# 1NC R3 Grapevine

## 1

### CP

#### Text – [Do the plan but in mandarin]

#### To Clarify, the text does not mean only mandarin is accepted, rather there should be a diversity in language usage that’s not just english

#### The normalization of normative English leads to an in-group/out-group that drive racial violence

Rosa et al 17 Rosa, Jonathan, and Nelson Flores. "Unsettling race and language: Toward a raciolinguistic perspective." Language in society 46.5 (2017): 621-647. (Assistant Professor of Anthropology and Linguistics and Associate Professor in the Educational Linguistics Division)//Elmer

Similar to Bucholtz & Hall's (2005) approach to identity and interaction, we are interested in **how processes of raciolinguistic enregisterment emblematize particular linguistic features as authentic** **signs of racialized models of personhood**. This is found not only in sociolinguistic accounts of the features that **compose** categories such as ‘**African American English’ (Green 2002) or ‘Chicano English’ (Fought 2003), but also popular stereotypes and modes of linguistic appropriation such as ‘Mock Spanish’ (Hill 2008), ‘Mock Asian’ (Chun 2004), ‘Hollywood Injun English’ (Meek 2006), and ‘linguistic minstrelsy’ (Bucholtz & Lopez 2011).** In each of these cases, minute **features of language**, including grammatical forms, prosodic patterns, and morphological particles, are emblematized as **sets of signs that correspond to racial categories**. Crucially, as Meek (2006) demonstrates, these forms need not correspond to empirically verifiable linguistic practices in order to undergo racial emblematization. Moreover, as Lo & Reyes (2009) point out, **the imagination of groups such as Asian Americans as lacking a distinctive racialized variety of English analogous to African American English or Chicano English, must be interrogated based on the racial logics that organize stereotypes about and societal positions of different racial groups on the one hand, and perceptions of their language practices on the other. Specifically, Lo & Reyes argue that racial ideologies constructing Asian Americans as model minorities who approximate whiteness are linked to language ideologies constructing Asian Americans as lacking a racially distinctive variety of English**. In related work, Chun (2016:81) shows how emblematized Mock Asian forms such as ‘ching-chong’ are located across ‘the important boundary between ‘Oriental talk’ and English’, which **sustains Asian Americans** alternately **as model minorities and forever foreigners. Thus, we must carefully reconsider seemingly ‘distinctive’ and ‘nondistinctive’ language varieties alike, by analyzing the logics that position particular racial groups and linguistic forms in relation to one another. That is, no language variety is objectively distinctive or nondistinctive, but rather comes to be enregistered as such in particular historical, political, and economic circumstances.**

#### The performance of the 1NC is a form of Code Switching that disrupts English-centered discourses

Duan, Carlina. " The Space Between: An analysis of code-switching within Asian American poetry as strategic poetic device"(English Honors) AND" Here I Go, Torching"(Creative Writing Honors). Diss. 2015. (BA in Honors English from the University of Michigan)//Elmer

In an interview with Women’s Review of Books literary magazine, Hong further discussed **the strategic role of translation as a form of linguistic activism** within her poetic work. When asked why she does not include translations from Korean to English within her own poetry, **Hong said: “I wanted to open up these schisms, to emphasize that memory, the filtering of human experience into poetry, is often fractured and not transparent, especially experiences which have always been bisected and undercut by two languages.**” She added, “I think I want to debunk the idea of **easy translation—whether it be the idea of literal translation or, as I said before, the translating of one’s experience into poetry**” (Hong 2002a, 15). Hong’s intentional decision to leave out English translations in her poetry creates a power dynamic between speaker and reader of the poem. Not only are “easy” translations dismantled and withheld from the reader, but, according to Hong, **codeswitching — without translation — also more accurately reflects her personal experiences of cultural and linguistic movement. Hong points out that human experiences and the world of memory, especially for bilingual speakers, are “not transparent” — not captured neatly by one language, but rather, “bisected” by the complexities of belonging to two (or more) languages, implying a movement between multiple spaces. Scholars describe poetic code-switching in this way as a navigation of power**. Literary scholar Benzi Zhang argues that code-switching makes apparent different levels of cultural knowledge for speaker and reader: **“[T]he insertion of […] foreign words effectively renders Asian sensibilities into English and signifies different positions of cultural agency” (Zhang 131). Building upon this idea of cultural agency, I argue that Hong uses Korean to consciously expose themes of exoticism and racial stereotyping that readers themselves may be (consciously or unconsciously) participating in. As a result, Hong creates agency for her speaker through critiquing culturally appropriative behavior, in addition to an agency in knowledge**; Hong’s speaker can access cultural understanding that her readers do not have. Yet, Hong does more than negotiate questions of audience access; **she uses code-switching to reflect her speaker’s lived experiences of Korean-American identity, grappling with multiple languages and cultural codes**. In “An Introduction to Chinese-American and Japanese American Literatures,” Jeffrey Chan et al. writes, “**The minority experience does not yield itself to accurate or complete expression on the white man’s language” (qtd. Zhang 137**). As Chang et al. suggest, code-switching embeds itself as a natural part of the “minority experience,” and is documented as such in Hong’s poems. **Thus, the poems not only act as social critique of exoticization, but further inhabit the embodied experiences of Korean-American female identities living in the U.S. — which, as Hong reveals, are complicated experiences of rage, agency, celebration, and shifting power dynamics.** Critics who have reviewed Hong’s work, such as Jan Clausen, have raised questions about the effect of Hong’s play with translation. Clausen, in a review titled “The poetics of estrangement,” published through the Women’s Review of Books, writes of Hong’s collection Translating Mo’um: “Hong deftly dismantles the romance of language as homeland, with results especially unnerving for the non-Korean-speaking reader” (Clausen 15). **According to Clausen, Hong’s work with code-switching subverts traditional notions of the ‘native tongue’ as representative of “homeland,” dismantling what a reader may expect of a Korean American author: that she use Korean language to specifically discuss her ethnic culture as a hyphenated American**. In other words, Hong’s code-switches function as intentional poetic protest against the reader’s expectations of the relationship between multilingual text and ethnic identity. As Clausen points out, such readings may anticipate that mother tongue is only introduced to speak about cultural difference or history, rather than used additionally as formal poetic device. **In this chapter, I reveal Hong’s awareness of Korean language and code-switching as tools in identity-construction. Rather than allow others to shape her identity for her, she remains dominant in shaping her identity — and her agency — for herself.**

## 2

### CP

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

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

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

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

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

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

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

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

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

#### Solves multiple scenarios for Extinction

Stavenhagen 90, Rodolfo. The ethnic question: Conflicts, development, and human rights. Vol. 90. United Nations University Press, 1990. (Professor at the United Nations University)//Elmer

The struggle for the preservation of the collective identity of culturally distinct peoples has further implications as well. The cultural diversity of the world’s peoples is a universal resource for all humankind. The diversity of the worlds cultural pool is like the diversity of the world’s biological gene pool. A culture that disappears due to ethnocide or cultural genocide represents a loss for all humankind. At a time when the classic development models of the post war era have failed to solve the major problems of mankind, people are again looking at so called traditional cultures for at least some of the answers. This is very clear, for example, as regards to agricultural and food production, traditional medicine, environmental management in rural areas, construction techniques, social solidarity in times of crises, etc. The world’s diverse cultures have much to offer our imperiled planet. Thus the defense of the collective rights of ethnic groups and indigenous peoples cannot be separated from the collective human rights of all human beings.

