atrocious destruction of his future (and by extensions everyone’s). If he is not the Child, then his killer acted out of the need to protect the future of his own community (and the children within it) from a perceived (even if falsely) threat. While politicians as high-ranking as the President invest Trayvon with the burden of carrying the futurity of their own children, others continue to assert their second amendment right to own weapons so they may protect theirs. Bo Morrison was also murdered by a racist homeowner, and his killer continues on with impunity because he can claim that he needed to eliminate any threat to his children. Young black men who figured, like the queer, as threats to the family were destroyed in the Child’s name. In each instance, the entire discourse is centered on the Child while entirely obscuring the reality of the actual young individuals executed in the Child’s name. Pundits articulate the measures that could be taken by parents and the state to restore the promise of the future: a ban on guns, more responsible gun ownership, the removal of ‘hoodies’ 17 from children’s wardrobes, neighborhood watch, more policing, “justice.” These horrific killings demonstrate that there truly is no future. It is this truth which young people everywhere are awakening to. They are swarming the streets en masse, hoods up, to outrun the police and snare the flows of the cities. They are walking out of school—that banal prison of futurity—in order to loot stores and be with their friends. They are preparing and coordinating, so that the next time one of them is burned at the stake for the sake of the Future, they’ll make the city burn in kind. The fires of Greece, London and Bahrain hint toward the consequences of such an awakening. To further ground Edelman’s theory of the Child and contemporary debates around reproduction in the specific historical context which gave rise to Capitalism, we’ll turn briefly to the work of Silvia Federici in her book Caliban and the Witch. In Caliban, Federici studies the rise of Capitalism in Europe through the process of primitive accumulation. For Federici, the shift from feudalism to capitalism was only possible through the accumulation of the bodies of women and consequently through the development of their bodily capacity into a site specifically for the reproduction of a proletarianized workforce. Her history illustrates that rather than a seamless transition, the period was marked by a constant oscillation between insurrection and counterinsurgency. She characterizes the peasants and proletarianized workers who rebelled against the State and in the wake of the black plague as having “no care for the future,” severed as they were from any comfortable teleological fantasy. She argues that the autonomy and power which peasant women (and queers) held over their own bodies had to be destroyed in order for the nascent bourgeois class to turn them into machines of reproductive labor. We’ll quote her in elaborating the specific way in which the construction of the atomized unit of social reproduction—the family—was crucial in the process of putting down early medieval revolt against capitalism: In the middle ages, migration, vagabondage, and the rise of crimes against property were part of the resistance to impoverishment and dispossession; these phenomena now took on massive proportions. Everywhere—if we give credit to the complaints of contemporary authorities—vagabonds were swarming, changing cities, crossing borders, sleeping in the haystacks or crowding at the gates of towns—a vast humanity involved in a diaspora of its own, that for decades escaped the authorities’ control…. A massive reclamation and reappropriation of the stolen communal wealth was underway…. In pursuit of social discipline, an attack was launched against all forms of collective sociality and sexuality including sports, games, dances, ale-wakes, festivals, and other group-rituals that had been a source of boding and solidarity among workers…. What was at stake was the desocializaton or decollectivization of the reproduction of the work-force, as well as the attempt to impose a more productive use of leisure time…. The physical enclosure operated by land privatization and the hedging of the commons was amplified by a process of social enclosure, the reproduction of workers shifting from the open field to the home, from the community to the family, from the public space, to the private. Through her argument, Federici consistently turns to the historical atrocity which was the witch hunts as the primary figure of the destruction of women’s power and the subsequent accumulation of their bodies as womb-machines. She specifically argues that in the 16th and 17th centuries, a collective narrative circulated in attempt to foment anti-witch paranoia and fervor 18 which charged witches as being child murderers. Common conceptions held that witches would, under the guise of being healers, enter the homes of their employers and sacrifice their children to the Devil. At a time when states and families were becoming largely concerned with population decline, this fear lead to a tremendous hatred against those accused of witchcraft. Here, we see the emergence of the primacy of the Child as the governing symbol of the ideological and material reproduction of class society. Witches, and medieval women more broadly, can then be situated within the structural category of queerness laid out by Edelman: the category of those who refuse enslavement to the future in the form of the Child. It is also of note, though Federici only mentions it in an endnote, that there was a very strong association between witchcraft and queerness, and that countless queers met their deaths during the witch hunts. Federici argues that with …the enslavement of women to procreation… their wombs became public territory, controlled by men and the state, and procreation was directly placed at the service of capitalist accumulation… Marx never acknowledged that procreation could become a terrain of exploitation and by the same token a terrain of resistance. He never imagined that women could refuse to reproduce, or that such a refusal could become part of class struggle…. Women going on strike against child making. This blind spot within Marx’s thought must remain present in our critique of reproductive futurism and its social order. It is useful to examine the moments where people willfully resisted the reproduction of society through the subtraction of their bodies from the flows of futurity. It is readily apparent how, at the historic moment described in Caliban, the literal refusal to create children was a practice of resistance to the state’s domination of their bodies. This bodily resistance and refusal is vital still today, but our contemporary struggle is not one solely waged against the requirement to produce actual children. We are confronted with the symbol of the Child whose interests and whose face governs the operations of politics and of all political subjects. A different kind of strike will be necessary to refuse the fantastic power of the Child. Another useful critique which Federici levels against Marxism is that from the perspective of women, it is impossible to argue that capitalism has ever been progressive or liberating. She argues that if we recognize that class society emerged out of the massacre of thousands of women and the development of their bodies to suit the needs of industry, then we must acknowledge that capitalism has universally meant degradation and exploitation for women. While it isn’t anything new to argue that capitalism means exploitation, this argument is linked to our analysis because it specifically indicts and refutes the teleology (specifically Marxist, but deployed by many other ideologies) which says that capitalism was a necessary step on the pathway toward utopia. By rejecting this progressive ideology, Federici fundamentally calls into question the narrative stability of reproductive futurism, which assures us that history moves us toward paradise, and that the present arrangement is but a step along the path. If we’re to fully understand why the complex of the Child, the political, and reproductive futurism have entwined into such repressive conditions, we would be well served to analyze the specific dynamics of capitalism as it evolved through the counter-revolution of the past several decades. Specifically, we’ll need to look to capital itself as a force which colonizes life and remakes it in its image. For this, we will turn to the work of Jacques Camatte in his essay “Against Domestication”: 19 The future industry has come into its own and assumed an enormous scope. Capital enters this new field and begins to exploit it, which leads to further expropriation of people and a reinforcement of their domestication. This hold over the future is what distinguishes capital from all other modes of production. From its earliest origins capital’s relationship to the past or present has always been of less importance than its relationship to the future. Capital’s only lifeblood is in the exchange it conducts with labor power. Thus when surplus value is created, it is, in the immediate sense, only potential capital; it can become effective capital solely through an exchange against future labor. In other words, when surplus value is created in the present, it acquires reality only if labor power can appear to be already available in the future. If therefore this future isn’t there, then the present (and henceforth the past) is abolished: this is devalorization through total loss of substance. Clearly, then, capital’s first undertaking must be to dominate the future in order to be assured of accomplishing its production process. (This conquest is managed by the credit system). Thus capital has effectively appropriated time, which it molds in its own image as quantitative time. However, present surplus value was realized and valorized through exchange against future labor, but now, with the development of the future industry, present surplus value has itself become open to capitalization. This capitalization demands that time be programmed and this need expresses itself in a scientific fashion in futurology. Henceforth, capital produces time. From now on where may people situate their utopias? In the course of Camatte’s life, his work in “Against Domestication” marks a shift in his theory from left-communism to anti-civilization ideas. This piece would later inspire a tremendous amount of Anglophone anti-civ theory. His argument is that the specific future-oriented nature of capital—its tendency to accumulate the future—allowed capitalism to develop into the monstrosity that it is. Beyond just appropriating the living labor of human beings and commodifying it as dead labor, Camatte argues that capital has colonized human beings themselves, constituting their very being and re-creating human relations into communities of capital. He describes this process—the anthropomorphizing of capital—as domestication. In coming to colonize every aspect of life within industrial society, capital thus comes to dominate individuals’ futures as much as their presents. Camatte continues: The established societies that existed in previous times dominated the present and to a lesser extent the past, while the revolutionary movement had for itself the future. Bourgeois revolutions and the proletarian revolutions have had to guarantee progress, but this progress depended on the existence of a future valorized in relation to a present and a past that is to be abolished. In each case… the past is presented as shrouded in darkness, while the future is all shining light. Capital has conquered the future. Capital has no fear of utopias, since it even tends to produce them. The future is a field for the production of profit. In order to generate the future, to bring it into being, people must now be conditioned as a function of a strictly preconceived process of production: this is programming brought to its highest point…. 20 Domination of the past, the present and the future, gives rise to a structural representation, where everything is reduced to a [combination] of social relations, productive forces, or mythmemes, etc, arranged in such a way as to cohere as a totality. This totality is our situation. History is only the record of centuries of defeat and the triumph of capital over the dead. The future is a horizon d

