# 1NC Nano Nagle Doubles

## 1

**Interp: The aff must defend the member nations of the World Trade Organization as a general principle, not specify a subset.**

**“Member nations” is a definite plural - nations is plural and has the article “the” that precedes it, makin†g it generic.**

Francis **Corblin. (2012).** *Professor at l'Université Paris-Sorbonne. They research about semantics and the human mind.* The Roots of Genericity: Indefinite Singulars vs Definite Plurals. 10.1093/acprof:oso/9780199691807.003.0014. //SR \*\*DPs = definite plurals\*\*

2 Universal closure and the derivation of definite plural generics In this section on DP, I provide, for space consideration, a sketch of the main options, rather than a full discussion. 2.1. Restricted plurals Let us assume that the French les Xs (DPs) denote a set, namely the maximal set of individuals X, which is possibly the maximal such set within a contextually restricted domain10. DPs are open to two kinds of predication: 1. Direct or individual predication: the VP property is satisfied by the plural individual, by the "group" formed by the maximal set. 2. Indirect or quantificational predication: a quantifier takes the maximal set as its quantification domain. Example (9) is a context that allows for direct predication only: (9) Les étudiantes de ma classe sont (\*toutes, \*pour la plupart) nombreuses. The female students of my class are (\*all, \*for most of them) numerous. Example (10) is a context that allows quantificational predication only: (10) Les étudiantes de ma classe sont (toutes, pour la plupart) célibataires. The female students of my class are (all, for most of them) unmarried. A sub-class of predicates, referred to as holist predicates by Corblin (2008), accepts only direct predication: e.g., "to be numerous", "to be ten thousand", "a nice couple". See the "purely cardinal predicates" of Dowty (1987). A sub-class of predicates accepts only indirect predication: e.g., "to be pregnant", "to have a red nose". Most predicates admit both readings: e.g., "to build a raft", "to buy a house" Quantificational predications without any lexical quantifiers also exist. For those cases, I assume a closure mechanism which I call Universal closure, UC. Universal closure Natural languages offer structures marked as quantificational with no overt quantifier. These structures are interpreted by a closure mechanism as universal or quasi-universal : ∀ c x (…)Restrictor (…)Scope. "∀ c x" means " For all or almost all xs". This general closure mechanism has no modal content of its own, and is compatible with many different structures. It can be seen as a generalization compatible with Lewis (1975) analysis of conditionals and as the general schema underlying the more sophisticated Gen in Krifka et al. (1995). It can also be used for the derivation of D-linked DPs interpretation (again a quantificational structure without any overt quantifier), once assumed that the DP denotes a set providing a restrictor for the UC operator.11 In this short section, I just want to suggest that both Lewis's analysis of conditionals and the semantic analysis of DPs as referential terms, require a closure mechanism based on a covert quantifier associated to the meaning all or almost all, a mechanism we call UC. As compared to the various theories making use of a covert operator GEN, the current proposal can be seen more as a least common denominator than as a new thing. UC is very underspecified, has no modal content of its own, is supposed to work for a large set of different constructions, and is conceived as a mechanism comparable to EC. 1.2. Definite plural genericity The simplest claim is that nothing more is needed for deriving I-generic readings of DPs. The root of genericity is that the restrictor in which one is required to include all of the xs to quantify over them is not explicitly bound and can be, for this reason, as large as desired, possibly including any accessible possible worlds in any modal base. This explains why DPs can express mere descriptive generalizations on small restricted sets as well as modal sentences involving all accessible possible worlds. I do not take this property as an ambiguity, as Greenberg (2003) does, but rather as a case of underspecification. A sentence like (11), for instance, can be a simple observation or a modal sentence (must), depending on the context: (11) Dans ma famille, les femmes travaillent. In my family, the women have jobs. The fact that UC automatically applies to DPs explains why there is no constraint concerning the associated predicates, making sentences like (12) and (13) felicitous: (12) Les madrigaux sont populaires. The madrigals are popular. (13) Les pilotes sont blonds. The pilots are blond. Sentences (12) and (13) are felicitous, although probably not shared, and can be used with no commitment regarding the truth of such sentences in any normal world; they can express mere generalizations over some empirical evidence. The main obstacle to this simplification is the existence of cases in which DPs seems to denote directly a kind (and not only a very large set of individuals) as in (14) : (14) Les dinosaures ont disparu. Dinosaurs are extinct I do not think this argument constitutes a very strong objection. Some recent works that implement a kind interpretation do so on the basis of the maximal set interpretation (Farkas & de Swart 2007). One may think the so-called "kind interpretation" of plurals to be just a "maximal set" interpretation. This is the position of Dayal (2009) who states that plural-kind formation and regular definiteness differ only in intensionality: plural-kind readings are simply an intensional version of the maximality operator. The so-called "generic DPs" might thus be nothing, at least in most of their uses, but DPs with unbound quantification domains. Note that in the present approach not all DPs trigger UC. Only indirect predication option does (see above). It remains possible, thus, to predict "directly" something of the maximal (intensional) plural individual (and not of any of its individual members).

**Standards**

1. **Precision outweighs - anything outside the res is arbitrary and unpredictable because the topic determines prep, not being bound by it lets them jettison any word. Aff arguments are non-unique since a] it relies on semantics to convey those messages and b] pragmatics can be discussed anytime while we only have 2 months to discuss the wording of this unique topic**
2. **Limits and Ground - decimates clash by exploding limits to 20 different countries with different political climates, patent regimes, and biotech sectors which makes contesting the aff with unifying neg ground impossible and means they can always pick the most aff skewed country. Causes unfair prep burdens, stale engagement, and multiplies small school caselist infinitely**
3. **TVA – read your aff as an advantage under whole res – we still get your content education and sufficient aff ground by switching up aff advantages, frameworks, implementation, etc. The existence of pics doesn’t answer this - a] 1ar theory checks b] plans incentivize more generic cheaty counterplans since nothing else links and c] preemptive abuse doesn’t justify actual abuse or they’ll read 50 a prioris to answer 40 condo pics**

**Fairness and education are voters--debate’s a game that needs rules to evaluate it and teaches portable skills we use lifelong. Drop the debater for deterrence--the whole round was skewed. No rvi--a] logic - you shouldn’t win for being fair b] baiting--they’d use aff infinite prep to be abusive and just frontline it well then win c] chilling--scares us from checking infinite abuse because you could just sit on the rvi. Competing interps--reasonability is arbitrary and causes a race to the bottom--competing interps creates the best norms but limited words in the res mean limited interps so no race to the top.**

## 2

**Interp and violation: “Medicines” treat or cure diseases. Affs must not reduce other medical intellectual property protections**

**Violation: Vaccines prevent**

**Vecchio 7/22** (Christopher Vecchio, [CFA, Senior Strategist, ], 7-22-2021, “Delta Variant Concerns Won't Cripple Markets, US Economy“, DailyFX, accessed: 8-9-2021, https://www.dailyfx.com/forex/video/daily\_news\_report/2021/07/22/market-minutes-delta-variant-concerns-wont-cripple-markets-us-economy.html) ajs

Let’s stick to the facts. The COVID-19 vaccines are not medicines, which by definition “treat or cure diseases.” Vaccines “help prevent diseases,” an important distinction. Why does this matter? Because data coming out of some of the world’s developed economies with high adult vaccination rates suggest that the vaccines are working as intended: tail-risks have been reduced, with hospitalizations and deaths falling relative to the recent spike in infections (which have been occurring primarily among the unvaccinated at this point). Put another way, vaccines are like a Kevlar vest for the immune system; while they don’t make you bulletproof, they dramatically increase the odds of surviving an adverse event.

**Vaccines are medical interventions not medicines**

**Elbe 10** (Stefan Elbe, [director of the Centre for Global Health Policy and a professor of international relations at the University of Sussex. He is the author of Strategic Implications of HIV/AIDS, Security and Global Health, and Virus Alert: Security, Governmentality, and the AIDS Pandemic.], 5-3-2010, “Security and Global Health” Polity Press, accessed: 8-9-2021, https://books.google.com/books?id=PKMoMJrSsksC) ajs

Yet here too we must be careful not to overlook other types of medical intervention simultaneously pursued by the 'social' arm of modern medicine at the population level. Vaccines in particular continue to be particularly important medical interventions that repeatedly surface in a variety of different health security delib- erations. Strictly speaking, vaccines are not medicines because they consist of small concentrations of disease-causing microbes (or their derivatives) used to enhance a person's immuno-response to a future infection. As a public health measure, vaccines have therefore also been largely sidelined in the existing medicalization literature. Yet, generally speaking, vaccines too can be considered as medical inter- ventions. That is certainly how the World Health Organization views them, pointing out that 'vaccines are among the most important medical interventions for reducing illness and deaths' available today (WHO 2009a). Whereas pills and other therapies mark the tools of clinical medicine, vaccines play a crucial part in the arsenal of 'social' medicine and public health. Developing and rolling out of new vaccines against a range of current (and future) diseases therefore represents further evidence of how the rise of health security is also encouraging security to be practised through the introduction of new medical interventions in society.

**Prefer our definition - its an international and official definition by WHO which is key in debates about a health - new 1ar definitions are too unpredictable and late breaking since our strat was premised on them not defining it in the 1AC**

**Standards:**

1. **C/a precision**
2. **Limits and ground - Preemptive medicines explodes limits as they get to defend all types of vaccines and anything related to medical treatment such as, pre-emptive surgery, medical devices, and mosquito repellant to shift out of core neg ground, circumvent core clash, and infinitely expand the small school prep burden.**

## 3

**The subject emerges through loss, constitutively unable to express it’s desires through language. That traps the subject in the symbolic, creating a constant desire towards the lost-object.**

**McGowan 13** [Todd; Associate Professor of Film Studies at the UVermont; “Enjoying What We Don't Have: The Political Project of Psychoanalysis,” Pg. 26-29; 2013; University of Nebraska Press / Lincoln and London] Justin