## 3

### K

#### 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. Thus, the role of the ballot is to embrace loss.

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 of a capitalist system- the scapegoat is created to obscure the Real- necessitating the destruction of the third world.**

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 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.

#### Best brain studies verify psychoanalysis!

Guterl 2 [Fred; “What Freud Got Right,” Newsweek; 11/10/02; <https://www.newsweek.com/what-freud-got-right-142575>] Justin

But a funny thing happened to Freud on the way to becoming a trivia question: as researchers looked deeper into the physical structure of the brain, they began to find support for some of his theories. Now a small but influential group of researchers are using his insights as a guide to future research; they even have a journal, Neuropsychoanalysis, founded three years ago. "Freud's insights on the nature of consciousness are consonant with the most advanced contemporary neuroscience views," wrote Antonio Damasio, head of neurology at the University of Iowa College of Medicine. Note that Damasio did not refer to psychoanalysis or the Oedipus complex. Instead the work is going on at the fundamental level where emotions are born and primitive passions lurk in the shadows of dreams.

Beyond the basic animal instincts to seek food and avoid pain, Freud identified two sources of psychic energy, which he called "drives": aggression and libido (the latter encompasses sexuality but also had a more expansive meaning, involving the desire for stimulation and achievement). The key to his theory is that these were unconscious drives, shaping our behavior without the mediation of our waking minds; they surface, heavily disguised, only in our dreams. The work of the past half-century in psychology and neuroscience has been to downplay the role of unconscious universal drives, focusing instead on rational processes in conscious life. Meanwhile, dreams were downgraded to a kind of mental static, random scraps of memory flickering through the sleeping brain. But researchers have found evidence that Freud's drives really do exist, and they have their roots in the limbic system, a primitive part of the brain that operates mostly below the horizon of consciousness. Now more commonly referred to as emotions, the modern suite of drives comprises five: rage, panic, separation distress, lust and a variation on libido sometimes called seeking. Freud presaged this finding in 1915, when he wrote that drives originate "from within the organism" in response to demands placed on the mind "in consequence of its connection with the body." Drives, in other words, are primitive brain circuits that control how we respond to our environment--foraging when we're hungry, running when we're scared and lusting for a mate.

The seeking drive is proving a particularly fruitful subject for researchers. Although like the others it originates in the limbic system, it also involves parts of the forebrain, the seat of higher mental functions. In the 1980s, Jaak Panksepp, a neurobiologist at Bowling Green State University in Ohio, became interested in a place near the cortex known as the ventraltegmental area, which in humans lies just above the hairline. When Panksepp stimulated the corresponding region in a mouse, the animal would sniff the air and walk around, as though it were looking for something. Was it hunger? No. The mouse would walk right by a plate of food, or for that matter any other object Panksepp could think of. This brain tissue seemed to cause a general desire for something new. "What I was seeing," he says, "was the urge to do stuff." Panksepp called this seeking.

To neuropsychologist Mark Solms of University College in London, that sounds very much like libido. "Freud needed some sort of general, appetitive desire to seek pleasure in the world of objects," says Solms. "Panksepp discovered as a neuroscientist what Freud discovered psychologically." Solms studied the same region of the brain for his work on dreams. Since the 1970s, neurologists have known that dreaming takes place during a particular form of sleep known as REM--rapid eye movement--which is associated with a primitive part of the brain known as the pons. Accordingly, they regarded dreaming as a low-level phenomenon of no great psychological interest. When Solms looked into it, though, it turned out that the key structure involved in dreaming was actually the ventral tegmental, the same structure that Panksepp had identified as the seat of the "seeking" emotion. Dreams, it seemed, originate with the libido--which is just what Freud had believed.

Freud's psychological map may have been flawed in many ways, but it also happens to be the most coherent and, from the standpoint of individual experience, meaningful theory of the mind there is. "Freud should be placed in the same category as Darwin, who lived before the discovery of genes," says Panksepp. "Freud gave us a vision of a mental apparatus. We need to talk about it, develop it, test it." Perhaps it's not a matter of proving Freud wrong or right, but of finishing the job.

## 4

### T

#### Interpretation: Reduce means unconditional and permanent – the aff is a suspension.

Reynolds 59 – Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: their solvency advocate---we read yellow

1AC Adler 21 – Paul Adler is assistant professor of 20th Century U.S. in the World History at Colorado College and author of "No Globalization Without Representation: U.S. Activists and World Inequality," with University of Pennsylvania Press. (“Activism is the key to getting vaccines to the world," 4-23-2021, <https://www.washingtonpost.com/outlook/2021/04/23/activism-is-key-getting-vaccines-world/>) julian

The need to make more vaccines faster is clear. That is why a wide coalition — from the South African and Indian governments to nonprofits such as Oxfam, Public Citizen and ActionAid to 170 Nobel laureates and former heads of state — are demanding that the WTO issue a “TRIPS waiver.” This action would temporarily suspend WTO intellectual property protections, allowing more companies and countries to produce coronavirus vaccine components. So far, the idea has been met with, at best, ambivalence by representatives from key economic powers, including the European Union, Canada, Brazil and the United States. Meanwhile, major pharmaceutical companies and lobbies largely oppose a TRIPS waiver.

#### Vote neg:

#### 1] Limits and ground– their model allows affs to defend anything from pandemics to Biden’s presidency— there's no universal DA since it’s impossible to know the timeframe when there won’t be IP— that explodes neg prep and leads to random timeframe of the week affs which makes cutting stable neg links impossible — limits key to reciprocal engagement since they create a caselist for neg prep (innovation, collaboration, econ, ptx: all core neg literature thrown away)

#### 2] Precision o/w – anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 3] TVA – defend the advantage to a whole rez timeframe. We don’t prevent new FWs, mechanisms, or advantages. PICs don’t solve – our model allows you to specify countries and medicines.

F

DTD

CI

No RVI

## 5

### DA

#### Collaboration between companies high now and key to solving covid – the aff destroys it.

Zilber 21 [Einav; Owner of Zilber IP; “The proposed TRIPs covid waiver is a bad idea that could do a lot of good,” IAM-Media; 6/23/21; <https://www.iam-media.com/law-policy/the-proposed-trips-covid-waiver-bad-idea-could-do-lot-of-good>] Justin + Diego

