## Framing --- Util

#### The standard is maximizing expecting well being.

#### 1] Util is a lexical pre-requisite to any other framework: Threats to life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis – that inhibits the ideal moral conditions which other theories presuppose.

#### 2] Extinction matters under any framework:

#### ---A] It precludes the possibility of any kind of moral value – we can’t confer value onto anything if we’re not alive.

#### ---B] Future generations means infinite magnitude – we have to look towards future lives too

### Innovation DA

#### Pharma innovation is high now – profit incentive is the biggest factor.

**Swagel 21** Phillip L. Swagel, Director of the Congressional budget office 4-xx-2021, "Research and Development in the Pharmaceutical Industry," Congressional Budget Office, <https://www.cbo.goc/publication/57126#_idTextAnchor020> SJ//DA

**Every year, the U.S. pharmaceutical industry develops a variety of new drugs that provide valuable medical benefits. Many of those drugs are expensive and contribute to rising health care costs for the private sector and the federal government. Policymakers have considered policies that would lower drug prices and reduce federal drug expenditures. Such policies would probably reduce the industry’s incentive to develop new drugs.** In this report, the Congressional Budget Office assesses trends in spending for drug research and development (R&D) and the introduction of new drugs. CBO also examines factors that determine how much drug companies spend on R&D: expected global revenues from a new drug; cost to develop a new drug; and federal policies that affect the demand for drug therapies, the supply of new drugs, or both. What Are Recent Trends in Pharmaceutical R&D and New Drug Approvals? T**he pharmaceutical industry devoted $83 billion to R&D expenditures in 2019. Those expenditures covered a variety of activities, including discovering and testing new drugs, developing incremental innovations such as product extensions**, and clinical testing for **safety-monitoring or marketing purposes. That amount is about 10 times what the industry spent per year in the 1980s, after adjusting for the effects of inflation.** The share of revenues that drug companies devote to R&D has also grown: **On average, pharmaceutical companies spent about one-quarter of their revenues (net of expenses and buyer rebates) on R&D expenses** in 2019, which is **almost twice as large a share of revenues as they spent in 2000.** That revenue share is larger than that for other knowledge-based industries, such as semiconductors, technology hardware, and software. The number of new drugs approved each year has also grown over the past decade. On averace, the Food and Drug Administration (FDA) approved 38 new drugs per year from 2010 through 2019 (with a peak of 59 in 2018), which is 60 percent more than the yearly average over the previous decade. **Many of the drugs that have been approved in recent years are “specialty drugs.” Specialty drugs generally treat chronic, complex, or rare conditions, and they may also require special handling or monitoring of patients**. Many specialty drugs are biologics (large-molecule drugs based on living cell lines), **which are costly to develop, hard to imitate, and frequently have high prices.** Previously, most drugs were small-molecule drugs based on chemical compounds. Even while they were under patent, those drugs had lower prices than recent specialty drugs have. Information about the kinds of drugs in current clinical trials indicates that much of the industry’s innovative activity is focused on specialty drugs that would provide new cancer therapies and treatments for nervous-system disorders, such as Alzheimer’s disease and Parkinson’s disease. **What Factors Influence Spending for R&D?** Drug companies’ R&D spending decisions depend on three main factors: Anticipated lifetime global revenues from a new drug, **Expected costs to develop a new drug**, and Policies and programs that influence the supply of and demand for prescription drugs. Various considerations inform companies’ expectations about a drug’s revenue stream, including the anticipated prices it could command in different markets around the world and the expected global sales volume at those prices (given the number of people who might use the drug). The prices and sales volumes of existing drugs provide information about consumers’ and insurance plans’ willingness to pay for drug treatments. Importantly, when drug companies set the prices of a new drug, they do so to maximize future revenues net of manufacturing and distribution costs. A drug’s sunk R&D costs—that is, the costs already incurred in developing that drug—do not influence its price. **Developing new drugs is a costly and uncertain process, and many potential drugs never make it to market. Only about 12 percent of drugs entering clinical trials are ultimately approved for introduction by the FDA. In recent studies, estimates of the average R&D cost per new drug range from less than $1 billion to more than $2 billion per drug**. Those estimates include the costs of both laboratory research and clinical trials of successful new drugs as well as expenditures on drugs that do not make it past the laboratory-development stage, that enter clinical trials but fail in those trials or are withdrawn by the drugmaker for business reasons, or that are not approved by the FDA. Those estimates also include the company’s capital costs—the value of other forgone investments—incurred during the R&D process. Such costs can make up a substantial share of the average total cost of developing a new drug. The development process often takes a decade or more, and during that time the company does not receive a financial return on its investment in developing that drug. The federal government affects R&D decisions in three ways. First, it increases demand for prescription drugs, which encourages new drug development, by fully or partially subsidizing the purchase of prescription drugs through a variety of federal programs (including Medicare and Medicaid) and by providing tax preferences for employment-based health insurance. Second, the federal government increases the supply of new drugs. It funds basic biomedical research that provides a scientific foundation for the development of new drugs by private industry. Additionally, tax credits—both those available to all types of companies and those available to drug companies for developing treatmentscof uncommon diseases—provide incentives to invest in R&D. Similarly, deductions for R&D investment can be used to reduce tax liabilities immediately rather than over the life of that investment. Finally, the patent system and certain statutory provisions that delay FDA approval of generic drugs provide pharmaceutical companies with a period of market exclusivity, when competition is legally restricted. During that time, they can maintain higher prices on a patented product than they otherwise could, which makes new drugs more profitable and thereby increases drug companies’ incentives to invest in R&D. Third, some federal policies affect the number of new drugs by influencing both demand and supply. For example, federal recommendations for specific vaccines increase the demand for those vaccines and provide an incentive for drug companies to develop new ones. Additionally, federal regulatory policies that influence returns on drug R&D can bring about increases or decreases in both the supply of and demand for new drugs. Trends in R&D Spending and New Drug Development Private spending on pharmaceutical R&D and the approval of new drugs have both increased markedly in recent years, resuming a decades-long trend that was interrupted in 2008 as generic versions of some top-selling drugs became available and as the 2007–2009 recession occurred. **In particular, spending on drug R&D increased by nearly 50 percent between 2015 and 2019.** Many of the drugs approved in recent years are high-priced specialty drugs for relatively small numbers of potential patients. By contrast, the top-selling drugs of the 1990s were lower-cost drugs with large patient populations. R&D Spending R&D spending in the pharmaceutical industry covers a variety of activities, including the following: Invention, or research and discovery of new drugs; Development, or clinical testing, preparation and submission of applications for FDA approval, and design of production processes for new drugs; Incremental innovation, including the development of new dosages and delivery mechanisms for existing drugs and the testing of those drugs for additional indications; Product differentiation, or the clinical testing of a new drug against an existing rival drug to show that the new drug is superior; and Safety monitoring, or clinical trials (conducted after a drug has reached the market) that the FDA may require to detect side effects that may not have been observed in shorter trials when the drug was in development. In real terms, private investment in drug R&D among member firms of the Pharmaceutical Research and Manufacturers of America (PhRMA), an industry trade association, was about $83 billion in 2019, up from about $5 billion in 1980 and $38 billion in 2000.1 Although those spending totals do not include spending by many smaller drug companies that do not belong to PhRMA, the trend is broadly representative of R&D spending by the industry as a whole.2 A survey of all U.S. pharmaceutical R&D spending (including that of smaller firms) by the National Science Foundation (NSF) reveals similar trends.3 Although total R&D spending by all drug companies has trended upward, small and large firms generally focus on different R&D activities. **Small companies not in PhRMA devote a greater share of their research to developing and testing new drugs,** many of which are ultimately sold to larger firms (see Box 1). By contrast, a greater portion of the R&D spending of larger drug companies (including those in PhRMA) is devoted to conducting clinical trials, developing incremental “line extension” improvements (such as new dosages or delivery systems, or new combinations of two or more existing drugs), and conducting postapproval testing for safety-monitoring or marketing purposes.

