# Meadows R3 NC

### 1 – DA

**COVID vaccine debate will kill the WTO, but the aff reverses that instability.**

**Meyer 6-18-21** (David, Senior Writer, https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/)

The World Trade Organization **knows all about crises**. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the **fairness of the global trade rulebook**. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, **one crisis is more pressing than the others**: **the battle over COVID-19 vaccines**, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—**the WTO's future rests on what happens next.** "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an **unprecedented and seismic event**. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think **it could be the final nail in the coffin**" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being **part of the solution**—saving lives and livelihoods—it could **create** **goodwill and momentum to address what are still daunting structural problems**." Those problems are legion. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "But," she adds, "**the will and the good faith** to tackle these challenges is **increased enormously** if the WTO has the **experience of being part of the solution, not just an obstacle."** Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must **demonstrate that global trade rules can help address the human catastrophe** of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line." A spokesperson for the WTO Secretariat declined to offer comment on Mlumbi-Peter and Wallach's suggestions that the organization's credibility rests on the vaccine patent waiver issue, but pointed to a May speech in which Okonjo-Iweala said the WTO could help tackle vaccine supply chain monitoring and transparency, helping manufacturers scale up production, and creating a more geographically diversified manufacturing base. In her speech, the WTO chief also said members "must address issues related to technology transfer, knowhow and intellectual property," including the waiver proposal. "We must act now to get all our ambassadors to the table to negotiate a text," she said.

#### WTO collapse solves extinction

Hilary 15 John Hilary 2015 “Want to know how to really tackle climate change? Pull the plug on the World Trade Organisation” <http://www.independent.co.uk/voices/want-to-know-how-to-really-tackle-climate-change-pull-the-plug-on-the-world-trade-organisation-a6774391.html> (Executive Director, War on Want)//Elmer

Yet this grandiose plan soon fell victim to its own ambition. The WTO’s first summit after the launch of the Doha Round collapsed in acrimonious failure. The next was marked by pitched battles in the streets of Hong Kong as riot police fought Asian farmers desperately trying to save their livelihoods from the WTO’s free trade agenda. The WTO slipped into a coma. Government ministers must decide this week whether to turn off its life support. The answer is surely yes. It was the WTO’s poisonous cocktail of trade expansion and market deregulation that led to the economic crisis of 2008. Years of export-led growth resulted in a crisis of overproduction that could only be sustained with mountains of debt. The parallel deregulation of financial services meant that this debt soon turned out to be toxic, and the world’s banking system went into freefall. Nor is the WTO fit for purpose on ecological grounds. If last week’s climate talks in Paris taught us anything, it is that we must rethink the model of ever-expanding production and consumption in order to avoid planetary meltdown. Global capitalism may need limitless expansion in order to survive, but the planet is already at the very limits of what it can take. The choice is ours. Worst of all, it is the WTO’s ideology of unrestricted trade and corporate domination that lies behind all the bilateral trade deals that are proliferating at the moment, including the infamous Transatlantic Trade and Investment Partnership (TTIP). We need a radically different model of regulated trade and controlled investment if we are to have any chance of breaking the cycle of economic and ecological crisis. For the planet to survive, the WTO must die.

### 2 – CP

#### CP text: The member nations of the world trade organization should

#### ---eliminate patent protections except for indigenous patents.

#### ---establish an international legal instrument to protect indigenous intellectual property

#### That is in line with indigenous demands.

**WIPO no date** WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," No Publication, <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU> SJ//DA

The current international system for protecting intellectual property was fashioned during the age of industrialization in the West and developed subsequently in line with the perceived needs of technologically advanced societies. However**, in recent years, indigenous peoples, local communities, and governments, mainly in developing countries, have demanded equivalent protection for traditional knowledge systems. In 2000, WIPO members established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and in 2009 they agreed to develop an international legal instrument (or instruments) that would give traditional knowledge, genetic resources and traditional cultural expressions (folklore) effective protection. Such an instrument could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.** Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. As such, it is not easily protected by the current intellectual property system, which typically grants protection for a limited period to inventions and original works by named individuals or companies. Its living nature also means that “traditional” knowledge is not easy to define. **Recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.** This would make it possible, for example, to protect traditional remedies and indigenous art and music against misappropriation, and enable communities to control and benefit collectively from their commercial exploitation. Although the negotiations underway in WIPO have been initiated and propelled mainly by developing countries, the discussions are not neatly divided along “North-South” lines. Communities and governments do not necessarily share the same views, and some developed country governments, especially those with indigenous populations, are also active. Two types of intellectual property protection are being sought: **Defensive protection aims to stop people outside the community from acquiring intellectual property rights over traditional knowledge. India, for example, has compiled a searchable database of traditional medicine that can be used as evidence of prior art by patent examiners when assessing patent applications. This followed a well-known case in which the US Patent and Trademark Office granted a patent (later revoked) for the use of turmeric to treat wounds, a property well known to traditional communities in India and documented in ancient Sanskrit texts. Defensive strategies might also be used to protect sacred cultural manifestations, such as sacred symbols or words from being registered as trademarks.** Positive protection is the granting of rights that empower communities to promote their traditional knowledge, control its uses and benefit from its commercial exploitation. Some uses of traditional knowledge can be protected through the existing intellectual property system, and a number of countries have also developed specific legislation. However, any specific protection afforded under national law may not hold for other countries, one reason why many indigenous and local communities as well as governments are pressing for an international legal instrument. WIPO’s work on traditional knowledge addresses three distinct yet related areas: traditional knowledge in the strict sense (technical know-how, practices, skills, and innovations related to, say, biodiversity, agriculture or health); traditional cultural expressions/expressions of folklore (cultural manifestations such as music, art, designs, symbols and performances); and genetic resources (genetic material of actual or potential value found in plants, animals and micro-organisms). Although for many communities traditional knowledge, genetic resources and traditional cultural expressions form part of a single integrated heritage, from an intellectual property standpoint they raise different issues and may require different sets of solutions. In all three areas, in addition to work on an international legal instrument, WIPO is responding to requests from communities and governments for practical assistance and technical advice to enable communities to make more effective use of existing intellectual property systems and participate more effectively in the IGC’s negotiations. WIPO’s work includes assistance to develop and strengthen national and regional systems for the protection of traditional knowledge (policies, laws, information systems and practical tools) and the Creative Heritage Project which provides hands-on training for managing intellectual property rights and interests when documenting cultural heritage. Traditional knowledge When community members innovate within the traditional knowledge framework, they may use the patent system to protect their innovations. However, traditional knowledge as such - knowledge that has ancient roots and is often informal and oral - is not protected by conventional intellectual property systems. This has prompted some countries to develop their own sui generis (specific, special) systems for protecting traditional knowledge. There are also many initiatives underway to document traditional knowledge. In most cases the motive is to preserve or disseminate it, or to use it, for example, in environmental management, rather than for the purpose of legal protection. There are nevertheless concerns that if documentation makes traditional knowledge more widely available to the general public, especially if it can be accessed on the Internet, this could lead to misappropriation and use in ways that were not anticipated or intended by traditional knowledge holders. At the same time, documentation can help protect traditional knowledge, for example, by providing a confidential or secret record of traditional knowledge reserved for the relevant community only. **Some formal documentation and registries of traditional knowledge support sui generis protection systems, while traditional knowledge databases - such as India’s database on traditional medicine - play a role in defensive protection within the existing IP system. These examples demonstrate the importance of ensuring that documentation of traditional knowledge is linked to an intellectual property strategy and does not take place in a policy or legal vacuum.** In the WIPO talks, many argue that use of traditional knowledge ought to be subject to free, prior and informed consent, especially for sacred and secret materials. However, others fear that granting exclusive control over traditional cultures could stifle innovation, diminish the public domain and be difficult to implement in practice. Genetic resources Genetic resources themselves are not intellectual property (they are not creations of the human mind) and thus cannot be directly protected as intellectual property. However, inventions based on or developed using genetic resources (associated with traditional knowledge or not) may be patentable or protected by plant breeders’ rights. In considering intellectual property aspects of use of genetic resources, WIPO’s work complements the international legal and policy framework defined by the Convention on Biological Diversity (CBD), and its Nagoya Protocol, and the International Treaty on Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization. Issues under discussion at WIPO include: Defensive protection of genetic resources: This strand of the work aims at preventing patents being granted over genetic resources (and associated traditional knowledge) which do not fulfil the existing requirements of novelty and inventiveness. In this context, to help patent examiners find relevant prior art, proposals have been made that genetic resources and traditional knowledge databases could help patent examiners avoid erroneous patents and WIPO has improved its own search tools and patent classification systems. The other, more controversial, strand concerns the possible disqualification of patent applications that do not comply with CBD obligations on prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and disclosure of origin. “Biopiracy” is a term sometimes used loosely to describe biodiversity-related patents that do not meet patentability criteria or that do not comply with the CBD’s obligations – but this term has no precise or agreed meaning. Disclosure requirements: A number of countries have enacted domestic legislation putting into effect the CBD obligations that access to a country’s genetic resources should depend on securing that country’s prior informed consent and agreeing to fair and equitable benefit sharing. WIPO members are considering whether, and to what extent, the intellectual property system should be used to support and implement these obligations. Many, but not all, WIPO members want to make it mandatory for patent applications to show the source or origin of genetic resources, as well as evidence of prior informed consent and a benefit sharing agreement. Parallel discussions are also taking place in the World Trade Organization’s Council on Trade Related Aspects of Intellectual Property (TRIPS). WIPO also deals with the intellectual property aspects of mutually agreed terms for fair and equitable benefit-sharing. It has developed, and regularly updates, an online database of relevant contractual practices, and has prepared draft guidelines on intellectual property clauses in access and benefit-sharing agreements. Traditional cultural expressions Traditional cultural expressions (folklore) are seen as integral to the cultural and social identities of indigenous and local communities, embodying know-how and skills, and transmitting core values and beliefs. Protecting folklore contributes to economic development, encourages cultural diversity and helps preserve cultural heritage. Traditional cultural expressions can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin, trademarks and certification marks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty. Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore. Panama has established a registration system for traditional cultural expressions, while the Pacific Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture gives “traditional owners” the right to authorize or prevent use of protected folklore and receive a share of the benefits from any commercial exploitation. Developing an international legal instrument Because the existing international intellectual property system does not fully protect traditional knowledge and traditional cultural expressions, many communities and governments have called for an international legal instrument providing sui generis protection. **An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.** On genetic resources, countries agree that intellectual property protection and the conservation of biodiversity should be mutually supportive, but differ on how this should be achieved and whether any changes to current intellectual property rules are necessary. **Representatives of indigenous and local communities are assisted by the WIPO Voluntary Fund to attend the WIPO talks, and their active participation will continue to be crucial for a successful outcome**. WIPO members have agreed to expedite their work so as to decide in late 2012 whether to convene a diplomatic conference for final adoption of one or more international instruments.

