## CP

#### Counterplan text: The United States ought to override the patents on Naloxone products as per the Public Citizen 18 card. Public citizen 18

Public Citizen [non-profit, progressive consumer rights advocacy group and think tank based in Washington, D.C], 18 - ("Trump Administration Should Use Rarely Invoked Authority to Expand Access to Opioid Overdose Antidote," 5-3-2018, accessed 10-4-2021, https://www.citizen.org/news/trump-administration-should-use-rarely-invoked-authority-to-expand-access-to-opioid-overdose-antidote-2/)//ML

Trump Administration Should Use Rarely Invoked Authority to Expand Access to Opioid Overdose Antidote¶ Public Citizen and Baltimore City Health Department Urge Administration to Take Away Monopoly, Help Communities Get More Naloxone¶ WASHINGTON, D.C. – Public Citizen and the Baltimore City Health Department today [called on the Trump administration](https://mkus3lurbh3lbztg254fzode-wpengine.netdna-ssl.com/sites/default/files/naloxone-product-government-use-request.pdf) – which has declared the opioid epidemic to be a public health emergency – to use a rarely invoked authority to lower the price of a critical opioid overdose antidote. This would ensure that community health programs across the nation get wider access to it, and in return provide millions of Americans with access.¶ “Government use authority” permits (PDF) the federal government to procure generic versions of on-patent medicines. Employing this authority could slash prices for naloxone, the opioid rescue therapy and enable far wider access. Naloxone is available from suppliers in India for as little as 15 cents a dose, meaning that a dose with the generic version of a patented delivery device could be priced dramatically below current U.S. levels.¶ Although naloxone is generic, Narcan is under patent until March 2035. This means that only one company – Adapt Pharma – can make it, which gives that corporation monopoly power. Similarly, Evzio, the naloxone auto-injector manufactured by Kaléo Pharmaceuticals and whose price spiked from $690 to $4,500 in 2017, is protected by patents until as late as July 2034. But the Trump administration has the power to [authorize (PDF)](https://mkus3lurbh3lbztg254fzode-wpengine.netdna-ssl.com/sites/default/files/about-naloxone-request.pdf) other manufacturers to make competing devices to deliver naloxone, even those that rely on patented technology.¶ The call for federal action came at a [press conference](https://www.citizen.org/media/press-releases/trump-administration-should-use-rarely-invoked-authority-expand-access-opioid-0) with Dr. Leana Wen, health commissioner of Baltimore; Robert Weissman, president of Public Citizen; Amy Collier, director of the Community Services Division for the Catholic Charities of Baltimore; Nathan Fields, a community health educator for the Baltimore City Health Department; and Perry Hopkins, an overdose survivor whose life was saved through a rapid administration of naloxone.¶ Under the premise that dispensing the opioid overdose antidote, naloxone – approved in 1971 – should be as easy as pulling a fire alarm, experts including the surgeon general have called for expanded access to the antidote for people struggling with addiction and those around them.¶ The city of Baltimore, which has been hit particularly hard by the opioid crisis, supplies a nasal spray form of naloxone known as Narcan to the public through education and outreach efforts, as well as through distribution by community groups. In 2015, Wen issued a standing order offering a blanket prescription for naloxone to all of Baltimore’s 620,000 residents. But with a two-pack of Narcan costing $75, the city cannot afford all it needs, so it has been forced to ration its supply.¶ In a [letter (PDF)](https://mkus3lurbh3lbztg254fzode-wpengine.netdna-ssl.com/sites/default/files/naloxone-product-government-use-request.pdf) sent today to White House adviser Kellyanne Conway, appointed to coordinate and lead the White House response to the opioid addiction epidemic, Baltimore City and Public Citizen called on the federal government to authorize the use of all patents necessary to allow for the production of generic naloxone and delivery systems.¶ Baltimore is the first city in the country to make this request, but all cities would benefit if the Trump administration were to heed it.¶ “Declaring the opioid addiction epidemic to be a public health emergency, as President Donald Trump has done, is a completely empty gesture unless it is accompanied by action. Employing existing government authority to procure generic versions of naloxone delivery devices wouldn’t cost the government anything and would enable massively expanded access to this lifesaving therapy,” Weissman said. ([Read his full statement.](https://www.citizen.org/media/press-releases/trump-administration-should-use-rarely-invoked-authority-expand-access-opioid-0#Weissman))¶ If the authority were granted, state and local authorities could act as agents of the federal government and buy generic versions of naloxone products directly from manufacturers. Or the Trump administration could buy generic versions of these products and supply them to local health and law enforcement programs, the city and Public Citizen said.