#### The aff crushes drug innovation.

Glassman 21 [Amanda; 5/6/21; Executive vice president and a senior fellow at the Center for Global Development, a nonpartisan, nonprofit think tank in Washington and London; “*Big Pharma Is Not the Tobacco Industry*,” Barron, <https://www.barrons.com/articles/big-pharma-is-not-the-tobacco-industry-51620315693>] Justin

But here is the crux of the problem: The pharmaceutical industry is not the tobacco industry. They are not merchants of death. The companies are amoral and exist to make money, but their business is not fundamentally immoral. Big Pharma (mostly) develops and sells products that people need to survive and thrive. Their products improve health and welfare. Fights over access to medicines are possible because medicines exist in the first place—medicines that were usually developed by Big Pharma. And yes, the pharmaceutical industry benefits from public subsidy and publicly financed foundational research. But the companies also put their own capital at risk to develop new products, some of which offer enormous public benefits. In fact, several of them did just that in the pandemic: invested their own money to develop patented manufacturing technologies in record time. Those technologies are literally saving the world right now. Public funding supported research and development, but companies also brought their own proprietary ingenuity and private investments to bear toward solving the world’s singular, collective challenge. Their reward should be astronomical given the insane scale of the health and economic benefits these highly efficacious vaccines produce every day. Market incentives sent a clear signal that further needed innovation—greater efficacy, single doses, more-rapid manufacturing, updated formulations, fast boosters, and others—would be richly rewarded. Market incentives could also have been used to lubricate supply lines and buy vaccines on behalf of the entire world; with enough money, incredible things can happen. But activist lobbying to waive patents—a move the Biden administration endorsed yesterday—sends exactly the opposite signal. It says that the most important, valuable innovations will be penalized, not rewarded. It tells innovators, 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. It is worth going back to first principles. What problem are we trying to solve? We have highly efficacious vaccines that we would like to get out to the entire world as quickly as possible to minimize, preventable disease and deaths address atrocious inequities, and enable the reopening of society, trade, and commerce. Hundreds of millions of people have been plunged into poverty over the past year; in the developing world, the pandemic is just getting started. What is the quickest way to get this done? Vaccine manufacturing is not just a recipe; if you attack and undermine the companies that have the know-how, do you really expect they’ll be eager to help you set up manufacturing elsewhere? Is the plan to march into Pfizer and force its staff to redeploy to Costa Rica to build a new factory? Do the U.S. administration or activists care that this decision could take years to negotiate at the World Trade Organization, and will likely be litigated for years thereafter? Does it make sense to eliminate the incentive for private companies to invest in vaccine R&D or in the response to the next health emergency? And if the patent waiver is only temporary and building a factory takes months or years, will anyone bother to do so, even if they could? No, none of it makes sense. Worse still, we could solve the policy problem more easily by harnessing market incentives for the global good by ponying up cash to vaccinate the entire world. No confiscation necessary.

#### Pharma Innovation prevents Extinction – checks new diseases.

Engelhardt 8, H. Tristram. Innovation and the pharmaceutical industry: critical reflections on the virtues of profit. M & M Scrivener Press, 2008 (doctorate in philosophy (University of Texas at Austin), M.D. (Tulane University), professor of philosophy (Rice University), and professor emeritus at Baylor College of Medicine)

Many are suspicious of, or indeed jealous of, the good fortune of others. Even when profit is gained in the market without fraud and with the consent of all buying and selling goods and services, there is a sense on the part of some that something is wrong if considerable profit is secured. There is even a sense that good fortune in the market, especially if it is very good fortune, is unfair. One might think of such rhetorically disparaging terms as "wind-fall profits". There is also a suspicion of the pursuit of profit because it is often embraced not just because of the material benefits it sought, but because of the hierarchical satisfaction of being more affluent than others. The pursuit of profit in the pharmaceutical and medical-device industries is tor many in particular morally dubious because it is acquired from those who have the bad fortune to be diseased or disabled. Although the suspicion of profit is not well-founded, this suspicion is a major moral and public-policy challenge. Profit in the market for the pharmaceutical and medical-device industries is to be celebrated. This is the case, in that if one is of the view (1) that the presence of additional resources for research and development spurs innovation in the development of pharmaceuticals and med-ical devices (i.e., if one is of the view that the allure of **profit is one of the most effective ways not only to acquire resources but productively to direct human energies** in their use), (2) that given the limits of altruism and of the willingness of persons to be taxed, the possibility of profits is necessary to secure such resources, (3) that the allure of profits also tends to enhance the creative use of available resources in the pursuit of phar-maceutical and medical-device innovation, and (4) if one judges it to be the case that such innovation is both necessary to maintain the human species in an ever-changing and always dangerous environment in which new microbial and other threats may at any time emerge to threaten human well-being, if not survival (i.e., that such innovation is necessary to prevent increases in morbidity and mortality risks), as well as (5) in order generally to decrease morbidity and mortality risks in the future, it then follows (6) that one should be concerned regarding any policies that decrease the amount of resources and energies available to encourage such innovation. One should indeed be of the view that the possibilities for profit, all things being equal, should be highest in the pharmaceutical and medical-device industries. Yet, there is a suspicion regarding the pursuit of profit in medicine and especially in the pharmaceutical and medical-device industry.

### CP: HIF (Price/Access)

#### Counterplan – add a Health Impact Fund to incentivize Pharmaceuticals to voluntarily lower prices and increase access. This would add a complement to IPP rather than reducing it.

**Pogge 10** [Thomas Pogge, Thomas Winfried Menko Pogge is a German philosopher and is the Director of the Global Justice Program and Leitner Professor of Philosophy and International Affairs at Yale University. Cambridge University Press, “Incentives for Global Health: Patent Law and Access to Essential Medicines. The Health Impact Fund: Better Pharmaceutical Innovations at Much Lower Prices,” 2010, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1431180]/ lm

The exclusion of the poor by the existing patent regime requires reform. Given the foregoing discussion, a straightforward and moderate reform would create a supplementary mechanism that, by addressing the needs of the poor, would remedy the injustice now imposed upon them. This reform proposal comprises six elements. First, just as the patent regime provides a general innovation incentive, so its complement encourages pharmaceutical innovation through an incentive that is specified in general terms: as a promise to reward any successful new medicine, in proportion to its success. This kind of mechanism has been described as a comprehensive AMC.14 Second, while the patent regime rewards medicines on the basis of the market demand each generates and then satisfies, thereby effectively excluding the poor, its complement gives equal standing to all by defining success simply in terms of human health. On this complementary track, the success of a medicine is assessed by the reduction in human morbidity and premature mortality it achieves – regardless of whether these harms are averted from rich or poor patients. Third, in order to help overcome the last-mile problem, the rewards available under the complementary mechanism should be tied not to what a medicine can do, but to what it actually achieves in the world. Fourth, when such a general mechanism provides large enough health impact rewards, it will attract sufficient innovation and sufficient efforts to ensure real access to new medicines worldwide. This avoids any need for compulsion. Innovators can be left free to choose between the two tracks, developing on the new track high-impact medicines needed also by many poor patients and on the conventional patent track low-impact medicines desired by the more affluent. Making the health-impact track optional is also crucial for the political success of the proposal. Fifth, in order to reinforce the incentive toward facilitating real access, health impact rewards should be conditional on the medicine being priced no higher than the lowest feasible cost of production and distribution.