#### Preserving native sovereignty is key to cultural diversity and preserves global survival

Barsh 93 Russel Lawrence Barsh 1993 “Native American Sovereignty” University of Michigan Journal of Law Reform, Winter, 1993, 25 U. MICH. J. L. REF. 671 (Professor of Native American Studies at the University of Lethbridge)//Elmer

There no longer seems to be much difference in the Westernization of the Third World and of the indigenous world. Indigenous societies are usually more isolated geographically, so the process of convergence is understandably slower. But they are catching up. While world leaders lament the loss of biological diversity, which holds the key to the renewal and survival of ecosystems, our planet rapidly is losing its **cultural diversity**, which holds the key to the renewal and survival of human societies. Scientists and scholars search for an alternative in their theories while real alternative cultures disappear. It will be a real struggle to reassert an **indigenous perspective** on social justice, democracy, and environmental security. The hardest part of the struggle will be converting words to action, going beyond the familiar, empty rhetoric of sovereignty and cultural superiority. The struggle will be hardest here in the United States, where the gaps between rhetoric and reality have grown greater than anywhere on earth. This is the best place to begin, however, because this is the illusory "demonstration" that is studied by the rest of the world, including the indigenous peoples of other regions. Are American Indians ready to accept this global responsibility? The current generation of tribal leadership appears unwilling to try. It is firmly committed by its actions to the materialist path, and it is neutralized by its dependence on a continuing financial relationship with the national government and developers. The next generation of American Indians may be another matter. Disillusioned and critical, they may yet find a voice of their own that is both modern and truly indigenous, and they may have the courage to practice the ideals that their parents merely sloganize. Let us hope so. There is no alternative for Indian survival or for global survival.

### 3 – DA

#### Climate Patents and Innovation high now and solving Warming but patent waivers set a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid

The biotech industry is making remarkable advancestowards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensationand no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass**,** reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietaryknow-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary internationalcollaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to investat the current and required levels**.**

#### Warming causes extinction in mere decades – scientific consensus proves.

Schultz 16 (Robert Schultz [Retired Professor and Chair of Computer Information Systems at Woodbury University] “Modern Technology and Human Extinction,” <http://proceedings.informingscience.org/InSITE2016/InSITE16p131-145Schultz2307.pdf>) RW

There is consensus that there is a relatively short window to reduce carbon emissions before drastic effects occur. Recent credible projections of the result of lack of rapid drastic action is an average temperature increase of about 10o F by 2050. This change alone will be incredibly disruptive to all life, but will also cause great weather and climate change. For comparison purposes, a 10 degree (Fahrenheit) decrease was enough to cause an ice layer 4000 feet thick over Wisconsin (Co2gether, 2012). Recently relevant information has surfaced about a massive previous extinction. This is the Permian extinction, which happened 252 million years ago, during which 95% of all species on earth, both terrestrial and aquatic, vanished. The ocean temperature after almost all life had disappeared was 15 degrees (Fahrenheit) above current ocean temperatures. Recent information about the Permian extinction indicates it was caused by a rapid increase in land and ocean temperatures, caused by the sudden appearance of stupendous amounts of carbon in the form of greenhouse gases (Kolbert, 2014, pp. 102-144). The origin of the carbon in these enormous quantities is not yet known, but one possibility is the sudden release of methane gases stored in permafrost. This is also a possibility in our current situation. If so, extinction would be a natural side effect of human processes. There is also a real but smaller possibility of what is called “runaway greenhouse,” in which the earth’s temperature becomes like Venus’ surface temperature of 800o The threat of extinction here is not entirely sudden. The threat is, if anything, worse. Changes in the atmosphere--mainly increases in the concentration of greenhouse gases in the atmosphere-- can start processes that can’t be reversed but which take long periods of time to manifest. “Runaway greenhouse” may be the worst. Once again, suggestions of technological solutions to this situation should be treated with some skepticism. These proposals are often made by technophiles ignoring all the evidence that technology is very much subject to unanticipated side effects and unanticipated failures. What has happened concerning the depletion of the ozone layer should be a clear warning against the facile uses of technology through geoengineering to alter the makeup of the entire planet and its atmosphere. The complicating factor in assessing extinction likelihood from climate change is corporations, especially American fossil fuel corporations such as Exxon-Mobil and Shell. Through their contributions, they have been able to delay legislation ameliorating global warming and climate change. As mentioned before, recently released papers from Exxon-Mobil show that the corporation did accept the scientific findings about global warming and climate change. But they concluded that maintaining their profits was more important than acting to ameliorate climate change. Since it is not a matter of getting corporations to appreciate scientific facts, the chances of extinction from climate change are good. To ameliorate climate change, it is important to leave a high percentage of fossil fuel reserves in the ground. But this is exactly what a profit-seeking fossil fuel corporation cannot do. One can still hope that because fossil fuel corporations are made up of individuals, increasingly bad consequences of global warming and climate change will change their minds about profits. But because of the lag in effects, this mind change will probably be too late. So I conclude we will probably see something like the effects of the Permian extinction perhaps some time around 2050. (The Permian extinction was 95% extinction of all species.) This assumes the release of methane from the arctic will take place around then.

### 4 – K

#### The 1AC is a graveyard of failed policies and a failed system – we are here to haunt it. Our institutions are dead. Every policy “reform” is haunted by ghosts of neoliberal ideologies.

#### Checks and balances no longer exist – our policymakers hide their intentions to uphold the system under veils of progressivism, making conflict inevitable.

Atticus 20 (Atticus – Member of International Communist Tendency. January, 24th 2020. “Against Pacifism” <http://libcom.org/blog/against-pacifism-24012020>, DOA: 6/3/20, kbb)