The subject as such emerges through the experience of loss. It is the loss of a part of the subject — an initial act of sacrifi ce — that creates both subject and object, the object emerging through this act as what the subject has lost of itself. The subject takes an interest in the object world because it forms this world around its lost object. As Jacques Lacan notes, “Never, in our concrete experience of analytic theory, do we do without the notion of the lack of the object as central. It is not a negative, but the very spring for the relation of the subject to the world.”5 Th e loss of the object generates a world around this loss to which the subject can relate. Obviously, no one literally creates objects through an initial act of sacrifi ce of an actual body part. Th is would be too much to ask. But the psychical act of sacrifi ce allows for a distinction to develop where none existed before and simultaneously directs the subject’s desire toward the object world. In his breakthrough essay “Negation,” Freud describes this process as follows: “Th e antithesis between subjective and objective does not exist from the fi rst. It only comes into being from the fact that thinking possesses the capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there. Th e fi rst and immediate aim, therefore, of reality-testing is, not to fi nd an object in real perception which corresponds to the one presented, but to refi nd such an object, to convince oneself that it is still there.”6 Th ough Freud doesn’t use terms from linguistics, it is clear that he is making reference to the subject’s alienation in language and that he sees this alienation as the key to the emergence of both the subject and the object When the subject submits to the imperatives of language, it enters into an indirect relation with the object world. Th e speaking being does not relate to books, pencils, and paper but to “books,” “pencils,” and “paper.” Th e signifier intervenes between the subject and the object that the subject perceives. Th e subject’s alienation into language deprives it of immediate contact with the object world. And yet, in the above passage from “Negation,” Freud conceives of the subject’s entrance into language — its “capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there” — as the event that produces the very distinction between subject and object. Th is means that the indirectness or mediation introduced by language deprives the subject of a direct relation to the object world that it never had. Prior to its immersion in the mediation of language, the subject had no object at all — not a privileged relation to objects but a complete absence of relationality as such due to its autoeroticism. In this sense, the subject’s willingness to accede to its alienation in language is the fi rst creative act, a sacrifice that produces the objects that the subject cannot directly access. Language is important not for its own sake but because it is the site of our founding sacrifi ce. We know that the subject has performed this act of sacrifi ce when we witness the subject functioning as a being of language, but the sacrifi ce is not an act that the subject takes up on its own. Others always impose the entry into language on the subject. Th eir exhortations and incentives to speak prompt the emergence of the speaking subject. But the subject’s openness to alienation in language, its willingness to sacrifi ce a part of itself in order to become a speaking subject, suggests a lack in being itself prior to the entry into language. Th at is, the act through which the subject cedes the privileged object and becomes a subject coincides with language but is irreducible to it. Th e subject engages in the act of sacrifi ce because it does not fi nd its initial autoeroticism perfectly satisfying — the unity of the autoerotic being is not perfect — and this lack of complete satisfaction produces the opening through which language and society grab onto the subject through its alienating process. If the initial autoerotic state of the human animal were perfectly satisfying, no one would begin to speak, and subjectivity would never form. Speaking as such testifi es to an initial wound in our animal being and in being itself. But subjectivity emerges only out of a self-wounding. Even though others encourage the infant to abandon its autoerotic state through a multitude of inducements, the initial loss that constitutes subjectivity is always and necessarily self-infl icted. Subjectivity has a fundamentally masochistic form, and it continually repeats the masochistic act that founds it. Th e act of sacrifi ce opens the door to the promise of a satisfaction that autoerotic isolation forecloses, which is why the incipient subject abandons the autoerotic state and accedes to the call of sociality. But the term “sacrifi ce” is misleading insofar as it suggests that the subject has given up a wholeness (with itself or with its parent) that exists prior to being lost. In the act of sacrifi ce, the incipient subject gives up something that it doesn’t have. Th e initial loss that founds subjectivity is not at all substantial; it is the ceding of nothing. Th rough this defi ning gesture, the subject sacrifi ces its lost object into being. But if the subject cedes nothing, this initial act of sacrifi ce seems profoundly unnecessary. Why can’t the subject emerge without it? Why is the experience of loss necessary for the subject to constitute itself qua subject? Th e answer lies in the diff erence between need and desire. While the needs of the human animal are not dependent on the experience of loss, the subject’s desires are. It is the initial act of sacrifi ce that gives birth to desire: the subject sacrifi ces nothing in order to create a lost object around which it can organize its desire. As Richard Boothby puts it in his unequaled explanation of the psychoanalytic conception of the emergence of desire, “Th e destruction and loss of the object . . . opens up a symbolic dimension in which what was lost might be recovered in a new form.”7 He adds: “Sacrifi ce serves to constitute the very matrix of desire. Th e essential function of sacrifi ce is less do ut des, I give so that you might give, than do ut desidero: I give in order that I might desire.”8 Th e subject’s desire is oriented around this lost object, but the object is nothing as a positive entity and only exists insofar as it is lost. Th is is why one can never att ain the lost object or the object that causes one to desire.9 Th e coming-into-being of this object originates the subject of desire, but, having no substance, the object can never become an empirical object of desire. We may see an object of desire as embodying the lost object, but whenever we obtain this object, we discover its emptiness. Th e lost object is constitutively rather than empirically lost

**The 1AC’s development discourse is the projection of repetitive desires that scapegoat their problems onto third-world countries**

**Kapoor 14** [Ilan; 10/2/14; Faculty of Environmental Studies, York University, Toronto, Canada; “*Psychoanalysis and development: contributions, examples, limits*,” Third World Quarterly, 35:7, 1120-1143, DOI: 10.1080/01436597.2014.926101] Justin recut SJKS