**Uncertainties over trade secret protection could undermine collaboration Collaboration has been critical to addressing the pandemic. This is perhaps best exemplified by the scramble for personal protective equipment and ventilator manufacturing in the earliest days of the crisis. The corporate sector responded rapidly, with companies collaborating in development, supply-chain facilitation and manufacturing, while novel partnerships sprang up between organisations around the globe**.For example, Israeli defence company and manufacturer of the world-famous Iron Dome air-defence system Rafael harnessed its R&D and manufacturing capabilities to solve various issues raised by covid-19. Among other projects, Rafael worked with hospital doctors to develop a system that enables two patients to be treated by a single ventilator, with separate pressure controls in the lungs of each individual. Rafael freely distributed this design and the accompanying manufacturing information, as well as the blueprints for a specialised mask for patients receiving non-invasive ventilation treatment, to medical organisations around the world**. The covid-19 masks were adapted from anti-gas mask homeland security technology. In the United States, medical device giant Medtronic shared its Puritan Bennett 560 ventilator technology, a product sold in 35 countries. Among the materials publicly shared were hardware-design specifications and manufacturing instructions, design documents (including manufacturing tools, printed circuit-board drawings, multiple bills of materials and 3D CAD files) and software source-code files.** The materials were provided under a permissive licence, allowing others to use the technology broadly during the pandemic. The private sector’s success in effectively speeding up the development and delivery of equipment and products can be attributed to many factors, including bold leadership, a sense of urgency and responsibility, engineer dedication and creativity, a collaborative mindset and digital communication. **However, having a global and trustworthy IP system also significantly facilitated companies’ willingness to collaborate and share. The IP system enables companies to precisely control the scope of sharing while keeping selected technologies tightly shuttered. By releasing technologies, companies inevitably erode their own competitive edge. The material that is shared reveals solutions that might otherwise have been patented; engineers are educated with a range of methodologies and know-how, and this cannot be unlearned. This is critical, especially when core technology is migrated to covid-19 applications. Should the TRIPs waiver be enacted, companies could lose that level of control and thus be discouraged from collaborating at all.** Further, the success stories of private sector collaboration clearly demonstrate that it is not enough merely to share patents**. Rapid deployment of new, unfamiliar technologies by companies requires access to know-how that is typically protected as trade secrets. While patents are concrete, published and easily managed, trade secrets – and other forms of know-how – are not. It is the sharing company that is in the best position to compile and prepare the materials reflecting its technology. Any effort to apply an external judicial or government review over the scope of shared material could turn out to be futile.** Another troubling uncertainty concerns the vast amount of confidential information that companies already share externally. For example, they already share information with governments in the case of regulatory approvals. Will the IP waiver enable governments to use regulatory company information for local production? Similarly, companies share their technologies with suppliers, customers and partners. A significant amount of valuable information is already illegally available as a result of industrial espionage and the technology black market. How will the misappropriation of confidential information be treated under the IP waiver? Could it have the practical effect of legalising otherwise unlawful access to technology?

#### Key to long term innovation.

Albrectsen 17 [Anne-Birgitte; Chief Executive Officer, Plan International; “Why collaboration will be key to achieving the Sustainable Development Goals,” World Economic Forum; 1/31/17; <https://www.weforum.org/agenda/2017/01/realising-the-potential-of-cross-sector-partnerships/>] Justin+Diego

Since 2015, when the United Nations established a set of shared goals and targets for achieving sustainable development around the world, the development community has been excited, energized but also a little bit wary. While the ambition contained within the Global Goals is high, the challenge is vast. What is more, we face a moving target. **In particular, the Fourth Industrial Revolution, driven by rapid technological advances, has the potential to change everything and, while there will undoubtedly be new growth, benefits and new opportunities, the impact on the world’s poorest could be disastrous. The already demanding targets we have set for ourselves will become even harder to achieve.** The need for surprising alliances We do not yet know just how things will unfold, but one thing is for sure**: the scale, scope and complexity of the economic and social transformation to come will be such that no one sector** – government, business, civil society or academia **– will be able to manage the transformation alone. We’re going to need some surprising alliances that bring different sectors together if we are to overcome its challenges.** Civil society organisations, with their capacity for increasing accountability and promoting participation, can play a critical partnership role with both governments and businesses. **By sharing information, resources, activities, and capabilities we can achieve things together that we could never achieve alone.** At Plan International, we’re already busy convening strategic partnerships with businesses like Accenture, and a particular priority for us now is to improve the position of girls within the poorest countries. There is a direct motivation for businesses to get involved. Studies have shown that investing in girls and gender equality can have a direct impact on economic growth. For example, the World Bank found that investing in girls to close the education gap with boys would lead to lifetime earnings increases equivalent to an increase in annual GDP growth rates of about 1.5%. Not just Corporate Social Responsibility This kind of **cross-sector partnership is essential to achieving the scale and sustained impact we need to see. These partnerships can unleash innovative ways of working, mobilizing expertise and hard to reach resources, and create shared accountability in an increasingly complex world. There is a real opportunity to develop new approaches to partnering that go beyond philanthropy, towards generating shared value.** Each sector has a valuable role to play, but it is the value of collaboration that brings real transformation. Building partnership models which are long lasting, scalable and transformative, and which create shared value will be key. The rapid transformation heralded by the Fourth Industrial Revolution will affect economic, social, environmental, cultural and political life more widely, demanding new ways of working together. Already, traditional boundaries between the sectors have become blurred, with a less direct role for governments and a wider governance role for business and civil **society. In the context of global instability and economic transformation, there are new opportunities and new responsibilities for each sector and, increasingly, a shared set of interests in achieving the kind of world envisaged in the UN’s Global Goals, not least in Sustainable Development Goal 17 which is about creating partnerships for the Goals.** Creating shared value in east Africa At Plan International, we are already working closely with Accenture and others to lay foundations for transformative social and economic change. Developing countries face massive challenges with youth unemployment, and as many as two-thirds of the youth population aged 15 to 24 are unemployed or in irregular employment. The impact of global economic change is likely to exacerbate the problem, and the high unemployment rate among young people can be a potential source of social unrest and political instability. Plan International understands that it is also an opportunity. If nations and institutions can harness the tremendous power and resourcefulness of young people, they can be part of the solution to one of the world’s most pressing problems. For example, in Uganda A Working Future initiative was co-created by Accenture Development Partnerships and Plan International to support youth economic empowerment through innovative collaboration across all sectors. Our work together is part of the company’s flagship corporate citizenship initiative, ‘Skills to Succeed,’ which advances employment and entrepreneurship opportunities for individuals around the globe, leveraging technology to drive impact at scale. The shared value model of the A Working Future initiative With funding and technical support from the Swedish International Development Cooperation Agency, a wide ranging partnership – including a number of local businesses – has been formed to change the lives of young people in rural Eastern Uganda by providing them access to financial services, teaching them critical skills, and linking them to work opportunities. The private sector has been invaluable at every stage, from the design of the programme to the delivery of training. Combined with Plan International’s grass roots reach and access, rights based approach, trusted community level relationships, technical expertise and local networks, as well as other partners’ contributions, the outcomes have been phenomenal and already over 12,000 young people have benefitted from the programme. The participating youth have seen a 621% increase in average monthly income and a 631% increase in savings. How the partners and element of A Working Future fit together Working with companies like Accenture, we’re now scaling-up the model to bring skills and jobs to 100,000 young people in four African countries: Uganda, Zambia, Tanzania and Egypt. The success has been due to the collaborative partnership mode, which brings together a mix of strategic partners from different sectors both at the global and local level, but also retains the agility to adapt to the local context, and to find a way of working that creates true sustainable change and impact, and value for all. Deepening partnerships in an uncertain world **Collaboration – working together – was one of the core objectives of A Working Future from the start, much more than simply benefiting from the each other’s resources and capabilities. The initiative is a model for the kind of partnerships I believe will be increasingly important in coming years. As the boundaries between sectors become blurred, the interdependencies become more pronounced yet the complexities increase, the sectors need to become better able to find common ground. Different sectors should be open minded about working together, not afraid to take risks to collaborate in new ways, and to ensure the lessons of these partnership models** – good and bad – are shared widely. As we’ve seen in our partnership with Accenture, we learn more about each other over time. We find new opportunities to work together and to create new solutions. As 3,000 global leaders met last week in Davos to reflect on how together we can create responsive and responsible leadership in a changing world, we were able to share some of these new models of partnership we have been pioneering. We shared our insights on the changing dynamics between the sectors, and showed how we can work together to transform the lives of 100 million girls, our new ambition. **The times are uncertain, the challenges huge, but the task is one that we cannot afford to duck.**