The first and principal error of the pacifist supporters of the capitalist order lies in the notion that parliamentary politicians have the ability to meaningfully combat capitalist militarism. As is well-known, however, parliamentary bodies comprise only a small fraction of the true extent of the state, and are really only a shallow veneer. True capitalist power lies not in the hands of elected politicians but instead in a complex, bureaucratic, and intertwined web of unaccountable civil servants, shadowy intelligence bodies, and international alliances and collectives. Indeed, televised debates within grand palaces and marble buildings are often merely a distraction from the real functions and decisions of governance, many of which take place behind closed doors. In Pannekoek’s words: "One could no longer manage against imperialism with the old means. In parliament, one could criticize its manifestations (such as armaments, taxes, reaction, the standstill of social legislation), but one could not influence its policy because it was not made by the parliaments but by small groups of people (in Germany, the Kaiser along with some nobles, generals, ministers and bankers; in England, three or four aristocrats and politicians; in France, a few bankers and ministers). The unions could hardly ward off the powerful business associations; all the skill of their officers broke apart against the granite-power of the cartel-magnates. The reactionary election laws could not be shaken through elections alone. New means of struggle were necessary. The proletarian masses themselves had to enter the stage with active methods of struggle." Consider as an example the political bodies of the United States. Even a cursory examination reveals the inherent unaccountability of the American war machine; though the US Constitution prescribes that only Congress has the power to declare war, the last time such a declaration was made was December 8, 1941. This of course hasn’t stopped the American military from engaging in countless imperialist exploits over the past eighty years, establishing military bases in every corner of the world and funding proxy militias when unwilling to intervene directly. Arms sales do not even have the honor of being voted on in Congress, and are instead approved by unelected State Department officials; for a recent example see the US sale of three and a half billion dollars worth of missiles to Turkey as aid in its genocidal cleansing of the Kurds.[2](http://libcom.org/blog/against-pacifism-24012020#footnote2_ajpie92) In many cases, courses of military action are decided on by deeply unaccountable international alliances, with NATO and the UN Security Council two of the most prominent (the military intervention in Bosnia and Herzegovina in the 1990s, for instance, was strictly a NATO operation, and did not involve official declarations of war from any of its constituent powers despite employing military forces from over a dozen countries). Even when bills and resolutions appear claiming to guarantee the end of this or that US military operation, they are often either vetoed or else ignored. As two recent examples, Trump has claimed repeatedly in the past year that he is withdrawing American troops from Syria, and yet a majority of American troops remain.[3](http://libcom.org/blog/against-pacifism-24012020#footnote3_q4ynbxp) Conversely, Congress last year passed a resolution to end American military involvement in Yemen; this was immediately vetoed and subsequently ignored by Trump.[4](http://libcom.org/blog/against-pacifism-24012020#footnote4_xgfw3bs) Even if Trump had supported the bill, there’s little guarantee it would have meant an end to American military presence in the region: NATO still officially supports the Saudi blockade, and independent intelligence agencies like the CIA are able to conduct military operations without the knowledge or approval of US Central Command.[5](http://libcom.org/blog/against-pacifism-24012020#footnote5_wq34nwu) And most recently, the assassination of Soleimani was carried out without Congressional approval, under the pretext of "self-defense" against an "imminent" attack from Iran.[6](http://libcom.org/blog/against-pacifism-24012020#footnote6_1531ei9) The point here is that the bourgeoisie will not bow to the whims of elected officials, and that the supposed “checks and balances” of the US government are a complete fabrication that, if anything, serve only to cement capital’s hold on the political functioning of a nation. This kind of pattern is repeated in liberal democracies the world over, and the notion that some benevolent social democrat can with a wave of their hands overcome the immense bureaucratic structures that lurk behind the capitalist state is entirely utopian. This state of affairs is part of a much larger trend – the degeneration of bourgeois democracy from a progressive force to a reactionary one – and today Lenin’s description of parliamentary bodies as “hollow talking shops” rings more true than ever. Marxists must have no faith in the capitalist state, and support for bourgeois parliamentarians – far from obstructing the forces of capital – instead strengthens their grip by sowing illusions of the reformability of un-reformable institutions. The Bourgeois Party Form Hence, insofar as they cannot offer any solutions to imperialist war, parliamentary parties are today obsolete, and participation within them must instead be superseded by militant action of the working class. Some, however, might protest that the latter can be supplemented or enhanced by the former – that there is still merit in participation in bourgeois parties as a platform by which to spread Marxist ideas. This is, on the one hand, a tactic that reeks of opportunism – how else can one describe lining up behind capitalist factions for the sake of selling a few extra papers? On the other, it is a fantasy; to see why, it is important to understand the fundamental nature of the bourgeois party. Pannekoek describes this eloquently: "[T]he whole nature of a large, fully developed party, of which German Social Democracy is the model, … is an entrenched gigantic organization, functioning almost as a state within the state, with its own officers, finances, press, intellectual world and ideology. The general character of this organization is adapted to the peaceful pre-imperialist period; the mainstays of this character are the officials, secretaries, agitators, parliamentarians, theorists and writers, numbering several thousand individuals who already constitute a distinct caste, a group with their own interests who thereby totally dominate the organization spiritually and materially. It is no coincidence that they all, with Kautsky at their head, want to know nothing about a real and fierce struggle against imperialism. All their vital interests are opposed to the new tactic, which threatens their existence as officials. Their peaceful work in offices and editorial departments, in congresses and committee meetings, in writing learned and unlearned articles against the bourgeoisie and against each other – this whole peaceful hustle and bustle is threatened by the storms of the imperialist era. Kautsky’s theory and tactics are an attempt to secure this whole bureaucratic-learned apparatus against injury in the coming social revolutions." In other words, the very existence and livelihood of the parliamentarian rests on their ability to quell proletarian militancy. So, when the pacifist politician argues that parliament and legislative bills alone are enough to combat imperialism, it is not that they are the friends of imperialist war, or consciously lying – on the contrary, no one can doubt their sincerity in denouncing mass slaughter, carpet bombings, and famine – but instead that their political program is one that inherently requires capitalism for its existence, and so can only argue for tactics that preserve capitalist relations. In short, they have been duped into acting as capital’s unwilling lapdogs, promising change that they are unable to deliver and hence diverting the revolutionary proletariat from its necessary tasks. As soon as liberal democracy lost its progressive and revolutionary character, so then emerged its fundamental and inexorable opposition to industrial action, and to think that the careerist parliamentarian will promote the mass action of the working class – a tactic that renders their existence obsolete and against which their very being is opposed – is folly. Expecting bourgeois parties to vitalize or enable industrial militancy is therefore a significant mistake; their interests lie inherently in dissuading the proletariat from revolutionary action. Only a clean break from capitalist functionaries can promote revolutionary politics. Anti-Imperialism or Anti-Capitalism? There is a further and equally fundamental error in these bourgeois pacifist tendencies: an understanding of imperialism that centers analysis on the atrocities of imperialist wars rather than their causes. Let us recall the role that war plays for capital; initially, in capitalism’s early stages, war most often took the form of direct colonialism and capitalist expansion. As Rosa Luxemburg wrote in 1900, “as long as there were countries marked by internal political division or economic isolation that had to be destroyed, militarism played a revolutionary role […] the opening of new countries to capitalism.”[7](http://libcom.org/blog/against-pacifism-24012020#footnote7_jh11bne) This was the underpinning of the “New Imperialism” of the late 19th and early 20th centuries, marked by rapid militaristic expansion into Africa and Asia, brutal subjugation of native peoples, and investment in extraction industries for an industrial capitalism that demanded greater quantities of cheap raw materials. By the time of World War I, however, capitalism had effectively expanded to fill the entire globe, and so the role served by war here was not just about the continued ability of imperialist powers to leech surplus value and natural resources from their colonies, and, on the other, to devalue vast quantities of constant capital and hence maintain a rate of profit against the mounting crises and contradictions of the world market but was also intended to deny other imperialists access to their spheres of influence. (For a more detailed explanation of this understanding of imperialism and world economy, see footnote[8](http://libcom.org/blog/against-pacifism-24012020#footnote8_cbu1h1l).) There are two important lessons to understand here: first, that modern capitalism demands war – and indeed cannot survive without it. The second is that imperialism is not merely a military relationship, but, at a more fundamental level, an economic one; war is simply the symptom of crisis in a world economy that demands constant expansion in finite space. Imperialism is therefore not defined by carpet bombings and invasions, but by the international trade relationships that demands them. In particular, when we speak of imperialism, we do not mean only NATO’s or Russia’s bombings in the Middle East to shore up oil contracts, but the actual oil contracts themselves. Thus emphasis on imperialist barbarism, though again understandable, therefore gets things the wrong way round, and centers effect over cause. An example of this lies in China’s extensive investments in sub-Saharan Africa; these have not been arranged by military force, and indeed do not involve bombs or troops. (See footnote[9](http://libcom.org/blog/against-pacifism-24012020#footnote9_a36xjxp) for an analysis of Chinese investments in the continent.) Yet does this preclude them from making China one of the dominant imperialist powers in the world today? Of course not, though certainly some “tankies” would argue otherwise. Marxists recognize that a crisis of accumulation to which capitalism has no economic answer is bound to drive other major imperialist powers to take a closer interest in investment in African resources. This will inevitably lead to further military conflict than exists, raining fire and devastation down on the local population. In other words, war is the inevitable consequence of capitalist development, and so a fight against the former that does not also fight for an alternative to the latter is doomed to fail. The relationship between the two is in fact even tighter today than it was in 1916. Capitalism has developed significantly over the last century, and the contemporary world market is more interconnected and intertwined than ever before in history. Large capitalist banks, cartels, and quasi-monopolies span every inch of the map, and a slew of overlapping trade and investment bodies – the International Monetary Fund, World Bank, World Trade Organization, European Union, North American Free Trade Association, and others – draw together the bourgeoisie of nearly every nation in the world. Taken all in all, it is a staggering and overwhelming network of bourgeois power. Far from reducing imperialist tensions or promoting peaceful coexistence of the capitalist classes, however, as Kautsky predicted it would do, this interconnectedness and entanglement has instead proved a potent catalyst for imperialist aggression. There is a simple reason for this; as each sector of international industry depends more crucially on the others, even the slightest perturbation or disturbance in one is enough to cause catastrophe in the rest. So, for instance, when Islamist militias take control of Basra, Iraq – a central hub for dozens of oil pipelines and refineries – the disruptions ripple across the globe, shaking international capital and forcing an acute military response from imperialist powers. Another clear example of this lies in the United States’ relations with Venezuela through the turn of the century. Chávez’s rise to power in 1999 barely altered Venezuelan oil exports to the United States by barrel, which remained steady up through Venezuela’s crisis in late 2009.[10](http://libcom.org/blog/against-pacifism-24012020#footnote10_yjand4d) Even so, this comparatively minuscule obstruction was enough to provoke a drastic response from the American bourgeoisie, who’ve poured significant funds and energy into removing the Chavista regime for nearly two decades now. Today the nation faces the prospect of a direct military invasion from American forces. Why were such minor changes in oil exports so jarring to American capital? Precisely because the world market is more intricately interlocked than ever before, and thus more sensitive than ever to the smallest of changes. There is therefore a direct relationship between the financial entanglement of the global market and its fragility. Today, with the world capitalism monstrously gargantuan and unwieldy, this makes the peaceful coexistence of capitalist states entirely impossible, and the international bourgeoisie at every turn faces the choice of either war or crisis, and often both. Crucially, however, this renders entirely utopian a struggle against imperialism that fails to orient against capitalism, and razes in a single fell swoop the hope that even the most benevolent of capitalist politicians can prevent capital’s demand for endless war. Today it is often no longer even the individual capitalist – merely a glorified and entirely replaceable administrator – who seeks out imperialist wars, but instead the far more insatiable appetite of international capital itself.

#### Concedes it’s for profit Monopolies are inevitable in a world of competition and empire-building where transnational capital colludes with governments around the world – their policy is a quick fix solution that distracts away from the root cause.

Tell ‘21

[Shawgi, Prof. Education @ Nazareth College, PhD Education @ UBuffalo: "Empty Rhetoric That Seeks to Misinform and Appease: On Biden's Farcical Anti-Monopoly Executive Order," Hampton Institute, published 7-29-21. https://www.hamptonthink.org/read/on-bidens-farcical-anti-monopoly-executive-order?rq=antitrust]//AD

