## 1

#### Link 1: The Affirmative critique is assimilated to justify the moral superstructure they criticize.

Robinson 12 - Andrew Robinson, Ceasefire, August 24th, 2012 “An A to Z of Theory | Jean Baudrillard: From Revolution to Implosion” [https://ceasefiremagazine.co.uk/in-theory-baudrillard-10/] Accessed 3/9/20 SAO

Baudrillard and resistance Last week, this column explored Baudrillard’s account of the collapse or implosion of capitalism. What does all of this mean for political resistance? For one thing, it means that the dominant system must continue to be opposed. For Baudrillard, there is always something missing from the code. It is always incomplete, leaving a radical remainder. The system is based on a split. The code is differentiated from reality. It has to be, to avoid symbolic exchange. It cannot achieve the complete inclusion which comes about with generalised reversibility. Yet the code tends to take over all of social space. Its “other” disappears or becomes invisible. It tries to be a complete system, a total reality. It largely succeeds in sucking intensity from social life. Yet it also remains vulnerable, because of the exclusion on which it is based. Baudrillard theorises resistance in terms of the irruption of the symbolic in the realms controlled by the code. It is something like what Hakim Bey terms the ‘return of the primitive’. We really need the dimension of the ‘secret’. Its forced revelation is destructive and impossible. The return of the symbolic is discussed in various ways in different texts. Resistance arises when subjects come to see their own programmed death in the accumulation, production and conservation of their subjectivity. They become fiercely opposed to their reduction to the regime of work-buy-consume-die. Resistance becomes increasingly nihilistic, in response to the programming of the universe. It becomes resistance to the code as meaning, and at the same time as lack of intensity. In seeking to restore intensity, it resorts to the modalities of symbolic exchange. The impossibility of “revolution” It is important to differentiate Baudrillard’s view from standard accounts of revolution. To be sure, this is the position from which Baudrillard emerges. In the early work, The Political Economy of the Sign, Baudrillard argued that the regime of the code could only be destroyed by a total revolution. ‘Even signs must burn’. Baudrillard’s early work can be read as a call for a Situationist-style overthrow of capitalism through a revolution in the everyday, which breaks the power of the code and of signs. In more recent works, Baudrillard rethinks this view. He claims that revolution is now impossible. Baudrillard makes this claim because of the end of production. Revolution was historically seen as the liberation of the productive energy of humanity from the confines of capitalism. But if production no longer exists, this kind of vision has no hold. Labour has become another sign. There is no tendency for it to liberate itself by moving beyond capitalism. Baudrillard is deeply critical of standard leftist responses to neoliberalism. He criticises revolutionaries of his day for seeking a return to the “real”. He sees this as nostalgia for the previous, Fordist period of capitalism. People seek to get rid of the code, and go back to the earlier kind of simulation. Or they seek to identify something which is not yet signified in the system and which ought to be – for instance, excluded groups who should be included. This actually ties people to the prior forms of the dominant system. For Baudrillard, the weapons of the previous period are already neutralised in the order of the code. Revolution is a casualty of the end of the period of system-expansion. Explosions and revolutions are effects of an expanding order. This expanding order is an effect of the regime of production. But simulation is instead an inward-looking order. It is ‘saturated’ – it cannot expand any further. As a result, explosion will never again happen. It has been replaced by the ‘cold’ energy of the simulacrum. Instead, there is constant implosion. The world is saturated. The system has reached its limits. It is socially constructed as dense and irreversible, as beyond the ‘liberating explosion’. Baudrillard believes that we are past a point of no return: the system can’t be slowed down or redirected to a new end. We are in a ‘pure event’, beyond causality and without consequence, and every effort to exorcise hyperreality simply reinforces it. These are little fractal events and gradual processes of collapse which no longer create massive collapses, but exist horizontally. Events no longer resonate across spheres. It is as if the forces carrying the meaning of an event beyond itself have slowed to a standstill. The London ‘riots’ or the student fees **protests**, for example, **do not turn into generalised rebellions** in Britain as perhaps they still might in Egypt or Greece. **We are in an era of ‘anomalies without consequences’**. But the system will nevertheless come to an end, by other means. Even if people can’t revolt, a reaction is certain. Explosive violence is replaced by implosive violence, arising from a saturated, retracting, involuting system. The system has lost its triumphal imaginary because of its saturation. It is now in a phase of mourning, passing towards catastrophe. Things