The blind spot on which I would like to dwell a little, however, is the continuing neglect of colonialism in mainstream development discourse. This neglect coincides with the very ‘invention’ of international development in the post-Second World War period: aid to ‘underdeveloped’ areas became vital to containing what the USA and other Western powers saw as Soviet expansionism. No wonder that modernisation theory – which pioneered development as an academic field and has anchored Western foreign policy and development institutions ever since – bears the strong imprint of such cold war politics. As several analysts have argued,26 modernisation tends to take a decidedly postSecond World War view of history, thus avoiding the history of Western colonialism. For instance, Walt Rostow’s The Stages of Economic Growth – so influential in economic and foreign policy circles – fails to deal with colonial rule in any meaningful way. It’s not that Rostow doesn’t mention colonialism at all; he does, but its significance is notably downplayed. In a short section on ‘Colonialism’, he goes so far as to state that colonies were founded for ‘oblique reasons’ and colonial subjects ‘looked kindly’ on the colonizer’s efforts to organise ‘suitable political frameworks’. 27 But such disavowal continues in various guises even today. It is visible in World Bank and International Monetary Fund structural adjustment programmes, 1126 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 which make no mention of, or allowances for, the fact that the West’s colonial plunder might have something to do with the recipient’s current socioeconomic conditions. And it is evident in World Trade Organization trade deals, which so often assume a global economic level playing field in their pursuit of ‘free’ trade, amounting to trade ‘freed’ of any past colonial entanglements. Robert Fletcher calls such persistent sanitisation of colonialism ‘imperialist amnesia’. He analyses the work of several development and globalisation pundits to drive home the point: New York Times columnist Thomas Freidman, former World Bank economist Paul Collier and economist and UN advisor Jeffrey Sachs, all of whom treat wealth accumulation in the global North or poverty in the global South by omitting consideration of the imperialist extraction of Third World resources.28 In The End of Poverty, for example, Sachs claims that ‘the combination of Africa’s adverse geography and its extreme poverty creates the worst poverty trap in the world’. 29 Vandana Shiva, struck by the glaring blind spot, takes Sachs to task, declaring: This is a totally false history of poverty...The wealth accumulated by Europe and North America is largely based on riches taken from Asia, Africa and Latin America. Without the destruction of India’s rich textile industry, without the takeover of the spice trade, without the genocide of the Native American tribes [sic], without African slavery, the Industrial Revolution would not have resulted in new riches for Europe or North America. It was this violent takeover of Third World resources and markets that created wealth in the North and poverty in the South.30 What this recurring blind spot reveals is the tendency to deny the West’s complicity (and one’s own complicity as Westerner) in the plight of the Third World. It is a tendency that, as many postcolonial critics have suggested,31 is rife within the history of Western thought, which so often represses the barbarism (colonialism, racism, violence against the subaltern and women) that founds modernity. And it is a tendency, as underlined above, which equally inaugurates the field of Development Studies, since cold war politics demanded the construction of a strong and irreproachable West, cleansed of any suggestion of complicity in Third World ‘underdevelopment’. Thus, the discourse of modernisation (in its postwar and contemporary forms) can be seen as receiving back its own message to the Third World in inverted form: it is as if it is saying ‘you need to be backward, irrational, poor, terroristic, weak, exotic, fundamentalist, passive, etc since that is my way of reassuring myself that I am civilised, rational, scientific, rich, strong, secular, active, etc’. What psychoanalysis adds to the postmodern understanding of binary construction is the dimension of the Real, which shows up here in the form of the blind spot – the element of selflimitation that one cannot really come to terms with, so one averts [selflimitation] by (unconsciously) projecting it onto the Other. To conclude this section, let me underline again how psychoanalysis can help uncover the unconscious of development discourse, pointing to the latter’s desires and traumas, which so often ‘speak’ when things go wrong (eg in the form of slips and blind spots). Thus, in the examples discussed above, the mastery, credibility and neutrality of the World Bank are tripped up by the ‘Summers memo’, revealing the Bank’s desire for free market economics, even if this means First World domination of the Third World, while the traumatic Third World Quarterly 1127 Downloaded by [York University Libraries] at 10:45 02 October 2014 inability of modernisation to face its limitations and complicities shows up in its disavowal of Western colonialism. Note that both these illustrations exemplify what is known in psychoanalysis as the ‘return of the repressed’: mainstream development’s construction of itself as rational, scientific and authoritative implies precisely the evacuation of certain desires and traumas, which ‘speak’ nonetheless, sometimes at the most inopportune moments. Note as well that, even though development’s slips and stumbles may appear ‘irrational’ (eg the ‘irrational’ implications of free market economic logic), such irrationality is the product of the excess of reason (eg development’s prioritisation of positivist economics and science), that is, its inability to come to terms with its conflicting desires (eg its desire to appear pure, yet its past yearnings for colonial plunder). Irrationality, in this sense, is integral to the very construction of a rational and scientific development discourse (in the same way that, for Lacan, the unconscious is integral to the very construction of language). Finally, note the emphasis on surface rather than depth when it comes to the unconscious: Lacanian psychoanalysis is not a ‘depth psychology’ meant to excavate unconscious desires from the recesses of the individual mind; rather than going below the surface, the point is to glean the unconscious hidden in plain view. The unconscious is thus immanent to language/discourse, visible topologically. This is why the way the Summers memo is presented (its secretive form) is more important, psychoanalytically speaking, than what is uttered in it. This is also why the slips contained in ‘population control’ and ‘sustainable development’ are outwardly visible from the start, although, as pointed out earlier, they are only gleaned retroactively, in light of the institutional machinations that stem from each. Enjoying development: understanding why development discourse endures The Lacanian concept of jouissance (enjoyment) refers not to the pleasure we derive from things but, rather, to the excessive satisfaction or kick we get from doing something transgressive, irrational or even wrong. It has been called ‘the thrill of the [R]eal’, 32 and helps explain, for example, such self-destructive pursuits as smoking and binge drinking, or such ‘extreme sports’ as bungee jumping and free diving: people do them not despite the fact that they are dangerous, but because they are. Jouissance thus involves the intense pleasure taken from pain, a kind of idiotic stupor that often makes us ask for more even though we well know the risks. According to Lacan, jouissance is the outcome of the child’s separation from the primordial (m)Other and entry into the symbolic order. This is a traumatic separation that results in deep loss (of enjoyment), a loss that we are never able to forget. The tragedy is that the loss is actually a fiction (no real primordial fullness ever existed in the first place), yet it always remains with us. We repeatedly assume fullness exists but constantly remain dissatisfied, thus turning ‘nothing into something’. 33 The promise of enjoyment is always deferred, with the result that we continuously miss our goal, yet keep coming back for more. One of Žižek’s significant contributions to political theory has been to make the notion of jouissance a political factor, showing how it is a crucial ingredient 1128 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 in the formation of political community and identity.34 For example, the deep comfort people may get from following rituals (bureaucratic or religious), or the enjoyment and thrill that may binds us together against an external enemy, help explain why institutions, nations, or groups often do ‘irrational’ things – in this case, obstinately defending bureaucratic red tape or religious identity, or engaging in aggressive racism or nationalism. Jouissance elucidates why people become so attached to cultural values and socio-political systems, and why power can turn out to be so intractable, persistent and enduring. One has trouble giving up such things as racism, materialism, sexism or religious fundamentalism because one enjoys them; they give one a certain sense of stability and fulfilment, despite the fact that (and sometimes because) one may well know they can be pernicious and cruel. As Stavrakakis points out, ‘by taking into account emotion, affect [and enjoyment]...one may be able to reach a more thorough understanding of “what sticks”: both what fuels identification processes and what creates fixity’. 35 Let me provide the following three illustrations. The first concerns the emphatically capitalist orientation of development: despite the fact that capitalism has been severely criticised – it results in socioeconomic inequality, global unevenness and ecological destruction – it is very much in the ascendancy; arguably, it constitutes the only available economic horizon today, whether in the global North or the South. From a Žižekian perspective, one of the key reasons for such tremendous success is jouissance. That is to say, people enjoy capitalism. We are libidinally bound to it because we get so much from it – cars TVs, houses, nice clothes, cheap fast-food, iPhones, etc. And capitalism, especially in its latest neoliberal phase, has been very effective in appealing to our passions. It is able to exploit what Lacanians see as our deep-seated sense of lack/loss, enabling us to fill such lack through consumerism and materialism. This means that we cannot easily postpone capitalism, since it promises to heal our ontological wound. Late capitalism’s productive engine thus depends on enjoyment-as-excess; its strength and success hinge on the extent to which it can elevate jouissance ‘into the very principle of social life’. 36 This is why late capitalist societies (whether in the West or Third World) are characterised by the normalisation of excess – the desire for the best, biggest, tallest, richest, most original; the pervasiveness of ‘super-sized’ everything, from dams and buildings to coffee and art; the orgiastic show of wealth; the rise of sexual promiscuity and ‘extreme’ sports; or the over-abundance of ‘choice’, whether in TV channels, music, restaurants or university programmes. The problem, however, is that, although capitalist development promises enjoyment, it never quite delivers: a Coke doesn’t quite quench, more wealth is still never enough and super-sized fast-food sickens rather than satisfies. But such failure is written into the very logic of capitalism. For, if an end to dissatisfaction were possible, that would spell the end of the global capitalist system. Instead, the aim of the system is always to solicit and activate desire, but never to allow it to be satiated; this is what enables ever-increasing growth, profit or market share. Capitalist development, in this sense, is driven by insatiable lack, so that, try as we may to satisfy our enjoyment, we always miss our mark. As Todd McGowan states, ‘the problem with the society of enjoyment is not that we suffer from too much enjoyment, but that we don’t have enough’. 37 Third World Quarterly 1129 Downloaded by [York University Libraries] at 10:45 02 October 2014 A second illustration of jouissance involves nationalism. Indeed, little else has been more enduring than national identifications in the development context. Appeals to national bonds were of course crucial during independence struggles across the former colonies, but they have also been a key ingredient in postindependence national politics to help unify the nation on key political issues (land reform, industrialisation or liberalisation strategies, pet or prestige development projects, emergencies, humanitarian disasters, wars, etc). What is notable is that these appeals have invariably relied, not so much on rational arguments as social passions. Nationalism operates at the libidinal level (ie at the level of our ‘guts’, hearts, affect), engaging our sense of belonging, community and pride. It relies on the (fantasmatic) promise of full enjoyment, which once again helps to explain the secret of its persistence. The problem is that, while nationalism may be able to deliver on a few of its development goals, it often leads to irrationalities and excesses. We are all too aware of stories about excessive government spending on the military or costly prestige projects (mega-dams, space programmes, state-of-the-art hospitals, etc), at the expense of, say, basic health care and education. It is precisely this that Frantz Fanon warned about in his scathing critique of the national bourgeoisie, which he famously accused of pandering to nationalist sentiment as a pretext for continuing elite wealth accumulation and ‘racket’. 38 But there is also a more sinister dimension to nationalism: its tendency to scapegoat. This is a tendency that arises as part of the very formation of national identity. To construct the nation is to appeal to what makes ‘us’ unique (our customs, culture, landscapes, food, dress, festivals, etc). It is this uniqueness that provides people with an ecstatic sense of unity and togetherness (ie jouissance). Yet, as Lacanians are quick to point out, such togetherness is a fiction, masking the lack and instability at the heart of any identity. And so, usually when things go wrong and this sense of national togetherness is threatened (eg by economic crises, recessions or internal political instability), a scapegoat is constructed – fundamentalists who terrorise us, the poor who threaten our security or environment, immigrants who steal our jobs or menace our women, the Jews/Indians/Chinese who plot to rule the world. Žižek underlines how such scapegoating allows the nation to avoid confronting its own inadequacies or contradictions by projecting them onto a stereotypical Other.39 My third, related example is about racism. Since colonial times not only has Western domination of the Third World been exercised in the socioeconomic and political spheres, but also when it comes to race. As Fanon claims, the ‘White man’ has become the universal subject or master signifier, so that being Black (or a person of colour) is only meaningful in relation to whiteness.40 From the Lacanian standpoint this implies that whiteness has been constructed as the promise of being less lacking, that is, more human and more whole.41 There is thus, as Kalpana Seshadri-Crooks argues, a kernel of jouissance in the construction of race and racism, with people of colour (and white people themselves) desiring whiteness,42 something which, it must be noted, fits neatly with the preponderant idealisation of the West in development discourse. No wonder once again that, despite the fact that people decry racism, it so obstinately remains with us. Skin bleaching (‘lactification’), the denigration of local culture in favour of all things Euro-North American, racial profiling (in policing, 1130 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 immigration), the resurgence of white supremacist movements – all speak to the jouissance inherent in racism and to persistent forms of ‘internalized whiteness’, whether in the global South or North. Žižek often associates racist enjoyment with envy, claiming that our enjoyment is always imbricated with the Other’s enjoyment, so that we can never enjoy on our own; we most often enjoy by envying the Other’s enjoyment, too.43 The creation of a scapegoat, according to him, is accompanied by anxiety about the ‘theft of enjoyment’: we cannot enjoy because the Other – terrorists who are threatening our security, foreigners who are taking our jobs – has stolen our enjoyment or is enjoying more than us. Hence, only by eliminating the Other can we recover our lost enjoyment and really enjoy (of course, no such real enjoyment exists). Such a perspective would help explain why extreme forms of racism result in the Other’s extermination (eg in the Rwandan and Armenian genocides, Bosnian ethnic cleansing, the massacre of indigenous peoples in Guatemala, Nazi concentration camps, etc). But it also helps explain more subtle or everyday forms of racism. For example, the neighbour declaring she likes family X living next door, but there’s something about them that bothers her (their noisy music, their entrepreneurialism, their body odour, their cooking smells, etc). What bothers her is (her construction of) their excess, their particular mode of enjoyment. An illustration of this in the development context is the recent discourse on HIV/AIDS. As Kalpana Wilson contends, despite the fact that the AIDS pandemic has much to do with political economy, the crisis is most often explained or rationalised (eg by Western aid agencies) in terms of ‘risk behaviours’ among ‘Africans’. 44 Wilson shows that weakened immune systems are the result not merely of the spread of a virus, but of people living in poverty, and the lack of access to cheap generic retroviral drugs (blocked by the big pharmaceuticals with the support of Western governments). That people live in poverty is the product of neoliberal structural adjustment policies across sub-Saharan Africa, which has seen reduced access to educational and health services for the poorest (especially women), and high unemployment, particularly among the ranks of former civil servants, teachers and health workers (several of whom live with HIV/AIDS). Yet the HIV/AIDS discourse tends towards a racialised stereotype on sexual behaviour: Africans lack sexual control, or African men and women are promiscuous. The consequence, according to Wilson, is a tendency on the part of Western aid agencies to target not the socioeconomic causes of the pandemic, but ‘African culture’ (behavioural modification, changes in values, etc). The stereotype of the hypersexual African is an old colonial one that Fanon famously seized upon.45 He claimed, from a psychoanalytic point of view, that it displayed a certain paranoid anxiety on the part of the coloniser about ‘African’ sexual prowess. That is, white racist repulsion was accompanied by its opposite – desire for, or sexual attraction to, Black people. And the same applies to the contemporary AIDS-related stereotype about the over-sexed African. To put it in Lacanian terms, it betrays a Western racist envy of the Other’s excess or enjoyment. The ‘African’ is constructed as possessing something we lack, which is what bothers us. But of course, what such racist constructions do is blind us to our own contradictions and deficiencies, which in this case have to do, as Wilson underlines, with Western complicities in the HIV/AIDS pandemic (support Third World Quarterly 1131 Downloaded by [York University Libraries] at 10:45 02 October 2014 for the big pharmaceuticals on restricting cheaper generic drugs, imposition of structural adjustment programmes, etc). Consequently Lacanian psychoanalysis helps us glean how such an unconscious social passion as enjoyment is so intertwined with development. Enjoyment provides for a (false) sense of satisfaction, stability and togetherness (as illustrated in the examples of neoliberal capitalism, nationalism and racism), but the excess it represents can also give way to irrational conduct (overindulgent materialism, scapegoating, and so on). Yet, whether in its positive or negative form (and often in both forms simultaneously), the notion of jouissance helps explain why things stick, why people hold on to sociocultural identifications, why such social ills as racism or rabid nationalism so obdurately persist. One last important argument: I want to suggest that it is the neglect of the passions, particularly jouissance, that bedevils the likes of post-development (hence it is not just mainstream development that has tended to disavow its psychoanalytic underpinnings, but even such non-mainstream thinking as postdevelopment). Indeed, Foucault, on whose work post-development relies, is quite critical of psychoanalysis (at least in his later work), seeing desire not as some extra-discursive passion that is repressed, but as something positively produced by discourse.46 Psychoanalysis, for him, is thus a normalising technology in the service of our disciplinary modern societies. Lacanian psychoanalysis is quite consistent with Foucault’s conception of power and discourse and how these discipline bodies, produce subjects, and shape such modern institutions as asylums, prisons, hospitals, schools, and indeed psychoanalysis.47 The problem, however, is that Foucault assumes that power produces the body without any mediation, that is, without any process of interiorisation. As Copjec argues, in ‘Foucault’s work the techniques of disciplinary power (of the construction of the subject) are conceived as capable of “materially penetrat[ing] the body in depth without depending even on the mediation of the subject’s own representations. If power takes hold on the body, this isn’t through its having first to be interiorized into people’s consciousness”.’ 48 For Lacanians it is precisely desire (growing out of enjoyment) that fixes the subject (however precariously and contingently), explaining how we both (mis) perceive power and become libidinally invested in it. And such desire/enjoyment is not discursively produced, as Foucault would have it, but as noted above is an inherent excess or an extimate core (the Real) to any discourse; it is the result of the insubstantial loss that arises the moment we enter language. Thus, the problem with Foucault, according to Copjec, is his refusal of any type of transcendence (not even the internally external transcendence envisaged by Lacan): his historicist discursivism ends up reducing society to power–knowledge relationships. But because power is always immanent for Foucault, his is a historicism which can neither account for itself (how does one apprehend power/discourse if one is always within it?) nor explain how social orders persist (or can be changed).49 Post-development shares several of the same problems. Drawing primarily on Foucault, post-development analysts such as Arturo Escobar and James Ferguson have focused on the construction of discourses about the Third World and their attendant disciplinary mechanisms. Escobar, for example, examines how development discourse is produced through the problematisation of issues 1132 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 (eg ‘poverty’) and the consequent professionalisation and institutionalisation of knowledge, which end up controlling and regulating people and communities.50 Ferguson, for his part, underlines how knowledge is simplified and depoliticised as a way of aggrandising institutional authority, so much so that, even when development projects fail, they can help expand bureaucratic power.51 But the problem with such analyses is that they inadequately grapple with human/social passions, failing to confront the psychic inclinations that support development discourses. In Escobar’s case there is no explanation of how power is mediated at the level of the subject, or why people so often acquiesce in, say, neoliberal discourse (as highlighted earlier). In fact, Escobar has been criticised precisely for a facile anti-development stance, with critics pointing out that many communities (including opposition groups) often fight for development (eg more jobs, even if they are low-paid, and better access to health, education, etc).52 Jonathan Rigg contends, for example, that in Southeast Asia many groups have ‘climbed aboard the modernization bandwagon, whether they be for or against it’. 53 Similarly, while Ferguson’s is a fascinating analysis of institutional power, he reduces the bureaucratic space to the power–knowledge relationships within it. There is no consideration of institutional desire – the ways in which, for instance, development administrators may obtain a certain reassurance and stability from following bureaucratic procedures and rules, or enjoy the prestige (and in the development context, benevolence) of their bureaucratic position and the discretionary power that comes with it. This would certainly explain more adequately why institutional power is able to sustain itself: it is not only produced discursively in an almost impersonal and anonymous way (ie an anti-politics machine), but is able to take hold and expand through libidinal attachments.54 Development as fantasy: doing ideology critique It is Žižek who has almost single-handedly renewed current interest in ideology. Given the Lacanian position that reality is always ruptured by gaps and contradictions (ie the Real), ideology, according to Žižek, is that which attempts to cover up these contradictions, to obscure the Real.55 In this sense reality is thoroughly ideological, with ideology serving as a way for it to escape its traumatic core and ideology critique constantly trying to focus attention back on this escape/trauma. Thus, in the case of (the ideology of) nationalist racism discussed above, we saw how a scapegoat was produced to cover up, and divert attention away from, the nation’s internal troubles (the Real). Here, the underlying ideological fantasy is that, once the scapegoat is removed or eliminated, the nation will recover its (impossible) harmony. Note that Žižek’s position on ideology differs from the Marxist one, which implies a privileged, neutral point from which one can distinguish between ‘objective reality’ and ‘false consciousness’. For Žižek we are all ideologically produced, so there is no question of being outside ideology. Rather, what we can do in terms of ideology critique is to try and detect, in the manner of the psychoanalyst, the gaps in ideologically constructed reality, gaps which, as we have seen, show up as slips, blind spots, symptoms, irrationalities. Ideology critique is therefore possible only from within the belly of the beast, so to speak. Third World Quarterly 1133 Downloaded by [York University Libraries] at 10:45 02 October 2014 Note as well that ideological fantasies secure our consent and compliance through desire (and enjoyment).56 In fact, as Žižek points out, fantasy is the mise-en-scène for desire: it helps make reality smooth, coherent and harmonious, protecting us from trauma or lack, gentrifying turbulence or negativity, and promising a world that is more bearable, attractive and enjoyable. Fantasy thus animates and manages desire; it teaches us how to desire.57 But just as fantasy can never live up to its promises (because no fullness exists), so desire is never satiated; it is condemned to repetition and failure in search of the missing object. Let me illustrate by examining a couple of development’s ideological fantasies. To begin, the very discourse of ‘poverty’, upon which development centres, is ideological. Indeed, poverty discourse typically constructs the Third World as underdeveloped and backward, as though such ‘underdevelopment’ is a fait accompli. By so isolating underdevelopment and poverty, the discourse mystifies the close relationship between surplus extraction and impoverishment, wherein wealth in some parts of the world (ie the affluent centres of the global North and South) is the historical result of the pauperisation of others.58 Hence poverty discourse simplifies and de-historicises inequality by privileging the ‘now’ of poverty, thus eliding the Real – in this case, continuing forms of elite domination, particularly the West’s (neo)colonial immiseration of the Third World. (Note that this is the same traumatic Real that, as pointed out earlier, modernisation tries to escape by disavowing Western colonial history.) It is worth reflecting on the desires elicited by such an ideological fantasy. A typical response to the mis-en-scène of (Third World) poverty is to blame this ‘backwardness’ on individuals and values – rogue civil servants, corrupt leaders, uneducated or irresponsible mothers, ‘ethnic’ or ‘traditional’ practices – so that the solution becomes the need/desire for better (ie modern, Western-style) leadership, norms and codes of conduct. A distinct moral righteousness pervades such a discourse, with experts and elites standing as arbiters of the ‘right’ values and ‘good’ governance. Ideologies and moralising discourses such as that of poverty are most successful when they are able to depoliticise desires, precisely in order to avoid coming too close to the Real. It would be much too risky – and traumatic – for the discourse of poverty to be staged in terms of inequality, for this would doutbless animate the desire to problematise (if not eliminate) the relationship between wealth accumulation and pauperisation. This is no doubt why it is the discourse of poverty, not inequality, that is so hegemonic in development, reflecting elites’ desires to maintain the status quo. A second prevalent ideological fantasy is neoliberalism, with which, for all intents and purposes, mainstream capitalist development is closely associated these days. Neoliberalism proposes that market mechanisms maximise human well-being and are ideal for addressing social and political problems. It promises that everyone wins, and anyone can ‘make it’. 59 We have already seen how such an ideological system binds people to it by seducing them (through jouissance); it creates a series of lacks, and through a cycle of satisfaction–disappointment (and hence postponement) is able to endlessly stimulate and redirect our desires (for consumption, wealth, jobs, etc). But in pledging to eliminate our ontological loss, in vowing to make us whole, the neoliberal fantasy conceals a lot. It hides the rapaciousness of 1134 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 markets, which have led to global ecological crisis and growing inequalities and unevenness.60 It disavows the large reserve army of (sweatshop) labour upon which the smooth functioning of global capital depends. And it ignores how the neoliberal gutting of state social programmes has hit hardest those most in need (women, the unemployed, migrants, racialised minorities). Neoliberal capitalism is founded on the gentrification of, and inability to acknowledge, its contradictions and deficiencies. What can be gleaned from the above is that Žižekian ideology critique involves two complementary steps.61 The first is about examining how an ideological fantasy is constructed and what it is trying to hide or disavow. Often this means identifying the fantasy’s master signifiers, taken-for-granteds or ‘sublime objects’ (in the above two examples: ‘poverty’, ‘corruption’, ‘free market’, ‘growth’). Moreover, this means locating the ideology’s Real, that is, what it is trying to render invisible or unutterable (eg inequality, the relationship between poverty and wealth accumulation, sweatshop labour). But detecting the holes and traumas within our knowledge systems is not nearly enough. This is because of what Žižek calls the ‘fetishistic disavowal’, according to which we can know, but still continue to do.62 The problem is evident in, say, global hedge fund managers guiltily regretting the industrial layoffs caused by their own financial speculation, yet continuing their business as usual; or critical TV audience members decrying product advertising but still engaging in consumerism and shopping. The strength of ideology, according to Žižek, lies in allowing us a certain ironic distance, which makes us think we know better and can rise above ideology. In contrast to those who maintain that having the information and ‘exposing the facts’ are sufficient to undermine power, Žižek argues emphatically that, most often, it is not a lack of knowledge that is the problem, but our unconscious commands and passions that bind us to ideology despite critical distance. Acknowledging and tracking the desires and enjoyment we invest in ideology, then, is a crucial second procedure for ideology critique. It means ‘articulating the way in which...an ideology implies, manipulates, produces a pre-ideological enjoyment structured in fantasy’. 63 This is precisely why I have been arguing for the importance of psychoanalysis in development: to better identify and come to terms with our libidinal attachments and the lure of development’s many sublime objects and fantasies. Psychoanalysis tells those of us who work in this field that we do not necessarily know our interests. Our libidinal attachments so often circumscribe our thinking and actions. This is why, despite the fact that we may be critical of or despondent about development, we buy into such development fantasies as ‘doing good’ or ‘free markets’, which often screen our lacks and anxieties (about social injustice, inequality, or our own complicities as Westernised elites) and set off our desires (eg to help, to save the Other, to donate money to charity, or to call for the privatisation of public services).