#### The result is queer overkill: Liberal democracy creates a category of human that structurally excludes the queer, who represent nothing, the antithesis of such democracy. Antiqueer violence manifests itself in the form of violence to end all queer life, a death beyond death.

**Stanley 11:** (assistant professor in the Department of Gender and Sexuality Studies at the University of California) <https://queerhistory.files.wordpress.com/2011/06/near-life-queer-death-eric-stanley.pdf> *Near Life, Queer Death: Overkill and Ontological Capture.* Social Text 107. Vol, 29, No. 2. Duke University Press. Eric Stanley. AQ. Accessed 11/05/18.

Overkill is a term used to indicate such excessive violence that it pushes a body beyond death. Overkill is often determined by the postmortem removal of body parts, as with the partial decapitation in the case of Lauryn Paige and the dissection of Rashawn Brazell. The temporality of violence, the biological time when the heart stops pushing and pulling blood, yet the killing is not finished, suggests the aim is not simply the end of a specific life, but the ending of all queer life. This is the time of queer death, when the utility of violence gives way to the pleasure in the other’s mortality. If queers, along with others, approximate nothing, then the task of ending, of killing, that which is nothing must go beyond normative times of life and death. In other words, if Lauryn was dead after the first few stab wounds to the throat, then what do the remaining fifty wounds signify? The legal theory that is offered to nullify the practice of overkill often functions under the name of the trans- or gay-panic defense. Both of these defense strategies argue that the murderer became so enraged after the “discovery” of either genitalia or someone’s sexuality they were forced to protect themselves from the threat of queerness. Estanislao Martinez of Fresno, California, used the trans-panic defense and received a four-year prison sentence after admittedly stabbing J. Robles, a Latina transwoman, at least twenty times with a pair of scissors. Importantly, this defense is often used, as in the cases of Robles and Paige, after the murderer has engaged in some kind of sex with the victim. The logic of the trans-panic defense as an explanation for overkill, in its gory semiotics, offers us a way of understanding queers as the nothing of Mbembe’s query. Overkill names the technologies necessary to do away with that which is already gone. Queers then are the specters of life whose threat is so unimaginable that one is “forced,” not simply to murder, but to push them backward out of time, out of History, and into that which comes before. 27 In thinking the overkill of Paige and Brazell, I return to Mbembe’s query, “But what does it mean to do violence to what is nothing?”28 This question in its elegant brutality repeats with each case I offer. By resituating this question in the positive, the “something” that is more often than not translated as the human is made to appear. Of interest here, the category of the human assumes generality, yet can only be activated through the specificity of historical and politically located intersection. To this end, the human, the “something” of this query, within the context of the liberal democracy, names rights-bearing subjects, or those who can stand as subjects before the law. The human, then, makes the nothing not only possible but necessary. Following this logic, the work of death, of the death that is already nothing, not quite human, binds the categorical (mis)recognition of humanity. The human, then, resides in the space of life and under the domain of rights, whereas the queer inhabits the place of compromised personhood and the zone of death. As perpetual and axiomatic threat to the human, the queer is the negated double of the subject of liberal democracy. Understanding the nothing as the unavoidable shadow of the human serves to counter the arguments that suggest overkill and antiqueer violence at large are a pathological break and that the severe nature of these killings signals something extreme. In contrast, overkill is precisely not outside of, but is that which constitutes liberal democracy as such. Overkill then is the proper expression to the riddle of the queer nothingness. Put another way, the spectacular material-semiotics of overkill should not be read as (only) individual pathology; these vicious acts must indict the very social worlds of which they are ambassadors. Overkill is what it means, what it must mean, to do violence to what is nothing.

#### The role of the ballot is to vote for the debater that provides the best method of traversing the symbolic of the fantasy to escape desire from lack projects which create identity based on the child to justify anti queerness

Baedan 12 baedan, 2012, “baedan,” Journal of Queer Nihilism, The Anarchist Library, <https://theanarchistlibrary.org/library/baedan-baedan> //Lex AKo™