don’t get transcended anymore, but they expand to excess. Baudrillard sees this as the culmination of a kind of negative evolution. Systems pass through stages: a loose state produces liberty or personal responsibility; a denser state produces security; an even denser state produces terror, generalised responsibility, and saturation. Beyond saturation there is only implosion. Anti-consumerism is another target of critique. Criticising consumer society for doing what it claims to do – for supplanting ‘higher’ virtues with everyday pleasures – is a false critique which reinforces the core myth of consumerism. Consumer society functions as it does, precisely because it does not provide everyday pleasures. Rather, it simulates them through the code. Baudrillard also criticises moral critique and scandal, such as Watergate. He argues that the system requires a moral superstructure to operate, and the revival of such a superstructure sustains the system. What is really scandalous is that capital is fundamentally immoral or amoral. Moral panics serve to avoid awareness of this repressed fact. Similarly, critiques of ideology risk reaffirming the system’s maintenance of the illusion of truth. This helps cover up the fact that truth no longer exists in the world of the code. Since there is no reality beneath the simulacrum, such analyses are flawed. It is now the left (or the Third Way) that tries to re-inject moral order and justice into a failing system, thereby protecting it from its own collapse. Baudrillard implicitly criticises theories such as Laclau’s, which seek to re-inject meaning and intensity into politics. For Baudrillard, this task is both impossible and reactionary. Baudrillard sees the system as creating the illusion of its continued power by drawing on or simulating antagonisms and critique. There is thus a danger that **critique** actually **sustains the system, by giving it a power it doesn’t have**. **Trying to confront and destroy the system** thus inadvertently **revives it, giving it back** a little bit of **symbolic power.** He also sees conspiracy theories and current forms of Marxism as attempts to stave off awareness of the reality of a systematic code. In any case, the energy of the social is simply a distorted, impoverished version of the energy of “diabolical” forces (i.e. of symbolic exchange). Baudrillard thinks that societies actually come into being, not for the management of interests, but coalesce around rituals of expenditure, luxury and sacrifice. Politics itself was a pure game until the modern period, when it was called upon to represent the social. Now politics is dead, because it no longer has a referent in reality. This is because it lacks symbolic exchange. The absence of symbolic exchange leads also to an absence of possibility of redistribution, either North to South or elite to masses. Fascism also resists the death of the real, in a similar way. It tries to restore in an excessive way the phenomena of death, intensity and definite references, in order to ward off the collapse of the real. Fascist and authoritarian tendencies revive what Baudrillard terms ‘the violence necessary to life’ – they keep up some kind of symbolic power. (Baudrillard’s Lacanian heritage is clearly shown in this idea of a necessary violence). Baudrillard has a certain sympathy for the desire to escape hyperreality in this way, but also sees it as futile. People doing this – both left and right – are trying to resuscitate causes and consequences, realities and referents, and recreate an imaginary. But the system deters such efforts from succeeding. Le Pen for instance is ultimately absorbed, as the mainstream integrates and repeats his racist ideas. This analysis could also be applied to various “fundamentalisms” and ethno-nationalist movements today. This kind of resistance is ultimately reactionary, seeking to restore the declining regime of signs. But it can only be understood if its basis in energies of resistance to simulation is recognised. It is because it channels such resistance that it is able to mobilise affective forces. Baudrillard’s analysis is here similar to Agamben’s view that the sovereign gesture is now exercised everywhere because of the rise of indistinction and indeterminacy. The paradox is that the performance of fundamentalism often leads back towards the world of simulation and deterrence. Such movements map symbolic exchange onto the state, restoring some of its reality, but ultimately contributing to the persistence of simulation. Resistance from inside the regime of power is impossible because of deterrence. Baudrillard suggests that it’s now impossible to imagine a power exercised inside the enclosure created by deterrence – except for an implosive power which abolishes the energies preventing other possibilities emerging. He also suggests that the loss of the real is irreversible. Only the total collapse of the terrain of simulation will end it, not a test of reality. A truly effective revolution would have to abolish all the separations – including the separation from death. It cannot involve equality in what is separated – in survival, in social status and so on. The strategy for change is now exacberation, towards a catastrophic end of the system. Baudrillard believes that the resultant death of the social will paradoxically bring about socialism.