Not a day goes by in which major owners of capital and their political representatives do not promote illusions and disinformation about the obsolete capitalist economic system. The ruling elite and their entourage rejected economic science and embraced irrationalism, incoherence, and dogmatism more than a century ago. They are unable and unwilling to offer any useful analysis of economic realities. Nothing they put forward helps advance public understanding of the economy. The mainstream news, for example, is saturated with endless mind-numbing nonsensical economic headlines. It is no accident that mainstream economics has long been called the dismal science. The internal core logic and intrinsic operation of capital ensures greater poverty, inequality, and monopoly over time. This is the inherent nature of capital. It is how capital moves and develops. These catastrophes are not the result of external forces, extenuating circumstances, or “bad people” making “bad decisions.” They are not the outcome of ill-conceived policies made by self-serving, immoral, or uninformed people. These worsening problems did not arise because something is wrong with the intentions of some individuals who make antisocial decisions. Such notions are facile. While individuals have consciousness, autonomy, self-determination, and agency, many phenomena (e.g., laws of economic development) operate objectively outside the will of individuals; they do not depend on the will of individuals. The laws of motion governing economic phenomena can be known, controlled, and directed, but not extinguished; they have to be consciously mastered, harnessed, and directed in a way that meets the needs of all. Capital is first and foremost an unequal social relationship, not a person or a thing. This unequal social relationship is relentlessly reproduced in today’s society, preventing the healthy balanced extended reproduction of society. On the one side of this unequal social relationship are the majority who own nothing but their labor power and on the other side are a tiny handful who own the means of production and live off the labor of others. Major owners of capital are the personification of capital, the embodiment of capital. This critical theoretical insight helps us avoid the rabbit hole of personal intentions and personal will, and allows us instead to objectively locate greed, insecurity, inequality, poverty, unemployment, endless debt, and other tragedies in the intrinsic built-in nature, logic, and movement of capital itself. One of these is the inexorable tendency of competition to lead to monopoly under capitalism. Competition means winners and losers. By definition, not everyone can win when competing. Competition means rivalry for supremacy. Thousands compete in the Olympics, for example, but only a select few (“winners”) go home with a gold medal.[1] It is no accident that the economy, media, and politics are heavily monopolized by a handful of billionaires while billions of people who actually produce the wealth in society and run society remain marginalized and disempowered. This brutal reality cannot be reversed or overcome with the utterance of a few platitudes, the passage of some policies, or the creation of some agencies that claim to be able to fix the outdated economic system, especially when all of the above come from billionaires themselves. On July 9, 2021, President Joe Biden issued an Executive Order on Promoting Competition in the American Economy (https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/). The order is about 7,000 words long and full of anticonscious statements. Disinformation pervades the entire order. The opening paragraph begins with the following disinformation: By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the interests of American workers, businesses, and consumers, it is hereby ordered…. Here, “American workers, businesses, and consumers” are casually misequated and no mention is made of citizens or humans. The implication is that consumerism is normal, healthy, and desirable, and that workers and big business somehow have the same aims, world outlook, and interests. This conceals the fact that owners of capital and workers have antagonistic irreconcilable interests and that people exist as humans and citizens, not just utilitarian consumers and shoppers in a taken-for-granted system based on chaos, anarchy, and violence. Disinformation is further escalated in the next paragraph: A fair, open, and competitive marketplace has long been a cornerstone of the American economy, while excessive market concentration threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers. “Market concentration” has been the norm for generations. Monopolies, cartels, and oligopolies have been around since the late 1800s. Mergers and acquisitions have been taking place non-stop for decades. The so-called “free market” largely disappeared long ago. Objectively, there can be no fairness in a system rooted in wage-slavery and empire-building. Wage-slavery is the precondition for the tendency of the rich to get richer and the poor poorer. It is not a recipe for prosperity and security for all. This is also why inequality, tyranny, violence, and surveillance have been growing over the years. Moreover, what “threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers” is the ongoing political and economic exclusion of people from control over the economy and their lives by the financial oligarchy. There can be no liberty, accountability, and welfare when most people are deprived of real decision-making power and major owners of capital make all the decisions. Problems would not constantly worsen if people had control over their lives. The “best allocation of resources” cannot be made when the economy is carved up, fractured, and controlled by competing owners of capital. Although recurring economic crises for well over a century have repeatedly discredited “free market” ideology, the 7,000-word executive order is saturated with the language of “choice,” “competition,” and “consumers.” This is the same worn-out language used by privatizers of all hues at home and abroad. Further, while the executive order gives many examples of “economic consolidation” in numerous sectors, the government is not interested in creating a self-reliant vibrant diverse economy that meets the needs of all. It is not committed to reversing “the harmful effects of monopoly and monopsony.”

#### The left’s focus on solving problems of inequality obscure the class divisions that make exploitation inevitable as long as capitalism exists – they only result in reformism

Ebert and Zavarzadeh ’08 (Teresa L., English, State University of New York, Albany, Mas’ud, prolific writer and expert on class ideology, “Class in Culture”, p. 14-15)

**The North-centric Left** (the metaphysics of capitalism) **has avoided class by focusing on inequality, which emphasizes** individual **differences and obscures the structures of conflicts** that form collective labor relations. In his *A Short History of Neoliberalism,* David Harvey writes that class is "always a somewhat shadowy (and some would even say dubious) concept" (31). **Class is a "shadowy" concept for Harvey because the owners of the means of production are now so diverse.** For example, in England the old aristocracy is displaced by brash "entrepreneurs"; in Indonesia, Malaysia, and the Philippines, "economic power became strongly concentrated among a few ethnic Chinese"; and in Russia, "seven oligarchs" rose in the aftermath of the counter-revolution in the Soviet Union (32). For Harvey class is irrelevant because, he implies, how could such diversity- lifestyle in England, ethnicity in Indonesia, power in Russia-be explained by "class"? **The change in class morphology-the fact that new subjects occupy the structural position of ownership-is hard evidence for him that class has lost its explanatory power and should therefore be abandoned as the marker of social structure. Class is consequently replaced by inequality, a move that has gained great popularity with the Left in the North** (e.g., Michaels, *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality).* Thus, **the problem of capitalism for Harvey is that "the net worth of the 358 richest people in 1996 was equal to the combined income of the poorest 45 per cent of world's population-213 billion people"** (34-35) **and not that it is a system of wage-labor, which is the cause of inequality**. **Class**, of course, **is not** simply **inequality that can be Overcome by providing further opportunities for all within the existing social system because the system itself produces inequality.** Inequality is the statistical index of social differences without conflicts. **Class is the structural relations of labor grounded in antagonism over the appropriation of surplus labor-exploitation. To make everyone equal under capitalism simply means to exploit everyone equally. It does not put an end to the exploitation of humans by humans because capitalism is structured around private ownership of the means of production of social surplus**. When one talks about the **equality** of "all" (which is actually the exploitation of all), all does not mean all; it **means all who have to sell their labor to subsist. All is everyone except the owners of the means of production who exploit the labor of others. Equality within capitalism does not end exploitation and free people from necessity-fulfilling the needs of all** (Marx, *Critique of the Gotha Programme).* **By obscuring class in inequality and representing society as differences without antagonism** ("meanings," "values," "desires"), the **Left claims there is no need for revolution because, under capitalism, reform can make the unequal equal through opportunities.**

#### The 1AC recognizes time as linear and thus, fails to solve for all of their impacts.

**Capitalism’s successes necessitate human extinction and destroy the value to life - Duzgun 20**

[Eren Duzgun (teaches Historical Sociology and International Relations at Leiden University, Netherlands), 4-5-2020, "Capitalism, Coronavirus and the Road to Extinction," Socialist Project, https://socialistproject.ca/2020/04/capitalism-coronavirus-and-road-to-extinction/]