Sixth, health impact rewards should be funded by governments as a public good. In order to minimise burdens and deadweight losses due to taxes, the cost should be spread as widely as possible. This suggests that the complementary funding mechanism should be global (rather than national) in scope. The reasons that make the reform compelling in any one country or region make it compelling everywhere. Moreover, global scope avoids the problems associated with large price differentials. Global scope also brings huge efficiency gains by diluting the cost of the scheme without diluting its benefits: no matter how many beneficiaries we may add, the cost of achieving an innovation remains the same even while its aggregate benefit increases with the number of beneficiaries.15 Finally, an international agreement would also reinforce the commitment of individual countries to the scheme. Pharmaceutical innovation is therefore best encouraged by promising to reward any safe and effective new medicine in proportion to its global health impact. Such a promise constitutes an AMC that is fully comprehensive: by including not merely all diseases but also all patients.

The proposal is then for the creation of a new international agency that offers to reward any new medicine based on its health impact during its first decade or so.16 This Health Impact Fund („HIF‟) would provide ample rewards for the development of new high-impact medicines without excluding the poor from its use.

#### That solves the aff by including the poor and increasing access but doesn’t trigger the disad because it’s voluntary, IPP remains unchanged, and increases innovation.

**Pogge 10** [Thomas Pogge, Thomas Winfried Menko Pogge is a German philosopher and is the Director of the Global Justice Program and Leitner Professor of Philosophy and International Affairs at Yale University. Cambridge University Press, “Incentives for Global Health: Patent Law and Access to Essential Medicines. The Health Impact Fund: Better Pharmaceutical Innovations at Much Lower Prices,” 2010, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1431180]/ lm

Let us recapitulate how the HIF would provide a full systemic solution to the seven problems described earlier: High Prices would not exist for HIF-registered medicines. Innovators would typically not even want a higher price as this would reduce their health impact rewards by impeding access to their product by most of the world‟s population. The HIF counts health benefits to the poorest of patients equally with health benefits to the richest. Diseases Concentrated among the Poor, insofar as they substantially aggravate the GBD, would no longer be neglected. In fact, the more destructive ones among them would come to present some of the most lucrative R&D opportunities for biotechnology and pharmaceutical companies. This would happen without undermining the profit opportunities such companies now enjoy by developing remedies for the ailments of the affluent. Bias toward Maintenance Drugs would be absent from HIF-encouraged R&D. The HIF assesses each registered medicine‟s health impact in terms of how its use reduces mortality and morbidity worldwide – without regard to whether it achieves this reduction through cure, symptom relief, or prevention. This would guide firms to deliberate about potential research projects in a way that is also optimal for global public health: namely in terms of the expected global health impact of the new medicine relative to the cost of developing it. The profitability of research projects would be aligned with their cost-effectiveness in terms of global public health. Wastefulness would be dramatically lower for HIF-registered products. There would be no deadweight losses from large mark-ups. There would be little costly litigation as generic competitors would lack incentives to compete and innovators would have no incentive to suppress generic products (because they enhance the innovator‟s health impact reward). Innovators might therefore often not even bother to obtain, police, and defend patents in many national jurisdictions. To register a medicine with the HIF, innovators need show only once that they have an effective and innovative product. Counterfeiting of HIF-registered products would be unattractive. With the genuine item widely available near or even below the marginal cost of production, there is little to be gained from producing and selling fakes. Excessive Marketing would also be much reduced for HIF-registered medicines. Because each innovator is rewarded for the health impact of its addition to the medical arsenal, incentives to develop me-too drugs to compete with an existing HIF-registered medicine would be weak. And innovators would have incentives to urge a HIF-registered drug upon doctors and patients only insofar as such marketing results in measurable therapeutic benefits for which the innovator would then be rewarded. The Last-Mile Problem would be mitigated because each HIF-registered innovator would have strong incentives to ensure that patients are fully instructed and properly provisioned so that they make optimal use (dosage, compliance, etc) of its medicines, which will then, through wide and effective deployment, have their optimal publichealth impact. Rather than ignore poor countries as unprofitable markets, pharmaceutical companies would, moreover, have incentives to work with one another and with national health ministries, international agencies and NGOs toward improving the health systems of these countries in order to enhance the impact of their HIFregistered medicines there.

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#### The aff’s positioning of competition as intrinsic good acts to maintain the stability of capital accumulation.

**Christophers 16** [Brett Christophers, Professor in the Department of Social and Economic Geography at Uppsala University, “The Great Leveler: Capitalism and Competition in the Court of Law,” 2016, Harvard University Press, pp. 8-15, EA]

The aforementioned argument that capitalism has historically migrated from a state of competitiveness to a state of monopoly or oligopoly is **deficient** in four primary respects, both empirical and conceptual in nature.

First, there is something **deeply** **misleading** about the **either/or nature** of this historical narrative. One of the most important—although rarely acknowledged—of Marx’s insights was that capitalism **always**, everywhere, **requires both**. It needs **competition**, assuredly, not least to drive technological innovation and the reinvestment of profits, and thus growth. But it also needs **monopoly**—not merely to enhance visibility within and control over otherwise potentially chaotic business environments, but also to **underwrite capitalist, market-based trade** per se. Not for nothing does David Harvey argue, after Marx, that the **“monopoly power of private property”** is “both the **beginning** point **and** the **end** point **of all capitalist activity**.”20 For the legal institution of **private property does confer monopoly**: the exclusive power to dispose of said property as the owner alone sees fit.