This position of ownership of the negative means a liberatory conspiracy between the enemies of society. It allows us to escape the traps that lie in any attempt at affirming a positive counter-narrative. One cannot deny the destructive and anti-social potential of queerness without also affirming the social order. One cannot argue against the anti-queer paranoia which imagines us to be enemies of God and state and family without implicitly conceding the legitimacy of each. The hope for progressive notions of tolerance or combative activism to undo this fantasy is an expression of the desire for assimilation into society. Even ‘radical’ or ‘anti-assimilationist’ queer positions attempt to deny this negativity and to create space for queer representation in the State or queer belonging within capitalism. Again, a simple shift can apply this argument to the discursive and imaginary constructions of anarchists. Many anarchists find themselves compulsively responding to negative characterizations of our intentions and dispositions. In the face of an array of flattering accusations—we are criminal, nihilistic, violent, sowers of disorder—the proponents of a positive anarchism instinctively respond by insisting that we are motivated by the highest ideals (democracy, consensus, equality, justice), seek to create a better society, are non-violent, and believe anarchism to be the greatest order of all. Over and over again anarchists and other revolutionaries offer their allegiance to society by denying the reality or possibility of their enmity with the social order. Leftist notions of reform, progress, tolerance, and social justice always come up against the harsh reality that any progressive development can only mean a more sophisticated system of misery and exploitation; that tolerance means nothing; that justice is an impossibility. Activists, progressive and revolutionary alike, will always respond to our critique of the social order with a demand that we articulate some sort of alternative. Let us say once and for all that we have none to offer. Faced with the system’s seamless integration of all positive projects into itself, we can’t afford to affirm or posit any more alternatives for it to consume. Rather we must realize that our task is infinite, not because we have so much to build but because we have an entire world to destroy. Our daily life is so saturated and structured by capital that it is impossible to imagine a life worth living, except one of revolt. We understand destruction to be necessary, and we desire it in abundance. We have nothing to gain through shame or lack of confidence in these desires. There cannot be freedom in the shadow of prisons, there cannot be human community in the context of commodities, there cannot be self-determination under the reign of a state. This world—the police and armies that defend it, the institutions that constitute it, the architecture that gives it shape, the subjectivities that populate it, the apparatuses that administer its function, the schools that inscribe its ideology, the activism that franticly responds to its crises, the arteries of its circulation and flows, the commodities that define life within it, the communication networks that proliferate it, the information technology that surveils and records it—must be annihilated in every instance, all at once. To shy away from this task, to assure our enemies of our good intentions, is the most crass dishonesty. Anarchy, as with queerness, is most powerful in its negative form. Positive conceptions of these, when they are not simply a quiet acquiescence in the face of a sophisticated and evolving totality of domination, are hopelessly trapped in combat with the details of this totality on its own terms. In No Future, Edelman appropriates and privileges a particular psychoanalytic concept: the death drive. In elaborating the relationship of “queer theory and the death drive” (the subtitle of No Future), he deploys the concept in order to name a force that isn’t specifically tied to queer identity. He argues that the death drive is a constant eruption of disorder from within the symbolic order itself. It is an unnameable and inarticulable tendency for any society to produce the contradictions and forces which can tear that society apart. To avoid getting trapped in Lacanian ideology, we should quickly depart from a purely psychoanalytic framework for understanding this drive. Marxism, to imagine it another way, assures us that a fundamental crisis within the capitalist mode of production guarantees that it will produce its own negation from within itself. Messianic traditions, likewise, hold fast to a faith that the messiah must emerge in the course of daily life to overthrow the horror of history. The most romantic elaborations of anarchism describe the inevitability that individuals will revolt against the banality and alienation of modern life. Cybernetic government operates on the understanding that the illusions of social peace contain a complex and unpredictable series of risks, catastrophes, contagions, events and upheavals to be managed. Each of these contains a kernel of truth, if perhaps in spite of their ideologies. The death drive names that permanent and irreducible element which has and will always produce revolt. Species being, queerness, chaos, willful revolt, the commune, rupture, the Idea, the wild, oppositional defiance disorder—we can give innumerable names to what escapes our ability to describe it. Each of these attempts to term the erratic negation intrinsic to society. Each comes close to theorizing the universal tendency that any civilization will produce its own undoing. Explosions of urban rioting, the prevalence of methods of piracy and expropriation, the hatred of work, gender dysphoria, the inexplicable rise in violent attacks against police officers, self-immolation, non-reproductive sexual practices, irrational sabotage, nihilistic hacker culture, lawless encampments which exist simply for themselves—the death drive is evidenced in each moment that exceeds the social order and begins to rip at its fabric. The symbolic deployment of queerness by the social order is always an attempt to identify the negativity of the death drive, to lock this chaotic potential up in the confines of this or that subjectivity. Foucault’s work is foundational to queer theory in part because of his argument that power must create and then classify antagonistic subjectivities so as to then annihilate any subversive potential within a social body. Homosexuals, gangsters, criminals, immigrants, welfare mothers, transsexuals, women, youth, terrorists, the black bloc, communists, extremists: power is always constructing and defining these antagonistic subjects which must be managed. When the smoke clears after a riot, the state and media apparatuses universally begin to locate such events within the logic of identity, freezing the fluidity of revolt into a handful of subject positions to be imprisoned, or, more sinisterly, organized. Progressivism, with its drive toward inclusion and assimilation, stakes its hope on the social viability of these subjects, on their ability to participate in the daily reproduction of society. In doing so, the ideology of progress functions to trap subversive potential within a particular subject, and then to solicit that subject’s self-repudiation of the danger which they’ve been constructed to represent. This move for social peace fails to eliminate the drive, because despite a whole range of determinisms, there is no subject which can solely and perfectly contain the potential for revolt. The simultaneous attempt at justice must also fail, because the integration of each successive subject position into normative relations necessitates the construction of the next Other to be disciplined or destroyed. Rather than a progressive project which aims to steadily eradicate an emergent chaos over time, our project, located at the threshold of Edelman’s work, bases itself upon the persistent negativity of the death drive. We choose not to establish a place for queers, thereby shifting the structural position of queerness to some other population. We identify with the negativity of the drive, and thereby perform a disidentification away from any identity to be represented or which can beg for rights. Following Edelman further: To figure the undoing of civil society, the death drive of the dominant order, is neither to be nor to become that drive; such a being is not the point. Rather, acceding to that figural position means recognizing and refusing the consequences of grounding reality in denial of that drive. As the death drive dissolves those congealments of identity that permit us to know and survive as ourselves, so the queer must insist on disturbing, on queering, social organization as such—on disturbing, and therefore on queering ourselves and our investment in such organization. For queerness can never define an identity; it can only ever disturb one. And so, when I argue, as I aim to do here, that the burden of queerness is to be located less in the assertion of an oppositional political identity than in opposition to politics as the governing fantasy of realizing identities, I am proposing no platform or position from which queer sexuality or any queer subject might finally and truly become itself, as if it could somehow manage thereby to achieve an essential queerness. I am suggesting instead that the efficacy of queerness, its real strategic value, lies in its resistance to a symbolic reality that only ever invests us as subjects insofar as we invest ourselves in it, clinging to its governing fictions, its persistent sublimations, as reality itself. This negative queerness severs us from any simple understanding of ourselves. More so, it severs us from any formulaic or easily-represented notions of what we need, what we desire, or what is to be done. Our queerness does not imagine a coherent self, and thus cannot agitate for any selves to find their place within civilization. The only queerness that queer sexuality could ever hope to achieve would exist in a total refusal of attempts at the symbolic integration of our sexuality into governing and market structures. This refusal of representation forecloses on any hope that we ever have in identity politics or positive identity projects. We decline the progressive faith in the ability for our bodies to be figured into the symbolic order. We decline the liberal assurance that everything will turn out right, if we just have faith. No, instead we mean to “unleash negativity against the coherence of any self-image, subjecting us to a moral law that evacuates the subject so as to locate it through and in that very act of evacuation, permitting the realization, thereby, of a freedom beyond the boundaries of any image or representation, a freedom that ultimately resides in nothing more than the capacity to advance into emptiness.” A non-identitarian, unrepresentable, unintelligible queer revolt will be purely negative, or it won’t be at all. In the same way, an insurrectionary anarchy must embrace the death drive against all the positivisms afforded by the world it opposes. If we hope to interrupt the ceaseless forward motion of capital and its state, we cannot rely on failed methods. Identity politics, platforms, formal organizations, subcultures, activist campaigns (each being either queer or anarchist) will always arrive at the dead ends of identity and representation. We must flee from these positivities, these models, to instead experiment with the undying negativity of the death drive. Edelman again: The death drive’s immortality, then refers to a persistent negation that offers assurance of nothing at all: neither identity, nor survival, nor any promise of the future. Instead, it insists both on and as the impossibility of Symbolic closure, the absence of any Other to affirm the Symbolic order’s truth and hence the illusory status of meaning as defense against the self-negating substance of jouissance… [Queerness] affirms a constant, eruptive jouissance that responds to the inarticulable real, to the impossibility of sexual rapport or of ever being able to signify the relation between the sexes. [Queerness] then, like the death drive, engages, by refusing, the normative stasis, the immobility, of sexuation… breaks down the mortifying structures that give us ourselves as selves and does so with all the force of the Real that such forms must fail to signify… the death drive both evades and undoes representation… the gravediggers of society [are] those who care nothing for the future. We’ll return soon to the concepts of futurity and of jouissance, but to conclude this point, we’ll assert that an insurrectionary process can only be an explosion of negativity against everything that dominates and exploits us, but also against everything that produces us as we are.