#### Innovation solves extinction – avoids tipping points.

Naam 13 [Ramez; Fellow of the Institute for Ethics and Emerging Technologies; “How Innovation Could Save the Planet” Awaken.com; March-April 2013; <https://awaken.com/2013/02/how-innovation-could-save-the-planet/>] // Re-Cut Justin

The Best of Times: Unprecedented Prosperity There are many ways in which we are living in the most wonderful age ever. We can imagine we are heading toward a sort of science-fiction utopia, where we are incredibly rich and incredibly prosperous, and the planet is healthy. But there are other reasons to fear that we’re headed toward a dystopia of sorts. Ramez Naam spoke at WorldFuture 2013, the annual conference of the World Future Society in Chicago, in July of 2013. On the positive side, life expectancy has been rising for the last 150 years, and faster since the early part of the twentieth century in the developing world than it has in the rich world. Along with that has come a massive reduction in poverty. The most fundamental empowerer of humans—education—has also soared, not just in the rich world, but throughout the world. Another great empowerer of humanity is connectivity: Access to information and access to communication both have soared. The number of mobile phones on the planet was effectively zero in the early 1990s, and now it’s in excess of 4 billion. More than three-quarters of humanity, in the span of one generation, have gotten access to connectivity that, as my friend Peter Diamandis likes to say, is greater than any president before 1995 had. A reasonably well-off person in India or in Nigeria has better access to information than Ronald Reagan did during most of his career. With increased connectivity has come an increase in democracy. As people have gotten richer, more educated, more able to access information, and more able to communicate, they have demanded more control over the places where they live. The fraction of nations that are functional democracies is at an all-time high in this world—more than double what it was in the 1970s—with the collapse of the Soviet Union.\* Economically, the world is a more equal place than it has been in decades. In the West, and especially in the United States, we hear a lot about growing inequality, but on a global scale, the opposite is true. As billions are rising out of poverty around the world, the global middle classes are catching up with the global rich. In many ways, this is the age of the greatest human prosperity, freedom, and potential that has ever been on the face of this planet. But in other ways, we are facing some of the largest risks ever. The Worst of Times: The Greatest Risks At its peak, the ancient Mayan city of Tikal was a metropolis, a city of 200,000 people inside of a civilization of about 20 million people. Now, if you walk around any Mayan city, you see mounds of dirt. That’s because these structures were all abandoned by about the mid-900s AD. We know now what happened: The Mayan civilization grew too large. It overpopulated. To feed themselves, they had to convert forest into farmland. They chopped down all of the forest. That, in turn, led to soil erosion. It also worsened drought, because trees, among other things, trap moisture and create a precipitation cycle. When that happened, and was met by some normal (not human-caused) climate change, the Mayans found they didn’t have enough food. They exhausted their primary energy supply, which is food. That in turn led to more violence in their society and ultimately to a complete collapse. The greatest energy source for human civilization today is fossil fuels. Among those, none is more important than oil. In 1956, M. King Hubbert looked at production in individual oil fields and predicted that the United States would see the peak of its oil production in 1970 or so, and then drop. His prediction largely came true: Oil production went up but did peak in the 1970s, then plummeted. Oil production has recently gone up in the United States a little bit, but it’s still just barely more than half of what it was in its peak in the 1970s. Hubbert also predicted that the global oil market would peak in about 2000, and for a long time he looked very foolish. But it now has basically plateaued. Since 2004, oil production has increased by about 4%, whereas in the 1950s it rose by about 4% every three months. We haven’t hit a peak; oil production around the world is still rising a little bit. It’s certainly not declining, but we do appear to be near a plateau; supply is definitely rising more slowly than demand. Though there’s plenty of oil in the ground, the oil that remains is in smaller fields, further from shore, under lower pressure, and harder to pump out. Water is another resource that is incredibly precious to us. The predominant way in which we use water is through the food that we eat: 70% of the freshwater that humanity uses goes into agriculture. The Ogallala Aquifer, the giant body of freshwater under the surface of the Earth in the Great Plains of the United States, is fossil water left from the melting and the retreat of glaciers in the end of the last Ice Age, 12,000–14,000 years ago. Its refill time is somewhere between 5,000 and 10,000 years from normal rainfall. Since 1960, we’ve drained between a third and a half of the water in this body, depending on what estimate you look at. In some areas, the water table is dropping about three feet per year. If this was a surface lake in the United States or Canada, and people saw that happening, they’d stop it. But because it’s out of sight, it’s just considered a resource that we can tap. And indeed, in the north Texas area, wells are starting to fail already, and farms are being abandoned in some cases, because they can’t get to the water that they once did. Perhaps the largest risk of all is climate change. We’ve increased the temperature of the planet by about 2°F in the last 130 years, and that rate is accelerating. This is primarily because of the carbon dioxide we’ve put into the atmosphere, along with methane and nitrous oxide. CO2 levels, now at over 390 parts per million, are the highest they’ve been in about 15 million years. Ice cores go back at least a million years, and we know that they’re the highest they’ve been in that time. Historically, when CO2 levels are high, temperature is also high. But also, historically, in the lifetime of our species, we’ve actually never existed as human beings while CO2 levels have been this high. For example, glaciers such as the Bear and Pedersen in Alaska have disappeared just since 1920. As these glaciers melt, they produce water that goes into the seas and helps to raise sea levels. Over the next century, the seas are expected to rise about 3 to 6 feet. Most of that actually will not be melting glaciers; it’s thermal expansion: As the ocean gets warmer, it gets a little bit bigger. But 3 to 6 feet over a century doesn’t sound like that big a deal to us, so we think of that as a distant problem. The reality is that there’s a more severe problem with climate change: its impact on the weather and on agriculture. In 2003, Europe went through its worst heat wave since 1540. Ukraine lost 75% of its wheat crop. In 2009, China had a once-in-a-century level drought; in 2010 they had another once-in-a-century level drought. That’s twice. Wells that had given water continuously since the fifteenth century ran dry. When those rains returned, when the water that was soaked up by the atmosphere came back down, it came down on Pakistan, and half of Pakistan was under water in the floods of 2010. An area larger than Germany was under water. Warmer air carries more water. Every degree Celsius that you increase the temperature value of air, it carries 7% more water. But it doesn’t carry that water uniformly. It can suck water away from one place and then deliver it in a deluge in another place. So both the droughts are up and flooding is up simultaneously, as precipitation becomes more lumpy and more concentrated. In Russia’s 2010 heat wave, 55,000 people died, 11,000 of them in Moscow alone. In 2011, the United States had the driest 10-month period ever in the American South, and Texas saw its worst wildfires ever. And 2012 was the worst drought in the United States since the Dust Bowl—the corn crop shrank by 20%. So that’s the big risk the world faces: that radical weather will change how we grow food, which is still our most important energy source—even more important than fossil fuels. A number of people in the environmentalist movement are saying that we have to just stop growing. For instance, in his book Peak Everything: Waking Up to the Century of Declines, Richard Heinberg of the Post-Carbon Institute says that the Earth is full. Get used to it, and get ready for a world where you live with less wealth, and where your children live with less wealth, than any before. I don’t think this idea of stopping growth is realistic, because there are a top billion people who live pretty well and there are another 6 billion who don’t and are hungry for it. We see demand rising for everything—water, food, energy—and that demand is rising not in the United States or Europe or Canada or Australia. It’s rising in the developing world. This is the area that will create all of the increased demand for physical resources. Even if we could, by some chance, say That’s enough, sorry, we’re not going to let you use these resources, which is doubtful, it wouldn’t be just, because the West got rich by using those natural resources. So we need to find a different way. Ideas as a Resource Expander, Resource Preserver, and Waste Reducer The best-selling environmental book of all time, Limits to Growth, was based on computer modeling. It was a simple model with only about eight variables of what would happen in the world. It showed that economic growth, more wealth, would inevitably lead to more pollution and more consumption of finite resources, which would in turn take us beyond the limits and lead ultimately to collapse. While it’s been widely reported recently that its predictions are coming true, that’s actually not the case. If you look at the vast majority of the numbers that the researchers predict in this model, they’re not coming true. Why did they get these things wrong? The most important thing that the forecasters did was underestimate the power of new ideas to expand resources, or to expand wealth while using fewer resources. Ideas have done tremendous things for us. Let’s start with food. In The Population Bomb (1968), Paul Ehrlich predicted that food supply could not support the population, just as Malthus did. But what’s happened is that we’ve doubled population since 1960, and we’ve nearly tripled the food supply in total. We’ve increased by 30%–40% the food supply per person since the 1960s. Let’s look at this on a very long time scale. How