Capital’s seemingly paradoxical need for both competition and monopoly is explored in Chapter 1, which extracts from Marx a conceptualization of capitalism that critically informs the remainder of the book: that of capitalism always, necessarily, teetering on a knife edge, balanced precariously between the contradictory forces of competition and monopoly, and perennially in danger of lapsing too far to one side or the other. “The problem,” Harvey shrewdly observes, “is to keep economic relations **competitive** **enough** while **sustaining** the individual and **class monopoly privileges of private property** that are the foundation of capitalism as a political-economic system.”21

And it is here that our economic laws crucially enter the picture. In metaphorical terms, the law acts as a powerful **leveler**: a pincer of sorts on the critical, combustible nexus of monopoly and competition, applicable from one side of the knife edge, the other, or both. Antitrust (**competition**) **law**, meaningfully enforced, serves to **constrain monopoly power** where it coheres too readily, thus **boosting competition**; IP law acts from the other side, allowing a degree of monopoly power where none “naturally” coheres, and limiting competition in the process. This conceptualization of economic law is sketched out in Chapter 3. Together, such laws help to **ensure** that over the long term, **market-based capitalism is not too competitive** (driving down prices and profits) but, in Harvey’s terms, **remains competitive enough** (**avoiding stagnation and rent-seeking**). In the process, the laws in question historically have contributed substantially to **keeping capitalist accumulation regimes** broadly **in balance.**

At the pivot of this overall mechanism sits the phenomenon of profit. Following the lead of scholars such as Robert Brenner, this book places front and center the relationship between profitability and the interrelated dynamics of competition and monopoly.22 As, indeed, did the classicals: Profit rates were, as Chapter 1 will show, fundamental to their theorization of competition. But it is vital to recognize, as writers such as Keith Cowling have done, that this relationship does not assume a **simplistic less-competition-means-more-profit form**, isolated as it were from other contributory factors.23 Indeed, the book shows that excesses **neither of competitive intensity nor of monopoly powe**r support **long-term stability of profit-making and accumulation.**

Instead, it leans more toward the type of argument proffered by Gérard Duménil and Dominique Lévy, which is that the dynamics of profitability **strongly influence the state’s attempts to regularize regimes of accumulation**, and that **stabilizing** **capitalism is** thus in no small part **a question**, ultimately, **of stabilizing profitability**.24 Or, as David Gordon and coauthors have written, the reproduction of capitalism is “fundamentally conditioned by the level and stability of capitalist profitability. As profits go, in short, so goes the economy.”25 The book’s particular slant on such conceptions is to **consider** **corporate** **profits** more in relative than absolute terms—and **relative to**, especially, **labor and wages.** While a comparable focus has recently been adopted by Thomas Piketty in his much discussed Capital in the Twenty-First Century, the inspiration underlying the approach taken here lies much further back in time, in the work in particular of Michal Kalecki.26 For as Kalecki showed both historically and conceptually, the relation of capital with labor, and profit with wages, is centrally implicated in the monopoly-competition relation and the balance that capitalism requires of it. Kalecki, it is fair to say, would have had some very interesting things to say about the Apple wage-suppression antitrust lawsuit.

A second and related problem with the linear historical narrative of from-competition-to-monopoly is its positing of monopoly and competition not only as **mutually** **exclusive** alternatives, but as **separable** ones. Once more, we can turn to Marx for an effective disabusal of this figuring. Monopoly and competition, he argued, are much more **closely related**, **and** much more closely **connected**, than is typically recognized. “**Monopoly produces competition, competition produces monopoly**,” he maintained, somewhat aphoristically, in a letter he wrote to Pavel Annenkov in 1846.27 Capital not only requires both but is in fact the expression, inter alia, of their **synthesis**—a synthesis that Marx, in trademark dialectical fashion, described not as a “formula” but as a “movement,” specifically “the movement whereby a true balance is maintained between competition and monopoly.”28 Such movement comprises opposing but connected economic dynamics of centralization and decentralization. When one or the other dynamic becomes **disproportionately powerful**, Marx argues, the **“counteracting tendency” kicks in** to return capital to a **balanced configuration** of monopoly and competition.

This balanced organization of productive forces—always inherently unstable and always prone to knife-edge slippages—is very close to what Edward Chamberlin would later call “monopolistic competition.”29 Such monopolistic competition internalizes monopoly and competition in dialectical relation with one another and is the capitalist norm—and always has been. “The notion of a bygone ‘competitive’ stage of capitalism where firms were price-takers is,” as Duménil and Lévy insist, “a fiction derived from the neoclassical analytical apparatus.”30 Equally fictional, albeit a fiction usually emanating from a very different analytical source, is the notion of a contemporary **“monopoly” stage of capitalism** absent meaningful competition.31

The historical, U.S.- and U.K.-based narrative related in this book therefore turns on precisely this dialectical, restless synthesis of monopoly and competition, and its ever-evolving, historically and geographically specific forms. In recent years, it is Harvey who has provided the most provocative reading of this dialectic and of its centrality to capitalism. It is, Harvey argues, one of numerous “moving” contradictions that plague the capital form, and with which capital constantly wrestles as it enters into and out of crisis.32 Harvey repeats Marx’s observation that capital requires a balance of competitive and monopolistic forces. He then derives from this postulate the propositions that crisis occurs when such forces become imbalanced—although this is not the only cause of crisis—and that such crisis can only be “fixed” once balance is restored. The result is that capital historically **“oscillates”** between relative excesses of monopoly and competition, always finding balance hard to achieve, let alone sustain.33 Understanding capital and its historical development in this particular regard, Harvey insists, requires us to recognize “how successful capital has generally been in **managing** the **contradictions** between monopoly and competition” and that “**it uses crises to do so**.”34

Such success, and the role played by crises or by threats thereof, are two of this book’s central, recurring themes. However, Harvey’s framing raises two vital questions that he fails, in his admittedly brief account of monopoly and competition, to answer.

First, how has this success been achieved? “Capital,” Harvey writes, “has organically arrived at a way to balance and rebalance the tendencies towards a monopolistic centralisation and decentralised competition through the crises that arise out of its imbalances.”35 Again, there is no objection here, except to press: “organically,” how? This book fashions an answer. This answer rests on the role of the law. When capital has become **sufficiently overcentralized and monopolistic to threaten its own successful, profitable reproduction, antitrust law has been called upon** to help **restore** the necessary degree of **balance**. This balance will never be perfect and at rest; in a dialectical relation, such as that between monopoly and competition, it never can be. When the dangerous excess has been of competition, by contrast, IP law has come to the rescue. Such laws, needless to say, have not effected this work of rebalancing by themselves, and this book documents their interaction with other pertinent dynamics; but their role has been paramount.

The other problematic question raised by Harvey’s framing brings us directly to our third point of divergence with the Baran and Sweezy or Foster and McChesney reading of capitalist development. Consider here the agency behind the successful, crisis-based management and rebalancing of monopolistic and competitive forces envisioned by Harvey: “capital has been successful . . .”; “capital has arrived at . . .” But what, or who, is this capital, and has its form remained constant? For Harvey, clearly, capital is the capitalist class: those that own the means of production. Yet this singularization of responsibility for regulating and reregulating the core dynamics of the capitalist economy raises all manner of questions that Harvey fails to address. Is this capitalist class homogeneous? Does it share consistent objectives in terms of economic development and management? And even if it does (and of course, it does not), what is its relation with the state and with the different tools of economic regulation, the law among them, that the state uses to govern and shape economic conduct?

If Harvey’s stimulating propositions call for circumspection on account of their simplifying structural abstractions, the connection to the “monopoly capital” thesis is that it too tends to rely upon just such **totalizing**, even reified, **concepts**. “Monopoly capital” is itself one such. One of the consistent themes of the tradition renewed by The Endless Crisis—one extending back through Baran and Sweezy’s Monopoly Capital to Rudolf Hilferding’s Finance Capital (1910) and even Lenin’s Imperialism (1917)—is its tendency not only to **associate** potent **monopoly powers with a new stage** or phase **of capitalism** but to depict the latter in terms of a **consciously regulated and (centrally) planned system** in which market-based competition largely **disappears** from view.36 For Lenin, this system fused the interests of capital and state (state monopoly capitalism); for Hilferding the fusion was tripartite, with finance capital also integral. But Marx, for all the stereotypes to the contrary, never saw capitalism as such. It was a totality, to be sure, but one that needs to be continually reproduced and reconstituted. This process occurs in and through the disparate actions of government, workers, consumers, businesses, and so on; when such reconstitution occurs in ways that imperil accumulation, crisis looms.