**Their push for an “information commons” to find the true potentiality of the market inevitably idealizes it, which leads to a loss when we never quite get enough of that enlightenment**

**Kapczynski 14** [(Amy, a Professor of Law at Yale Law School, Faculty Co-Director of the Global Health Justice Partnership, and Faculty Co-Director of the Collaboration for Research Integrity and Transparency. She is also Faculty Co-Director of the Law and Political Economy Project and cofounder of the Law and Political Economy blog. Her areas of research include information policy, intellectual property law, international law, and global health.) “INTELLECTUAL PROPERTY’S LEVIATHAN” Duke Law, Law & Contemporary problems, 2014.<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4710&context=lcp>] BC

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

**That form of politics sustains a bad relationship to the death drive, ensuring extinction.**

**Themi 8** [Tim; Professor in Philosophy Camp; Psychoanalysis from the School of Humanities &amp; Social Sciences at Deakin University, “HOW LACAN’S ETHICS MIGHT IMPROVE OUR UNDERSTANDING OF NIETZSCHE’S CRITIQUE OF PLATONISM: THE NEUROSIS &amp; NIHILSM OF A ‘LIFE’ AGAINST LIFE,” Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2; 2008; http://www.cosmosandhistory.org/index.php/journal/article/view/96/192] EG // Re-Cut Justin