#### The political relies on this negation in order to sustain itself which forces any sign of deviancy to a position of ontological damnation where queerness is condemned to overkill.

Stanley 11 (Eric Stanley; assistant professor in the Department of Gender and Women's Studies at the University of Californiai ; Near Life, Queer Death: Overkill and Ontological Capture, 2011, p. 8-10) SJCP//JG

To this end, the law is made pos- sible through the reproduction of both material and discursive formation of antiqueer, along with many other forms of violence. I too quickly rehearse this argument in the hope that it might foreclose the singular reliance on the law as the ground, and rights as the technology, of safety.23 “He was my son—my daughter. It didn’t matter which. He was a sweet kid,” Lauryn Paige’s mother, trying to reconcile at once her child’s mur- der and her child’s gender, stated outside an Austin, Texas, courthouse.24 Lauryn was an eighteen-year-old transwoman who was brutally stabbed to death. According to Dixie, Lauryn’s best friend, it was a “regular night.” The two women had spent the beginning of the evening “working it” as sex workers. After Dixie and Lauryn had made about $200 each they decided to call it quits and return to Dixie’s house, where both lived. On the walk home, Gamaliel Mireles Coria and Frank Santos picked them up in their white conversion van. “Before we got into the van the very first thing I told them was that we were transsexuals,” said Dixie in an interview.25 After a night of driving around, partying in the van, Dixie got dropped off at her house. She pleaded for Lauryn to come in with her, but Lauryn said, “Girl, let me finish him,” so the van took off with Lauryn still inside.26 Santos was then dropped off, leaving Lauryn and Coria alone in the van. According to the autopsy report, Travis County medical examiner Dr. Roberto Bayardo cataloged at least fourteen blows to Lauryn’s head and more than sixty knife wounds to her body. The knife wounds were so deep that they almost decapitated her—a clear sign of overkill. Overkill is a term used to indicate such excessive violence that it pushes a body beyond death. Overkill is often determined by the post- mortem removal of body parts, as with the partial decapitation in the case of Lauryn Paige and the dissection of Rashawn Brazell. The temporality of violence, the biological time when the heart stops pushing and pulling blood, yet the killing is not finished, suggests the aim is not simply the end of a specific life, but the ending of all queer life. This is the time of queer death, when the utility of violence gives way to the pleasure in the other’s mortality. If queers, along with others, approximate nothing, then the task of ending, of killing, that which is nothing must go beyond normative times of life and death. In other words, if Lauryn was dead after the first few stab wounds to the throat, then what do the remaining fifty wounds signify? The legal theory that is offered to nullify the practice of overkill often functions under the name of the trans or gay-panic defense. Both of these defense strategies argue that the murderer became so enraged after the “discovery” of either genitalia or someone’s sexuality they were forced to protect themselves from the threat of queerness. Estanislao Martinez of Fresno, California, used the trans-panic defense and received a four-year prison sentence after admittedly stabbing J. Robles, a Latina transwoman, at least twenty times with a pair of scissors. Importantly, this defense is often used, as in the cases of Robles and Paige, after the murderer has engaged in some kind of sex with the victim. The logic of the trans-panic defense as an explanation for overkill, in its gory semiotics, offers us a way of understanding queers as the nothing of Mbembe’s query. Overkill names the technologies necessary to do away with that which is already gone. Queers then are the specters of life whose threat is so unimaginable that one is “forced,” not simply to murder, but to push them backward out of time, out of History, and into that which comes before.27 In thinking the overkill of Paige and Brazell, I return to Mbembe’s query, “But what does it mean to do violence to what is nothing?”28 This question in its elegant brutality repeats with each case I offer. By resituating this question in the positive, the “something” that is more often than not translated as the human is made to appear. Of interest here, the category of the human assumes generality, yet can only be activated through the specificity of historical and politically located intersection. To this end, the human, the “something” of this query, within the context of the liberal democracy, names rights-bearing subjects, or those who can stand as subjects before the law. The human, then, makes the nothing not only possible but necessary. Following this logic, the work of death, of the death that is already nothing, not quite human, binds the categorical (mis)recognition of humanity. The human, then, resides in the space of life and under the domain of rights, whereas the queer inhabits the place of compromised personhood and the zone of death. As perpetual and axiomatic threat to the human, the queer is the negated double of the subject of liberal democracy. Understanding the nothing as the unavoidable shadow of the human serves to counter the arguments that suggest overkill and antiqueer violence at large are a pathological break and that the severe nature of these killings signals something extreme. In contrast, overkill is precisely not outside of, but is that which constitutes liberal democracy as such. Overkill then is the proper expression to the riddle of the queer nothingness. Put another way, the spectacular material-semiotics of overkill should not be read as (only) individual pathology; these vicious acts must indict the very social worlds of which they are ambassadors. Overkill is what it means, what it must mean, to do violence to what is nothing.