The point of saying all this is not simply to oppugn a totalizing view of “monopoly capital,” but to contrast with it the approach taken in this book, particularly to the law and its mobilization. There is not, and has not been, a single hand on the tiller, for all the obvious importance of the state as the law’s formal originator; **there is no single, homogeneous entity pulling the levers**, so to speak, **of political-economic regulation**— no consistent regime of conscious, systematic control. As with other modalities of economic regulation or governance, the law, in practice, **does not “work” like that.**

For one thing, there is an important difference between the **written law** and its **interpretation**. Two courts can interpret and apply the same law or laws in markedly different ways and with **very different consequences.** Perhaps the clearest example of this, at least in this book (Chapter 6), concerns U.S. antitrust law in the second half of the twentieth century: The nature and degree of enforcement of this law underwent a dramatic transformation in the late 1970s and early 1980s, but the law itself **did not materially change**. Intellectual training, social and political context, even judicial personality: These variables, and more, **all matter** to the law’s practical materialization. As such, we must remain constantly alive to the simple fact that, as Peter Carstensen has put it, “court doctrine is not the whole of the law in practice.”37 Relatedly, much of the enforcement of IP rights occurs at a **significant remove from courts**—specifically in, as argued by William T. Gallagher, the **everyday** **practices** of IP owners and their lawyers, whose “negotiations” with alleged infringers take place largely **in the “shadow” of IP law.**38

For another thing, just as the state never enacts new economic laws in total isolation from the influence and interests of capital, so both capital(s) and state—and indeed other economic agents—**use** the **law to their own ends**, and these ends are far from necessarily commensurate. Think, once again, about our two Apple cases. Who, in each case, instigated the legal action? Who put the law to work in their own interests? In the IP case it was Apple itself. In the class-action suit it was labor. But the latter suit was in fact itself based upon a prior government investigation launched by the Department of Justice’s Antitrust Division in 2010.39 Three legal cases, then, all driven by different actors with different motivations, but all revolving around the same political-economic locus: the knotty complex of profit generation and accumulation constituted by Apple Inc. And if the law, together with its agents, is so palpably nonsingular at the scale of the political economy of just one company, on what reasonable grounds could we ever envision it thus—as a vehicle of conscious, unified control—in relation to the political economy of capitalism more widely? The “great leveler” indicated in the book’s title, in short, is not some omnipotent regulator in charge of the law; **it is the law** per se.

How, then, might we more accurately characterize the human and institutional agency analyzed in the following pages in relation to the law, its mobilization, and its political-economic effects? At a general level, the conclusion reached by Paul David in his examination of the history of IP law fits particularly well: “The complex body of law, judicial interpretation, and administrative practice that one has to grapple with in this field was not created by some rational, consistent, social welfare-maximizing public agency. What one is faced with, instead, is a mixture of the intended and unintended consequences of an undirected historical process on which the varied interests of many parties, acting at different points (some widely separated in time and space), have left an enduring mark.”40 More specifically, however, we will see that although IP and competition laws have indeed performed their work under the influence of varied individuals and groups, the vast majority of the latter are **ultimately committed to, and institutionally invested in, the reproduction, in as smooth a fashion as possible, of capitalism in** more or less **its existing form**. And even more specifically, the **“smoothness”** here alluded to means the reproduction of capitalism especially **without the** kinds of **problems**—identified in Chapter 3—**that** tend to **emerge when the necessary balance between monopoly and competition is** substantially **disrupted**.

On all the above grounds, therefore, this book’s argument diverges from that which we find in the all-too-common narrative of competitive capitalism historically segueing into monopoly capitalism. Of course, none of this is to suggest that nothing has changed historically in the capitalist constellation of monopoly-competition structures and dynamics. Far from it. But the book’s fourth and final quarrel with the conventional narrative is that what has substantively, perhaps irrevocably, changed is not the **relative levels of competitive intensity and monopoly power**—as in, that era had more competition, this one has more monopoly—so much as the **source of monopoly powers** and the degree of defensibility thereof.

Capitalism, this argument runs, is **always characterized by competitive undercurrents**; were it not, it would not be capitalism. Meanwhile, and arising partly out of these competitive dynamics (the Marxian argument), there is an endemic drive to fashion monopoly powers. Yet the means of assembly of such powers do not remain constant, and neither does the ability of monopolistic capitalists to defend the powers thus amassed. Capitalists—and indeed the **states committed to stabilizing capitalism**, with the law one obvious apparatus at their disposal—must constantly find new ways of **putting monopoly in place and keeping it there.** “As monopoly privileges from one source diminish,” Harvey observes, “so we witness a variety of **attempts to preserve and assemble them by other means**.”41 Mindful, thus, of Marx’s dictum that the monopoly-versus-competition dualism is a red herring that confuses a dialectical relation for an oppositional one, this book focuses instead on the ways in which the unstable balance between the two forces is maintained—and it posits the law as the **primary, necessarily mutable, instrument of such maintenance.**

#### Capitalist imperialism enables hypermilitarization, dooms world economic prosperity to inevitable collapse, and plunges the human species into extinction.

**Robinson et al 17** (Robinson, William I., et al. “Global Capitalist Crisis and Trump's War Drive.” Truthout, Truthout, 19 Apr. 2017, truthout.org/articles/global-capitalist-crisis-and-trump-s-war-drive/.)//LK [RCT] [Accessed 8/28/19]