But with our advancements in technological power outmatching by far any correlative advance in the awareness gained as a whole of our prehistoric Thing within: the great 21st century ecological disaster that too many academics and activists now increasingly predict, seems more than just a little possible. But to this increasingly macabre scenario, we must also add the renewed proliferation of nuclear weapons which occurs, no less, amidst a world where vital resources for energy and democracy are wearing thin[50]. For just such reasons, wilful ignorance of the Thing now bares results which Lacan’s Ethics reveals as far too terrifyingly possible to rationally accept; given that we have the Thing armed to the teeth now from that primitive id-like part of the brain, with no Sovereign Good, and all the way into a nuclear age. CONCLUSION: THE NEUROSIS &amp; NIHILISM OF A ‘LIFE’ AGAINST LIFE. This is why Lacan proposes that his enquiry into ethics must be one to go “more deeply into the notion of the real”(LE:11). Further into what he would rather call the real, given that previous notions of ‘nature’ have been too far ‘different’––from being far too Platonic––than his own; and because it’s the very exclusions in these previous notions which upon return, as return of excess, are yielding our most tragic problems. Today when faced with problems of the magnitude of global warming––a special but by no means solo case of adverse environment change at present due to our physical treatment of the planet––we often think the answer is to be more moral, more good, and we are thankful when exponents of the Good in some way bring attention to the problem. However, the idea of the Good as introduced by Plato, and nigh all of its descendants whether secular, rationalist, religious or not, continue to predicate themselves on a radically false picture of the human-condition: if not still of the entire cosmos––which only then lines itself up aside of an age- old repression, a repression of das Ding, that Freudian Thing in our inner real which, when it returns after being disavowed and denied in the name of the Good too long, is even more devastating. Presently we are accelerating along the path of what Lacan discloses as our civilisation’s “race towards destruction”, a “massive destruction”, “a resurgence of savagery”, snaking the paths traced out before us by the centuries long dominion of Western morality [51]; and the nihilism detected by Nietzsche before the turn of the 20th has never threatened to reach such the grand finale. But what I would have us take from this enquiry here is that this is not because we aren’t in accordance enough with a moral ideal of the Sovereign good, but rather, it’s because we aren’t in accordance enough with a proper understanding of the real. It’s because we still at some level think that being more moral, in accordance with the Good’s inherited repressive structures towards our drives, desire, and truthfulness about the real, is actually the answer to––rather than the source of––our most tragic problems. The goal here is by no means then to encourage all to let their Things run wild––which would probably be nothing short of an instant conflagration––but this is why and precisely why we must desist from deluding ourselves under the tightening grip of a Sovereign Good, for this is precisely the move which cuts the Thing loose after pressing down for far too long, a slippery hand’s palming on the coils of a spring, forever readying the subsequent explosion. For when that which is really real––as opposed to what Christian-Platonism falsely called the ‘real’––is forced from mind, it can’t really disappear because it is real, and it tends to end up only in our gun-sights as an imaginary overlaying of an external other, when the signifier ‘enmity’ appears. The earth itself can even seem like the enemy after while, one which like Plato in his Phaedo, we might think then to escape from “as if from a prison”, and especially from “the bonds of the body”, in the hope that we may live one day without the earthly altogether[52]. Following such negations to their logical conclusion, life itself becomes enemy too, for as being made up of the earthly and organic, life could never be free of what it is in essence. And what is the death-drive Freud tells from the start, if not to return us sundry to that dust-bowl of the inorganic; as per that “second death”[53] fantasm Lacan salvages from the Monstre de Sade, which wills to go beyond the destruction of mere beings, by destroying too the principle from which fresh sets could emerge. Such negative devaluations of our earthly, organic life though are really of our own construction: as de Sade, like any pervert, is only the mirror which shows expressed what Platonic- neurotics are but hide inside––a cess-pit of loathing contempt for life, built up from the unconscious and disowned, distorted and damned up, built up, instinctual-ideational elements of their own subjective psyches, phobically ferocious of that Thingly real lying not so dormant, and readying within… But is it now still possible as Nietzsche teaches to say ‘Yes’ to the real of nature both without and within––to return to it!––even though it is more frightful and we are less guaranteed protection of it than the Platonic history of metaphysicians taught? For with the further disclosures of The Ethics of Psychoanalysis––Lacan’s following up and extension of the meta-ethical implications of Freud: perhaps even Nietzsche, our great intellectual übermensch, may too have bitten off more snake- head than he could chew? From certain moments in Nietzsche’s texts we can perhaps interpret that he may have had this Thing in his sights, but saw nothing much to come of it, so instead, elected to turn away, though not without some perhaps hinted at self- amusement.[54] But with psychoanalysis, rightly or wrongly, such truths are out. It doesn’t seem all positive at first, and perhaps it never entirely will. But we must not let this deeper disclosure desist us now from the core Nietzschean project of locating and overcoming the nihilism which begs us to take cover in idealising fictions, as if life as life is not worth living. Not because nihilism and the annihilation of the species is wrong in the sense of being immoral, but rather because it is bad art, mediocre art, and the ‘knowledge’ claims it trumpets on should only make us flare. If we are at our full intellectual and creative will to power, we can only consider such cultural-civil regressions as we saw on display with that whole propaganda comedy that surrounded the war for more oil in Iraq as infantile; the hapless results of sibling rivalries gone too far astray. But we must also resist being caught up in the imaginary of those who would only re-preach to us now of a return to the Good, who would only redeploy such versions of nihilism’s precursory defensive fictions, the pernicious ones, which would only then re-falsify our data, and leave us disappointed when the truth then re-emerges. Doing more harm than good does Platonism in the end by leaving us untrained for the real, with the habit instead to take some truth as ‘error’, and error as ‘truth’––as ‘real’––to the point even of epistemic dysfunction. Take the grotesque intellectual poverty of that whole Christian middle-ages for example, whence put into relation with the heights of Aristotle and his fellow Greeks, as Augustine and Aquinas amplified some of the worst bits of Platonism, and threw the rest into abyss. The overcoming of the moralising good of Christian-Platonism though does by no means imply then a subsequent affirmation of all that brutal Roman like greed, slavery, decadence, circus-bread corruption and mindless colonial expansion that we’ve heard all about, and are hardly so free of with our corporate today––just ask a Latin-American for instance![55] For it is possible within the perspectives opened up by Nietzsche, Freud, Lacan, as Silvia Ons puts it, to view a social-historical or individual neurosis of any kind: including the expressed acted-out, perverse-sadistic form that escapes when the Good is temporarily loosed of its repressive grip––and say to the would be Platonist: ‘No, not that, that’s not a cure, that’s a mirage; that’s sheer fantasy, resentment, spite; that’s not a cure it will only make things worse; worse in a different way, but worse nonetheless!’ By greater mindfulness then, with guided affirmation towards even that fearsome Freudian Thing that The Ethics of Psychoanalysis has us find now in our inner natures: we can eventually again say ‘Yes’-to-life in such the way that it overcomes the nihilism of not caring too much whether we as individuals or species live or die, whether we as culture or civilisation advance or decline. But we can only do this with fullest efficacy by freeing ourselves of all that wasted neurosis sickness that feels it must deny our Thing like aspect of the real: because from all those Christian-Platonic prejudices of the Good, it has been taught that such ‘things’ are too far beneath it. We must continue instead to train ourselves to stare the real directly in the face, without flinching, and that’s all we can do at least to start. For unless we can continue to utilise, sublimate, enjoy and get a positive, well-guided jouissance out of all aspects of life––including that Freudian Ding in our real––then the chances are we’re going to be at least in part, happy enough in no longer living it: offering not even a puff of genuine political praxis! We either face up to the death-drive snaking long beneath the dank, hidden history of the un-real, anti-real Good of Platonism––or let the disowned, un-understood drive resurge of its own volition until it accidentally finishes us!s Ethics, May 1960.

**Vote negative to embrace the lack – this requires being open to the anxiety that occurs from an encounter with the real of the other and breaks down fantasy and drives.**

**McGowan 13** [Todd; Associate Professor of Film Studies at the UVermont; “Enjoying What We Don't Have: The Political Project of Psychoanalysis,” Pg. 26-29; 2013; University of Nebraska Press / Lincoln and London] SJBE Re-Highlighted Justin

The alternative — the ethical path that psychoanalysis identifies — demands an embrace of the anxiety that stems from the encounter with the enjoying other. If there is a certain ethical dimension to anxiety, it lies in the rela- tionship that exists between anxiety and enjoyment. Contra Heidegger, the ethics of anxiety does not stem from anxiety’s relation to absence but from its relation to presence — to the overwhelming presence of the other’s enjoyment. In some sense, the encounter with absence or nothing is easier than the encounter with presence. Even though it traumatizes us, absence allows us to constitute ourselves as desiring subjects. Rather than producing anxiety, absence leads the subject out of anxiety into desire. Confronted with the lost object as a structuring absence, the subject is able to embark on the pursuit of the enjoyment embodied by this object, and this pursuit provides the subject with a clear sense of direction and even meaning. This is precisely what the subject lacks when it does not encounter a lack in the symbolic structure. When the subject encounters enjoyment at the point where it should encounter the absence of enjoyment, anxiety overwhelms the subject. In this situation, the subject cannot constitute itself along the path of desire. It lacks the lack — the absence — that would provide the space through which desire could develop. Consequently, this subject confronts the enjoying other and experiences anxiety. Unlike the subject of desire — or the subject of Heideggerean anxiety — the subject who suffers this sort of anxiety actually experiences the other in its real dimension.¶ The real other is the other caught up in its obscene enjoyment, caught up in this enjoyment in a way that intrudes on the subject. There is no safe distance from this enjoyment, and one cannot simply avoid it. There is nowhere in the contemporary world to hide from it. As a result, the contem- porary subject is necessarily a subject haunted by anxiety triggered by the omnipresent enjoyment of the other. And yet, this enjoyment offers us an ethical possibility. As Slavoj Žižek puts it, “It is this excessive and intrusive jouissance that we should learn to tolerate.”27 When we tolerate the other’s “excessive and intrusive jouissance” and when we endure the anxiety that it produces, we acknowledge and sustain the other in its real dimension.¶ Tolerance is the ethical watchword of our epoch. However, the problem with contemporary tolerance is its insistence on tolerating the other only insofar as the other cedes its enjoyment and accepts the prevailing symbolic structure. That is to say, we readily tolerate the other in its symbolic dimen- sion, the other that plays by the rules of our game. This type of tolerance allows the subject to feel good about itself and to sustain its symbolic identity. The problem is that, at the same time, it destroys what is in the other more than the other — the particular way that the other enjoys.¶ It is only the encounter with the other in its real dimension — the encounter that produces anxiety in the subject — that sustains that which defines the other as such. Authentic tolerance tolerates the real other, not simply the other as mediated through a symbolic structure. In this sense, it involves the experience of anxiety on the part of the subject. This is a difficult posi- tion to sustain, as it involves enduring the “whole opaque weight of alien enjoyment on your chest.”The obscene enjoyment of the other bombards the authentically tolerant subject, but this subject does not retreat from the anxiety that this enjoyment produces. If the embrace of the anxiety that accompanies the other’s proximate enjoyment represents the ethical position today, this does not necessarily provide us with an incentive for occupying it. Who wants to be ethical when it involves enduring anxiety rather than finding a way — a drug, a new authority, or something — to alleviate it? What good does it do to sustain oneself in anxiety? In fact, anxiety does the subject no good at all, which is why it offers the subject the possibility of enjoyment. When the subject encounters the other’s enjoyment, this is the form that its own enjoyment takes as well. To endure the anxiety caused by the other’s enjoyment is to experience one’s own simultaneously. As Lacan points out, when it comes to the enjoyment of the other and my own enjoyment, “nothing indicates they are distinct.” Thus, not only is anxiety an ethical position, it is also the key to embracing the experience of enjoyment. To reject the experience of anxiety is to flee one’s own enjoyment.¶ The notion that the other’s enjoyment is also our own enjoyment seems at first glance difficult to accept. Few people enjoy themselves when they hear someone else screaming profanities in the workplace or when they see a couple passionately kissing in public, to take just two examples. In these instances, we tend to recoil at the inappropriateness of the activity rather than enjoy it, and this reaction seems completely justified. The public display of enjoyment violates the social pact with its intrusiveness; it doesn’t let us alone but assaults our senses. It violates the implicit agreement of the public sphere constituted as an enjoyment-free zone. And yet, recoiling from the other’s enjoyment deprives us of our own.¶ How we comport ourselves in relation to the other’s enjoyment indi- cates our relationship to our own. What bothers us about the other — the disturbance that the other’s enjoyment creates in our existence — is our own mode of enjoying. If we did not derive enjoyment from the other’s enjoyment, witnessing it would not bother us psychically. We would sim- ply be indifferent to it and focused on our own concerns. Of course, we might ask an offending car radio listener to turn the radio down so that we wouldn’t have to hear the unwanted music, but we would not experience the mere exhibition of alien enjoyment through the playing of that music as an affront. The very fact that the other’s enjoyment captures our attention demonstrates our intimate — or extimate — relation to it. This relation becomes even clearer when we consider the epistemo- logical status of the enjoying other. Because the real or enjoying other is irreducible to any observable identity, we have no way of knowing whether or not the other really is enjoying. A stream of profanity may be the result of someone hurting a toe. The person playing the car radio too loud while sitting at the traffic light may have simply forgotten to turn down the radio after driving on the highway. Or the person may have difficulty hearing. The couple’s amorous behavior in public may reflect an absence of enjoyment in their relationship that they are trying to hide from both themselves and the public.¶ Considering the enjoyment of the other, we never know whether it is there or not. If we experience it, we do so through the lens of our own fantasy. We fantasize that the person blasting the radio is caught up in the enjoyment of the music to the exclusion of everything else; we fantasize that the public kisses of the couple suggest an enjoyment that has no concern for the outside world. Without the fantasy frame, the enjoying other would never appear within our experience.¶ The role of the fantasy frame for accessing the enjoying other becomes apparent within Fascist ideology. Fascism posits an internal enemy — the figure of the Jew or some analogue — that enjoys illicitly at the expense of the social body as a whole. By attempting to eliminate the enjoying other, Fascism hopes to create a pure social body bereft of any stain of enjoy- ment. This purity would allow for the ultimate enjoyment, but it would be completely licit. This hope for a future society free of any stain is not where Fascism’s true enjoyment lies, however. Fascists experience their own enjoyment through the enjoying other that they persecute. The enjoy- ment that the figure of the Jew embodies is the Fascists’ own enjoyment, though they cannot avow it as their own. More than any other social form, Fascism is founded on the disavowal of enjoyment — the attempt to enjoy while keeping enjoyment at arm’s length. But this effort is not confined to Fascism; it predominates everywhere, because no subjects anywhere can simply feel comfortable with their own mode of enjoying.¶ The very structure of enjoyment is such that we cannot experience it directly: when we experience enjoyment, we don’t have it; it has us. We experience our own enjoyment as an assault coming from the outside that dominates our conscious intentions. This is why we must fantasize our own enjoyment through the enjoying other. Compelled by our enjoyment, we can’t do otherwise; we act against our self-interest and against our own good. Enjoyment overwhelms the subject, even though the subject’s mode of enjoying marks what is most singular about the subject.¶ Even though the encounter with the enjoying other apprehends the real other through the apparatus of fantasy, this encounter is nonetheless genuine and has an ethical status. Unlike the experience of the nonexistent symbolic identity, which closes down the space in which the real other might appear, the fantasized encounter with the enjoying other leaves this space open. By allowing itself to be disturbed by the other on the level of fantasy, the subject acknowledges the singularity of the real other — its mode of enjoying — without confining this singularity to a prescribed identity.¶ The implications of privileging the encounter with the disturbing enjoy- ment of the real other over the assimilable symbolic identity are themselves disturbing. The tolerant attitude that never allows itself to be jarred by the enjoying other becomes, according to this way of seeing things, further from really encountering the real other than the attitude of hate and mis- trust. The liberal subject who welcomes illegal immigrants as fellow citizens completely shuts down the space for the other in the real. The immigrant as fellow citizen is not the real other. The xenophobic conservative, on the other hand, constructs a fantasy that envisions the illegal immigrant awash in a linguistic and cultural enjoyment that excludes natives. This fantasy, paradoxically, permits an encounter with the real other that liberal tolerance forecloses. Of course, xenophobes retreat from this encounter and from their own enjoyment, but they do have an experience of it that liberals do not. The tolerant liberal is open to the other but eliminates the otherness, while the xenophobic conservative is closed to the other but allows for the otherness. The ethical position thus involves sustaining the liberal’s toler- ance within the conservative’s encounter with the real other.