#### The alternative is a strategy of the masses, the weaponization of queerness to turn the death drive on its head and kill the Child accepting present destruction than future annihilation

Baedan 12 baedan, 2012, “baedan,” Journal of Queer Nihilism, The Anarchist Library, <https://theanarchistlibrary.org/library/baedan-baedan> //Lex AKo™

The campaign promises a fulfilling world which exists beyond the nightmare of high school, yet somehow fails to mention the waking nightmares of debt, work, family, disease, depression and anxiety which the future must surely deliver. Of these videos the most vile and perhaps the most telling is a recent release by the San Francisco Police Department depicting queer police officers telling their coming-out stories and assuring the viewers of the better future to come. Along with these assurances, they further implore queer youth to call on the police department if in need, declaring “it will get better, and until it does, we’ll be here for you.” The future will continue its mirage-like spectacle, promising redemption yet continually deferring its delivery. The further we progress down its path, the farther we’ll be from the utopia it teases us with. We’ll consistently arrive where we imagined the future would take us, only to 22 find that the desert of modern life continues to stretch out in every direction—that the passage of time has continued to deliver us up anew for pure repetition of the same: the same exploitation, alienation, depression, meaninglessness. If queerness is to be our weapon, we must fanatically avoid any tendency toward reproductive futurism that would dull our daggers. We must refuse the institutions of the future, whether high schools or police departments, that eternally immiserate our present. If we are to cease the skyward growth of the pile of queer bodies sacrificed at the feet of the future, we must silence the chorus of it-gets-betters and attack, here and now, at whatever is making it unbearable. If it is our intention to participate in insurrection against domestication and capital’s futurity, we mustn’t be deceived by the fleeing utopias of reproductive futurism. Instead we must situate ourselves within our present, and studiously explore the methods of sabotage, interruption, expropriation and destruction than refuse futurity’s domination. Or, as Edelman puts it: If the fate of the queer is to figure the fate that cuts the thread of futurity… then the only oppositional status to which our queerness could ever lead would depend on our taking seriously the place of the death drive we’re called on to figure and insisting, against the cult of the Child and the political order it reinforces, that we, as Guy Hocquenghem made clear, are “not the signifier of what might become a new form of ‘social organization,’” that we do not intend a new politics, a better society, a brighter tomorrow, since all of these fantasies reproduce the past, through displacement, in the form of the future. We choose instead not to choose the Child, as disciplinary image of the Imaginary past or as site of a projective identification with an always impossible future. The queerness we propose, in Hocquenghem’s words, “is unaware of the passing of generations as stages on the road to better living. It knows nothing about ‘sacrifice now for the sake of future generations… it knows that civilization alone is mortal.” Even more: it delights in that mortality as the negation of everything that would define itself, moralistically, as pro-life. It is we who must bury the subject in the tomb-like hollow of the signifier, pronouncing at last the words for which we’re condemned should we speak them or not: that we are the advocates of abortion; that the Child as futurity’s emblem must die; that the future is mere repetition and just as lethal as the past. Our queerness has nothing to offer a symbolic that lives by denying that nothingness except an insistence on the haunting excess that this nothingness entails, an insistence of the negativity that pierces the fantasy screen of futurity, shattering narrative temporality with irony’s always explosive force. And so what is queerest about us, queerest within us, and queerest despite us is this willingness to insist intransitively—to insist that the future stops here.

#### The alternative traverses the fantasy by queering the world. Zimmerman 17

Amy Zimmerman, entertainment reporter, 4-13-2017, "Frank Ocean’s LGBT Masterpiece: The Radical Queerness of ‘Blonde’," Daily Beast, https://www.thedailybeast.com/frank-oceans-lgbt-masterpiece-the-radical-queerness-of-blonde, 1-15-2021//Aanya