The recent US attack on Syria and mega-bombing of Afghanistan come at a time when the Trump regime is facing a mounting scandal over alleged Russian involvement in its 2016 electoral campaign, historically low approval ratings for an incoming presidency, and a growing mass grassroots resistance movement. US rulers have often launched military adventures abroad to deflect attention from political crises and problems of legitimacy at home.¶ Beyond Syria and Afghanistan, the Trump regime has quietly escalated military intervention throughout the Middle East and has proposed an increase of US$55 billion in the Pentagon budget. It has threatened military force in a number of hotspots around the world, including Syria, Iran, Southeast Asia, along NATO’s eastern flank and in the Korean Peninsula. As rival centers of power emerge in the international system any such military adventure could snowball into a global conflagration with devastating consequences for humanity.¶ Journalists and political observers have focused on geopolitical analysis in attempting to explain rising international tensions. While such analysis is important, there are deep structural dynamics in the global capitalist system that are pushing ruling groups towards war. The crisis of global capitalism is intensifying despite what we have heard from mainstream economists and elites giddy with recent growth spurts and the inflation of stock prices. In particular, the system is facing what appears to be an intractable structural crisis of overaccumulation and of legitimacy.¶ Cyclical crises, or recessions, occur about every 10 years in the capitalist system and typically last some 18 months. There were recessions in the early 1980s, the early 1990s, and the early 2000s. Structural crisis, so called because the only way out of crisis is to restructure the system, occur approximately every 40-50 years. A new wave of colonialism and imperialism resolved the first recorded structural crisis of the 1870s and 1880s. The next structural, the Great Depression of the 1930s, was resolved through a new type of redistributive capitalism, referred to as the “class compromise” of Fordism-Keynesianism, social democracy, New Deal capitalism, and so on.¶ Capital responded to the structural crisis of the 1970s by going global. The emerging transnational capitalist class, or TCC, promoted vast neoliberal restructuring, trade liberalization, and integration of the world economy. The global economy experienced a boom in the late 20th century as the former socialist countries entered the global market and as capital, liberated from nation-state constraints, unleashed a vast new round of accumulation worldwide. The TCC unloaded surpluses and resumed profit-making in the emerging globally integrated production and financial system through the acquisition of privatized assets, the extension of mining and agro-industrial investment on the heels of the displacement of hundreds of millions from the countryside, a new wave of industrial expansion assisted by the revolution in Computer and Information Technology (CIT).¶ Yet capitalist globalization has also resulted in unprecedented social polarization worldwide. According to the development agency Oxfam, just 1 percent of humanity owns over half of the world’s wealth and the top 20 percent own 94.5 of that wealth, while the remaining 80 percent must make due with just 4.5 percent.¶ Given such extreme polarization of income and wealth, **the global market cannot absorb the output of the global economy.** The global financial collapse of 2008 marked the onset of a new structural crisis of overaccumulation, which refers to accumulated capital that cannot find outlets for profitable reinvestment. Data from 2010 showed, for instance, that companies from the United States were sitting on $1.8 trillion in uninvested cash that year. Corporate profits have been at near record highs at the same time that corporate investment has declined.¶ As this uninvested capital accumulates, enormous pressures build up to find outlets for unloading the surplus. Capitalist groups, especially transnational finance capital, push states to create new opportunities for profit-making. Neoliberal states have turned to four mechanisms in recent years to help the TCC unload surplus and sustain accumulation in the face of stagnation.¶ One is the raiding and sacking of public budgets. Public finance has been reconfigured through austerity, bailouts, corporate subsidies, government debt and the global bond market as governments transfer wealth directly and indirectly from working people to the TCC.¶ A second is the expansion of credit to consumers and to governments, especially in the Global North, to sustain spending and consumption. In the United States, for instance, which has long been the “market of last resort” for the global economy, household debt is higher than it has been for almost all of postwar history. US households owed in 2016 nearly US$13 trillion in student loans, credit card debt, auto loans and mortgages. Meanwhile, the global bond market — an indicator of total government debt worldwide — had already reached US$100 trillion by 2011.¶ A third is frenzied financial speculation. The global economy has been one big casino for transnational finance capital, as the gap between the productive economy and “fictitious capital” grows ever wider. Gross world product, or the total value of goods and services produced worldwide, stood at some US$75 trillion in 2015, whereas currency speculation alone amounted to US$5.3 trillion a day that year and the global derivatives market was estimated at a mind-boggling US$1.2 quadrillion.¶ All three of these financial mechanisms may resolve the problem momentarily but in the long run they end up aggravating the crisis of overaccumulation. The transfer of wealth from workers to capital further constricts the market, while debt-financed consumption and speculation increase the gap between the productive economy and “fictitious capital.” The result is ever-greater underlying instability in the global economy. Many now see a new crash as inevitable.¶ There is another mechanism that has sustained the global economy: militarized accumulation. Here there is a convergence around the system’s political need for social control and its economic need to perpetuate accumulation. Unprecedented global inequalities can only be sustained by ever more repressive and ubiquitous systems of social control and repression. Yet quite apart from political considerations, the TCC has acquired a vested interest in war, conflict, and repression as a means of accumulation. CIT has revolutionized warfare and the modalities of state-organized militarized accumulation, including the military application of vast new technologies and the further fusion of private accumulation with state militarization.¶ As war and state-sponsored repression become increasingly privatized, the interests of a broad array of capitalist groups shift the political, social, and ideological climate toward generating and sustaining social conflict — such as in the Middle East — and in expanding systems of warfare, repression, surveillance and social control. The so-called wars on drugs, terrorism, and immigrants; the construction of border walls, immigrant detention centers, and ever-growing prisons; the installation of mass surveillance systems, and the spread of private security guard and mercenary companies, have all become major sources of profit-making.¶ The US state took advantage of the 9/11 attacks to militarize the global economy. US military spending skyrocketed into the trillions of dollars through the “war on terrorism” and the invasions and occupations of Iraq and Afghanistan. The “creative destruction” of war acted to throw fresh firewood on the smoldering embers of a stagnant global economy. The Pentagon budget increased 91 percent in real terms between 1998 and 2011, and even apart from special war appropriations, it increased by nearly 50 percent in real terms during this period. In the decade from 2001 to 2011 defense industry profits nearly quadrupled. Worldwide, total defense outlays (military, intelligence agencies, Homeland Security/Defense) grew by 50 percent from 2006 to 2015, from $1.4 trillion to $2.03 trillion.¶ The cutting edge of accumulation in the “real economy” worldwide shifted from CIT before the dot-com bust of 1999-2001 to a military-security-industrial-financial complex — itself integrated into the high-tech conglomerate – that has accrued enormous influence in the halls of power in Washington and other political centers around the world. An emergent power bloc bringing together the global financial complex with the military-security-industrial complex appeared to crystallize in the wake of the 2008 collapse. The class interests of the TCC, geo-politics, and economics come together around militarized accumulation. **The more the global economy comes to depend on militarization and conflict the greater the drive to war and the higher the stakes for humanity.**¶ The day after Donald Trump’s electoral victory, the stock price of Corrections Corporation of America, the largest for-profit immigrant detention and prison company in the United States, soared 40 percent, given Trump’s promise to deport millions of immigrants. Military contractors such as Raytheon and Lockheed Martin report spikes each time there is a new flare-up in the Middle East conflict. Within hours of the April 6 tomahawk missile bombardment of Syria Raytheon stock increased by $1 billion. Hundreds of private firms from around the world have put in bids to construct Trump’s infamous US-Mexico border wall.¶ Populist rhetoric aside, the Trump regime’s economic program constitutes neo-liberalism on steroids. Corporate tax cuts and deregulation will exacerbate overaccumulation and heighten the power bloc’s proclivity for military conflict. Politicized and increasingly autonomous generals and retired military officials that occupy numerous posts in the regime control the US war machine. The generals may play a key role in geopolitical conjunctures and in the timing and circumstances around which US intervention and war escalate. Yet behind the Trump regime and the Pentagon, the TCC seeks to sustain global accumulation through expanding militarization, conflict, and repression. This gives a built-in war drive to the current course of capitalist globalization. Only a worldwide push back from below, and ultimately a program to redistribute wealth and power downward, can counter the upward spiral of international conflagration.

#### The alternative is a dual power approach to communist strategy.  We must build independent communist institutions capable of surviving and defending themselves against the capitalist world.  Not only does the alt solve for material violence in the transition period, it also eliminates the material and ideological dependences on capital that prevent revolution.