#### This solves the aff---Naloxone is key to fighting the opioid crisis

#### Wang and Kesselheim 1/1

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I. Introduction ¶ Naloxone — an essential opioid antagonist and over- dose reversal agent — is widely recognized as an essential piece of the public health response to the opioid crisis.1 In recent years, state legislatures have passed naloxone access laws2 that 1) “grant criminal or civil immunity to bystanders who possess or use illegal drugs ... [if] they administer naloxone or call an emergency responder”; and 2) let people obtain naloxone without a prescription through “standing orders, collaborative practice agreements, or pharma- cists’ prescriptive authority.”3 Since 2014, the federal government has, through the Substance Abuse and Mental Health Services Administration (SAMHSA), administered a Substance Prevention and Treatment Block Grant program allowing recipients to “purchase naloxone (Narcan) and the necessary materials to assemble overdose kits and to cover the costs associ- ated with the dissemination of such kits.”4 Community organizations5 and medical experts6 have similarly advocated for making naloxone more accessible to non-medical experts in the community. ¶ But efforts to expand access to naloxone have thus far only led to a modest increase in naloxone use.7 Increased demand for the drug has also driven up prices, putting pressure on organizations that provide access to the drug, including municipal governments,8 first responders,9 and private purchasers such as com- munity organizations. In recent years, there has been insufficient compe- tition in the production of the three FDA-approved formulations of naloxone.10 While the injectable form of naloxone was first approved in 1971 and has been available as a generic since 1985,11 only four manu- facturers produce generic naloxone.12 The two other forms of naloxone — Narcan, the nasal spray, and Evzio, the voice-guided auto-injector that instructs users on how to operate the device13 — are each pro- duced by a single manufacturer. This lack of competi- tion has contributed to price increases for the drug as the opioid crisis deepens. ¶ Limited access to naloxone will continue to be prob- lematic as the opioid crisis intensifies, with the intro- duction of cheaper and deadlier synthetic opioids like fentanyl.14 Fentanyl-induced overdoses can still be reversed through naloxone, but may require “a higher dose or multiple number of doses per overdose event ... due to the high potency of [fentanyl].”15 Fentanyl- related overdose deaths more than doubled from 2015 to 2016, and rose by 540% over the last three years.16 ¶ The urgent need for cheap, accessible naloxone is manifest because state governments and commu- nity organizations will continue to play an important role in expanding naloxone access. For example, in 2016, Massachusetts created a bulk-purchasing fund for its municipal police and fire departments to pur- chase naloxone,17 and passed comprehensive legisla- tion designed to combat the crisis.18 In the wake of these changes, the state called on the federal govern- ment to help make naloxone more accessible because it was having trouble meeting these goals in its state budget.19 ¶ In this context, the federal government could take a more active role in guaranteeing access to naloxone. This is consistent with the Trump Administration’s “5-Point Strategy” to combat the opioid epidemic, which identifies as one of its points “[t]argeting avail- ability and distribution of overdose-reversing drugs.”20 Further, the declaration of a public health emergency regarding the opioid crisis in 2017 could signal an opportunity to leverage the federal government’s procurement authority to negotiate lower prices for naloxone.21 ¶ As a first step, federal government should invoke its authority under the government use provision — 28 U.S.C. § 1498 — to address the high price of one nal- oxone administration device on the market: Evzio.22 Our proposal is similar to, but more limited than, a recent proposal submitted by Knowledge Ecology International, a nonprofit group engaged in “global public interest advocacy” around social justice and intellectual property policy,23 to the Trump Admin- istration, calling on the government to invoke § 1498 to “authorize third parties to manufacture and sell affordable versions” of both Narcan and Evzio.24 While the government use provision has not been invoked to reduce brand-name drug costs in recent decades, this proposal is consistent with past experience in which § 1498 was invoked to address high costs of necessary antibiotics for military uses in the 1960s,25 and was threatened to be invoked in 2001 to stockpile drug treatment in response to the anthrax threat.26

## Counterfeits DA

#### General link - Decreasing patents will increase counterfeit medicines

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As the author of the chapter on illicit trade in counterfeit medicines within the OECD report, I worry that global policymakers may be working against each other when it comes to battling counterfeit drugs, especially in the context of intellectual property rights. While the Senate Hearing and the OECD report highlight the importance of strong IP protection in combating the growing threat of counterfeit goods, their efforts coincide with an initiative by the UN Secretary-General that has the potential to greatly worsen the problems of counterfeit pharmaceuticals. UN Secretary General Ban Ki Moon’s High Level Panel on Access to Medicines proposes “to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies.”[2] The High Level Panel is a thinly veiled attempt to undermine the intellectual property rights architecture that incentivizes pharmaceutical innovation and protects patients from counterfeit medicines. While patents and other forms of intellectual property rights are widely recognized as fostering pharmaceutical innovation, they also serve to inhibit counterfeiting. The World Health Organization has determined that counterfeiting is facilitated where “there is weak drug regulatory control and enforcement; there is a scarcity and/or erratic supply of basic medicines; there are extended, relatively unregulated markets and distribution chains, both in developing and developed country systems; price differentials create an incentive for drug diversion within and between established channels; there is lack of effective intellectual property protection; due regard is not paid to quality assurance”.[3] [Kristina] According to INTERPOL estimates, approximately 30 percent of drugs sold worldwide are counterfeit.[4] However, as is the case with many other counterfeit trade statistics, the origins of this figure are somewhat uncertain, as is the methodology used to make the calculation. Perhaps the most widely-cited statistic originates from the World Health Organization, which estimates that 10 percent of the global market for pharmaceuticals is comprised of counterfeits and reports place the share in some developing countries as high as 50-70%.[5] While difficult to measure, estimates do exist on the extent of the market for counterfeit drugs and the harm done to human health. As noted in my chapter in the OECD report, “INTERPOL estimates that more than one million people die each year from counterfeit drugs.[6] While counterfeit drugs seem to primarily originate in Asia, Asian patients are also significantly victimized by the problem. A 2005 study published in PLoS Medicine estimate that 192,000 people are killed in China each year by counterfeit medicines.[7] According to work done by the International Policy Network, an estimated 700,000 deaths from malaria and tuberculosis are attributable to fake drugs. [8] The World Health Organization presents a much more modest number noting that malaria claims one million lives annually and as many as 200,000 may be attributed to counterfeit medicines which would be avoidable if the medicines available were effective, of good quality and used correctly.[9] Even this number is double that presented by academic researchers Amir Attaran and Roger Bate who claim that each year more than of 100,000 people around the world may die from substandard and counterfeit medications.[10]” [11] Given the devastating impact of counterfeit medicines on patients and the importance of intellectual property protection in combating pharmaceutical counterfeiting, it is troubling that the UN High Level Panel seems poised to prevent a series of recommendations that will undermine public health under the guise of enhancing access. Without the assurance of quality medicines, access is meaningless. Moreover, while falsely presenting intellectual property rights as the primary obstacle to global health care, the High Level Panel downplays a host of other factors that prevent developing country patients from getting the drugs they need: inadequate medical infrastructure, insufficient political will, a shortage of clinical trials in nations where neglected diseases are endemic, poverty, and insufficient market incentives. If the United Nations is serious about addressing the critical need for access to medicines, the Secretary General must come to terms with the reality surrounding the challenges of access to medicine. Although the international patent system may be in need of improvement, it is overly simplistic to blame drug patents, international trade agreements and the global pharmaceutical industry for the access problem. The problem is far more nuanced and complicated than portrayed by the High Level Panel. As the WHO, OECD and Senator Hatch recognize, intellectual property rights are part of the solution. To truly address the access problem, we must move beyond blaming IPRs and begin the difficult work of grappling with structural deficiencies and poverty.