many people can you feed with an acre of land? Before the advent of agriculture, an acre of land could feed less than a thousandth of a person. Today it’s about three people, on average, who can be fed by one acre of land. Pre-agriculture, it took 3,000 acres for one person to stay alive through hunting and gathering. With agriculture, that footprint has shrunk from 3,000 acres to one-third of one acre. That’s not because there’s any more sunlight, which is ultimately what food is; it’s because we’ve changed the productivity of the resource by innovation in farming—and then thousands of innovations on top of that to increase it even more. In fact, the reason we have the forests that we have on the planet is because we were able to handle a doubling of the population since 1960 without increasing farmland by more than about 10%. If we had to have doubled our farmland, we would have chopped down all the remaining forests on the planet. Ideas can reduce resource use. I can give you many other examples. In the United States, the amount of energy used on farms per calorie grown has actually dropped by about half since the 1970s. That’s in part because we now only use about a tenth of the energy to create synthetic nitrogen fertilizer, which is an important input. The amount of food that you can grow per drop of water has roughly doubled since the 1980s. In wheat, it’s actually more than tripled since 1960. The amount of water that we use in the United States per person has dropped by about a third since the 1970s, after rising for decades. As agriculture has gotten more efficient, we’re using less water per person. So, again, ideas can reduce resource use. Ideas can also find substitutes for scarce resources. We’re at risk of running out of many things, right? Well, let’s think about some things that have happened in the past. The sperm whale was almost hunted into extinction. Sperm whales were, in the mid-1800s, the best source of illumination. Sperm whale oil—spermaceti—was the premier source of lighting. It burned without smoke, giving a clear, steady light, and the demand for it led to huge hunting of the sperm whales. In a period of about 30 years, we killed off about a third of the sperm whales on the planet. That led to a phenomenon of “peak sperm-whale oil”: The number of sperm whales that the fleet could bring in dropped over time as the sperm whales became more scarce and more afraid of human hunters. Demand rose as supply dropped, and the prices skyrocketed. So it looked a little bit like the situation with oil now. That was solved not by the discovery of more sperm whales, nor by giving up on this thing of lighting. Rather, Abraham Gesner, a Canadian, discovered this thing called kerosene. He found that, if he took coal, heated it up, captured the fumes, and distilled them, he could create this fluid that burned very clear. And he could create it in quantities thousands of times greater than the sperm whales ever could have given up. We have no information suggesting that Gesner was an environmentalist or that he cared about sperm whales at all. He was motivated by scientific curiosity and by the huge business opportunity of going after this lighting market. What he did was dramatically lower the cost of lighting while saving the sperm whales from extinction. One more thing that ideas can do is transform waste into value. In places like Germany and Japan, people are mining landfills. Japan estimates that its landfills alone contain 10-year supplies of gold and rare-earth minerals for the world market. Alcoa estimates that the world’s landfills contain a 15-year supply of aluminum. So there’s tremendous value. When we throw things away, they’re not destroyed. If we “consume” things like aluminum, we’re not really consuming it, we’re rearranging it. We’re changing where it’s located. And in some cases, the concentration of these resources in our landfills is actually higher than it was in our mines. What it takes is energy and technology to get that resource back out and put it back into circulation. Ideas for Stretching the Limits So ideas can reduce resource use, can find substitutes for scarce resources, and can transform waste into value. In that context, what are the limits to growth? Is there a population limit? Yes, there certainly is, but it doesn’t look like we’re going to hit that. Projections right now are that, by the middle of this century, world population will peak between 9 billion and 10 billion, and then start to decline. In fact, we’ll be talking much more about the graying of civilization, and perhaps underpopulation—too-low birthrates on a current trend. What about physical resources? Are there limits to physical resource use on this planet? Absolutely. It really is a finite planet. But where are those limits? To illustrate, let’s start with energy. This is the most important resource that we use, in many ways. But when we consider all the fossil fuels that humanity uses today—all the oil, coal, natural gas, and so on—it pales in comparison to a much larger resource, all around us, which is the amount of energy coming in from our Sun every day. The amount of energy from sunlight that strikes the top of the atmosphere is about 10,000 times as much as the energy that we use from fossil fuels on a daily basis. Ten seconds of sunlight hitting the Earth is as much energy as humanity uses in an entire day; one hour of sunlight hitting the Earth provides as much energy to the planet as a whole as humanity uses from all sources combined in one year. This is an incredibly abundant resource. It manifests in many ways. It heats the atmosphere differentially, creating winds that we can capture for wind power. It evaporates water, which leads to precipitation elsewhere, which turns into things like rivers and waterfalls, which we can capture as hydropower. But by far the largest fraction of it—more than half—is photons hitting the surface of the Earth. Those are so abundant that, with one-third of 1% of the Earth’s land area, using current technology of about 14%-efficient solar cells, we could capture enough electricity to power all of current human needs. The problem is not the abundance of the energy; the problem is cost. Our technology is primitive. Our technology for building solar cells is similar to our technology for manufacturing computer chips. They’re built on silicon wafers in clean rooms at high temperatures, and so they’re very, very expensive. But innovation has been dropping that cost tremendously. Over the last 30 years, we’ve gone from a watt of solar power costing $20 to about $1. That’s a factor of 20. We roughly drop the cost of solar by one-half every decade, more or less. That means that, in the sunniest parts of the world today, solar is now basically at parity in cost, without subsidies, with coal and natural gas. Over the next 12–15 years, that will spread to most of the planet. That’s incredibly good news for us. Of course, we don’t just use energy while the Sun is shining. We use energy at night to power our cities; we use energy in things like vehicles that have to move and that have high energy densities. Both of these need storage, and today’s storage is actually a bigger challenge than capturing energy. But there’s reason to believe that we can tackle the storage problem, as well. For example, consider lithium ion batteries—the batteries that are in your laptop, your cell phone, and so on. The demand to have longer-lasting devices drove tremendous innovations in these batteries in the 1990s and the early part of the 2000s. Between 1991 and 2005, the cost of storage in lithium ion batteries dropped by about a factor of nine, and the density of storage—how much energy you can store in an ounce of battery—increased by a little over double in that time. If we do that again, we would be at the point where grid-scale storage is affordable and we can store that energy overnight. Our electric vehicles have ranges similar to the range you can get in a gasoline-powered vehicle. This is a tall order. This represents perhaps tens of billions of dollars in R&D, but it is something that is possible and for which there is precedent. Another approach being taken is turning energy into fuel. When you use a fuel such as gasoline, it’s not really an energy source. It’s an energy carrier, an energy storage system, if you will. You can store a lot of energy in a very small amount. Today, two pioneers in genome sequencing—Craig Venter and George Church—both have founded companies to create next-generation biofuels. What they’re both leveraging is that gene-sequencing cost is the fastest quantitative area of progress on the planet. What they’re trying to do is engineer microorganisms that consume CO2, sunlight, and sugar and actually excrete fuel as a byproduct. If we could do this, maybe just 1% of the Earth’s surface—or a thirtieth of what we use for agriculture—could provide all the liquid fuels that we need. We would conveniently grow algae on saltwater and waste water, so biofuel production wouldn’t compete for freshwater. And the possible yields are vast if we can get there. If we can crack energy, we can crack everything else: • Water. Water is life. We live in a water world, but only about a tenth of a percent of the water in the world is freshwater that’s accessible to us in some way. Ninety-seven percent of the world’s water is in the oceans and is salty. It used to be that desalination meant boiling water and then catching the steam and letting it condense. Between the times of the ancient Greeks and 1960, desalination technology didn’t really change. But then, it did. People started to create membranes modeled on what cells do, which is allow some things through but not others. They used plastics to force water through and get only the fresh and not the salty. As a result, the amount of energy it takes to desalinate a liter of water has dropped by about a factor of nine in that time. Now, in the world’s largest desalination plants, the price of desalinated water is about a tenth of a cent per gallon. The technology has gotten to the point where it is starting to become a realistic option as an alternative to using up scarce freshwater resources. • Food. Can we grow enough food? Between now and 2050, we have to increase food yield by about 70%. Is that possible? I think it is. In industrialized nations, food yields are already twice what they are in the world as a whole. That’s because we have irrigation, tractors, better pesticides, and so on. Given such energy and wealth, we already know that we can grow enough food to feed the planet. Another option that’s probably cheaper would be to leverage some things that nature’s already produced. What most people don’t know is that the yield of corn per acre and in calories is about 70% higher than the yield of wheat. Corn is a C 4 photosynthesis crop: It uses a different