**Covid-19**, by contrast, has begun its journey and taken its biggest toll thus far in the most advanced and affluent parts of the world. This is to say, the contagion is no longer limited to the persistently undernourished, underdeveloped, and war-torn parts of the world; its impact is no longer restricted to a distant wet market or a third world country alone. Instead, it has **emerged and expanded** in the very heart of the capitalist world order at a time when **capitalism has** not only **been already firmly established** across the globe but **has been testing the eco-biological limits of the entire planet**. Should things remain the same, Covid-19 and its future cousins are **likely to claim the lives of** not just ‘some’ people as they did in the past, but of **humanity as a whole**. In this sense, perhaps for the first time in modern history, the biological blitzkrieg activated by the coronavirus has thrown into sharp relief the immediately existential and undeniably global contradictions and consequences generated by capitalism. Contradictions on a Global Scale Critical biologists and epidemiologists have put the blame on industrial agriculture as the root cause of the emergence of new pathogens since the 1990s. [According to Rob Wallace](https://climateandcapitalism.com/2020/03/11/capitalist-agriculture-and-covid-19-a-deadly-combination/), giant agribusiness and resource extraction firms have now reached the last virgin forests and smallholder-held farmlands in the world, subordinating them to the logic of capitalist markets. The **loss of the ecological diversit**y and complexity of these huge tracts of land has increasingly **forced** wild **food operators to hunt in** previously **untouched parts of the jungle**, which, in turn, **has increased “the interaction with**, and spillover of, previously boxed-in **pathogens,** including Covid-19.” Likewise, global warming has forced or allowed pathogens to escape their natural habitat. As a result, new viruses against which we have no immunity “are being sprung free, threatening the whole world.” In short, [as John Vidal writes](https://www.theguardian.com/environment/2020/mar/18/tip-of-the-iceberg-is-our-destruction-of-nature-responsible-for-covid-19-aoe), “we disrupt ecosystems, and we shake viruses loose from their natural hosts. When that happens, they need a new host. Often, we are it.” That **some** agribusiness **firms have been** blatantly **risking lives for profit** would not come as a surprise to the critical reader. Even [Bill Gates has been sounding the alarm](https://www.youtube.com/watch?v=6Af6b_wyiwI) about the potentially deadly consequences of irresponsible business practices and new viruses. Yet, what tends to remain underemphasized in these debates is that the blame belongs neither solely to ‘greedy’ firms that have driven viruses out of their natural habitat, nor to ‘short-sighted’ politicians who have not invested enough in vaccine technology or national health systems. Instead, **the problem is rooted in the very structure and rationality of the system as a whole**. That is, **we may go extinct as a result of the ‘successes’ of** the very system ‘we’ created in the first place, i.e., **capitalism**. How did we end up losing control of an ‘economic’ system of our own making? This is indeed an anomaly in human history. The conception of the ‘economy’ as an autonomous sphere dictating its own rules over society did not exist in non-capitalist societies. As the economic anthropologist [Karl Polanyi](https://en.wikipedia.org/wiki/Karl_Polanyi#Works) put it, “neither under tribal, nor feudal, nor mercantile conditions was there… a separate economic system in society.” The economy either “remained nameless” or had “no obvious meaning,” for the economic process and prices were instituted through non-market means, such as kinship, marriage, age-groups, status, political patronage, etc. Even “where markets were most highly developed, as under the mercantile system,” the economic system, as a rule, “[was absorbed in the social system](https://books.google.ca/books?id=SgHuxQEACAAJ)” and showed “no tendency to expand at the expense of the rest.” In this sense, the market with a distinctive logic, autonomy, and dynamic of its own was completely unknown to our ancestors, and indeed, the emergence of the idea of ‘self-regulating’ markets represented a complete reversal of the way in which past economies functioned**. In order** for ‘self-regulating’ markets to ‘self-regulate’, a variety of political and institutional arrangements had to be initiated to progressively eliminate the non-market survival strategies that humans previously relied upon. Most notably, the age-old communal systems of social and moral regulation needed to be eradicated, a process that systematically subordinated the ‘natural and human substance of society’, i.e., land and labour, to market relations for the first time in history. Rise of Capitalism At the heart of the rise of capitalism, therefore, rested a ‘political’, legal, and violent process that led to the historically unprecedented characterization of land and labour as commodities. Without commodifying land and labour, i.e., without treating the planet’s living substance as commodities, it would have been impossible to view the ‘economy’ as an institutionally and motivationally self-regulating sphere of life, an almost robotic creature functioning at the expense of human lives and livelihoods. Capitalism presupposed from the very beginning a radical transformation in the human use of nature as well as in the provision of life’s essential requirements. In this sense, the danger of global extinction which we have been going through is not a temporary hiccup in an otherwise smoothly operating capitalist ecosystem but has always been a possibility built into the very structure of market society. On the one hand, by treating land and labour as commodities, by subjecting people’s utilization of land and enjoyment of life to their ability to continuously increase market competitiveness and productivity, capitalism has enabled massive technological advancements in all spheres of life. This, in turn, has generated, above all, an unprecedented potential to feed, clothe, and accommodate an ever-increasing world population. On the other hand, however, [as Ellen Wood argues](https://monthlyreview.org/1998/07/01/the-agrarian-origins-of-capitalism/), by subordinating all other considerations to the imperatives of market competition, capitalism has also created poverty, homelessness, environmental destruction and pandemics. Billions of people who could be fed and housed are subjected to immense doses of insecurity, living their lives under the constant threat of joblessness, homelessness, loss of status and starvation. In a similar fashion, the environment that could be protected is systematically destroyed for profit, and killer viruses that could be contained are unleashed. Undoubtedly, Covid-19 has become the archetypal example that lays bare “the destructive impulses of a system in which the very fundamentals of existence are subjected to the requirements of profit.” Can the ‘positive’ and ‘negative’ outcomes of capitalism be somewhat reconciled? Indeed, for a brief period in the Global North, it seemed they could be. During the so-called [Golden Age of Capitalism](https://global.oup.com/academic/product/the-golden-age-of-capitalism-9780198287414) (1945-70), massive productivity increases (alongside working-class struggles) allowed for steady increases in wages, job security, expansion of welfare state, improvements in the living conditions of the majority of the labouring masses as well as the expansion of civil and political liberties. Yet, this brief period of generalized prosperity and stability also facilitated the incorporation of the western working classes into the dominant capitalist ideology, causing them to turn a blind eye to the economically destabilizing, environmentally destructive, and socially degrading impact of global capitalism in the Global South. The main ‘problem’ with the Global South has been, by and large, a question of ‘timing’. Once capitalism was established and consolidated in the Global North, it has not only led to the birth of new and more effective forms of imperialist control and neocolonial expansion but has also irrevocably undermined the potentially positive outcomes of capitalist development elsewhere. For example, the [MIT political economist Alice Amsden](https://global.oup.com/academic/product/the-rise-of-the-rest-9780195170597), a large chunk of whose work in the 1970s and 1980s sought to explain the success of the ‘Asian Tigers’, more recently concluded that the massive technological and infrastructural gap between the North and the South has literally made impossible capitalist ‘development’ of any sort in the vast majority of southern economies since the 1990s. The economic situation in the Global North has gotten progressively worse too. Under the conditions of increased global economic competition wages have been stagnating or declining since the 1970s, while decades of fiscal austerity wiping out most of the economic and social gains of the earlier period. The new reality of high unemployment, stagnant wages, long work hours and precarious jobs has been masked for a while by a debt-driven growth, the unsustainability of which has been bitterly testified by millions of people since the 2008 financial crisis. All in all, market imperatives have been regulating social reproduction almost worldwide for a long time but with no prospect of capitalist ‘development’ for an overwhelming majority of the world’s population in the South and the North alike. Furthermore, the ecologically disastrous and socially inhumane consequences of capitalism have long outweighed the prospects of material gain in the Global South. In this respect, what is being painfully realized in the current conjuncture is that the North is no longer able to externalize the worst consequences of such an unsustainable mode of life. The North isn’t and won’t be spared the existential threats posed by global capitalism. The implication is that any meaningful attempt at solving the present, and future crises needs to take the bull by the horn. There is literally no choice to be made between ‘capitalism’ and ‘capitalism with a human face’. As long as the underlying dynamics of our lives remain the same, as long as we keep treating nature and human beings as commodities, no [cosmetic surgery](https://foreignpolicy.com/2018/09/12/why-growth-cant-be-green/) will do. To the contrary, historical experience suggests that such minimal interventions will sooner or later backfire, re-legitimizing capitalism pure and simple. The only way to ‘re-embed’ our economies and save our lives from ecological collapse is by intervening in the very heart of the beast: land and human beings need to be taken out of the market. The beast is not tameable; it needs to be [killed](https://monthlyreview.org/product/what_every_environmentalist_needs_to_know_about_capitalism/).

#### The alternative is to haunt the political imaginary of the 1AC with the specter of Marx – the political project of the 1AC is dead, but the fundamental tensions that give it weight are not; by preserving the possibility of proletarian revolution as a specter, we keep its radical and unforeseen potential alive

Hitchcock, ‘13 [Peter Hitchcock, Professor, Baruch College, English, CUNY; “from ( ) of Ghosts” in The Spectralities Reader, Maria del Pilar Blanco and Esther Peeren, eds., London: Bloomsbury, 2013]

But the last word of ghosts is not just philosophical, despite these incarnations. What the ghost (revenant) always also comes back to is the status of science. Here Marxism has strengths that oscillation does not. Oscillation is a concept for materialism, but Marxism does not devolve, ultimately, into its constituent concepts. Yet here one faces a sharp dilemma that even “whither’s” palimpsest cannot significantly displace. If, as Deleuze and Guattari propose, “A scientific notion is defined not by concepts but by functions or propositions” (117), then can one separate the wheat of Marxist propositions from the chaff of its concepts? Historically, there have been moments where this has appeared more possible (the Second International remains a crucial example), but if one accepts the conjunctural reading of Marxist theoretical formations, the process if not the actuality of those differences may now be more difficult to discern. This does not mean that such attempts are idealist or illusionist. On the contrary, work like Roy Bhaskar’s identifies how materialist principles themselves can become mired in “epistemic fallacies” (the reduction of ontology to epistemology) that only a sustained critical (and in Bhaskar’s terminology, realist) investigation can disarticulate as a science in the social.26 But the ghost is neither a simple categorical error nor the reincarnation of some Hegelian absolute spirit (although, given the predilections of French philosophy, the “appearance” would be understandable). The ghost remains for science, just as a ghost of science haunts the Marxist dialectic. Here is not the place to adjudicate the truth claims of Marxism as science; I do, however, wish to counter the impression that any focus on Marx’s deployment of spectral metaphors is to abjure the rational kernel for its mystical shell. If history has taught us anything in recent years, it is that the de facto rejection of the spectral in Marxism is partly what allowed utopia to congeal, then disappear, in dogma. On the one hand, Deleuze and Guattari claim that science “slows down” variability by the use of constants or limits. A measure, or a principle of measurement, can pull reality from chaos and “suspend,” however briefly, the process of the infinite. The examples they provide (the speed of light, absolute zero, the quantum of action, the Big Bang) all attempt to coordinate, to provide a scale, to provide a reference for what must always exceed them. And, not surprisingly, the sheer variability of constants produces a determinate disciplinary fear: “science is haunted not by its own unity but by the plane of reference constituted by all the limits or borders through which it confronts chaos” (119). Philosophy, on the other hand, is less troubled by the infinite as long as it can be thought consistently (philosophy, they claim, gives “the virtual a consistency specific to it” [118]). In this, science and philosophy can be linked to art: they all “cast planes over the chaos” (202). But this, of course, is an intellectual, political, and social challenge. Artists, philosophers, and scientists confront chaos not just to impose an order on it (for this alone would amount to hubris), but because a certain affinity with chaos is necessary for the crises we call change. Again, the image of this confrontation is striking: “The philosopher, the scientist, and the artist seem to return from the land of the dead” (202). And which one of these ghosts is the real Marxist? Marxism is a science to the extent that it has developed forms of measurement (laws of motion) for the infinite chaos of socialization (in this respect, the charge of “totalization” is often a nonscientist’s reaction to scientificity). These measurements (ideology, class, value, commodity, etc.) are not fictions to the degree that they have often elaborated the real contradictions that stand within and between the social and forms of socialization. But philosophy (and indeed art) is not to blame for the distortion of these measurements, at least according to Deleuze and Guattari’s interpretation: it is a function of the plethora of methodologies vis-à-vis chaos. Chaosophy, as Deleuze and Guattari call it, is not for me only because I still tend to think in terms of the collective rather than the nomads who wander off into the infinite. I do believe, however, that it provides a strong antidote to knee-jerk reactions about the status of science and philosophy for Marxism at a time when “post-ality” is all too quick to dig a grave for it. Ghosts do not make history, people do, but not under conditions of their own choosing (a point where Marx and the Shakespeare of Hamlet most assuredly agree). This little history of ghosts is not about the agency of the specter, but about materialism’s accountability to and for specters. Derrida’s bold declaration that there will be “no future without Marx” (“Pas sans Marx, pas d’avenir sans Marx” [SDM 36]) only makes sense within a spectral economy of materialism, a materialism that is not beholden to monologic causality but one that seeks an understanding of a material reality caught between the calculable and the incalculable, the undecidability of “determinate oscillations.” Marx is dead; only the spectral can critically explain how Marxism comes back from the future. Not content with the naming of an undecidable, I have sought to interpellate Marx within his own Gespenstergeschichte: that is, to trace the function of the ghost, and thinking the ghost, for his materialist methodology. Millennial materialism must use this heritage not to reincarnate Marx (in the manner of a quaint religious observance) but to resist an inclination to resolve conceptual aporias merely by dogmatic statements to the contrary. The science of materialism includes its respect for the criteria of judgment, not the assumption of a universal truth in the judgment. The vacillations of class and class struggle in Marx’s formulations are examples of determinate instability within the concepts and their application. What spectrality does is keep this instability “alive” at a moment when “actual existence” cannot possibly confirm or deny it. In 1883 Engels stood by Marx’s grave and predicted that “the gap that has been left by this mighty spirit will soon enough make itself felt” (an absence as agency indeed!). Yet barely a hundred years later Hobsbawm could opine that “the shadow of Karl Marx presides over a third of the human race.”27 The shade of Marx is still here, but not in the form that either Engels or Hobsbawm suggests. It exists now as a condition of possibility in a sense of the world radically different from the specters of the past, however answerable it must be to them. The ambivalence of the specter is not its virtue, only its dependence on concrete determination. And that is why the experience of freedom before us is also the space of ghosts.