#### US Attorney and DEA special agent warn against the extreme dangers of counterfeit prescription opioids, which are leading to an unprecedented increase in overdose deaths

Fulgham, C. (2021). Acting U.S. Attorney Addresses Increasing Danger of Counterfeit Prescription Opioids. https://www.justice.gov/usao-id/pr/acting-us-attorney-addresses-increasing-danger-counterfeit-prescription-opioids-0

Illicitly Manufactured Pills Sold as Oxycodone Can Lead to Overdose and Death BOISE – Acting U.S. Attorney Rafael M. Gonzalez, Jr. and Drug Enforcement Administration (DEA) Special Agent in Charge Frank Tarentino today highlighted the danger that counterfeit prescription pills pose to our community. Opioid and prescription drug abuse is at an all-time high. In 2019, 70,630 drug overdose deaths occurred in the United States and more than 70 percent of those deaths involved an opioid. Historically, the opioid epidemic began with a rapid increase in the prescribing of opioids starting in the 1990s. It continued when those addicted to opioids began to use heroin because it was cheaper and more readily available. Now, the most recent part of this epidemic is the increase in availability of counterfeit pills. Counterfeit pills are illicitly manufactured in clandestine labs, mostly using fentanyl as the active ingredient, and are made to look like legitimate prescription opioids commonly prescribed to alleviate pain or anxiety. These counterfeit pills are then illegally sold by street drug dealers as Oxycodone, Xanax, Percocet, or other similar drugs. Counterfeit pills are also being sold over the internet and delivered by mail. These counterfeit pills have led to increased overdoses and deaths across the country but particularly here in the Western region of the United States where there was a 67 percent increase in such death rates from 2018 to 2019. It is important to note that there is no concern of counterfeit pills entering the legitimate prescription supply chain. “Prescription opioid abuse has already taken a devastating toll on our community,” said Acting U.S. Attorney Gonzalez. “But we have also seen a terrifying rise in the prevalence of counterfeit prescription pills being sold on the street and online. The public must be aware that while these pills may look like prescription drugs, they likely contain the powerful synthetic opioid fentanyl.” He went on to emphasize that, “a lethal dosage of fentanyl is just two milligrams, equivalent in size to a few grains of salt, as compared to a lethal dose of heroin at 30 milligrams, and that’s why communities everywhere have tragically experienced more fatal overdoses. That pill you bought off the street could be the last one you ever take.” Counterfeit pills are incredibly dangerous because these imitation pills often look exactly like prescription Oxycodone in size, shape, color, and markings. In other words, there is no way to tell whether a pill purchased illicitly on the internet or the street is actually Oxycodone or a more powerful drug. The picture below on the left is an image of a legitimate Oxycodone pill. The picture on the right is an image of counterfeit Oxycodone pills.

## Neolib K

#### The Aff’s portrayal of a world with reduced IP protections as an “information commons” where opioid deaths are solved by deregulation perpetuates the neoliberal myth of increased competition ensuring a perfect market **Kapczynski 14** [(Amy, a Professor of Law at Yale Law School, Faculty Co-Director of the Global Health Justice Partnership, and Faculty Co-Director of the Collaboration for Research Integrity and Transparency. She is also Faculty Co-Director of the Law and Political Economy Project and cofounder of the Law and Political Economy blog. Her areas of research include information policy, intellectual property law, international law, and global health.) “INTELLECTUAL PROPERTY’S LEVIATHAN” Duke Law, Law & Contemporary problems, 2014. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4710&context=lcp>] BC