#### Link 2: Images of suffering fuel violence

Alford 20 - Aaron J. Alford, Medium, January 13th, 2020 “Disaster Pornography and the American Media”[<https://medium.com/@aaronjalford1/disaster-pornography-and-the-american-media-f01ee1cb4512>] Accessed 1/30/20 SAO

Most of us are familiar with the concept of pornography, at least sexual pornography: Images or media meant to titillate your arousal. Similarly, the images of catastrophe and destruction presented by the news media are like a drug, used by first world nations to feed off the suffering of the rest of the world. Images of death and violence from non-western countries are extracted and reprocessed for consumption by you, the consumer. The production of disaster porn is, as Baudrillard proclaimed, charity cannibalism and incentives the perpetuation of oppressive conditions in order to sustain and prolong our enjoyment. “We are the consumers of the ever delightful spectacle of poverty and catastrophe, and the moving spectacle of our own efforts to alleviate it. We see to it that extreme poverty is reproduced as a symbolic deposit, as a fuel essential to the moral and sentimental equilibrium of the West.” — Baudrillard In short, disaster pornography shows us images of suffering and our efforts to stop suffering, which gives us a little dopamine hit. **Our news media is trying to get you addicted to violence, so they can sell you more ads**. Disaster pornography is the new drug. Or should I say, old drug. Producing and reproducing suffering Somehow, what Baudrillard warned of the year I was born is still going full force, unchecked, unchallenged, and no one is calling it out. Baudrillard said “Our whole culture lives off this catastrophic cannibalism, relayed in cynical mode by the news media.” Now I can already hear you scoffing at my ridiculous claims, but consider these examples. The New York Times Sells the Iran missiles as “an Action Movie” The Iran war effort is being pushed, as I write, by American media. Take for example the New York Times coverage of a missile strike compared to Al Jazeera’s coverage of the same missile strike. One is factual, the other wants you to imagine your favorite Iron Man movie. The **New York Times wants to feed your wildest fantasies** about the glory of war, and how beautiful it is. Al Jazeera, the non-western source, simply reported the facts. The big difference is the framing. NBC Worships Trump’s Missile Attacks on Syria Consider another example, NBC’s Brian Williams coverage of a missile attacks on Syrian air bases in which he described the wanton destruction as “beautiful missiles.” He said he was “tempted to quote the great Leonard Cohen” in that he is “guided by the beauty of our weapons.” https://www.youtube.com/watch?v=lJz9q7pfXkY The U.S’s Cycle of support and betrayal of the Kurds To better understand this cycle, look no further than the U.S’s support and then sudden betrayal of the Kurds. During the gulf war, there was a huge push for “humanitarian protections” for the Kurds, even after Saddam Hussein had already crushed them while the west stood by drinking our tea. In 2003, we start a war against Saddam Hussein, which perpetuates the instability that feeds our love for disaster even more. Then ISIS comes out of that chaos, and we are even more fed. Then the Kurds defeat ISIS, popular opinion of the Kurds goes up in the wake of the Syrian civil war and destruction of ISIS, only to have our president abandon them to be genocided on the Syrian border by fucking Turkey. You see, we never cared about the Kurds, only the images they gave us. Only their suffering, only their death, was enough to sate the American appetite for war, violence, and suffering. The election of Donald Trump Baudrillard argued that when the disaster market from around the world slows down, the west will turn inward and **produce its own spectacles of disaster**. Brexit and the election of white nationalists in America are great examples of what Baudrillard warned of. Another example of this cycle of catastrophe is president Donald Trump’s election. Donald Trump received 2 billion dollars of free television coverage in 2016 leading up to his election. The media could not get enough of this crazy television host billionaire who thought he would be a good president. The truth is that the media always wanted him to be the president, the source of constant disasters both here and abroad. Donald Trump is a president who: Impulse killed an Iranian General without a declaration of war Cut taxes for the rich and raised taxes on the poor Put children, including babies, in cages at the border Bullied a 15 year old climate activist on Twitter Has been accused of sexual misconduct by at least 17 women Betrayed our ally the Kurds and genocidal Turkey Has actively supported a Saudi Arabian genocide in Yemen Started a trade war with China for no apparent reason Attempted to bribe Ukrainian officials into meddling with our election, and got impeached for it Nominated a rapist to the Supreme Court Supported known child molester Roy Moore for congress Paid of a porn star to stay quiet about how he cheated on his wife with her Is best friends with Steve Bannon, a outspoken fascist and white nationalist Said that there were good people on both sides of a dispute between white supremacists and people protesting white supremacy Pardoned a sheriff in Arizona who advocates for concentration camps Consistently uses anti-Semitic tropes and promotes division I mean, the list goes on from here, but you get my point. Donald Trump is **a walking disaster maker, and the media worships him for it**. Hell, Republicans worship him for it. Even when the media and right wing establishment claim to disagree with him, they put him and his hateful rhetoric on the pedestal. The truth is, no matter what they tell you, the owners of American media want his reelection. It is just too good for their bottom line. A president who creates disaster’s like these is exactly what the American media needs to keep American addicted and the profits rolling in. How then shall we live? Disaster pornography relies on a cycle of production and consumption. The West is complicit in the creation of numerous disasters all around the world. When Donald Trump fucked with Iran, it provoked a response from Iran which is now played back by our media as a justification for further western intervention. This cycle didn’t just start, it’s been going on since before I was born. The west does not respond to disasters, we fucking create them. It’s a process, by which we sell our souls to the devil. Although I fear this description is unfair — to the devil. So how do we stop it? How we prevent the cycle of disaster, images, disaster? It’s simple; **stop watching** disaster porn. I don’t mean stop watching the news, but I do mean to stop listening to the neo-liberal pundits, the discourse of fear, and the spectacles of violence displayed for your pleasure. Listen to news sources who have some god damned respect for humanity. (This means not Fox News OR CNN, if that wasn’t clear). “We have long denounced the capitalistic, economic exploitation of poverty of the ‘other half of the world’. We must today denounce the moral and sentimental exploitation of that poverty — charity cannibalism being worse than oppressive violence.” — Baudrillard So I ask you today, to denounce with me the exploitation of disaster for our own selfish needs. **Say no to the staged spectacle and eventually the market for these simulated disasters will dry up**. When the market of staged disasters is no longer where we look, we will again be able to recognize real human suffering when we encounter it, and act to resolve it. Rather than ignoring the suffering of the underpaid, overworked, and exploited around us, we will finally be able to recognize their suffering as legitimate, rather than looking to the news for our moral compass.