Like many outsiders, Frank Ocean betrays an obsession with identities and objects just beyond his reach. In an excerpt from the Boys Don’t Cry magazine released last week alongside an album, Blonde, a visual album, Endless, and a music video for the song “Nikes,” Ocean writes about an image of a young girl in a car. “I put myself in her seat then I played it all out in my head. The claustrophobia hits as the seatbelt tightens, preventing me from even leaning forward in my seat. the pressing on internal organs. I lean back and forward to release it. Then backwards and forward again. There it is—I got free.” Later in the note, he remembers, “Raf Simons once told me it was cliché, my whole car obsession. Maybe it links to a deep subconscious straight boy fantasy. Consciously though, I don’t want straight—a little bent is good.” Ocean is describing his car fanaticism, an obsession that has defined him, while simultaneously articulating a deep alienation. He does not fit the stereotype of the straight, suburban boy with an encyclopedic knowledge of automobiles. In fact, he seemingly finds it easier to access his memories through the figure of the young girl, whose seatbelt invokes a gut memory of entrapment. To say that Blonde is not straight is an understatement. The album—along with the visual album, art magazine, and “Nikes” video—bends genre, bends gender, and bends time. Ocean drives his car across countries and decades, meandering, and zig-zagging. Returning again and again to scenes from his childhood and adolescence, Ocean leaves linearity by the side of the road. Music becomes a vehicle capable of impossible movement, carrying us inside a thought, inside a moment, inside a fantasy. Blonde’s unconventional narrative mirrors the real-life story of how the album got here, and all the different forms it has taken throughout its extended gestation. Since the release of his last album Channel Orange in 2012, Ocean has been teasing at this return, releasing various release dates only to abandon them. The journalists who have been burned by broken promises and the fans who have eagerly awaited Ocean’s sophomore album have condemned the singer as outrageously, unnecessarily evasive. Perfectionism is one thing, but what’s the point of setting deadlines only to defy them? Or building a staircase when you should be making music? Or stepping so far out of genre that half the tracks on your album don’t even have a drum beat? Frank Ocean dashes expectations and refuses definitions for a reason. His phobia of labels and limits isn’t just an affectation—is essential to his art and his self-expression. In 2012, on the cusp of Channel Orange’s release, the critically acclaimed artist published a description of his first love, a male friend who didn’t romantically reciprocate. Ocean’s sexuality is, as he describes it, “dynamic”—a self-assessment that hasn’t stopped journalists from pigeonholing him as bisexual or gay. This refusal of conventional terms is becoming more and more common among younger generations, who increasingly reject binary constructs. Dynamism is at the heart of both the artist and his oeuvre. It’s also part of an ever-evolving definition of queerness. Just like Blonde, which refuses to stand still, queerness is less of a location or endpoint and more of a horizon. In the words of queer theorist José Muñoz, “Queerness is not yet here… Put another way, we are not yet queer. We may never touch queerness.” Here queerness is defined not by a destination or a term, but by constant motion. For Ocean, this theorization is tantamount. As Ocean told GQ in 2012 in regards to his uncategorized sexuality and music, “I’m giving you what I feel like you can feel… The other shit, you can’t feel. You can’t feel a box. You can’t feel a label.” By refusing to claim an identity, he reserves the right to constantly redefine. This is not to say that Blonde fully evades the question of homosexuality. In “Good Guy,” Ocean croons about being taken on a date to a “gay bar.” The date then fizzles into romantic disappointment: “I know you don’t need me right now / And to you it’s just a late night out.” Ocean’s LGBT influences are also on display in “Ambience 001: In a Certain Way,” a short interlude on Endless that samples the voice of iconic drag queen Crystal LaBeija. But Ocean references bitches just as often as he references boys. It’s the kind of irreverence and mutability that makes Ocean such a difficult gay icon, and such an intriguing queer one. Frank does not seem inclined to take on any responsibilities as the hip-hop world’s pre-eminent gay artist—a label he’s never claimed and does not seem likely to. While he wrote eloquently and openly on the Orlando Pulse shooting, Blonde doesn’t contain any similarly political gay statements or eulogies. Throughout the album, visual album, and magazine, he seems more preoccupied with disorientation than orientation. While Apple Music lists the album as Blonde, the cover art reads Blond. This interchangeable masculine and feminine is at the heart of the video for “Nikes,” a song named after a traditionally masculine hip-hop fetish. The video weaves together shots of Ocean in glitter and heavy makeup with nude men and women, dancing in angel wings. Ocean’s ability to sample from gendered aesthetics and expectations even as he pulls from various genres and indulges in multiple media reveals his unflinching commitment to flexibility in all things. And while Frank makes this restlessness look like art, and even makes it look like fun, it’s more than just lighthearted experimentation. To define oneself leads to pressures and responsibilities—to produce another Channel Orange, or to pen the next gay anthem. On “Nikes,” Ocean shouts out Trayvon Martin, musing, “That n\*\*\*\* looked just like me.” Identities, from race to sexual orientation, can trap, define, even kill. Artistically, they can stagnate. And so, Ocean keeps moving, citing over 40 musical contributors on an album that refuses categorization or ideological co-option. Of course, the way Ocean approaches queerness is partly pragmatic. Hip-hop has never had a gay superstar. As a community, the hip-hop world is still plagued by homophobia, and prohibitive molds of masculinity. While male rappers are expected to abide by certain conventions, there appears to be a loophole for MCs who have expanded their artistic reach. One example is Young Thug, a rapper who was featured in Calvin Klein’s Autumn/Winter 2016 campaign. In a video for the brand, Young Thug spoke to his penchant for pulling outfits from menswear and womenswear, explaining, “I feel like there is no such thing as gender.” While Young Thug’s remarks triggered a bit of a backlash, with hip-hop fans and media outlets musing on his sexuality, there also seemed to be an increasing understanding that queerness isn’t synonymous with homosexuality. It’s also important to note that Young Thug stated his progressive philosophy in a fashion forum, not on a track or in a Breakfast Club interview. Jaden Smith was similarly embraced by sartorial tastemakers for his androgynous style, proving that while gendered experimentation might be rare in hip-hop, its male denizens can find precedent and encouragement by dipping into outside worlds. Like Kanye West before him, Frank Ocean is exploiting this distancing loophole by presenting himself as a multi-faceted artist. By making stairs, shooting film, and producing magazines, Ocean defies the rapper label just as he shirks a gay or bisexual identification. By deliberately refusing to be known as a gay rapper or a bisexual man in hip-hop, Ocean can partially skirt the homophobic bias that the hip-hop community can’t seem to shake. Queer, which is not a single, stable identity, might be more accurately described as an active critique of the normal and the normative. Normality is not universally accessible, or universally desired. The queer subject, forced to the outside, is given the complicated gift of perspective. Blonde is made rich through this looking in. Frank Ocean, a sexually fluid, black man who attempts to defy gender, is just the outsider to take on America in 2016. In Ocean’s capable hands, the familiar becomes strange. In Boys Don’t Cry, Ocean queers Americana, photographing a man putting on his underwear in a field, and sharing images of young men with automobile logos shaved into their heads. In a featured poem, Kanye West manages to write a deeply unsettling ode to the most ubiquitous fast-food joint in America: McDonald’s. In “Nights,” Ocean is homeless in Texas after being run out of Louisiana by Hurricane Katrina. In all these complementary projects, things that are quintessentially American—McDonald’s, cars, the South—are taken and made unfamiliar and disquieting through the lens of race, trauma, and sexuality. Ocean’s unique commentary, and the alienation that informs it, is a quiet, powerful critique. In the wake of rights-based victories like gay marriage, some queer activists have questioned a movement that prioritizes the chance to be the same over the freedom to be different. This is where Ocean, and his rejection of the straight, comes into play. In a piece from Boys Don’t Cry titled “Boyfriend,” he writes, “I could say that I’m happy / they let me and my boyfriend become married / I could say that I’m happy / but cross my heart I didn’t notice.” It’s as if Frank is deliberately playing with expectations or hopes for his gay politics by claiming apoliticism. Of course, queer folks might argue that this apathy toward marriage equality is a deeply political rejection of homonormativity. And Ocean goes both ways—on “Seigfried,” he ponders and then ultimately dismisses the allure of the heteronormative. Ocean wonders if his lack of convention makes him a “fool”—“Maybe I should move / Settle down, two kids and a swimming pool.” But in the end, he wagers, “I’d rather live outside.” In Blonde, “living outside” is a personal sacrifice and a risky wager. Barred from the acceptability of straight love or the stability of a legible gay identity, Ocean has no choice but to keep moving, and keep longing. Vexation and disappointment are everywhere, and satiation seems impossible. With such an uncertain future, he looks to the past as he heads for the horizon. On “Futura Free,” the final track on Blonde, Ocean excerpts an old conversation between his childhood friends from the hip-hop crew Odd Future. On an album marked by romantic disillusionment, this return evokes the family making and platonic love that is so vital to queer communities. In a world where love disappoints and normalcy isn’t an option, there’s an art to making your own family, and finding intimacy in unexpected places. Ocean’s steady stream of emotionally unavailable partners, unanswered texts, unfulfilled dreams and missed connections speaks to a specific brand of disoriented desires. In common parlance, sexuality is often reduced to orientation. But queer theory proposes that the desiring subject is so much more than the gender of the person they have sex with. This is certainly the case for Ocean—Blonde isn’t about who he loves, but how he loves them. His bravely broadcasted intimacy is proof that boys do cry, that sexuality can be fluid, that love can be unrequited, platonic, queer, and cruel. He makes the familiar strange, but he also makes the strange familiar. Even the most traditionally masculine straight boy will see pieces of himself in Ocean’s fluid oeuvre—childhood memories that could belong to any of us, texts that sound familiar, landscapes we’ve seen, half-asleep, out the window. In queering the world and chronicling the queer, Ocean’s bent masterpiece brings under-represented modes of desire to the mainstream.

## Case

#### Reducing IP protections would lead to counterfeit vaccines

Conrad 5-18 John Conrad 5-18-2021 "Waiving intellectual property rights is not in the best interests of patients" <https://archive.is/vsNXv#selection-5353.0-5364.0> (president and CEO of the Illinois Biotechnology Innovation Organization in Chicago.)//Elmer

The Biden's administration's support for India and South Africa's proposal before the World Trade Organization to temporarily waive[ing] anti-COVID vaccine patents to boost its supply will fuel the **development of counterfeit vaccines and weaken the already strained global supply chain**. The proposal will not increase the effective number of COVID-19 vaccines in India and other countries. The manufacturing standards to produce COVID-19 vaccines are **exceptionally complicated**; it is unlike any other manufacturing process. To ensure patient safety and efficacy, only manufacturers with the **proper facilities and training should produce the vaccine, and they are**. Allowing a temporary waiver that permits compulsory licensing to allow a manufacturer to export counterfeit vaccines will **cause confusion and endanger public health**. For example, between 60,000 and 80,000 children in Niger with fatal falciparum malaria were treated with a counterfeit vaccine containing incorrect active pharmaceutical ingredients, resulting in more than **100 fatal infections.** Beyond the patients impacted, counterfeit drugs erode public confidence in health care systems and the pharmaceutical industry. Vaccine hesitancy is a rampant threat that feeds off of the distribution of misinformation. Allowing the production of vaccines from improper manufacturing facilities further opens the door for antivaccine hacks to stoke the fear fueling **vaccine hesitance**.