**Escalante 19** [Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. "Communism and Climate Change: A Dual Power Approach" in Regeneration. March 26, 2019. [https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/] KZaidi](https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/%5d%20KZaidi) //LK [RCT 12/10/19]

Much has been written over the last few years about a dual power approach to communist strategy. I have written extensively about it at The Forge News, and discussed in video format in my YouTube video, Climate Change, Imperialism, and The End of The World. I will not be using this article to give a comprehensive recap on what dual power strategy is, so I suggest checking out those two links. In short: dual power strategy is an approach to communist revolution which seeks to build independent socialist institutions which exist in parallel to the currently existing capitalist state, in order to serve the masses. The goal of a dual power strategy is not to compete with capitalism or reform it out of existence, but rather to radicalize the masses through meeting their needs, to recognize and politicize capitalist crisis as it occurs, and to have a real infrastructure in place for a revolutionary movement to self-sustain at the point that it must inevitably combat the capitalist state. This strategy focuses on building counter-institutions like tenants’ unions, agricultural cooperatives, radical labor unions, and Serve the People programs that not only demonstrate on-the-ground worker power but can provide for the needs of the masses without an appeal to reforming the currently existing capitalist state. I previously argued that a crucial advantage to dual power strategy is that it gives the masses an infrastructure of socialist institutions which can directly provide for material needs in times of capitalist crisis. Socialist agricultural and food distribution programs can take ground that the capitalist state cedes by simultaneously meeting the needs of the masses while proving that socialist self-management and political institutions can function independently of capitalism. This approach is not only capable of literally saving lives in the case of crisis, but of demonstrating the possibility of a revolutionary project which seeks to destroy rather than reform capitalism. One of the most pressing of the various crises which humanity faces today is climate change. Capitalist production has devastated the planet, and everyday we discover that the small window of time for avoiding its most disastrous effects is shorter than previously understood. The Intergovernmental Panel on Climate Change predicts that we have twelve years to limit (not even prevent) the more catastrophic effects of climate change. The simple, and horrific, fact that we all must face is that climate change has reached a point where many of its effects are inevitable, and we are now in a post-brink world, where damage control is the primary concern. The question is not whether we can escape a future of climate change, but whether we can survive it. Socialist strategy must adapt accordingly. In the face of this crisis, the democratic socialists and social democrats in the United States have largely settled on market-based reforms. The Green New Deal, championed by Representative Alexandria Ocasio-Cortez and the left-wing of the Democratic Party, remains a thoroughly capitalist solution to a capitalist problem. The proposal does nothing to challenge capitalism itself but rather seeks to subsidize market solutions to reorient the US energy infrastructure towards renewable energy production, to develop less energy consuming transportation, and the development of public investment towards these ends. The plan does nothing to call into question the profit incentives and endless resource consumption of capitalism which led us to this point. Rather, it seeks to reorient the relentless market forces of capitalism towards slightly less destructive technological developments. While the plan would lead to a massive investment in the manufacturing and deployment of solar energy infrastructure, National Geographic reports that “Fabricating [solar] panels requires caustic chemicals such as sodium hydroxide and hydrofluoric acid, and the process uses water as well as electricity, the production of which emits greenhouse gases.” Technology alone cannot sufficiently combat this crisis, as the production of such technology through capitalist manufacturing infrastructure only perpetuates environmental harm. Furthermore, subsidizing and incentivizing renewable energy stops far short of actually combating the fossil fuel industry driving the current climate crisis. The technocratic market solutions offered in the Green New Deal fail to adequately combat the driving factors of climate change. What is worse, they rely on a violent imperialist global system in order to produce their technological solutions. The development of high-tech energy infrastructure and the development of low or zero emission transportation requires the import of raw material and rare earth minerals which the US can only access because of the imperial division of the Global South. This imperial division of the world requires constant militarism from the imperial core nations, and as Lenin demonstrates in Imperialism: The Highest Stage of Capitalism, facilitates constant warfare as imperial states compete for spheres of influence in order to facilitate cheap resource extraction. The US military, one of many imperialist forces, is the single largest user of petroleum, and one of its main functions is to ensure oil access for the US. Without challenging this imperialist division of the world and the role of the US military in upholding it, the Green New Deal fails even further to challenge the underlying causes of climate change. Even with the failed promises of the Green New Deal itself, it is unlikely that this tepid market proposal will pass at all. Nancy Pelosi and other lead Democrats have largely condemned it and consider it “impractical” and “unfeasible.” This dismissal is crucial because it reveals the total inability of capitalism to resolve this crisis. If the center-left party in the heart of the imperial core sees even milquetoast capitalist reforms as a step too far, we ought to have very little hope that a reformist solution will present itself within the ever-shrinking twelve-year time frame. There are times for delicacy and there are times for bluntness, and we are in the latter. To put things bluntly: the capitalists are not going to save us, and if we don’t find a way to save ourselves, the collapse of human civilization is a real possibility. The pressing question we now face is: how are we going to save ourselves? Revolution and Dual Power If capitalism will not be able to resolve the current encroaching climate crisis, we must find a way to organize outside the confines of capitalist institutions, towards the end of overthrowing capitalism. If the Democratic Socialists of America-backed candidates cannot offer real anti-capitalist solutions through the capitalist state, we should be skeptical of the possibility for any socialist organization doing so. The DSA is far larger and far more well-funded than any of the other socialist organizations in the US, and they have failed to produce anything more revolutionary than the Green New Deal. We have to abandon the idea that electoral strategy will be sufficient to resolve the underlying causes of this crisis within twelve years. While many radicals call for revolution instead of reform, the reformists often raise the same response: revolution is well and good, but what are you going to do in the meantime? In many ways this question is fair. The socialist left in the US today is not ready for revolutionary action, and a mass base does not exist to back the various organizations which might undertake such a struggle. Revolutionaries must concede that we have much work to be done before a revolutionary strategy can be enacted. This is a harsh truth, but it is true. Much of the left has sought to ignore this truth by embracing adventurism and violent protest theatrics, in the vain hope of sparking revolutionary momentum which does not currently exist. If this is the core strategy of the socialist left, we will accomplish nothing in the next twelve years. Such approaches are as useless as the opportunist reforms pushed by the social democrats. Our task in these twelve years is not simply to arm ourselves and hope that magically the masses will wake up prepared for revolution and willing to put their trust in our small ideological cadres. We must instead, build a movement, and with it we must build infrastructure which can survive revolution and provide a framework for socialist development. Dual power is tooled towards this project best. The Marxist Center network has done an impressive amount of work developing socialist institutions across the US, largely through tenants organizing and serve the people programs. The left wing factions within the DSA itself have also begun to develop mutual aid programs that could be useful for dual power strategy. At the same time, mutual aid is not enough. We cannot simply build these institutions as a reform to make capitalism more survivable. Rather, we must make these institutions part of a broader revolutionary movement and they ought to function as a material prefiguration to a socialist society and economy. The institutions we build as dual power outside the capitalist state today ought to be structured towards revolutionary ends, such that they will someday function as the early institutions of a revolutionary socialist society. To accomplish this goal, we cannot simply declare these institutions to be revolutionary. Rather they have to be linked together through an actual revolutionary movement working towards revolutionary ends. This means that dual power institutions cannot exist as ends in and of themselves, nor can abstract notions of mutual aid cannot be conceptualized as an end in itself. The explicit purpose of these institutions has to be to radicalize the masses through meeting their needs, and providing an infrastructure for a socialist movement to meet