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**A Betrayal of  
Its Own Ideology**

The Federal Government's Refusal  
to Label GM Foods

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**Ideology**

**What is wrong with existing  
regulatory architecture?**

**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

**Should GM foods  
require labels?**

**The state should pursue  
what is good?**

**Do GM foods pose more risk  
or benefit?**

**Pro-GMO: benefit  
Anti-GMO: risk**

**“Ingredients shall be shown  
in descending order of their  
proportion of the  
prepackaged product ....”**

Section B.01.008(3) of the federal Food and Drug Regulations

The question is not whether GM  
foods are **good or bad**.

The question is whether they are  
the **same or different**.

If they are the **same**, they  
do not deserve **patent  
protection**.

If they are **different**, they  
require **labels**.

**Are GM labels consistent with  
competitive markets, consumer  
autonomy and generally-  
applicable rules?**

**yes**