## 4

#### The National Governors’ Association should inform the White House that state cooperation with all federal initiatives will be contingent upon the United States of America reducing intellectual property protections for the COVID-19 vaccine.

#### The overwhelming fiscal and political cost of saying ‘no’ forces the GOP to cave

Heather **Gerken 17**, J. Skelly Wright Professor of Law at Yale Law School, JD from the University of Michigan Law School, AB from Princeton University, “We’re About To See States’ Rights Used Defensively Against Trump”, Vox, 1/20/2017, https://www.vox.com/the-big-idea/2016/12/12/13915990/federalism-trump-progressive-uncooperative

Progressives have long been skeptical of federalism, with the role that “states’ rights” played in the resistance to the civil rights act and desegregation typically featuring prominently in their criticism. Its ugly history even led one 20th-century scholar to insist that “if one disapproves of racism, one should disapprove of federalism.” Even now, with every national institution in the hands of the GOP, progressives associate federalism with conservatism and shy away from invoking the language of federalism to **change the policies** they oppose. That is a **mistake**. Federalism doesn’t have a political valence. These days it**’s** **a**n **extraordinarily powerful weapon** in politics for the left and the right, and it doesn’t have to be your father’s (or grandfather’s) federalism. It can be a **source of progressive resistance** — against President’s Trump’s policies, for example — and, far more importantly, a source for compromise and change between the left and the right. It’s time liberals took notice. Here are three important ways progressives can take a chapter from the conservatives’ playbook and use their control over state and local governments to **influence the national agenda**, **shape policy results**, and **encourage political compromise**. If Jerry Brown or Andrew Cuomo or Eric Garcetti is looking for a “to do” list for the next four years, it’s here. Uncooperative federalism People assume that if Congress changes a law, everything changes on a dime. They forget that Congress **depends heavily on states** and localities to **implement federal policy**. The federal government doesn’t have enough resources to deal with **immigration**, enforce its own **drug laws**, carry out its **environmental policies**, build its own **infrastructure**, or administer its **health care system**. Instead, it relies on the states to do much of this work. We call such arrangements between the states and federal government “cooperative federalism.” But we forget that they create many opportunities for what Jessica Bulman-Pozen and I have called **“uncooperative federalism.” Progressives at the state** and local **level can influence policy simply by refusing to partner with the federal government**. By doing so, they **force issues onto the national agenda**, foregrounding debates that the Republicans would rather avoid. More importantly, defeating state or local opposition **costs fiscal resources** and **political capital** the **fed**eral government would rather employ elsewhere. The GOP-controlled federal government can’t put cops on every beat or bureaucrats at every desk; it needs state and local officials to get its agenda through. If blue states and cities refuse to implement Trump’s agenda, **Republicans will** sometimes **be forced to compromise** rather than pay a **political** and **fiscal** price.

#### Federalism is key to fighting terrorism

**Mayer 12** [Matt Mayer, Mayer is a Visiting Fellow at The Heritage Foundation and author of Homeland Security and Federalism: Protecting America from Outside the Beltway., 3-26-2012, "Federalism Allows Law Enforcement to Determine Counterterrorism Policies That Work Best," Heritage Foundation, https://www.heritage.org/terrorism/report/federalism-allows-law-enforcement-determine-counterterrorism-policies-work-best, accessed 7-25-2018] BC

With an increase in the national response to terrorism, many people believe the principle of federalism has little utility today or that states do not have much to contribute in counterterrorism policy or activity. **When it comes to domestic security**, however, **federalism is more relevant than ever, and the states have a vital role to play in counterterrorism**. **Local law enforcement agencies have the flexibility and authority to design counterterrorism programs that best fit their respective jurisdictions**. With that flexibility and authority, our cities are more secure. ¶ One-Size-Fits-All Usually Fits Few Well ¶ **The 10th Amendment** of the U.S. Constitution simply states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Those 28 words **confirm that states possess the ability to tailor policies that best address the issues they confront**. Because of the various demographic differences among the states, **a one-size-fits-all policy may not work** or may not work most effectively and efficiently **in a particular state.**¶ **When the federal government nationalizes an inherently state** or local **issue, it ensures that whatever policy it produces will fail to solve the problems.** We know from the welfare reforms in the 1990s that a policy solution in one state may not work well in another state, which demonstrated the importance of states maintaining the flexibility and authority to tackle issues as they see fit. A robust policy competition among the states will enable America to find out what works and what does not. **Domestic counterterrorism policy is no different**. ¶ Each Community Presents Unique Challenges Requiring Unique Solutions ¶ America, thankfully, does not have a national police force. The Federal Bureau of Investigation (FBI) has authority over federal crimes, including terrorism, and exercises its authority by investigating and arresting suspected terrorists. With only 15,000 agents for the entire United States, the FBI lacks the resources to protect every American city. Because of this inherent limitation, outside of constitutional and legislative protections, **America’s law enforcement community is not covered by a one-size-fits-all policy on how best to protect U.S. cities.**¶ **State and local law enforcement entities are not displaced by federal authorities** (except in some very narrow areas of national control) **and** instead **retain their inherent sovereign authority to design counterterrorism programs that are tailored to the needs of each community**. These needs are typically defined by demographics, risk assessments, community norms, and other factors unique to each jurisdiction. The ideal outcome for Americans is one where there is strong cooperation and true partnering between the FBI and other federal law enforcement agencies and state and local law enforcement entities. We are getting closer to that ideal with each passing year.¶ The NYPD Example ¶ Recently, the New York Police Department (NYPD) received potentially unfair negative media coverage about its counterterrorism policies, specifically its Muslim surveillance program. The focus of criticism involves the NYPD’s surveillance of Muslim college students, restaurants, and mosques throughout the northeast United States. The NYPD insists that its policies and practices adhere to the 1985 Handschu v. Special Services Division guidelines, as modified via judicial approval in 2002 after the September 11, 2001, terrorist attacks. Recent events in France may bolster the NYPD’s case on the importance of conducting surveillance of individuals based on leads.¶ In Handschu, the court held that the NYPD’s surveillance of political activity had violated the First Amendment’s free speech clause. The decision resulted in a set of guidelines that regulated the NYPD’s programs covering political activity. To engage in surveillance, the 1985 guidelines required a warrant based on suspicion of criminal activity and prohibited certain activities absent unlawful conduct. In 2002, a federal judge modified the Handschu guidelines to reflect the new realities arising from the terrorist threat.¶ In response to the criticism, New York City Mayor Michael Bloomberg stated: “They are permitted to travel beyond the borders of NYC to investigate cases. They can look at websites [and] they can watch television to detect unlawful activities or where there might be unlawful activities to get leads. We don’t target individuals based on race or religion. We follow leads and we are consistent, I think, with the guidelines resulting from the Handschu federal court decision.” In a speech at Fordham Law School, NYPD Commissioner Ray Kelly indicated that the NYPD surveillance program has helped stop more than a dozen terrorist plots against New York City, despite the fact that “no other police department in the country is bound by these rules, which restrict police powers granted under the Constitution.”¶ Time will tell if the NYPD adhered to the Handschu guidelines. The point here is that a dual sovereignty has provided the NYPD and its leaders with the flexibility and authority to develop policies specific to the enormous challenges faced in New York City, which is America’s most at-risk city with the highest population density and countless vulnerabilities. No other American city must confront the terrorist threats that New York City faces.¶ On the Other Coast ¶ Across the country in Los Angeles, the policies implemented by the NYPD may not work. Los Angeles faces a different set of challenges, so the Los Angeles Police Department (LAPD) may choose to utilize different methods for securing its city.¶ For example, under the leadership of Deputy Chief Michael Downing, the commanding officer of the Counterterrorism and Special Operations Bureau, the LAPD launched a Liaison Section to serve as the face of the LAPD to the various Muslim communities. Because of the community norms in Los Angeles and the importance the LAPD has placed on developing strong relationships with its Muslim communities, the Liaison Section is specifically walled off from the intelligence and investigation elements at the LAPD.¶ Officers in the Liaison Section routinely spend time among the Muslim population, including at restaurants, mosques, and even private celebratory events. The relationships developed through this outreach program are genuine and stronger because of the compartmentalization policy. When an event occurs that causes conflict, LAPD Liaison Section officers can serve as honest brokers to reduce or eliminate any tensions.¶ If an LAPD investigation results in counterterrorism actions within a particular part of the Muslim community, the Liaison Section officers can seriously state they did not have any knowledge of the investigation and did not provide any information to the investigators. Again, this critical fact leads to a far more positive and productive environment in Los Angeles.¶ These two examples present two different approaches to the same issue. **Without a federalist approach, the nationalization of domestic counterterrorism policies by the FBI would result**—as does every other nationalized program—**in a one-size-fits-all policy that would be less effective and, therefore, a less secure America.**¶ Forbearance Is Okay ¶ With all of the media and civil liberties attention being given to the NYPD and its surveillance policy, pressure will build on Congress to do something—hold a hearing or pass a law. State or local oversight entities, including the courts, will review what has actually occurred in New York City and either affirm the work done or require changes to the policy. Either way, Congress should exercise forbearance and respect the constitutional right of those state or local entities to do their jobs.¶ Federalism Is Alive and Well ¶ Despite the belief that state and local involvement in law enforcement is no longer relevant or useful, it is being used responsibly across America by **state and local entities**. These entities **must have the flexibility and authority to design policies based on each entity’s particular demographics and needs.** **These unique approaches will help counterterrorism officials identify best practices and implement better programs**. More critically, **federalism will keep us safer.**