the needs of its members and the communities in which it operates. Revolutionary institutions that can provide food, housing, and other needs for a revolutionary movement will be crucial for building a base among the masses and for constructing the beginnings of a socialist infrastructure for when we eventually engage in revolutionary struggle. What I want to suggest here is that the production of food through dual power institutions should be a central project for this revolutionary movement. There are several reasons why I think this is the case. First, food production allows us to meet the most immanent needs of the masses. The US is plagued by food deserts which deprive huge portions of the population access to fresh food. Poverty exacerbates this further, and the devastating effects of lack of access of healthy food due to poverty are well documented. This is an urgent need that socialists can meet in order to demonstrate to the masses that it is socialists who can serve them where the capitalist state has failed. Second, food production is a major contributor to climate change. Large-scale meat production produces massive amounts of greenhouse gas, and the transportation of food from rule agricultural areas to urban populations centers is a major contributor as well. Urban agricultural projects and the development of sustainable permaculture are not sufficient to fix these problems, as they are not able to overthrow the capitalist system of agricultural production. However, paired with a broader revolutionary movement, these projects allow us to undertake scientific experimentation with meeting food needs, in order to test and demonstrate the effectiveness of alternative food production methods that can eventually replace the current unsustainable capitalist model. After all, if our revolution cannot replace unsustainable production models, we will not be able to resolve climate change any better than the capitalists. Given these considerations, I think it is crucial that the revolutionary socialist movement begin to investigate and develop food production strategies that are part of a broader dual power project. If we hold that revolution is the only way to resolve climate crisis within the next twelve years, we need to have tested, demonstrably superior methods of food production ready to go. A revolutionary movement which cannot demonstrate an ability to meet the needs of the masses does not deserve their support, and food production is a crucial need. I am incapable of providing a comprehensive strategy here, I want to look at the ongoing organopónicos in Cuba, in order to demonstrate that the successes of Cuban urban agriculture can be of great a source of insight and strategy for our dual power projects. Learning from Cuba: Organopónicos Thankfully, we do not have to start from scratch when developing food production strategies. The development of urban agriculture in Cuba provides some important insights that can inform our own projects. In the 1990s, the collapse of the Soviet Union had a devastating effect on Cuba. The loss of a major trade partner paired with an ongoing imperialist embargo forced the Cuban state to pursue experimental solutions to food shortages. The loss of trade not only produced a food shortage but also ended import of agricultural machinery and pesticides needed for large-scale industrial farming. Access to gasoline also diminished, forcing the Cuban state to prioritize urban agriculture which did not need to be transported long distances. This crisis led to Cuba, almost incidentally, developing a sustainable and ecologically-oriented project of urban agriculture. Over the course of many years, this led to a system of civilian controlled organopónicos. This system of urban gardens, run by community members, has since grown to significant proportions. By 2003, Havana produced 90% of the fresh produce within the city because of the success of the organopónicos, largely without pesticides and with minimal fossil fuel expenditure for transportation. That same year, the Cuban Ministry of Agriculture reported a 50% decrease in fossil fuel usage. The system is made up of a variety of institutions, from state owned and operated plots, to cooperatively purchased and maintained gardens. In total, 87,000 acres of land are now being used for urban agriculture in Havana. Although the organopónicos are largely run by communities themselves, they receive support and funding from the Cuban state. For an incredibly in-depth analysis of the organopónico system, I highly recommend this impressively thorough report from Monthly Review. We must now ask: how might the development of the organopónico system inform dual power projects today? First, it is worth noting that the system cannot be directly copied and pasted into urban centers within the US. Subsidies from the Cuban state are crucial to maintaining the system at such a large-scale. Any projects undertaken in a dual power context will necessarily be smaller, due purely to funding for land acquisition. One other complication is that the population of US urban centers is largely unfamiliar with agriculture, a problem that was not so serious in Cuba. As such, application of lessons learned from the organopónico system will require socialist organizations in the US to develop agricultural education alongside actual food production. Despite these differences, the organopónico system proves that socialist approaches to food production are viable, and more importantly, environmentally sustainable. Not only has the socialist Cuban state found a way for its urban centers to collectively produce much of their food, it has done so without using environmentally destructive pesticides, and while driving down fuel consumption by a huge margin. There is more learning and experimenting to be done, as organopónicos do not yet provide complete self-sustenance for the cities in which they exist, but they demonstrate that socialist solutions can move us in that direction. For socialists in the US who are invested in dual power, the organopónico system ought to inspire us to begin our own collective production of food. For those who can acquire access to land in urban areas, it is possible to begin to develop small-scale projects integrating the lessons learned from the organopónico system. This not only allows us to combat the effects of food deserts by producing fresh produce within those deserts themselves but allows us to begin to further investigate and experiment with agricultural models that can be scaled up in a revolutionary socialist society to meet the needs of the populace. For those who cannot access sizable plots of land, small-scale permaculture can still be developed in yards, with windowsill gardens, and with public gardening spaces. The development of permaculture skills should be prioritized even if it can only occur at a small-scale. We must take a scientific, not a utopian, approach to socialism, and that means beginning to experiment and develop socialist infrastructure here and now. A climate catastrophe is on the horizon now. Even if we manage to achieve the revolutionary overthrow of capitalism within the twelve-year window, we will still see many devastating effects of climate change. Unfortunately, it is likely that global capitalism will survive much longer than twelve more years, so learning how to meet needs in a state of crisis will be crucial for socialist projects of the future. We will be forced to begin developing socialist projects in less than ideal conditions. As such, the lessons learned from organopónicos are of extra importance. Cuba’s urban agriculture is a product of crisis and demonstrates that even under conditions of intense crisis, socialist states can create solutions to meet the needs of the masses. I have not offered a particularly thorough investigation into the organopónico system in this article. For that, I really do recommend the Monthly Review piece linked above. Regardless, I hope that I have demonstrated that climate change poses a serious challenge for socialist organizing. It creates an intense urgency and requires us to develop strategies which can respond to horrific instances of crisis. I truly believe that dual power remains the best strategy for responding climate change, but it must be scientifically informed, and capable of actually providing sustainable socialist alternatives. We should be grateful for the Cuba’s experiments with organopónicos, and should commit to investigation and study of their experiments in order to inform our own projects. We are running out of time to act, and the stakes have never been higher.

## Case

FW – Prefer util – we include structural violence as we maximize pleasure for those who suffer. Extinction matters under their FW as well.

Prefer rejecting capitalism over their framework and impacts. Even if you buy the aff solves, they only solve for so little of the countless injustices to people deprived of access. Voting neg on the K creates a permanent solution to all capitalistic injustices they face. The aff delays the collapse of capitalism by attempting to reform the state for such little impacts - prefer the K for the most efficient way to solve all their impacts.

Contention 1 - The counterplan solves their contention 1, we don’t limit IPR yet also create government awards to incentivise companies to provide more access - solves their South American AIDS example.

Contention 2 - The counterplan solves their contention 2, the HIF plan incentivizes companies to decrease their prices so developing countries can access drugs better so the companies can earn profit.

Secondary patents are important to have, they allow companies to increase efficiency of the drugs - the aff has no evidence that they dont.

HIF solves vaccine distribution. Even if IPP is waived for vaccines, developing countries don’t have the same quality materials more powerful countries have. You can’t guarantee that they could even create vaccines or efficient ones. HIF is the best solution because it guarantees the quality of vaccines. Prefer the disad, if there is no innovation in the aff, there will be no vaccines to distribute, to create especially if new mutations come out.