Over the last decade or so, a powerful set of critiques has emerged to contest the dominant account just sketched out as well as the contemporary state of IP law.12 These arguments have come from many directions, some even arising from scholars who previously were champions of the dominant account.13 The most prominent and potent line of theoretical critique in the legal literature has come in the guise of arguments for free culture and the “information commons” and has been most influentially articulated by Lawrence Lessig and Yochai Benkler.14 Both have stressed the problems with expansive exclusive rights regimes in information and have also sketched a set of actually existing alternatives to market-based exclusionary forms of information and cultural production. Lessig has written a series of influential books that have made him a “rock star of the information age,”15 particularly for young Internet and free-culture activists. He has argued powerfully, for example, that existing copyright law is in deep conflict with the radical new possibilities for creativity in the digital age. As he points out, when a mother posting a video of her toddler dancing to a Prince song on YouTube is threatened with a $150,000 fine for copyright infringement, something has gone seriously awry.16 Lessig also contends that copyright law today is too long, too expansive, and instantiates a “permission culture” that is antithetical to free expression in the age of the remix.17 As he puts it, “the Internet has unleashed an extraordinary possibility for many to participate in the process of building and cultivating a culture that reaches far beyond local boundaries,” creating the possibility of markets that “include a much wider and more diverse range of creators,” if not stifled by incumbents who use IP law to “protect themselves against this competition.”18 Benkler’s work has also been extraordinarily formative in the field, particularly for his insights into the multiplicity of modes of information production. As he has stressed, the conventional justification for IP does not account for the many successful and longstanding modes of market nonexclusionary information production.19 For example, attorneys write articles to attract clients, software developers sell services customizing free and opensource software for individual clients, and bands give music away for free to increase revenues from touring or merchandise.20 More pathbreaking still is Benkler’s account of the importance of “commons-based peer production,” a form of socially motivated and cooperative production exemplified by the volunteer network that maintains Wikipedia or the groups of coders who create open-source software products such as the Linux operating system.21 In the digital networked age, as Benkler describes, the tools of information production are very broadly distributed, “creating new opportunities for how we make and exchange information, knowledge, and culture.”22 These changes have increased the relative role in our information economy of nonproprietary production and facilitate “new forms of production [that] are based neither in the state nor in the market.”23 Because commons-based peer production is not hierarchically organized and is motivated by social dynamics and concerns, it also offers new possibilities for human development, human freedom, a more critical approach to culture, and more democratic forms of political participation.24 This line of critique has been profoundly generative and has helped launch an important new conceptualization of the commons as a paradigm. That paradigm, as a recent book puts it, “helps us ‘get outside’ of the dominant discourse of the market economy and helps us represent different, more wholesome ways of being.”25 Proponents of the commons concept draw upon contemporary articulations of successful commons-based resource management by Elinor Ostrom and her followers.26 They do mobilize retellings of the political and economic history of the commons in land in Europe before enclosure,27 and recent evidence from psychology and behavioral economics that suggests that humans have deep tendencies toward cooperation and reciprocation.28 They argue that A key revelation of the commons way of thinking is that we humans are not in fact isolated, atomistic individuals. We are not amoebas with no human agency except hedonistic “utility preferences” expressed in the marketplace. No: We are commoners—creative, distinctive individuals inscribed within larger wholes. We may have unattractive human traits fueled by individual fears and ego, but we are also creatures entirely capable of self-organization and cooperation; with a concern for fairness and social justice; and willing to make sacrifices for the larger good and future generations.29 This stands, of course, as a powerful rebuke to the neoliberal imaginary, which “constructs and interpellates individuals as . . . rational, calculating creatures whose moral autonomy is measured by their capacity for ‘self-care’— the ability to provide for their own needs and service their own ambitions.”30 III Given this radical—and, in my view, critically important—attempt to rethink the subject at the core of neoliberal accounts, it is all the more striking that proponents of the commons often appear to adopt a neoliberal image of the state. For example, the introduction to a recently edited volume that gathers writings on the commons from seventy-three authors in thirty countries (entitled, tellingly, The Wealth of the Commons: A World Beyond Market and State) has this to say: The presumption that the state can and will intervene to represent the interests of citizens is no longer credible. Unable to govern for the long term, captured by commercial interests and hobbled by stodgy bureaucratic structures in an age of nimble electronic networks, the state is arguably incapable of meeting the needs of citizens as a whole.31 The commons, they suggest, is a concept that seeks not only to liberate us from predatory and dysfunctional markets, but also from predatory and dysfunctional states. Something immediately seems incongruous here. If people are inherently cooperative reciprocators, why are states irredeemably corrupt? After all, as Harold Demsetz famously wrote in his 1967 attack on Arrow’s optimism about state production of information, “[g]overnment is a group of people.”32 Lessig, one of the progenitors of the language of the commons in the informational domain, often leads with a similar view of the state: [I]f the twentieth century taught us one lesson, it is the dominance of private over state ordering. Markets work better than Tammany Hall in deciding who should get what, when. Or as Nobel Prize-winning economist Ronald Coase put it, whatever problems there are with the market, the problems with government are more profound.33 Lessig reveals his own sense of the power of this conception of the state when he seeks to tar IP law with the same brush; we should rebel against current IP law, he suggests, because we should “limit the government’s role in choosing the future of creativity.”34 Benkler is more measured but admits as well to viewing the state as “a relatively suspect actor.”35 We should worry, he suggests, that direct governmental intervention “leads to centralization in the hands of government agencies and powerful political lobbies,”36 a view that echoes the neoliberal account described above. It should perhaps not surprise us that leading critics of neoliberal information policy embrace a neoliberal conception of the state. After all, neoliberalism is not merely an ideology, but also a set of policy prescriptions that may have helped to call forth the state that it has described. As David Harvey puts it, “[t]he neoliberal fear that special-interest groups would pervert and subvert the state is nowhere better realized than in Washington, where armies of corporate lobbyists . . . effectively dictate legislation to match their special interests.”37 There are, it must be said, few areas of law that better exemplify this problem than IP law. For example, Jessica Litman has documented the astonishing process through which the 1976 Copyright Act was drafted, in which Congress delegated most of the drafting to interest groups that were forced to negotiate with one another.38 Other scholars have offered similarly startling accounts of the genesis of the most important IP treaty today, the TradeRelated Aspects of Intellectual Property Rights (TRIPS) Agreement. TRIPS came into force in 1996, revolutionizing international IP law by both imposing new standards and by rendering them enforceable through the WTO’s disputeresolution system, which authorizes trade retaliation to enforce its judgments. Most countries in the world are members of TRIPS, and the Agreement introduced, for developing countries in particular, substantial new obligations, such as the obligation to grant patents on medicines and food-related inventions. Several excellent histories of the treaty have been written, documenting its beginnings as a brash idea proposed by “twelve chief executive officers (representing pharmaceutical, entertainment, and software industries).”39 As Susan Sell has described, the TRIPS Agreement was a triumph of industry organizing. Through TRIPS, Industry revealed its power to identify and define a trade problem, devise a solution, and reduce it to a concrete proposal that could be sold to governments. These private sector actors succeeded in getting most of what they wanted from a global IP agreement, which now has the status of public international law.