#### Nuclear Terrorism is highly probable. It causes Nuclear war, fallout, economic decline, and mass poverty.

**Arguello & Buis 18** (Irma & Emiliano J., “The global impacts of a terrorist nuclear attack: What would happen? What should we do?”, Bulletin of the Atomic Scientists, Vol 74, Issue 2) ALH

Though hard to accept, the detonation of a nuclear device – by states or non-state actors – is today a plausible scenario. And while much of the world’s focus has been on the current nuclear weapons arsenals possessed by states – about 14,550 warheads, all of which carry the risk of intentional or unintentional use – the threat of nuclear terrorism is here and increasing. For more than a decade, Al Qaeda, Aum Shinrikyo, and other terrorist groups have expressed their desire to acquire fissile material to build and detonate an improvised nuclear bomb. None of them could fulfill that goal – so far. But that does not mean that they will not succeed in the future. Figure 1. Small, primitive, 1-kiloton fission bomb likely to be used by terrorists. Schematic of the interior of the most likely type of weapon to be detonated by nuclear terrorists in any large capital city. © NPSGlobal. Display full size Figure 2. Direct effects of explosion. The immediate effects of the detonation of a 1-kiloton atomic bomb, including air blast, thermal radiation, ionizing radiation, and radioactive fallout. © Robert Adrian Hillman/Shutterstock; © NPSGlobal Display full size Figure 3. Estimated global economic impact of a nuclear terrorism attack. The detonation of even one small nuclear bomb by a terrorist group would have multiple far-reaching, terrible effects, going far beyond a target city’s boundaries. In addition to the tens of thousands of dead and injured, and the total destruction of the city’s infrastructure, there would likely also be a years-long global economic depression, with 30 million more people reduced to extreme poverty. © NPSGlobal Display full size Making matters worse, there is evidence of an illicit market for nuclear weapons-usable materials. There are sellers in search of potential buyers, as shown by the dismantlement of a nuclear smuggling network in Moldova in 2015. There certainly are plenty of sites from which to obtain nuclear material. According to the 2016 Nuclear Security Index by the Nuclear Threat Initiative, 24 countries still host inventories of nuclear weapons-usable materials, stored in facilities with different degrees of security. And in terms of risk, it is not necessary for a given country to possess nuclear weapons, weapons-usable materials, or nuclear facilities for it to be useful to nuclear terrorists: Structural and institutional weaknesses in a country may make it favorable for the illicit trade of materials. Permeable boundaries, high levels of corruption, weaknesses in judicial systems, and consequent impunity may give rise to a series of transactions and other events, which could end in a nuclear attack. The truth is that, at this stage, no country in possession of nuclear weapons or weapons-usable materials can guarantee their full protection against nuclear terrorism or nuclear smuggling. Because we live in a world of growing insecurity, where explicit and tacit agreements between the relevant powers – which upheld global stability during the post-Cold War – are giving way to increasing mistrust and hostility, a question arises: How would our lives be affected if a current terrorist group such as the Islamic State (ISIS), or new terrorist groups in the future, succeed in evolving from today’s Manchester style “low-tech” attacks to a “high-tech” one, involving a nuclear bomb, detonated in a capital city, anywhere in the world? We attempted to answer this question in a report developed by a high-level multidisciplinary expert group convened by the NPSGlobal Foundation for the Latin American and Caribbean Leadership Network. We found that there would be multiple harmful effects that would spread promptly around the globe (Arguello and Buis 2016 Arguello, I., and E. J. Buis, eds. 2016. Terror Unleashed: An Assessment of Global and National Impacts of a Nuclear Terrorist Attack. Buenos Aires: NPSGlobal & Latin American and Caribbean Leadership Network for Nuclear Disarmament and Nonproliferation. http://laln.org/Reports/TerrorUnleashed.pdf . [Google Scholar] ); a more detailed analysis is below, which highlights the need for the creation of a comprehensive nuclear security system. The consequences of a terrorist nuclear attack A small and primitive 1-kiloton fission bomb (with a yield of about one-fifteenth of the one dropped on Hiroshima, and certainly much less sophisticated; cf. Figure 1), detonated in any large capital city of the developed world, would cause an unprecedented catastrophic scenario. An estimate of direct effects in the attack’s location includes a death toll of 7,300-to-23,000 people and 12,600-to-57,000 people injured, depending on the target’s geography and population density. Total physical destruction of the city’s infrastructure, due to the blast (shock wave) and thermal radiation, would cover a radius of about 500 meters from the point of detonation (also known as ground zero), while ionizing radiation greater than 5 Sieverts – compatible with the deadly acute radiation syndrome – would expand within an 850-meter radius. From the environmental point of view, such an area would be unusable for years. In addition, radioactive fallout would expand in an area of about 300 square kilometers, depending on meteorological conditions (cf. Figure 2). But the consequences would go far beyond the effects in the target country, however, and promptly propagate worldwide. Global and national security, economy and finance, international governance and its framework, national political systems, and the behavior of governments and individuals would all be put under severe trial. The severity of the effects at a national level, however, would depend on the countries’ level of development, geopolitical location, and resilience. Global security and regional/national defense schemes would be strongly affected. An increase in global distrust would spark rising tensions among countries and blocs, that could even lead to the brink of nuclear weapons use by states (if, for instance, a sponsor country is identified). The consequences of such a shocking scenario would include a decrease in states’ self-control, an escalation of present conflicts and the emergence of new ones, accompanied by an increase in military unilateralism and military expenditures. Regarding the economic and financial impacts, a severe global economic depression would rise from the attack, likely lasting for years. Its duration would be strongly dependent on the course of the crisis. The main results of such a crisis would include a 2 percent fall of growth in global Gross Domestic Product, and a 4 percent decline of international trade in the two years following the attack (cf. Figure 3). In the case of developing and less-developed countries, the economic impacts would also include a shortage of high-technology products such as medicines, as well as a fall in foreign direct investment and a severe decline of international humanitarian aid toward low-income countries. We expect an increase of unemployment and poverty in all countries. Global poverty would raise about 4 percent after the attack, which implies that at least 30 million more people would be living in extreme poverty, in addition to the current estimated 767 million. In the area of international relations, we would expect a breakdown of key doctrines involving politics, security, and relations among states. These international tensions could lead to a collapse of the nuclear order as we know it today, with a consequent setback of nuclear disarmament and nonproliferation commitments. In other words, the whole system based on the Nuclear Non- Proliferation Treaty would be put under severe trial. After the attack, there would be a re-assessment of existing security doctrines, and a deep review of concepts such as nuclear deterrence, no-first-use, proportionality, and negative security assurances. Finally, the behavior of governments and individuals would also change radically. Internal chaos fueled by the media and social networks would threaten governance at all levels, with greater impact on those countries with weak institutional frameworks. Social turbulence would emerge in most countries, with consequent attempts by governments to impose restrictions on personal freedoms to preserve order – possibly by declaring a state of siege or state of emergency – and legislation would surely become tougher on human rights. There would also be a significant increase in social fragmentation – with a deepening of antagonistic views, mistrust, and intolerance, both within countries and towards others – and a resurgence of large-scale social movements fostered by ideological interests and easily mobilized through social media. Prevention, preparedness, response Given the severity of the impacts, no country in possession of nuclear weapons or weapons-usable materials can guarantee its full protection against nuclear terrorism or nuclear smuggling for proliferation purposes. Nor is it realistic to conceive of full compensation to others in the international community, if a catastrophic event happens because of any country’s acts or omissions. Therefore, we consider that prevention is the only acceptable way forward to preserve global stability. Consequently, it is essential for countries to make every effort to prevent nuclear terrorists from fulfilling their goals. It is true that the “primitivism” of currently active terrorist organizations gives a certain space to do what is necessary to enhance the current nuclear security effort concerning prevention and response. However, the perception of the “low likeliness” of a nuclear terrorist attack neutralizes the required sense of urgency in decision-making. Being in fact a “high-risk” scenario, it is imperative that governments consider this reality when setting priorities and making decisions about nuclear security.

## 5

#### U.S dominance over biotech now BUT Misguided policy cedes control to China.

**Gupta 6/11** [“As Washington Ties Pharma's Hands, China Is Leaping Ahead.”, Gaurav Gupta, Opinion | America Risks Ceding Its Biotech Dominance to China | Barron's, Barrons, 11 June 2021, [www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808](http://www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808)., Gaurav Gupta, a physician, is the founder of the biotechnology investment firm Ascendant BioCapital.]//Lex AKu

There should be no doubt that we are living at the dawn of a golden age of biomedical innovation. **The American scientific engine that produced Covid-19 vaccines in record time was fueled by a convergence of advances in genomics, biomarkers, data science, and manufacturing years in the making**. The first Food and Drug Administration approvals of a host of new product formats—oligonucleotide, bispecific, oncolytic virus, CAR-T, and lentivirus/AAV—all took place within the last decade. These represent an unprecedented expansion of the armamentarium that physicians have at their disposal to treat and cure disease. **In the last few years,** [**47% of all new medicines**](https://www.efpia.eu/media/554521/efpia_pharmafigures_2020_web.pdf) **were invented by U.S. biopharma companies, with** [**homegrown startups**](https://www.cbo.gov/publication/57126) **driving the majority of innovation**. The bulk of the remainder were developed by foreign companies specifically for the U.S. market. An indirect benefit of these trends is that most novel therapeutics undergo clinical development and early commercial launch here in the U.S. The rest of the world understands that the American patient has earlier and broader access to groundbreaking therapies via these mechanisms. Indeed, the past decade is filled with examples of medical “firsts” for American patients: the first cure for Hepatitis C, the first gene therapy for blindness, the first immunotherapy for cancer. Future rewards will be greater still if we preserve our current system of incentivizing and protecting The remarkable innovation capacity of our biopharmaceutical industry ought to be a source of national pride. Yet **while “Made in America” is the global standard for medicines in development today, misguided policy risks ceding our scientific prowess to other countries in the future.** This is particularly **true in the case of China, where biotechnology has become a strategic pillar for the health of its people and economy.** From 2016 to 2020, the **market capitalization of all Chinese biopharma companies increased** exponentially **from** [**$1 billion to over $200 billion**](https://www.bloomberg.com/news/articles/2021-03-01/xi-mobilizes-china-for-tech-revolution-to-cut-dependence-on-west). **China saw over** [**$28 billion**](https://www.bioworld.com/articles/506978-china-sees-five-year-highs-in-life-sciences-investments-and-partnering) **invested in its life sciences sector in 2020, double the previous year’s amount.** **Returns on** China’s **investment are already arriving**. The FDA approved a drug developed in China for the first time ever in 2019. **While China’s innovation capacity currently remains behind America’s**, my experiences as a biopharma professional make it clear **they are doing everything they can to catch up and catch up fast.** In fact, **when I speak to Chinese biotechnology executives, they boast that they can run clinical trials faster than their U.S. counterparts**. The danger of misguided policies that disincentivize pharmaceutical innovation in the U.S. is effectively driving that same innovation to China. If we close off the market in the U.S. at the same time that China is opening its market to innovative new products, then we will see companies choose to first launch impactful novel medicines in China, based on clinical trials conducted in China. Because the FDA rarely accepts data generated entirely outside the U.S., this relocation of research capacity will negatively affect Americans’ access to cutting-edge therapies. The **biotechnology field is advancing rapidly**. **Promising technologies such as targeted protein degradation and gene editing are** perhaps **not far from being developed into impactful medicines, and the U.S. risks these technologies being mastered by Chinese companies.**