way of turning sunlight and CO2 into sugars that evolved only 30 million years ago. Now, scientists around the world are working on taking these C 4 genes from crops like corn and transplanting them into wheat and rice, which could right away increase the yield of those staple grains by more than 50%. Physical limits do exist, but they are extremely distant. We cannot grow exponentially in our physical resource use forever, but that point is still at least centuries in the future. It’s something we have to address eventually, but it’s not a problem that’s pressing right now. • Wealth. One thing that people don’t appreciate very much is that wealth has been decoupling from physical resource use on this planet. Energy use per capita is going up, CO2 emissions per capita have been going up a little bit, but they are both widely outstripped by the amount of wealth that we’re creating. That’s because we can be more efficient in everything—using less energy per unit of food grown, and so on. This again might sound extremely counterintuitive, but let me give you one concrete example of how that happens. Compare the ENIAC—which in the 1940s was the first digital computer ever created—to an iPhone. An iPhone is billions of times smaller, uses billions of times less energy, and has billions of times more computing power than ENIAC. If you tried to create an iPhone using ENIAC technology, it would be a cube a mile on the side, and it would use more electricity than the state of California. And it wouldn’t have access to the Internet, because you’d have to invent that, as well. This is what I mean when I say ideas are the ultimate resource. The difference between an ENIAC and an iPhone is that the iPhone is embodied knowledge that allows you to do more with less resources. That phenomenon is not limited to high tech. It’s everywhere around us. So ideas are the ultimate resource. They’re the only resource that accumulates over time. Our store of knowledge is actually larger than in the past, as opposed to all physical resources. Challenges Ahead for Innovation Today we are seeing a race between our rate of consumption and our rate of innovation, and there are multiple challenges. One challenge is the Darwinian process, survival of the fittest. In areas like green tech, there will be hundreds and even thousands of companies founded, and 99% of them will go under. That is how innovation happens. The other problem is scale. Just as an example, one of the world’s largest solar arrays is at Nellis Air Force Base in California, and we would need about 10 million of these in order to meet the world’s electricity needs. We have the land, we have the solar energy coming in, but there’s a lot of industrial production that has to happen before we get to that point. Innovation is incredibly powerful, but the pace of innovation compared to the pace of consumption is very important. One thing we can do to increase the pace of innovation is to address the biggest challenge, which is market failure. In 1967, you could stick your hand into the Cuyahoga River, in Ohio, and come up covered in muck and oil. At that time, the river was lined with businesses and factories, and for them the river was a free resource. It was cheaper to pump their waste into the river than it was to pay for disposal at some other sort of facility. The river was a commons that anybody could use or abuse, and the waste they were producing was an externality. To that business or factory, there was no cost to pumping waste into this river. But to the people who depended upon the river, there was a high cost overall. That’s what I mean by a market externality and a market failure, because this was an important resource to all of us. But no one owned it, no one bought or sold it, and so it was treated badly in a way that things with a price are not. That ultimately culminated when, in June 1969, a railway car passing on a bridge threw a spark; the spark hit a slick of oil a mile long on the river, and the river burst into flames. The story made the cover of Time magazine. In many ways, the environmental movement was born of this event as much as it was of Rachel Carson’s Silent Spring. In the following three years, the United States created the Environmental Protection Agency and passed the Clean Water and Clean Air acts. Almost every environmental problem on the planet is an issue of the commons, whether it’s chopping down forests that no one owns, draining lakes that no one owns, using up fish in the ocean that no one owns, or polluting the atmosphere because no one owns it, or heating up the planet. They’re all issues of the commons. They’re all issues where there is no cost to an individual entity to deplete something and no cost to overconsume something, but there is a greater cost that’s externalized and pushed on everybody else who shares this. Now let’s come back again to what Limits to Growth said, which was that economic growth always led to more pollution and more consumption, put us beyond limits, and ends with collapse. So if that’s the case, all those things we just talked about should be getting worse. But as the condition of the Cuyahoga River today illustrates, that is not the case. GDP in the United States is three times what it was when the Cuyahoga River caught on fire, so shouldn’t it be more polluted? It’s not. Instead, it’s the cleanest it’s been in decades. That’s not because we stopped growth. It’s because we made intelligent choices about managing that commons. Another example: In the 1970s, we discovered that the ozone layer was thinning to such an extent that it literally could drive the extinction of all land species on Earth. But it’s actually getting better. It’s turned a corner, it’s improving ahead of schedule, and it’s on track to being the healthiest it’s been in a century. That’s because we’ve reduced the emissions of CFCs, which destroy ozone; we’ve dropped the amount of them that we emit into the atmosphere basically to zero. And yet industry has not ground to a halt because of this, either. Economic growth has not faltered. And one last example: Acid rain—which is primarily produced by sulfur dioxide emitted by coal-burning power plants—is mostly gone as an issue. Emissions of sulfur dioxide are down by about a factor of two. That’s in part because we created a strategy called cap and trade: It capped the amount of SO2 that you could emit, then allowed you to swap and buy emission credits from others to find the optimal way to do that. The cost, interestingly enough, has always been lower than projected. In each of these cases, industry has said, This will end things. Ronald Reagan’s chief of staff said the economy would grind to a halt, and the EPA would come in with lower cost estimates. But the EPA has always been wrong: The EPA cost estimate has always been too high. Analysis of all of these efforts in the past shows that reducing emissions is always cheaper than you expect, but cleaning up the mess afterwards is always more expensive than you’d guess. Today, the biggest commons issue is that of climate change, with the CO2 and other greenhouse gases that we’re pumping into the atmosphere. A logical thing to do would be to put a price on these. If you pollute, if you’re pumping CO2 into the atmosphere and it’s warming the planet, so you’re causing harm to other people in a very diffuse way. Therefore, you should be paying in proportion to that harm you’re doing to offset it. But if we do that, won’t that have a massive impact on the economy? This all relates to energy, which drives a huge fraction of the economy. Manufacturing depends on it. Transport depends on it. So wouldn’t it be a huge problem if we were to actually put a price on these carbon emissions? Well, there has been innovative thinking about that, as well. One thing that economists have always told us is that, if you’re going to tax, tax the bad, not the good. Whatever it is that you tax, you will get less of it. So tax the bad, not the good. The model that would be the ideal for putting a price on pollution is what we call a revenue-neutral model. Revenue-neutral carbon tax, revenue-neutral cap and trade. Let’s model it as a tax: Today, a country makes a certain amount of revenue for its government in income tax, let’s say. If you want to tax pollution, the way to do this without impacting the economy is to increase your pollution tax in the same manner that you decrease the income tax. The government then is capturing the same amount of money from the economy as a whole, so there’s no economic slowdown as a result of this. This has a positive effect on the environment because it tips the scales of price. Now, if you’re shopping for energy, and you’re looking at solar versus coal or natural gas, the carbon price has increased the price of coal and natural gas to you, but not the cost of solar. It shifts customer behavior from one to the other while having no net impact on the economy, and probably a net benefit on the economy in the long run as more investment in green energy drives the price down. Toward a Wealthier, Cleaner Future The number-one thing I want you to take away is that pollution and overconsumption are not inevitable outcomes of growth. While tripling the wealth of North America, for instance, we’ve gone from an ozone layer that was rapidly deteriorating to one that is bouncing back. The fundamental issue is not one of limits to growth; it’s one of the policy we choose, and it’s one of how we structure our economy to value all the things we depend upon and not just those things that are owned privately. What can we do, each of us? Four things: First is to communicate. These issues are divisive, but we know that beliefs and attitudes on issues like this spread word of mouth. They spread person to person, from person you trust to person you trust. So talk about it. Many of us have friends or colleagues or family on the other side of these issues, but talk about it. You’re better able to persuade them than anyone else is. Second is to participate. By that I mean politically. Local governments, state and province governments, and national governments are responsive when they hear from their constituents about these issues. It changes their attitudes. Because so few constituents actually make a call to the office of their legislator, or write a letter, a few can make a very large impact. Third is to innovate. These problems aren’t solved yet. We don’t have the technologies for these problems today. The trend lines look very good, but the next 10 years of those trend lines demand lots of bright people, lots of bright ideas, and lots of R&D. So if you’re thinking about a career change, or if you know any young people trying to figure out what their career is now, these are careers that (A) will be very important to us in the future and (B) will probably be quite lucrative for them.