#### The ROB is to vote for the debater who best identifies the specters. Hauntology is critical in academic spaces like debate. Prior to considering instrumental approaches to the resolution, pedagogy must prioritize encounters with spectral moments in order to contest hegemonic forms of knowledge and being that systemically cause violence—both in and out of the classroom.

Zembylas, ’13 [Michalinos Zembylas, assistant professor of education at the Open University of Cyprus; “PEDAGOGIES OF HAUNTOLOGY IN HISTORY EDUCATION: LEARNING TO LIVE WITH THE GHOSTS OF DISAPPEARED VICTIMS OF WAR AND DICTATORSHIP”; EDUCATIONAL THEORY, Volume 63, Number 1, 2013; Wiley]

Yet, the educational demands for memory, justice, or even (re)conciliation in societies traumatized by disappearances are always already caught up in some pedagogical limits and risks in both an individual and a collective sense — demands that are linked to ideological ‘‘truths’’ or obligations that grow out of coherent-realist or pedagogically redemptive forms of representation of the past.5 These risks ultimately threaten to deaden the encounter with the unsettled past and its ghosts and to instrumentalize memory and justice in both public and school spheres.6 But what if history learning is understood not solely in terms of revealing and mastering unknown facts and stories about the past and its victims, but as openness for the not yet formulated possibilities of the future? In other words, what if ghosts become a pedagogical means by which critical learning practices in history education create possibilities for moving toward a still unformulated future that extends normative notions of identity, memory, and justice? On such terms, wouldn’t ‘‘living with ghosts’’ enact the potential for a new ethical learning that ‘‘welcomes’’ the ghosts of the past rather than exorcizing them or wishing that they would just go away? The purpose of this essay is to examine the possibilities for history education reconceived in terms of Derrida’s notion of hauntology (SM, 10), that is, as an ongoing conversation with the ghosts of disappeared victims of war and dictatorship through pedagogies that invent the future rather than fixing the past. Hauntology is used in this essay as both metaphor and pedagogical methodology for deconstructing the orthodoxies of academic history thinking and learning. As metaphor, hauntology evokes the figure of the ghost to trouble the hegemonic status of representational modes of knowledge in remembrance practices and to undermine their ontological frames and ideological histories. As pedagogical methodology, hauntology reframes histories of loss and absence and uses them as points of departure to acknowledge the complexities and contradictions that emerge from haunting. In other words, I invoke what Sande Cohen has coined as ‘‘historiospectography’’ — to describe Derrida’s advocacy of the unlimited ‘‘being-with specters’’ — and highlight the openings for renewed pedagogical engagements with notions of memory, justice, and (re)conciliation in history education. In the first part of the essay, I unravel some of the politics of memory, justice, and (re)conciliation that are relevant to the issue of disappeared victims of war and dictatorship. This analysis highlights possible dangers for a ‘‘spectacle pedagogy’’ in teaching about the disappeared, that is, a ubiquitous form of representation that manifests the ghosts in a sensationalized and ideological manner.7 Then, drawing on Derrida’s Specters of Marx, I take up the notion of ‘‘hauntology’’ — particularly the figure of the ‘‘ghost’’ — to interrogate how the spectral constitutes an object of analysis that enables us to see history education as a promise for radical openness in the future rather than as a remembrance practice that ontologizes the ghosts of the past. The essay ends with a discussion about the pedagogical implications of history education as hauntological in educators’ and learners’ engagement with issues of memory, justice, and (re)conciliation in societies traumatized by the experience of disappearances. Disappeared Victims of War and Dictatorship: The Politics of Memory, Justice, and (Re)conciliation In various parts of the world over the past fifty years, numerous societies have struggled to come to terms with many ghosts of the past; wars, dictatorships, and genocides have caused innumerable deaths and much material destruction. However, there are some ghosts that differ from those of the dead and that seem persistently to ‘‘return’’ to haunt social and political life. These are the ghosts of disappeared victims of war and dictatorship, and they return through remembrance practices and rituals that serve as constant reminders of the disappeared victims’ unresolved ontological status. Neither alive nor (officially) dead, ‘‘the disappeared’’ are not ‘‘embodied’’ in any literal sense, but rather they ‘‘exist’’ as apparitions and ‘‘visit’’ a society to shatter its boundaries of life and death and to disrupt its social, ethical, and political imaginaries. It is not surprising, then, that societies struggling to come to terms with the unresolved issue of the disappeared are often deeply divided when it comes to what the disappeared represent in collective memory, what constitutes justice in this case, and how a society can achieve (re)conciliation after such a traumatic experience. Before analyzing the politics of memory, justice, and (re)conciliation in further detail, I briefly discuss two examples of societies that have experienced this trauma and highlight their differences and similarities in terms of how the disappeared are perceived: the first example comes from a society that suffered a dictatorship, and the other example comes from a society that suffered a war. Argentina is perhaps the best known example of a society that has suffered from extensive campaigns of forced disappearances perpetrated by a dictatorship. During the ‘‘dirty war’’ of the 1970s and 1980s, many individuals in Argentina were abducted, tortured, and eventually disappeared.8 These individuals, usually political dissidents, became known as ‘‘the disappeared’’ (los desaparecidos). Some have estimated that up to 30,000 people disappeared between 1976 and 1983 — of which there are 9,000 verified cases, according to the official report by the Argentine National Commission on the Disappearance of Persons (CONADEP). Some bodies have been found in mass graves, but the whereabouts of most of the disappeared remain unknown because their dead bodies have not been located. Metaphorically speaking, the ghosts of the disappeared never cease to ‘‘return’’ through remembrance practices and social movements. One of the most widely known social movements involved in the struggle for truth and justice in Argentina has been the Mothers of the Plaza de Mayo (Madres de Plaza de Mayo), an activist group formed by mothers of the disappeared victims of the dictatorship. This group demanded that their loved ones be returned alive by those who had abducted them. Over the years, the Madres movement expanded beyond their demands for truth and justice and became active in the struggle for human, civil, and political rights in Argentina.9 In general, the mobilization of the Madres poses a challenge to Argentina’s collective identity and memory through calling into question whether there can be conciliation without seeking truth and justice for the disappeared and their relatives.10 A crucial but unresolved issue in postdictatorial Argentina, then, is whether the society can form a notion of collective identity that moves toward national conciliation while also attending to demands for justice. Another example of disappeared persons — situated in the context of a war this time — comes from my home country, Cyprus, in which more than 2,000 persons from the two conflicting communities (the Greek Cypriots and the Turkish Cypriots) disappeared between 1963 and 1974.11 Some of these individuals, who became known in the Greek-Cypriot community as ‘‘the missing’’ (agnooumenoi), were innocent bystanders caught up in the ethnic violence that erupted in the country; others were soldiers or paramilitary operatives abducted by the other side and whose whereabouts are unknown.12 For a long time, the relatives of Greek-Cypriot missing persons have lived with the assumption that the disappeared are either living prisoners or, in the worst case scenario, have been killed, their bodies concealed, and require proper burials. Some remains of the missing from both communities have been recovered in mass graves during the last few years, but it is uncertain whether the whereabouts of all the missing will ever be discovered. As in the case of Argentina, the highly emotional moments of recovering and burying the remains of missing persons have produced conflicting discourses in both the Greek-Cypriot and Turkish- Cypriot communities regarding whether there are realistic prospects for justice and reconciliation.13 Both of these examples demonstrate the ethical and political challenges associated with considering the disappeared as a pedagogical means of coming to terms with the past. All societies are engaged in some sort of mourning for past traumas through commemorative practices and public rituals that are often ideologically driven. These commemorative practices and rituals may be official or unofficial; they may seek redemption and self-vindication or promote certain forms of ‘‘remembering’’ and ‘‘forgetting.’’ What seems to be a real concern in societies that have experienced disappearances, though, is how to reconsider the ethics and politics of memory, justice, and (re)conciliation in spaces of spectrality, that is, in contexts in which ‘‘the work of mourning is hauntingly displaced.’’14 Mourning is ‘‘displaced’’ because there is no body to mourn; to mourn the disappeared, in other words, ‘‘might be read (symbolically) as a kind of murder,’’ and therefore mourning ‘‘is arrested in a state of fear and guilt.’’15 A society that has experienced disappearances may need to formulate different conceptualizations of memory, justice, and (re)conciliation in order to ‘‘respond’’ to the spectrality of the disappeared. The belief, for example, that ‘‘the disappeared’’ in Argentina or the ‘‘missing persons’’ in Cyprus were propagated by ‘‘a few extremists’’ is not ideologically neutral; on the contrary, it promotes a redemptive conception of the society’s collective identity that also constitutes a form of exorcizing the ghosts of the disappeared. Therefore, it is worthwhile to examine what this position implies for the relatives of the disappeared and the ethical responsibility of the rest of the society to remember and to struggle for justice and (re)conciliation. What would it mean for a society that is haunted by disappearances, in other words, to invite the ‘‘spectral moment’’ and come to terms with the ghosts of the disappeared rather than wishing to banish them? It is important to define first what is meant by a ‘‘spectral moment.’’ A spectral moment, according to Derrida, is ‘‘a moment that no longer belongs to time, . . . that is not docile to time, at least to what we call time’’ (SM, xx). This implies that a spectral moment invokes conceptions — for example, memory, justice, (re)conciliation — that are not defined by being completely absorbed into fact-laden or redemptive representations (for example, of ‘‘the disappeared’’); rather, it opens the present to a different interpretive system, one that overturns hegemonic ontological grounds and points to future prospects for social relations. For example, honoring the disappeared victims through remembrance practices that rely too much on a liturgy of facts fuels the mass themes of history and works to contain trauma into a fact-laden learning environment.16 This ‘‘uncovering’’ of knowledge through a ‘‘factual liturgy,’’ however, expels the ghosts of the disappeared because it is assumed that knowledge of the past needs to work toward a redeemed collective identity.17 Yet the singularity of each disappeared victim is lost because it is absorbed into the typicality of a historical theme that is legitimated through its narrativization. That is to say, ‘‘demystifying’’ the ghosts of the disappeared makes them simple objects of and for knowledge. Inviting the spectral moment, however, does exactly the opposite: it seeks to create openness to the not yet formulated possibilities of the future, urging the society to come to terms with what is beyond our capacity to comprehend (the disappeared) in accepted ideological, epistemological, and ethical terms. Nevertheless, invoking Derrida once again, it is important to keep in mind that this openness to the not yet formulated possibilities of the future may not necessarily be a good thing because something worse might be coming. As Derrida explained: Let me clarify. We are talking about a trauma, and thus an event, whose temporality proceeds neither from the now that is present nor from the present that is past but from an impresentable to come (a` venir). . . . There is traumatism with no possible work of mourning when the evil comes from the possibility to come of the worst, from the repetition to come — though worse. Traumatism is produced by the future, by the to come, by the threat of the worst to come, rather than by an aggression that is ‘‘over and done with.’’18 The possibility that Derrida described here is the fear of being wounded again. Although one might be open and willing to turn the page and move on after grieving the losses, the traumatic scars of the past haunt the future.19 Hence something worse is always expected as yet to come, as a possibility, because there is no guarantee that the evil will not be repeated. To make a connection with the implications of these dangers for history education, we need to examine how learning about and from the past and the disappeared victims can be repositioned to gain a new sensibility regarding memory and justice — one that is neither redemptive nor melancholic.20 This is why the goal of history education, for example, should not be to make the past more understandable by narrativizing it in myriad ways, but rather to invoke another historicity that ‘‘open[s] up access to an affirmative thinking of the messianic and emancipatory promise as promise’’ (SM, 74–75). This promise is what constitutes a radical openness to the future. However, if the goal is to shift from knowledge-based stories to unanticipated spaces and moments of spectrality in both public and school pedagogies, we need to examine further some of the possible dangers that might be encountered in the process. It is to the discussion of these dangers that I now wish to turn.