#### Attempts to reform the WTO are neoliberal attempts to sustain the US regime of accumulation – the contradictions of neoliberalism are why credibility is low, not IP protection

Bachand 20 [(Remi, Professor of International Law, Département des sciences juridiques, member of the Centre d’études sur le droit international et la mondialisation (CÉDIM), Université du Québec à Montréal, Canada) “What’s Behind the WTO Crisis? A Marxist Analysis” The European Journal of International Law, 8/12/2020. https://academic.oup.com/ejil/article-abstract/31/3/857/5920920?redirectedFrom=fulltext] BC

To offer our own explanation, we must recall two aspects of our theoretical framework. The first is Robert Cox’s claim113 that the function of international organizations is to ensure the creation and reproduction of hegemony. To be more accurate, they serve, if we follow his argument, to defend and to expand the ‘mode of production’ (we elected to substitute this term for the concept of ‘regime of accumulation’ that appears to be more appropriate for our means) of the dominant social classes of the dominant state. Joining this idea with the école de la régulation and social structure of accumulation theory writing114 according to which a regime of accumulation needs some regulation institutions to help resolve its contradictions (and ensure profits and capital accumulation to dominant social classes), we can conclude that the Geneva organization’s function in the US hegemonic order is to make sure that neoliberalism works well enough to provide a satisfying rate of profit for US capitalists. Going in that direction, Kristen Hopewell shows that the WTO’s creation participated in a shift in global governance from ‘embedded liberalism’ to neoliberalism115 and was slated to be an important part of that governance. Using the conceptual framework developed earlier, we can infer that the WTO was thus given a regulation function that was to ensure the operationalization of counteracting factors to the fall of the rate of profit for US capitalists. Now, as we have seen, the US rate of profit has been extremely unstable in the last two decades and Chinese expansion (and that of other ‘emerging countries’) allows one to predict that the situation could easily worsen in the future. Consequently, it should come as no surprise that the crisis that has been striking neoliberalism for the last 20 years may also result in a crisis of the organizations that are supposed to manage its contradictions, especially the WTO. Concretely, this organization seems unable to fulfil its regulatory function anymore, which is to ensure US capitalists a good rate of profit and opportunities to operationalize enough counteracting factors to negate its fall. To go further, we now need to return to Stephen Gill’s claim that the function of an international organization is to limit political and economic possibilities. It is to exclude, in other words, options that are incompatible with the social order promoted by the hegemon from what is possible and achievable.116 Effectively, the WTO was created to play such a role. Indeed, promoting liberalization of goods and services, protecting (notably intellectual) property rights and attacking subsidies (in non-agriculture sectors), just to give a few examples, all serve to severely reduce state interventions into the economy and to circumscribe or at least to strongly impede the turn towards an alternative model to neoliberalism

#### Neoliberalism rips apart communal bonds to maintain the illusion that structural inequalities are individual problems – the impact is systemic victim-blaming, poverty, and violence.

Smith 12 [(Candace, author for Societpages, cites Bruno Amable, Associate Professor of Economics at Paris School of Economics) “Neoliberalism and Individualism: Ego Leads to Interpersonal Violence?” Sociology Lens is the associated site for Sociology Compass, Wiley-Blackwell’s review journal on all fields sociological] AT

There appears to be a link between neoliberalism, individualism, and violence. In reference to the association between neoliberalism and individualism, consider neoliberalism’s insistence that we do not need society since we are all solely responsible for our personal well-being (Peters 2001; Brown 2003). From a criminological standpoint, it is not hard to understand how this focus on the individual can lead to violence. According to Hirschi’s (1969) social control theory, for instance, broken or weak social bonds free a person to engage in deviancy. Since, according to this theory, individuals are naturally self-interested, they can use the opportunity of individualization to overcome the restraining powers of society. Bearing in mind neoliberalism’s tendency to value the individual over society, it could be argued that this ideology is hazardous as it acts to tear apart important social bonds and to thereby contribute to the occurrence of ego-driven crimes, including violent interpersonal crimes. Such a thought suggests that as neoliberalism becomes more prominent in a country, it can be expected that individualism and, as a result, interpersonal violence within that country will increase. When it comes to individualization, this idea is one of the fundamental aspects of neoliberalism. In fact, Bauman (2000:34) argues that in neoliberal states “individualization is a fate, not a choice.” As Amable (2011) explains, neoliberals have realized that in order for their ideology to be successful, a state’s populace must internalize the belief that individuals are only to be rewarded based on their personal effort. With such an ego-driven focus, Scharff (2011) explains that the process of individualization engenders a climate where structural inequalities are converted into individual problems.

#### The alt is to reject the aff in favor of a critique that cultivates educated hope - evaluate the aff and alt on the level of ideological commitments – these policies won’t happen which takes out consequentialism good offense – BUT until we unlearn the assumption that getting government out of the way will let markets flourish and solve all our problems, we'll never be able to engage in robust, communitarian policymaking that truly centers human need and our obligations to others. Wilson 17:

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New Stories for New Worlds As we will see in our mapping of the neoliberal conjuncture, competition's totalizing yet tenuous power over our everyday lives is rooted in what Keating calls “status quo stories”—those stories that get told in popular culture, and that we often tell ourselves, which cement our relationship to our present conjuncture and our investment in the world as we currently know it. She explains: Generally spoken with great certainty, these and similar comments (commands, really) reflect unthinking affirmation of the existing reality and a stubborn, equally unthinking resistance to change. Because we believe that our status-quo stories represent accurate factual statements about ourselves, other people, and the world, we view them as permanent, unchanging facts. This belief in the status-quo's permanence becomes self-fulfilling: We do not try to make change because change is impossible to make. “It's always been that way,” we tell ourselves, “so why waste our energy trying to change things?” “People are just like that-it's human nature, so plan accordingly and alter your expectations! There's no point in trying to change human nature!" Status-quo stories trap us in our current circumstances and conditions; they limit our imaginations because they prevent us from envisioning alternate possibilities.10 Status-quo stories double down on reality, making it seem like those socially constructed forces impinging on us are natural rather than historical, political, and subject to change. “Status-quo stories have a numbing effect,” Keating writes. “When we organize our lives around such stories or in other ways use them as ethical roadmaps or guides, they prevent us from extending our imaginations and exploring additional possibilities."11 One of my students aptly described neoliberal culture as a “status-quo storytelling machine.” To keep us living in competition, neoliberalism generates a host of status-quo stories about the naturalness and inevitability of self-enclosed individualism. Indeed, we might say that self-enclosed individualism operates as the foundational status quo story of neoliberal culture, where competition has become synonymous with all of life. Self-enclosed individualism keeps us not only divided from one another, but also actively pitted against each other. We are stuck in an oppositional consciousness that refuses to acknowledge our social interconnections, even though, as our shared anxieties suggest, we've never had more in common than right now! No matter where we are or what we're doing, neoliberal culture encourages us to see each other through a competitive lens that makes the transformation of our social world, and ourselves, impossible. We become incapable of acknowledging how our fortunes and fates are entwined with those of others who are living very different realities. We become callous and hardened to the suffering of others. We see suffering and death everywhere, and while this might register as bad or wrong or upsetting, we nonetheless stay stuck within the horizons of our own self-enclosed bubbles. The devastating powers of status-quo stories are clear in so many of the conversations we have on college campuses about power, privilege, and difference. In fact, I started teaching courses on neoliberal culture to help my students understand the broader histories and contexts that were impinging on these conversations and making them so fraught, and ultimately so unproductive. Time and time again, in open community forums and classroom discussions of systemic inequalities, I watched students voice painful personal experiences only to get nowhere. Indeed, when asked to consider various forms of privilege, many of my white, male students get defensive. The idea that they haven't earned their place through their own decisions and hard work, but rather benefited from inherited wealth and opportunity, means that they are not good people from the perspective of neoliberalism. Talking about issues of privilege threatens to diminish their sense of self and individual value, so they recoil from conversations that ask them to see their place within broader legacies of settler colonialism, patriarchy, and capitalism. Accordingly, they hold on tight to status-quo stories of self-enclosed individualism to protect themselves, doubling down on their privilege to secure their status in a competitive world. However, it is important to see that status-quo stories of self- enclosed individualism also inform my students from historically oppressed and marginalized groups. These students suffer daily: they live in an environment that professes to celebrate “diversity,” while, in the context of their own lives, they are reminded again and again just how much they don't belong or matter. Not surprisingly, they demand “safe spaces” and protection for themselves and their peers, and they often draw hard lines between allies and enemies. Here too though, we see neoliberal stories at work. What matters for my students, and rightly so, is the way that “microaggressions”—those daily, mundane experiences of discrimination that accumulate over time-diminish their own capacities for flourishing as self-enclosed individuals. My point here is not to suggest that privileged students and marginalized students are the same because they are both invested in a version of self-enclosed individualism. Rather, my point is they share a situation; despite their different and unequal social positions, they have similar feelings-of defensiveness and a fear of failure—and status-quo stories in common. These commonalities do not imply evenness or equality, but rather interconnection, that is, a shared conjuncture. It is the recognition of this conjunctural interconnection that can thread our lives together and open up possibilities for more egalitarian futures. However, living in competition and the oppositional consciousness it demands obscure these commonalities and the interconnections that could bring students into new relations with one another. As a result, we stay caught up in the world as we know it. We stay stuck in competition, even though we all are yearning for different worlds. We desperately need new stories, stories that offer us different pathways to each other. As Keating puts it, we need stories that help us move from “me” to “we” consciousness.12 However, this book is not going to write these new stories for you. Rather, the goal of this book is to provide you with the resources for writing these new stories in and through your own lives. The Work of Critique Ultimately, writing new stories will require a new sense of yourself and your world, as well as what is possible, and realizing this new sense will require, first and foremost, cultivating a deeply critical orientation toward the world as we currently know and experience it. This critical orientation dislodges the sense of inevitability of neoliberalism, self-enclosed individualism, and living in competition; it knows that things don't have to be this way and, thus, senses the possibilities for resistance and transformation that are everywhere. It is so crucial to understand that this critical orientation is not simply about saying that aspects of neoliberal culture are “bad” or "wrong.” Rather, the work of critique is about seeing the flows of power and ways of thinking that make the neoliberal conjuncture possible and hold it together. Critique is therefore a mode of knowing—a form of everyday intellectual work—that is aimed at exposing the myriad workings of power and its status-quo stories. As Michel Foucault explains, “A critique is not a matter of saying that things are not