# Case

## Framing

### 1NC – Ext Outweighs

#### Extinction outweighs: A] Reversibility- it forecloses the alternative because we can’t improve society if we are all dead B] Structural violence- death causes suffering because people can’t get access to resources and basic necessities C] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical D] Uncertainty- if we’re unsure about which interpretation of the world is true, we should preserve the world to keep debating about it

### 1NC – AT: Oppression

#### Their use of educational spaces as empowerment places the judge into the role of the authoritarian adjudicator who molds students.

**Rickert** Rickert, Thomas. ""Hands Up, You're Free": Composition in a Post-Oedipal World." JacOnline Journal

“An example of the connection between **violence** and pedagogy **is implicit in** the notion of being "schooled" as it has been conceptualized by Giroux and Peter Mclaren. They explain, "Fundamental to the principles that inform critical pedagogy is **the conviction that schooling for self- and social empowerment is ethically prior** to questions of epistemology or to a mastery of technical or social skills that are primarily tied to the logic of the marketplace" (153-54). **A presumption** here **is that** it is **the teacher** who **knows (best)**, and **this orientation gives the concept of schooling a particular bite: though it presents itself as oppositional to** the state and the **dominant forms of pedagogy** that serve the state and its capitalist interests, **it** nevertheless **reinscribes an authoritarian model that is congruent with** any number of oedipalizing **pedagogies that "school" the student in proper behavior.** As Diane Davis notes, radical, feminist, and **liberatory pedagogies "often camouflage pedagogical violence in their move from one mode of 'normalization' to another"** and "function within a disciplinary matrix of power, a covert carceral system, **that aims to create useful subjects for particular political agendas**" (212). Such oedipalizing pedagogies are less effective in practice than what the claims for them assert; indeed, the attempt to "school" students in the manner called for by Giroux and McLaren is complicitous with the malaise of postmodern cynicism. Students will dutifully go through their liberatory motions, producing the proper assignments, but it remains an open question whether they carry an oppositional politics with them. The "critical distance" supposedly created with liberatory pedagogy also opens up a cynical distance toward the writing produced in class.” (299-300)

## Contention

### 1NC – Imperialism Turn

#### The affirmative greenlights themselves as the moral savior but hides a history of imperialism – the 1ACs reform is empty and coopted by capitalist imperialist logic which justifies colonialism and reinforces racial difference.

Twailr 21 [Third World Approaches to International Law Review; “On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism,” Twail Review; 3/23/21; <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>] Justin

Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

### 1NC – Circumvention

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

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

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

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

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

#### Recent evidence confirms

Hillman and Tippett 21 [Jennifer A; Senior fellow for trade and international political economy; Alex; Research associate for international economics, at the Council on Foreign Relations; “Europe and the Prospects for WTO Reform,” CFR; 3/10/21; <https://www.cfr.org/blog/europe-and-prospects-wto-reform>] Justin

The WTO has been in the clutches of a slow-moving crisis for years. At its heart are a series of disputes about the role of the WTO’s Appellate Body, the final arbiter in the WTO’s Dispute Settlement System. Today, the Appellate Body sits empty, severely undermining the capacity of the WTO to resolve trade disputes.

Since the start of the Trump administration, the United States has refused to appoint any new members to the body, effectively allowing countries to avoid compliance with WTO rulings. The primary driver of this drastic action has been American frustration at perceived judicial overreach. U.S. policymakers, starting with the George W. Bush administration, have repeatedly voiced their displeasure with Appellate Body decisions, contending that certain decisions have reached beyond the text of existing WTO agreements.