### a/t: case

#### The WTO can’t enforce the aff – causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>]

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### Strong current IP guarantees causes massive Pharma innovation.

Stevens and Ezell 20 Philip Stevens and Stephen Ezell 2-3-2020 "Delinkage Debunked: Why Replacing Patents With Prizes for Drug Development Won’t Work" <https://itif.org/publications/2020/02/03/delinkage-debunked-why-replacing-patents-prizes-drug-development-wont-work> (Philip founded Geneva Network in 2015. His main research interests are the intersection of intellectual property, trade, and health policy. Formerly he was an official at the World Intellectual Property Organization (WIPO) in Geneva, where he worked in its Global Challenges Division on a range of IP and health issues. Prior to his time with WIPO, Philip worked as director of policy for International Policy Network, a UK-based think tank, as well as holding research positions with the Adam Smith Institute and Reform, both in London. He has also worked as a political risk consultant and a management consultant. He is a regular columnist in a wide range of international newspapers and has published a number of academic studies. He holds degrees from the London School of Economics and Durham University (UK).)//Elmer

The **Current System** Has **Produced a Tremendous Amount of Life-Sciences Innovation** The frontier for biomedical innovation is seemingly limitless, and the challenges remain numerous—whether it comes to diseases that afflict millions, such as cancer or malaria, or the estimated 7,000 rare diseases that afflict fewer than 200,000 patients.24 And while certainly citizens in developed and developing nations confront differing health challenges, those challenges are increasingly converging. For instance, as of this year, analysts expect that **noncommunicable** diseases such as cardiovascular disease and diabetes will account for 70 percent of natural fatalities **in developing countries**.25 Citizens of low- and middle-income countries bear 80 percent of the world’s death burden from cardiovascular disease.26 Forty-six percent of Africans over 25 suffer from hypertension, more than anywhere else in the world. Similarly, 85 percent of the disease burden of cervical cancer is borne by individuals living in low- and middle-income countries.27 To develop treatments or cures for these conditions, novel biomedical innovation **will be needed from everywhere**. Yet tremendous progress has been made in recent decades. To tackle these challenges, the global pharmaceutical industry invested over **$1.36 trillion in R&D** in the decade from 2007 to 2016—and it’s expected that annual R&D investment by the global pharmaceutical industry will reach $181 billion by 2022.28 In no small part due to that investment, **943 new active substances have been introduced** globally over the prior 25 years.29 The U.S. Food and Drug Administration (FDA) has approved more than **500 new medicines since 2000** alone. And these medicines are getting to more individuals: Global medicine use **in 2020 will reach 4.5 trillion doses**, up 24 percent from 2015.30 Moreover, there are an estimated 7,000 new medicines under development globally (about half of them in the United States), with 74 percent being potentially first in class, meaning they use a new and unique mechanism of action for treating a medical condition.31 In the United States, over 85 percent of all drugs sold are generics (only 10 percent of U.S. prescriptions are filled by brand-name drugs).32 And while some assert that biotechnology companies focus too often on “me-too” drugs that compete with other treatments already on the market, the reality is many drugs currently under development are meant to tackle some of the **world’s most intractable diseases**, **including cancer and Alzheimer’s**.33 Moreover, such arguments miss that many of the drugs developed in recent years have in fact been first of their kind. For instance, in 2014, the FDA approved **41 new medicines** (at that point, the most since 1996) many of which were first-in-class medicines.34 In that year, 28 of the 41 drugs approved were considered biologic or specialty agents, and 41 percent of medicines approved were intended to treat rare diseases.35 Yet even when a new drug isn’t first of its kind, it can still produce benefits for patients, both through **enhanced clinical efficacy** (for instance, taking the treatment as a pill rather than an injection, with a superior dosing regimen, **or better treatment** for some individuals who don’t respond well to the original drug) and by generating competition that exerts downward price pressures. For example, a patient needing a cholesterol drug has a host of statins from which to choose, which is important because some statins produce harmful side effects for some patients. Similarly, patients with osteoporosis can choose from Actonel, Boniva, or Fosomax. Or take for example Hepatitis C, which until recently was an incurable disease eventually requiring a liver transplant for many patients. In 2013, a revolutionary new treatment called Solvadi was released that boosted cure rates to 90 percent. This was followed in 2014 by an improved treatment called Harvoni, which cures the Hepatitis C variant left untouched by Solvadi. Since then, an astonishing six new treatments for the disease have received FDA approval, opening up a wide range of treatment options that take into account patients’ liver and kidney status, co-infections, potential drug interactions, previous treatment failures, and the genotype of HCV virus.36 “If you have to have Hepatitis C, now is the time to have it,” as Douglas Dieterich, a liver specialist at the Icahn School of Medicine at Mount Sinai Hospital in New York, told the Financial Times. “We have these marvellous drugs we can treat you with right now, without side effects,” he added. “And this time next year, we’ll have another round of drugs available.”37 Moreover, the financial potential of this new product category has led to multiple competing products entering the market in quick succession, in turn placing downward pressure on prices.38 As Geoffrey Dusheiko and Charles Gore write in The Lancet, “The market has done its work for HCV treatments: after competing antiviral regimens entered the market, competition and innovative price negotiations have driven costs down from the initially high list prices in developed countries.”39 As noted previously, opponents of the current market- and IP-based system contend patents enable their holders to exploit a (temporary) market monopoly by inflating prices many multiples beyond the marginal cost of production. But rather than a conventional neoclassical analysis, an analysis based on “innovation economics” finds it is exactly this “distortion” that is required for innovation to progress. As William Baumol has pointed out, “Prices above marginal costs and price discrimination become the norm rather than the exception because … without such deviations from behaviour in the perfectly competitive model, innovation outlays and other unavoidable and repeated sunk outlays cannot be recouped.”40 Or, as the U.S. Congressional Office of Technology Assessment found, “Pharmaceutical R&D is a risky investment; therefore, high financial returns are necessary **to induce companies to invest** in researching new chemical entities.”41 This is also why, in 2018, the U.S. Congressional Budget Office estimated that because of high failure rates, biopharmaceutical **companies would need to earn a 61.8 percent rate of return on their successful new drug R&D projects in order to match a 4.8 percent after-tax rate of return on their investment**s.42 Indeed, **it’s the ability to recoup fixed costs, not just marginal** costs, through mechanisms such as patent protection that lies at the heart of all innovation-based industries and indeed all innovation and related economic progress. If companies could not find a way to pay for their R&D costs, and could only charge for the costs of producing the compound, **there would be no new drugs developed**, just as there would be no new products developed in any industry. Innovating in the life sciences remains expensive, risky, difficult, and uncertain. Just 1 in 5,000 drug candidates make it all the way from discovery to market.43 A 2018 study by the Deloitte Center for Health Solutions, “Unlocking R&D productivity: Measuring the return from pharmaceutical innovation 2018,” found that “the average cost to develop an asset [an innovative life-sciences drug] including the cost of failure, has increased in six out of eight years,” and that the average cost to create a new drug has risen to $2.8 billion.44 Related research has found the development of new drugs requires years of painstaking, risky, and expensive research that, for a new pharmaceutical compound, takes an average of 11.5 to 15 years of research, development, and clinical trials, at a cost of $1.7 billion to $**3.2 billion**.45 IP rights—including patents, copyrights, and data exclusivity protections—give innovators, whether in the life sciences or other sectors, the **confidence** to undertake the risky and expensive process of innovation, secure in the knowledge they’ll be able to capture a share of the gains from their efforts. And these gains are often only a small fraction of the true value created. For instance, Yale University economist William Nordhaus estimated inventors capture just 4 percent of the total social gains from their innovations; the rest spill over to other companies and society as a whole.46 Without adequate IP protection, private investors would never find it viable to fund advanced research because lower-cost copiers would be in a position to undercut the legitimate prices (and profits) of innovators, even while still generating substantial profits on their own.47 As the report “Wealth, Health and International Trade in the 21st Century” concludes, “Conferring robust intellectual property rights is, in the pharmaceutical and other technological-development contexts, **in the global public’s long-term interests.** Without adequate mechanisms for directly and indirectly securing the private and public funding of medicines and vaccines, research and development communities across the world will lose future benefits that would far outweigh the development costs involved.”48 Put simply, the current market- and IP-based life-sciences innovation system is producing life-changing biomedical innovation. As Jack Scannell, a senior fellow at Oxford University’s Center for the Advancement of Sustainable Medical Innovation has explained, “I would guess that one can buy today, at rock bottom generic prices, a set of small-molecule drugs that has greater medical utility than the entire set available to anyone, anywhere, at any price in 1995.” He continued, “Nearly all the generic medicine chest was created by firms who invested in R&D to win future profits that they tried pretty hard to maximize; short-term financial gain building a long-term common good.”49 For example, on September 14, 2017, the FDA approved Mvasi, the first biosimilar for Roche’s Avastin, a breakthrough anticancer drug when it came out in the mid-1990s for lung, cervical, and colorectal cancer.50 In other words, a medicine to treat forms of cancer that barely existed 20 years ago is now available as a generic drug today. It’s this dynamic that enables us to imagine a situation wherein drugs to treat diseases that aren’t available anywhere at any price today (for instance, treatments for Alzheimer’s or Parkinson’s) might be available as generics in 20 years. But that will only be the case if we preserve (and improve where possible) a life-sciences innovation system that is generally working. The current system does not require wholesale replacement by a prize-based system that—notwithstanding a meaningful success here or there—has produced nowhere near a similar level of novel biomedical innovation.