right as they are. It is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest.”13 To clarify Foucault's idea, let's think back to the student discussions of power and privilege discussed above. The work of critique is not simply about pointing out privilege, although this is, of course, vital work. The work of critique goes beyond pointing out what's wrong and seeks to unravel the socially constructed conjuncture in which these problems emerge and get negotiated. For only then can we step outside of the competitive, oppositional consciousness of neoliberal culture and begin to imagine a radically different future built on equality and shared security. This work of dislodging the inevitability of our conjuncture and its status-quo stories is hard but vital intellectual work that requires not only critique of our social world, but also transformation of ourselves. Indeed, truly critical work is always profoundly disruptive of our own identities and knowledges. This work can be immensely painful, as it strips away the certainty and comfort provided by status-quo stories. This work can also be, and should be, immensely joyful and life-giving, as it enables us to free ourselves from the status-quo stories and devastating limitations they put on our lives, imaginations, and social relationships. This mix of pain and joy at the heart of critical work comes from the way that critique asks us to “lose confidence” in our world. As feminist theorist Sara Ahmed writes, Losing confidence: it can be a feeling of something gradually going away from you, being eroded. You sense the erosion. You might stumble, hesitate, falter; things might gradually unravel so you end up holding onto the barest of threads. It might be an experience in the present that throws things up, throws you off balance.... When you lose confidence it can feel like you are losing yourself: like you have gone into hiding from yourself.4 Losing confidence in your world is thus a form of existential crisis —you are disoriented; your world is shattered. At the same time, losing confidence in status-quo stories means gaining confidence for resistance and transformation. We become bolder, less anxious, more optimistic, capable of social interconnection, political intervention, and acting on and from a place of commonality. This is real freedom. Critique is ultimately about unlearning our world so that we might reconstruct it anew. Losing confidence in neoliberal culture means being able to say no to it in the conduct of our daily lives. In these capacities for resistance, we gain confidence that another world might actually be better, worth opening ourselves up to, worth fighting for. We begin to cultivate what Henry Giroux calls educated hope. Educated hope is not “a romanticized and empty” version of hope; rather, it is a form of hope enabled by critique that “taps into our deepest experiences and longing for a life of dignity with others, a life in which it becomes possible to imagine a future that does not mimic the present.” With educated hope, our sense of who we are and of what might be possible shifts in profound ways. This is when those new worlds we are longing for open up. What’s to Come Each of the chapters that follow offer a variety of intellectual tools for mapping the neoliberal conjuncture. Taken together, they are designed to produce a holistic and thick understanding of neoliberalism and its myriad powers to shape our identities, sensibilities, social worlds, and political horizons. Having a thick understanding of neoliberalism means that you feel in your bones that there is nothing natural or inevitable about neoliberalism and its status-quo stories. It means that you understand that neoliberalism is the outcome of a range of contingent historical processes that have consequences across social, political, economic, and cultural fields. In other words, by the end of our journey, you'll know how our neoliberal conjuncture has been, and continues to be, constructed. You'll also, therefore, be able to sense the other worlds on the horizon that are just waiting to be constructed, so long as, together, we can develop the resources, capacities, and stories of interconnection for bringing them into being. More specifically, the book is divided into two sections. The first section, titled “Critical Foundations,” focuses on cultivating a broad, critical orientation toward neoliberal culture. The first chapter charts the rise of neoliberal hegemony through four historical phases. The goal is to illustrate exactly how competition came to be the driving cultural force in our everyday lives. As we will see, there is nothing natural or inevitable about neoliberalism. It was a political and class-based project to remake capitalism and liberal democracy that was conceived, organized for, and eventually won. In the second chapter, we delve into the world of neoliberal theory and its critical consequences. Here we'll explore exactly what neoliberal thinkers believe about the state, markets, and human actors, and what distinguishes neoliberalism from earlier schools of liberal thought. We'll also interrogate what I call the four Ds—disposability, dispossession, disimagination, and de- democratization—which, taken together, enable us to clearly see and articulate what is so devastating about the rise of neoliberalism. The third chapter examines the cultural powers specific to neoliberalism. Neoliberalism advances through culture, specifically through the promotion of an enterprise culture that works to impose competition as a norm across all arenas of social life. In order to see and specify how neoliberalism works through culture, we take contemporary education as a case study and unpack the entangled cultural powers of neoliberal governmentality, affect, and ideology. The second section is titled “Neoliberal Culture.” In these chapters, we explore the worlds of neoliberal labor, affect, and politics respectively, tracing what happens when our everyday lives as workers, individuals, and citizens become organized around living in competition. The fourth chapter examines how neoliberalism turns everyday life into a “hustle,” where all the contexts of daily life become animated by the demands of neoliberal labor. At stake here are the ways in which we are all hustling to get by, yet we stay radically divided from one another along lines of gender, race, and class thanks to the norm of self- enterprise. The next chapter hones in on what it feels like to inhabit enterprise culture by exploring neoliberal affect and the care of the self. As we already know, living in competition breeds widespread anxiety, not to mention depression and illness, making self-care an ongoing, pressing problem of everyday life. While neoliberal culture offers us plenty of tools for self-care that ultimately keep us stuck in our self-enclosed individualism, this chapter also considers how self-care might be a site for resistance and political intervention. The final chapter focuses on neoliberal politics, tracing what happens to citizenship and social action in our contemporary conjuncture. As we'll see, neoliberalism privatizes our political horizons by remaking democracy into a market competition for visibility and equality. Throughout this mapping of the neoliberal conjuncture, we will engage in a mode of critical work that will, hopefully, enable you to unlearn neoliberalism and thus begin to write new stories about our conjuncture—including both our commonalities and differences—and the alternative worlds we are yearning for. Indeed, our critical work will only matter to the extent that it opens up our individual and collective horizons to a future beyond living in competition.