#### Powerful countries use bilateral agreements to circumvent.

DC = developing country

NIT = Net Importers of Technology (this references developing countries)

NET = Net Exporters of Technology (countries with advanced economies)

Marcellin 16 Marcellin, Sherry (Professor, London School of Economics). The political economy of pharmaceutical patents: US sectional interests and the African Group at the WTO. Routledge, 2016./SJKS

In July 1988, prior to the Montreal Mid-Term Review, DCs had sensed that the approach being proposed by industrialised countries was desirable on the grounds that the alternative would be a proliferation of unilateral or bilateral actions (MTN.GNG/NG11/8: 31). These NITs maintained that acceptance of such an approach would be tantamount to creating a licence to force, in the name of trade, modifications in standards for the protection of IP in a way that had not been found acceptable or possible so far in WIPO (ibid). Brazil subsequently informed the Group that on October 20, 1988, unilateral restrictions had been applied by the US to Brazilian exports as a retaliatory measure in connection with an IP issue; that this type of action seriously inhibited Brazil’s participation in the work of the Group, since ‘no country could be expected to participate in negotiations while experiencing pressures on the substance of its position’ (MTN.GNG/NG11/10: 27). The Brazilian delegate maintained that such action by the US constituted a blatant infringement of GATT rules and was contrary to the Standstill commitment of the Punta del Este Declaration. ‘The United States action was an attempt to coerce Brazil to change its intellectual property legislation, and furthermore represented an attempt by the United States to improve its negotiating position in the Uruguay Round’ (ibid). A US delegate countered that the measures had been taken with regret and as a last resort after all alternative ways of defending legitimate US interests had been exhausted, and that the US further believed that the adoption of effective patent protection was in Brazil’s own interest (ibid: 28). The US had therefore applied its strategy of coercive unilateralism against one of the two most important players championing the cause of the South in the TRIPS negotiations, the other being India. Apprehensive about the resistance of this dominant Southern duo, the United States sought to utilise its market size as a bargaining tool to secure changes to national IP regimes. It therefore decided to impact the more powerful of the two at the time, thereby indirectly admonishing India and the entire coalition against strengthened IP rules, as well as their domestic export constituencies who would be affected by US decisions to restrict imports. Moreover, because Brazil and India appeared to be collaborating extensively in maintaining a united front, a resulting strain on Brazil’s economy would likely affect their co-operation. However, since market opening and closure have been treated as the currency of trade negotiations in the post-war period (Steinberg 2002: 347), the move to place restrictions on Brazilian exports by the largest consumer market in the GPE should not have been entirely unanticipated. Brazil was also the regional leader in South America and disciplining it would send an unequivocal warning to other South American countries (Drahos and Braithwaite 2002: 136), including Argentina, Chile and Peru who were also active participants in the negotiations. This would mark the start of a series of coercive strategies aimed at compliance with the US private-sector envisioned GATT IPP.

### 1NC – AT: Pandemics

#### The aff can’t solve – but creates low-quality vaccines and discourages investment in critical areas.

CPIP 21 [Center for Intellectual Property x Innovation Policy; “A View from Both Sides: COVID-19, the TRIPS Waiver, IP Rights, and How to Increase the Supply of Vaccines,” Antonin Scalia Law School / George Mason University; 6/22/21; <https://cip2.gmu.edu/2021/06/22/a-view-from-both-sides-covid-19-the-trips-waiver-ip-rights-and-how-to-increase-the-supply-of-vaccines/>] Justin

A waiver on patent rights, even with the corresponding trade secrets, can only give permission to manufacture. But Eva Bishwal of Fidus Law Chambers writes that the real problems in India “are state inaction, dearth of raw materials and low production capacity.”

According to Patrick Kilbride of the U.S. Chamber of Commerce’s Global Innovation Policy Center, and as cited in Pharmaceutical Technology, “[p]roposals to waive intellectual property rights are misguided and a distraction from the real work of reinforcing supply chains and assisting countries to procure, distribute and administer vaccines to billions of the world’s citizens.”

Low-quality vaccines could do more harm than good

Former USPTO Director Andrei Iancu voiced concern recently at a World IP Day event, asking, “if we waive IP rights, and exclude the original manufacturers, how are we going to control the quality of the vaccines that go into people’s arms? How are we going to control for the fake vaccines? Just last week we saw fake Pfizer vaccines.” And as Philip Thompson points out for IPWatchdog, when investigators are forced to “determine if adverse events or sub-par effectiveness originate from ‘real’ vaccines or fake doses, we should expect global production starts and stops to become much more frequent.”

It will discourage investment in the most critical areas

Pharmaceutical developers invest unfathomable amounts of money into bringing drugs to market. The path to success is long, expensive, and highly uncertain. But what is certain is that successful drugs can yield a profit that covers the loss from failures. Now critics are deeply worried that this waiver will skew future cost-benefit analyses against important classes of medicine. All other things being equal, a developer has a better chance at a positive return by investing in drugs that pose no risk of seizure during a global emergency. As Amanda Glassman of the Center for Global Development writes, the waiver sends the wrong message to innovators and investors: “don’t bother attacking the most important global problems; instead, throw your investment dollars at the next treatment for erectile disfunction, which will surely earn you a steady return with far less agita.” The scramble amongst pharmaceutical giants to develop a vaccine was an all-out race, with good reason, and that’s exactly how it should be. If those companies believe that forfeiture is waiting at the finish line next time around, we might see fewer contestants.

#### Aff fails---trade secrets remain secrets and existing logistical hubs fail.

Banri Ito 21 [(Professor of Economics, Aoyama Gakuin University; Fellow, RIETI), 8/8/21, Impacts of the vaccine intellectual property rights waiver on global supply, <https://voxeu.org/article/impacts-vaccine-intellectual-property-rights-waiver-global-supply>] Justin

Regarding waivers of vaccine patents, there have been some voluntary initiatives. On 8 October, soon after South Africa and India proposed a waiver of the TRIPS agreement on 2 October 2020, Moderna, a US pharmaceutical company, expressed its intention not to exercise its patent rights on its COVID-19 vaccine.1 Although Moderna reached an agreement with South Korean pharmaceutical company Samsung Biologics on consignment production of the vaccine on 22 May 2021, so far there have been very few confirmed cases of efforts to reproduce Moderna's vaccine or of licenses being granted to other companies.

With respect to the COVID-19 vaccines developed by Pfizer (jointly with BioNTech of Germany) and Moderna, it appears that the whole body of relevant technical knowledge has not necessarily been patented but that some of the technical knowledge remains undisclosed as trade secrets. Patenting is only one means of ensuring ‘appropriability’, which refers to a company's capacity to secure profits from its own technological innovation. While patent information may make it possible for outsiders to achieve development results similar to those achieved by the patented technology through a similar method without infringing the patent right, keeping the technology undisclosed as a trade secret or incorporating complex processes into it may be an effective means of ensuring appropriability. Pharmaceuticals can easily be counterfeited through ‘reverse engineering’, which refers to a process in which the active ingredients of a drug are identified as a result of deformulation. Therefore, as a general rule, it is considered important to exclude the risk of counterfeiting through patenting.

While it is not clear how much of the relevant technological knowledge remains unpatented, there are apparently some technical reasons for not obtaining full patent protection. The Pfizer and Moderna vaccines use advanced technology based on messenger RNA (mRNA), representing the first case of practical application of such technology. Although I, a non-expert in this field, will refrain from going into further detail, it is highly likely that those vaccines cannot easily be counterfeited as their production requires complex production processes and unique technology.

Patenting involves public disclosure of technical knowledge, providing information on how to reproduce patented inventions. It has the function of lowering technology trade costs by clarifying property rights on technical knowledge. If the technical knowledge necessary for manufacturing a certain product remains undisclosed as a trade secret, it may not be recorded in a written or other tangible form, and it may become necessary to pass down the technical information as cumulative implicit knowledge. As a result, technology transfer may become difficult.

Perhaps in view of that risk, in April 2021, the World Health Organization (WHO) established a COVID-19 vaccine technology transfer hub as a scheme to promote the sharing of mRNA-based technology. However, there are no media reports to date indicating that technical knowledge has been provided through this scheme.2