**The plan away sensitive national security information that allows China to lead ahead in biotech**

Josh **Rogin 4-8**. [(Washington Post Columnist covering National Security Issues.) “Opinion: The wrong way to fight vaccine nationalism” https://www.washingtonpost.com/opinions/global-opinions/the-wrong-way-to-fight-vaccine-nationalism/2021/04/08/9a65e15e-98a8-11eb-962b-78c1d8228819\_story.html ] TDI

Americans will not be safe from covid-19 until the entire world is safe. That basic truth shows why vaccine nationalism is not only immoral but also counterproductive. But the simplest solutions are rarely the correct ones, and some countries are using the issue to advance their own strategic interests. The Biden administration must reject the effort by some nations to turn our shared crisis into their opportunity. As the inequities of vaccine distribution worldwide grow, a group of more than 50 developing countries led by India and South Africa is pushing the World Trade Organization to dissolve all international intellectual property protections for pandemic-related products, which would include vaccine research patents, manufacturing designs and technological know-how. The Trump administration rejected the proposal to waive the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) for the pandemic when it was introduced in October. Now, hundreds of nongovernmental organizations and dozens of Democratic lawmakers are pushing the Biden administration to support the proposal. But many warn the move would result in the United States handing over a generation of advanced research — much of it funded by the U.S. taxpayer — to our country’s greatest competitors, above all China. In Congress, there’s justified frustration with the United States’ failure to respond to China’s robust vaccine diplomacy, in which Beijing has conditioned vaccine offers to pandemic-stricken countries on their ignoring security concerns over Chinese telecom companies or abandoning diplomatic recognition of Taiwan. There’s also a lot of anger at Big Pharma among progressives for profiting from the pandemic. “We are in a race against time, and unfortunately Big Pharma is standing in the way of speedily addressing this problem,” Rep. Jan Schakowsky (D-Ill.), who supports the effort to waive intellectual property protections, told me in an interview. “I think the real security issue is that while the United States balks in making sure that we help ourselves, that these adversaries will just jump right in.” Schakowsky argued that alternative measures for helping poor countries manufacture vaccines are simply not moving fast enough to save lives and that the United States has a duty to respond. House Speaker Nancy Pelosi (D-Calif.) personally conveyed her support for the waiver to President Biden, Schakowsky said. But Big Pharma is just one piece of the puzzle. Countries such as India and South Africa have been trying to weaken WTO intellectual property protections for decades. The mRNA technology that underpins the Pfizer and Moderna vaccines was funded initially by the Defense Advanced Research Projects Agency and has national security implications. Inside the Biden administration, the National Security Council has already convened several meetings on the issue. The waiver is supported by many global health officials in the White House and at the U.S. Agency for International Development, who believe the United States’ international reputation is suffering from its perceived “America First” vaccine strategy. On Wednesday, U.S. Trade Representative Katherine Tai spoke with WTO Director General Ngozi Okonjo-Iweala about the waiver issue. USTR is convening its own interagency meetings on the issue, which many see as a move to reassert its jurisdiction over WTO matters. If and when this does get to Biden’s desk, he will also hear from national security officials who believe that waiving TRIPS would result in the forced transfer of national security-sensitive technology to China, a country that strives to dominate the biotechnology *field* as part of its Made in China 2025 strategy. Once countries such as China have this technology, they will apply their mercantilist industrial models to ensure their companies dominate these strategically important industries, potentially erasing thousands of U.S. jobs. “We would be delivering a competitive advantage to countries that are increasingly viewed as our adversaries, at taxpayer expense, when there are other ways of doing this,” said Mark Cohen, senior fellow at the University of California at Berkeley Law School. A preferable approach would be to build more vaccine-manufacturing capacity in the United States and then give those vaccines to countries in need, said Cohen. The U.S. pharmaceutical industry would surely benefit, but that’s preferable to being dependent on other countries when the next pandemic hits. “If there’s anything that the pandemic has taught us, it’s that we need to have a robust supply chain, for ourselves and for the world generally,” Cohen said. What’s more, it’s not clear that waiving the TRIPS agreement for the pandemic would work in the first place. Bill Gates and others involved in the current vaccine distribution scheme have argued that it would not result in more vaccines, pointing out that licensing agreements are already successfully facilitating cooperation between patent-holding vaccine-makers and foreign manufacturers. Critics respond that such cooperation is still failing to meet the urgent needs in the developing world. Vaccine equity is a real problem, but waiving intellectual property rights is not the solution. If the current system is not getting shots into the arms of people in poor countries, we must fix that for their sake and ours. But the pandemic and our responses to it have geopolitical implications, whether we like it or not. That means helping the world and thinking about our strategic interests at the same time.

**China will convert biotech gains to military advantages, undermining US primacy**

Mercy A. **Kuo 2017** [(Executive Vice President at Pamir Consulting.) “The Great US-China Biotechnology and Artificial Intelligence Race” <https://thediplomat.com/2017/08/the-great-us-china-biotechnology-and-artificial-intelligence-race/>] TDI

Trans-Pacific View author Mercy Kuo regularly engages subject-matter experts, policy practitioners, and strategic thinkers across the globe for their diverse insights into the U.S. Asia policy. This conversation with Eleonore Pauwels – Director of Biology Collectives and Senior Program Associate, Science and Technology Innovation Program at the Wilson Center in Washington D.C. – is the 104th in “The Trans-Pacific View Insight Series.” Explain the motivation behind Chinese investment in U.S. genomics and artificial intelligence (AI). With large public and private investments inland and in the U.S., China plans to become the next AI-Genomics powerhouse, which indicates that these technologies will soon converge in China. China’s ambition is to lead the global market for precision medicine, which necessitates acquiring strategic technological and human capital in both genomics and AI. And the country excels at this game. A sharp blow in this U.S.-China competition happened in 2013 when BGI purchased Complete Genomics, in California, with the intent to build its own advanced genomic sequencing machines, therefore securing a technological knowhow mainly mastered by U.S. producers. There are significant economic incentives behind China’s heavy investment in the increasing convergence of AI and genomics. This golden combination will drive precision medicine to new heights by developing a more sophisticated understanding of how our genomes function, leading to precise, even personalized, cancer therapeutics and preventive diagnostics, such as liquid biopsies. By one estimate, the liquid biopsy market is expected to be worth $40 billion in 2017. Assess the implications of iCarbonX of Shenzhen’s decision to invest US$100 million in U.S.-company PatientsLikeMe relative to AI and genomic data collection. iCarbonX is a pioneer in AI software that learns to recognize useful relationships between large amounts of individuals’ biological, medical, behavioral and psychological data. Such a data-ecosystem will deliver insights into how an individual’s genome is mutating over time, and therefore critical information about this individual’s susceptibilities to rare, chronic and mental illnesses. In 2017, iCarbonX invested $100 million in PatientsLikeMe, getting a hold over data from the biggest online network of patients with rare and chronic diseases. If successful, this effort could turn into genetic gold, making iCarbonX one of the wealthiest healthcare companies in China and beyond. The risk factor is that iCarbonX is handling more than personal data, but potentially vulnerable data as the company uses a smartphone application, Meum, for customers to consult for health advice. Remember that the Chinese nascent genomics and AI industry relies on cloud computing for genomics data-storage and exchange, creating, in its wake, new vulnerabilities associated with any internet-based technology. This phenomenon has severe implications. How much consideration has been given to privacy and the evolving notion of personal data in this AI-powered health economy? And is our cyberinfrastructure ready to protect such trove of personal health data from hackers and industrial espionage? In this new race, will China and the U.S. have to constantly accelerate their rate of cyber and bio-innovation to be more resilient? Refining our models of genomics data protection will become a critical biosecurity issue. Why is Chinese access to U.S. genomic data a national security concern? Genomics and computing research is inherently dual-use, therefore a strategic advantage in a nation’s security arsenal. Using AI systems to understand how the functioning of our genomes impacts our health is of strategic importance for biodefense. This knowledge will lead to increasing developments at the forefront of medical countermeasures, including vaccines, antibiotics, and targeted treatments relying on virus-engineering and microbiome research. Applying deep learning to genomics data-sets could help geneticists learn how to use genome-editing (CRISPR) to efficiently engineer living systems, but also to treat and, even “optimize,” human health, with potential applications in military enhancements. A $15 million partnership between a U.S. company, Gingko Bioworks, and DARPA aims to genetically design new probiotics as a protection for soldiers against a variety of stomach bugs and illnesses. China could be using the same deep learning techniques on U.S. genomics data to better comprehend how to develop, patent and manufacture tailored cancer immunotherapies in high demand in the United States. Yet, what if Chinese efforts venture into understanding how to impact key genomics health determinants relevant to the U.S. population? Gaining access to increasingly large U.S. genomic data-sets gives China a knowledge advantage into leading the next steps in bio-military research. Could biomedical data be used to develop bioweapons? Explain. Personalized medicine advances mean that personalized bio-attacks are increasingly possible. The combination of AI with biomedical data and genome-editing technologies will help us predict genes most important to particular functions. Such insights will contribute to knowing how a particular disease occurs, how a newly-discovered virus has high transmissibility, but also why certain populations and individuals are more susceptible to it. Combining host susceptibility information with pathogenic targeted design, malicious actors could engineer pathogens that are tailored to overcome the immune system or the microbiome of specific populations.

**Primacy solves every impact - even if its imperfect, alternatives are worse**

Zachary **Keck 14**, Assistant Editor at The Diplomat, M.A. candidate in the Department of Public and International Affairs at George Mason University, “America’s Relative Decline: Should We Panic?”, 1-24,<http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/>

Still, on balance, the U.S. has been a positive force in the world, especially for a unipolar power. Certainly, it’s hard to imagine many other countries acting as benignly if they possessed the amount of relative power America had at the end of the Cold War. Indeed, the British were not nearly as powerful as the U.S. in the 19th Century and they incorporated most of the globe in their colonial empire. Even when it had to contend with another superpower, Russia occupied half a continent by brutally suppressing its populace. Had the U.S. collapsed and the Soviet Union emerged as the Cold War victor, Western Europe would likely be speaking Russian by now. It’s difficult to imagine China defending a rule-based, open international order if it were a unipolar power, much less making an effort to uphold a minimum level of human rights in the world.¶ Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates revisions to the “rules of the road.” This is nearly impossible to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states.¶ We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation grows more tense with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead.¶ All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been fairly limited in terms of the number of casualties involved. At the same time, America’s preponderance of power has prevented a great power war, and even restrained major regional powers from coming to blows. For instance, the past 25 years haven’t seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals.¶ But even if the transitions caused by China’s and potentially other nations’ rises are managed successfully, there are still likely to be significant negative effects on international relations. In today’s “globalized” world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include climate change, health pandemics, organized crime and terrorism, global financial crises, and the proliferation of weapons of mass destruction, among many others.¶ A unipolar system, for all its limitations, is uniquely suited for organizing effective global action on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole’s preponderance of power lessens the intensity of competition among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War.¶ The rise of China and potentially other powers will create a new bipolar or multipolar order. This, in turn, will make solving these transnational issues much more difficult. Despite the optimistic rhetoric that emanates from official U.S.-China meetings, the reality is that Sino-American competition is likely to overshadow an increasing number of global issues in the years ahead. If other countries like India, Turkey, and Brazil also become significant global powers, this will only further dampen the prospects for effective global governance.

## 6

**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**.**

**Extinction**

**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.