#### Economic growth guarantees civilizational collapse by 2050 – decoupling is impossible and tech is a pipeline dream

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Although driven by political, institutional, and discursive processes, growth is also biophysical. The economic process converts energy, resources, and matter to goods, services, and waste (34). In theory, it seems possible to decouple material throughput from economic output by improving the resource efficiency of production. Ecological economists, however, argue that in practice absolute decoupling is unlikely, even though relative decoupling is common (34). Efficiency should not be confused with scale (35): The more efficiently we use resources, the lower they cost, and the more of them we end up using (36). This is, in essence, growth. Just as increases in labor productivity lead to growth and new jobs, not to less employment, increases in resource productivity increase output and resource use (37). Capitalist economies grow by using more resources and more people, more intensively. Accelerating this is unlikely to spare resources.

Growth can become “cleaner” or “greener” by substituting, for example, fossil fuels with solar power, or scarce, environmentally intensive metals with more abundant and less intensive metals. But new substitutes have resource requirements, and life-cycle impacts that cross space and time. Energy is a vital source of useful work (38); growth has been possible because fossil fuels did things human labor alone could not do. Ending the use of fossil fuels is likely to reduce labor productivity and limit output (34). Solar and wind power are constrained only by their rate of flow, but unlike fossil fuels, they are diffuse—more like rain than a lake (3). To collect and concentrate a diffuse flow of energy, more energy is necessary and more land is required. The EROIs (energy returns on energy investment) of renewable energies are between 10:1 and 20:1, compared to more than 50:1 for earlier deposits of oil and coal (39). An economy powered by a diffuse energy flow is then likely to be an economy of lower net energy and lower output than one powered by concentrated stocks (3). Land use for solar or wind also competes with the use of land for food production, and rare materials are necessary for infrastructures and batteries that store their intermittent flows, with significant environmental effects.

Historical data corroborate ecological economic theory (40). Ayres & Warr (38) find that the use of net energy after conversion losses explains a big portion of the United States’ total factor productivity and economic growth. At the global level, GDP and material use have increased approximately 1:1. Carbon emissions have increased somewhat slower than GDP, but still have increased (34). This is unlikely to be a coincidence. Exceptions may exist, but cross-panel data analysis shows that overall, 1% growth of a national economy is associated with 0.6% to 0.8% increase in its carbon emissions (41) and 0.8% growth in its resource use (42).

Global resource use follows currently the “collapse by 2050” scenario foreseen in the “Limits to Growth” 1971 report (43–45). Domestic material use in some developed OECD economies has reached a plateau, but this is because of globalization and trade. If we take into account imported goods, then the material requirements of products and services consumed in OECD countries have grown hand in hand with GDP, with no decoupling (46). For water use, the effects of growth overwhelm any realistic savings from technologies and efficiency (47); water footprints have increased even in regions such as California where water withdrawals were stabilized (40).

Carbon emissions in some EU (European Union) countries have been declining, even after trade is taken into account, suggesting some substitution of fossil fuels by cleaner energies. [Although recession also played a role (34).] These declines are nowhere near the 8–10%, year-afteryear reductions in carbon emissions required for developed nations under scenarios compatible with a 50% chance of limiting warming to 2◦C (48). Further reductions will be harder to sustain once one-off substitutions of oil or coal with natural gas are exhausted (34).

Resource use or carbon emissions are a product of the scale of the economy (GDP) times its resource or carbon intensity (kg/GDP or kgCO2/GDP). With 1.5% annual increase in global income per capita, carbon intensity has to decline 4.4% each year for staying within 2◦C; with 0% growth, carbon intensity has to fall 2.9% each year (49). In the period 1970–2013, the average annual reduction rate for carbon intensity was less than 1.5%—and this gets harder to sustain as the share of carbon-intensive economies in global output increases (49). As Jackson (50) showed in his seminal work, it is practically impossible to envisage viable climate mitigation scenarios that involve growth. This calls for research on managing, or prospering, without growth (50, 51).

Some scenarios deem possible meeting climate targets while sustaining growth, but these generally assume after 2050 some sort of “negative emissions technology,” geo-engineering or otherwise. According to a recent Nature editorial, these technologies remain currently “magical thinking” (52). Clean energy investments can stimulate the economy in the short run, but in the long run growth may be limited by their low EROIs. Studies suggest that economic growth requires a minimum EROI of close to 11:1 (53). Less EROI means less labor productivity, and hence less growth. Indeed, “Limits to Growth” scenarios do not predict growth ending when resources are exhausted but, rather, when the quality of resources declines to such an extent that further extraction diverts more and more investment away from productive industry (44).

Degrowth is defined by ecological economists as an equitable downscaling of throughput, with a concomitant securing of wellbeing. If there is a fundamental coupling of economic activity and resource use, as ecological economics suggests there is, then serious environmental or climate policies will slow down the economy. Vice versa, a slower economy will use less resources and emit less carbon (40). This is not the same as saying that the degrowth goal is to reduce GDP (54); slowing down the economy is not an end but a likely outcome in a transition toward equitable wellbeing and environmental sustainability.

#### Disease won’t cause extinction—

#### Burnout and empirics.

Owen Cotton-Barratt 17, et al, PhD in Pure Mathematics, Oxford, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute, 2/3/2017, Existential Risk: Diplomacy and Governance, https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, less than 4% (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is very numerous, globally dispersed, and capable of a rational response to problems, is very unlikely to be killed off by a natural pandemic.

One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a selective pressure for pathogens not to be highly lethal. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

#### No global food wars – the status quo is overproduction.

**Latham ’15 (Jonathan; 1/12/2015; PhD in sustainable agriculture; “How the Great Food War Will Be Won,”**<https://www.independentsciencenews.org/environment/how-the-great-food-war-will-be-won/>**; Date Accessed: 10/15/2016)**

Yet this strategy has a disastrous foundational weakness. There is **no global or regional** shortage of food. There **never** has been and nor is there ever likely to be. India has a **superabundance** of food. South America is swamped in food. The US, Australia, New Zealand and Europe are swamped in food (e.g. Billen et al 2011). In Britain, like in many wealthy countries, nearly half of all row crop food production now goes to biofuels, which at bottom are an attempt to dispose of surplus agricultural products. China isn’t quite swamped but it still exports food (see Fig 1.); and it grows 30% of the world’s cotton. No foodpocalypse there either. Of all the populous nations, Bangladesh comes closest to not being swamped in food. Its situation is complex. Its government says it is self-sufficient. The UN world Food Program says it is not, but the truth appears to be that Bangladeshi farmers do not produce the rice they could because prices are too low, because of persistent gluts (1). Even some establishment institutions will occasionally admit that **the food shortage concept** – now and in any reasonably conceivable future – **is bankrupt**. According to experts consulted by the World Bank Institute there is already sufficient food production for **14 billion** people – more food than will **ever be needed**. The Golden Fact of agribusiness is a lie. So, if the agribusiness PR experts are correct that food crisis fears are pivotal to their industry, then it follows that those who oppose the industrialization of food and agriculture should make dismantling that lie their top priority. Anyone who wants a sustainable, pesticide-free, or non-GMO food future, or who wants to swim in a healthy river or lake again, or wants to avoid climate chaos, needs to know all this. Anyone who would like to rebuild the rural economy or who appreciates cultural, biological, or agricultural diversity of any meaningful kind should take every possible opportunity to point out the evidence that refutes it. Granaries are bulging, crops are being burned as biofuels or dumped, prices are low, farmers are abandoning farming for slums and cities, all because of **massive oversupply**. Anyone could also point out that probably the least important criterion for growing food, is how much it yields. Even just to acknowledge crop yield, as an issue for anyone other than the individual farmer, is to reinforce the framing of the industry they oppose.