## Case

#### The world is not suffering from a shortage of independently produced opioids – fentanyl is flooding every market for opioids and almost all recreational heroin now contains fatal doses in just a few milligrams – the aff

#### a) decreases regulation of opioids, meaning that those independent producers who use fentanyl or heroin because it’s cheaper than other opiates will NOT have their products’ strength either flagged or accurately reported by the quality control measures that firms like Purdue have been forced to impose

#### b) incentivizes the addition of MORE addictive substances because, with more market competition from generics and more opportunities for addicts and soon-to-be addicts to get their hands on opioids and opiates, it becomes hugely profitable for a given producer to provide a bigger hit than everybody else. That same principle led to Oxycontin’s success over Vicodin and Percocet – now imagine the damaging impact of more producers competing to serve a greater audience of people more addicted than they were twenty years ago, WITH MORE ACCESS TO AND LESS REGULATION OF MORE ADDICTIVE SUBSTANCES. The aff’s plan is basically “member nations of the world trade organization ought to supercharge the opioid crisis.”

There will be an increase in nonaddictive drugs in the squo. Marlborough reads blue

Hemel & Ouellette 20[Daniel J Hemel, Assistant professor of law and Ronald H.Coase Research scholar@ university of Chicago law school. Lisa Larrimore Ouellette, Associate professor of law and Justin M. January-June 2020, “Innovation institutions and the opioid crisis” Journal of Law and the Biosciences, Volume 7, Issue 1, <https://doi.org/10.1093/jlb/lsaa001> ww

Conventionally, innovation scholars have focused on patent law as the main policy tool to increase production of new knowledge goods.226 Patents, at least in theory, leverage private information from market actors about the value and viability of potential projects and provide strong incentives for investments in promising ideas.227 But as emphasized in Section ll.B, these same features of the patent system encouraged the development and commercialization of prescription opioids. Given the patent system's pro-pharmaceutical skew-and, in particular, its bias toward addictive goods-one natural response might be to write all patents as a potential solution to a problem that, in many respects, is a product of too many pills.¶ We think that would be a mistake. As awareness grows among physicians and patients about the addiction risk associated with prescription opioids, demand for nonaddictive pain treatments will increase too. The patent system will generate strong financial incentives for pharmaceutical and biotech firms to invest in the development of non-opioid painlkillers,228 abuse-resistant opioids,'229 drugs that can be used to 230 and easier delivery methods for the overdose antidote naloxone.23' treat addiction, (Indeed, many firms already have.232) There is, to be sure, something unseemly about the very firms that fueled the spread of prescription opioids also profiting from the problem they helped create. Many Americans were thus understandably outraged to learn that Purdue Pharma has filed for a patent on a drug that could 'help wean addicts from opioids,' given that Purdue had helped to hook some of those same people on opioids in the first place.233 It would be an even crueler irony, though, if the patent system failed to reward investments in innovations that could bring the opioid epidemic under control and thereby encouraged the proliferation of prescription opioids but not the development of solutions to addiction.¶ Of course, these powerful patent incentives still may be subject to the same distortions described in Part 11. Patents also skew research toward treatments that require repeated use-and thus generate steady streams of revenue-rather than preventatives which are effective after a single administration.7"l'4 Patent law may therefore be more helpful, for example, in encouraging the development of nonaddictive painkillers than in the development of anti-addiction vaccines.235 Patent law likewise will do little to facilitate research and development directed at ideas that are difficult for a single firm to commodify—for example, reducing the default number of pills per prescription,236 informing doctors when their patients overdose,237 or encouraging the use of alternative pain treatments such as physical or behavioral therapy.238 Patents are also ineffective incentives for non-pharmaceutical addiction recovery tools such as mobile phone reminders that track the number of days that a patient has remained substance-free,239 for creative ideas like using reverse motion detectors in clinic bathrooms (ie devices that detect lack of motion) to prevent fatal overdoses,240 and for research on the comparative value of supervised drug use clinics241 or different drug court protocols or streamlined ER-to-outpatient transfers for preventing relapse.242¶ Episodes such as Indivior’s effort to undermine the tablet form of Suboxone243 highlight the need to consider broad changes to patent law and its interactions with FDA regulatory law, antitrust law, tort law, and other institutions that might cabin its pathologies.244 These changes, however, may take years to formulate and implement. In the meantime, the opioid epidemic’s daily death toll reminds us of ‘the fierce urgency of now.’245 While patents may play a role in promoting the development and commercialization of opioid alternatives, antidotes, and addiction treatments, we think it is clear enough that America will not patent its way out of the opioid crisis. Policymakers will need to look elsewhere for solutions.

#### 2) Opioid abuse isn’t in a vacuum – there’s legitimate pain that won’t go away in the world of the aff, so people will seek other ways, whether that be alcohol or meth, to soothe that pain

#### a) Appalachia’s problems go beyond access to opioids to the untreated health issues that are causing opioid abuse

Eric Eyre 20, winner of the 2017 Pulitzer Prize, investigative reporter at the the Charleston Gazette-Mail. *Death in Mud Lick*, pub. 2020, ISBN 978-1-9821-0531-0

Purdue Pharma quickly figured out Appalachia was a ripe market for the drug. The region had a history of heavy painkiller use. Its workers mined coal, operated heavy machinery, putting them more at risk for accidents and injury. There was also isolation, poverty, despair. The little round pill could fix just about anything.

#### b) Alt cause – some opioids are legitimately prescribed for on-the-job injuries but inevitably turn into addiction because the pain from those injuries is so constant

Steps Recovery Centers - Substance Abuse and Mental Health Treatment, xx - ("What Caused the Opioid Crisis?," xx-xx-xxxx, <https://www.stepsrc.com/what-caused-the-opioid->crisis/)//va

However, when it comes to opioid use, people who work in construction and mining seem to have the greatest risk. In one study, researchers analyzed data from more than 293,000 adults from the National Survey on Drug Use and Health. They found that people who worked in construction trades and extraction were most prone to misusing opioids–about 3.4 percent, compared to about 2 percent of other workers. There are a number of reasons for this. Perhaps most importantly, these jobs are physically demanding and workers often have to work despite pain ranging from soreness to moderately severe injuries. What’s more, these jobs are often in unsafe and unpredictable conditions, adding to the daily stress. Often, people who work in these industries travel for work and spend weeks at a time, away from family and friends, adding loneliness to the hazards of the job. Workers may take opioids with or without a prescription to cope with these difficulties. Often, opioids are a quick fix to keep a worker on the job in remote areas. Mining and timbering are especially common jobs in West Virginia, the state that always leads the US in fatal opioid overdoses.

1. Insurance companies don’t cover anything else – the aff can’t solve

Macy 2018 *Dopesick*, ISBN 978-0-316-55124-3

Compared to the New Zealand hospitals where Davis worked earlier in his career – often prescribing physical therapy, anti-inflammatories, biofeedback, or acupuncture as a first-line measure – American insurance companies in the age of managed care were more likely to cover opioid pills, which were not only cheaper but also constituted a much quicker fix.