A Betrayal of Its Own Ideology
The Federal Government’s Refusal to Label GM Foods

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The state should pursue what is good
(case by case by case)

“Statist schizophrenia”

On one hand, good outcomes depend on government
Adaptive management
Public interest not private interests
Collective decision-making
Environmental assessment etc.

On the other hand, governments don’t choose good outcomes
Regulatory capture
“Industry appeasement”
Trade-offs in assessment of alternatives
Excessive discretion etc.

Solution?
Dictate how the state acts:
Constitutionalized progressivism ("non-regression")
Public trust
Environmental oversight
International law standards
Etc.

An alternative ideology:
Abstract, concrete rules
Negative legal rights
Individual autonomy
Competitive markets
<table>
<thead>
<tr>
<th>Should GM foods require labels?</th>
<th>The state should pursue what is good?</th>
<th>Do GM foods pose more risk or benefit?</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Pro-GMO: benefit</td>
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<td>Anti-GMO: risk</td>
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| “Ingredients shall be shown in descending order of their proportion of the prepackaged product ....” |
| Section 8.01.003(1) of the federal Food and Drug Regulations |

<table>
<thead>
<tr>
<th>The question is not whether GM foods are good or bad.</th>
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<td>The question is whether they are the same or different.</td>
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<th>If they are the same, they do not deserve patent protection.</th>
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<td>If they are different, they require labels.</td>
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<th>Are GM labels consistent with competitive markets, consumer autonomy and generally-applicable rules?</th>
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<tr>
<td>yes</td>
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