#### IP has been successful to even creating covid vaccines in the first place.

**Value Ingenuity, 20** [Value Ingenuity, (The Value Ingenuity project is telling the story of innovation, its roots, its impact, its social and moral imperatives, and the public policy prescriptions that will assure a continued upward trajectory for the generations to follow.

Our objective is to advance globally a shared purpose of mutual investment in sustainable innovation.)]. "WTO IP Waiver Would Undermine Covid Innovation." 10-2-2020, Accessed 8-5-2021. https://www.valueingenuity.com/2021/05/18/wto-ip-waiver-would-undermine-covid-innovation/ // duongie

A TRIPS waiver for vaccines would do nothing to help — and could in fact hurt — the effort to produce billions of vaccine doses and get them in arms. Supply of these high-tech products is ramping up quickly, with about 10 billion doses projected to be produced by the end of 2021 — we shouldn’t distract attention away from that all-important goal. IP is not a barrier to vaccine access. It already enabled the creation of three vaccines, in record-breaking time, that have received FDA authorization. IP is also safely facilitating international partnerships (275+ to date) to share technology and information more easily with trusted partners across borders. An IP waiver could lead to untested and unregulated copycats. Some nations are looking to manufacture sophisticated vaccines without permission, exacerbating the shortage of the critical materials (raw materials, tubing, vials etc.) and increasing vaccine hesitancy due to the development of unsafe products and medicines. The proposal jeopardizes U.S. manufacturing & jobs. Allowing other countries to take and commercialize American-made technologies conflicts with President Biden’s goal to build up American infrastructure and create manufacturing jobs. In the U.S. alone, biopharmaceutical companies support 4 million jobs across all 50 states, with many more across innovation ecosystems in labs, finance, and SMEs. Waiving IP undermines America’s leadership in the life sciences. We should not be forfeiting IP to countries looking to undermine America’s global leadership in biomedical technology and innovation. IP protections enabled decades of R&D by biopharmaceutical research companies, allowing them to move quickly and effectively against COVID-19. Business welcomes the Biden Administration’s support for the global vaccine program, COVAX. This type of program can have a significant positive, practical impact on global rollout of vaccines and therapies without disrupting the incredible IP-enabled progress that has been made to date to defeat the pandemic. Its effects will be even more effective as trade barriers are removed and all countries allow vaccines to be exported internationally. GOOD TO KNOW: Today 57% of all new medicines globally come from the United States with its world-class IP ecosystem, and private companies in the life sciences community make up more than 80% of the investment in the research and development of those new drugs. The U.S. biopharmaceutical industry directly and indirectly supports over 4 million American jobs. SCIENTISTS, ACADEMICS, ADVOCATES AND POLITICAL LEADERS SKEPTICAL OF WAIVING IP RIGHTS “The goal is noble, but the demand [for an IP waiver] is more slogan than solution … patents on vaccines are not the central bottleneck, and even if turned over to other nations, would not quickly result in more shots. This is because vaccine manufacturing is exacting and time-consuming. Look at the production difficulties encountered by Emergent BioSolutions, a vaccine manufacturer in Baltimore, where 15 million doses were contaminated. That was caught before the shots were distributed, but one can imagine the horrific consequences of a failure to maintain quality control elsewhere in the world.” WASHINGTON POST EDITORIAL BOARD, May 4, 2021 “The goal is noble, but the demand [for an IP waiver] is more slogan than solution … patents on vaccines are not the central bottleneck, and even if turned over to other nations, would not quickly result in more shots. This is because vaccine manufacturing is exacting and time-consuming. Look at the production difficulties encountered by Emergent BioSolutions, a vaccine manufacturer in Baltimore, where 15 million doses were contaminated. That was caught before the shots were distributed, but one can imagine the horrific consequences of a failure to maintain quality control elsewhere in the world.” WALL STREET JOURNAL EDITORIAL BOARD, May 6, 2021 “The U.S. decision to support a temporary waiver of intellectual-property protections for Covid-19 vaccines won’t end debate on the issue, much less end the pandemic. Reaching a formal agreement could take months and even then may not accelerate vaccine production; opposition from countries such as Germany could yet doom any compromise.” BLOOMBERG EDITORIAL BOARD, May 12, 2021 “The collaboration that’s happened in the midst of this pandemic I think points to the ways in which IP has actually not been a barrier, but a facilitator of critical, cutting-edge innovation […] I don’t think that waiving IP rights will suddenly enable other countries to ramp up the manufacturing of complex vaccines.” SEN. CHRIS COONS (D-DE), CSIS: April 22, 2021 “There are only so many vaccine manufacturers in the world […] people are very careful about the safety of vaccines […] The thing that is holding us back is not IP. There is no idle factory with regulatory approval that makes magically safe vaccines […] we have all the rights from the vaccine companies and the work is going at full speed” BILL GATES, Sky News: April 25, 2021 “There are enough manufacturers, it just takes time to scale up. And by the way, I have been blown away by the cooperation between the public and private sectors in the last year, in developing these vaccines.” ADAR POONAWALLA, CEO SERUM INSTITUTE OF INDIA, February 14, 2021 “These [vaccines] are complex to make so just waiving IP and patents isn’t going to help […] you can only get trade secrets and knowhow with the cooperation of the originator companies, and they don’t have the bandwidth to do this in every part of the world … the only immediate solution is for rich countries to donate or sell their surplus vaccine to COVAX or other countries.” JAYASHREE WATAL, GEORGETOWN LAW PROFESSOR & FORMER WTO IP COUNSELOR, April 22, 2021 “It is also unclear whether a waiver of IP rights will make a difference […] Furthermore, as others have pointed out, IP rights are only a piece of what is needed to produce vaccines. There is currently a global shortage of raw materials and proper manufacturing facilities.” SAPAN KUMAR, LAW FOUNDATION PROFESSOR OF LAW AT THE UNIVERSITY OF HOUSTON LAW CENTER, May 9, 2021 “This is technology that’s every bit as critical as munitions and encryption codes […] It’s a platform technology that can be used to make all manner of treatments going forward, including vaccines.” DAVID KAPPOS, FORMER U.S. PATENT AND TRADEMARK OFFICE FOR PRESIDENT OBAMA, April 22, 2021 “The notion that we would then turn around and go to the World Trade Organization and basically endorse a policy of DARPA-funded technology transfer to China is just inconceivable. You’re basically aiding and abetting China’s ‘Made in China 2025’ plans for technological dominance.” CLETE WILLEMS, FORMER SPECIAL ASSISTANT TO THE PRESIDENT FOR INTERNATIONAL TRADE, INVESTMENT, AND DEVELOPMENT, April 22, 2021.

#### Reducing IP wont work because countries don’t have the technology to make covid vaccines in the first place

Carla **Delgado, 5/25** [Carla Delgado, (Carla is a Filipino writer whose work has been published in Insider, Business Insider, Architectural Digest, Elemental, Observer, and more. She writes about a wide range of topics, but her interests lie in health & wellness, culture, and sustainability. Outside of writing, she is a theatre practitioner with several theatre credits under her belt.)]. "Experts Say Patent Waivers Aren't Enough To Increase Global Vaccination." Verywell Health, 5-25-2021, Accessed 8-5-2021. https://www.verywellhealth.com/covid-vaccine-patent-waivers-global-supply-5185669 // duongie

Why Waiving Patents Isn’t Enough to Speed Up Production Countries looking to produce COVID-19 vaccines face many logistical hurdles even if vaccine patents are waived. “Waiving intellectual property rights for COVID-19 vaccines is likely to only have a modest impact on global vaccine supply,” William Moss, MD, executive director of the International Vaccine Access Center at the Johns Hopkins Bloomberg School of Public Health, tells Verywell. “A vaccine IP waiver is not in itself likely to lead to increased vaccine production in less developed countries because much more needs to be in place to increase the global vaccine supply.” Lack of Manufacturing Capacity For several countries outside of the U.S. that have the necessary equipment to produce mRNA vaccines effectively and safely, the IP waiver can be of great help. However, many more countries lack this capacity, and this move still leaves them behind. “The majority of the world’s countries lack the capacity to produce and distribute COVID-19 vaccines, and especially at the scale required to get this pandemic under control,” Richard Marlink, MD, director of the Rutgers Global Health Institute, tells Verywell. “They need funding, manufacturing facilities, raw materials, and laboratory staff with the technological expertise required.” We've already seen what can go wrong with substandard vaccine manufacturing. In April, the Food and Drug Administration (FDA) inspected the Emergent BioSolutions factory in Baltimore and consequently shut down their production after concerning observations, which include:3 The factory was not maintained in a clean and sanitary condition. Waste handling was found to be inadequate because generated waste was transported through the warehouse before disposal, which can potentially contaminate other areas. Employees were seen dragging unsealed bags of medical waste from the manufacturing area across the warehouse. Peeling paint, paint flecks, loose particles/debris were observed. There were also damaged floors and rough surfaces that cannot be properly cleaned and sanitized. Employees were seen removing their protective garments where raw materials were staged for manufacturing. They reportedly spoiled about 15 million doses of the Johnson and Johnson COVID-19 vaccine, and more than 100 million doses are on hold as regulators inspect them for possible contamination.4 “Vaccines are complex biological products, much more complex than drugs, and need to be produced by manufacturers and in facilities with the highest quality control standards,” Moss says. “Adverse events associated with a poorly made or contaminated batch of vaccines would have a devastating impact on vaccine confidence.” Lack of Technology, Skills, and Raw Materials In a statement last October, Moderna announced that they will not enforce their COVID-19-related patents against those who will make vaccines during this pandemic.5 While waiving some vaccine patents may allow third-party manufacturers to make and sell COVID-19 vaccines, the transfer of skills and technology that will allow them to manage production isn't very simple. For instance, a spokesperson for Pfizer said that the Pfizer-BioNTech vaccine required 280 different components sourced from 86 suppliers across various countries. Manufacturing the vaccine would require highly specialized equipment and complex technology transfers.6 “Technology transfer also would need to be a critical component to expand vaccine manufacturing by other companies as an IP waiver is insufficient to provide the ‘know how’ needed to manufacture mRNA or adenovirus-vectored COVID-19 vaccines,” Moss says. “And supply chains for the reagents, supplies, and equipment would be needed.” Interested manufacturers would need to have the proper equipment to test the quality and consistency of their manufacturing. At present, the World Health Organization (WHO) has plans to facilitate the establishment of technology hubs to transfer "a comprehensive technology package and provide appropriate training" to manufacturers from lower- and middle-income countries.7 While waiving vaccine patents is necessary, it's likely not enough. Additionally, negotiations about it are still ongoing. Even though the U.S. supports the waiver of COVID-19 vaccine patents, other countries like the United Kingdom, Japan, and Germany oppose it.8 It's also important to remember that manufacturing vaccines is only one step of the process of vaccinating the global population—distributing it is yet another hurdle.

4] COVAX, the EU made a deal with the entirety of Africa

5] their second contention is about how developing countries and corporations from the entire world

#### IP reductions are insufficient vaccines are too difficult to reproduce Moderna proves

Silverman 3-15 Rachel Silverman 3-15-2021 "Waiving vaccine patents won’t help inoculate poorer nations" <https://www.washingtonpost.com/outlook/2021/03/15/vaccine-coronavirus-patents-waive-global-equity/> (Rachel Silverman is a policy fellow at the Center for Global Development)//Duong

Reality is more complicated, however. Because of the technical complexity of manufacturing coronavirus vaccines, waiving intellectual-property rights, by itself, would have little effect. It could even backfire, with companies using the move as an excuse to disengage from global access efforts. There are more effective ways to entice — and to pressure — companies to license and share their intellectual property and the associated know-how, without broadly nullifying patents. The Moderna vaccine illustrates the limits of freeing up intellectual property. Moderna announced in October that it would not enforce IP rights on its coronavirus vaccine — and yet it has taken no steps to share information about the vaccine’s design or manufacture, citing commercial interests in the underlying technology. Five months later, production of the Moderna vaccine remains entirely under the company’s direct control within its owned and contracted facilities. Notably, Moderna is also the only manufacturer of a U.S.- or British-approved vaccine not yet participating in Covax, a global-aid-funded effort (including a pledged $4 billion from the United States) to purchase vaccines for use in low- and middle-income countries. It is true, however, that activist pressure — including threats to infringe upon IP rights — can encourage originators to enter into voluntary licensing arrangements. So the global movement to liberate the vaccine patents may be useful, even if some advocates make exaggerated claims about the effects of waivers on their own. We focused on covid. Now our other patients are suffering. One reason patent waivers are unlikely to help much in this case is that vaccines are harder to make than ordinary drugs. Because most drugs are simple chemical compounds, and because the composition of the compounds is easily analyzable, competent chemists can usually reverse-engineer a production process with relative ease. When a drug patent expires, therefore — or is waived — generic companies can readily enter the market and produce competitive products, lowering prices dramatically. Vaccines, in contrast, are complex biological products. Observing their contents is insufficient to allow for imitation. Instead, to produce the vaccine, manufacturers need access to the developer’s “soft” IP — the proprietary recipe, cell lines, manufacturing processes and so forth. While some of this information is confidentially submitted to regulators and might theoretically be released in an extraordinary situation (though not without legal challenge), manufacturers are at an enormous disadvantage without the originator’s cooperation to help them set up their process and kick-start production. Even with the nonconsensual release of the soft IP held by the regulator, the process of trial and error would cause long delays in a best-case scenario. Most likely, the effort would end in expensive failure. Manufacturers also need certain raw ingredients and other materials, like glass vials and filtration equipment; overwhelming demand, paired with disruptive export restrictions, has constricted the global availability of some of these items.