#### Alternative: Vote negative to inject the affirmative advocacy with a radical loss. It’s try or die for the K under their role of the ballot.

Genosko 16 - Gary Genosko, University of Ontario, Lo Sguardo, 8/29/16 “How to Lose to a Chess Playing Computer According to Jean Baudrillard” [http://www.losguardo.net/wp-content/uploads/2017/05/2017-23-Genosko.pdf] Accessed 9/14/20 SAO

Readers of Baudrillard know that he thought about competition in sport and games in terms of failure and frailty. In For a Critique of the Political Economy of the Sign, exchange value and symbolic ambivalence are mutually exclusive domains; in the latter, desire is not satisfied through phantasmic completion, and this entails that desire may **ride failure to** an ignominious **counter-victory**. Baudrillard found in the failure to react positively to an inducement like winning a race – captured in that bizarre American football phrase appropriated as a handle by Ronald Reagan, «Win One for the Gipper!» – the principle of a radical counter-economy of needs. Losers come in all shades. But **radical losers stand apart from the crowd** in the virulence of their capacity to radiate loss that they throw down as a challenge. There are those who are irresistibly drawn to blowing it, and others who can taste failure and steal it from the jaws of victory. From the Beatles to Beck, the figure of the loser has fascinated lyricists and theorists alike as not merely sympathetic but as a foundation for a deliberate weakness in the face of overwhelming odds and the false pretenses of victory. Here I revisit Jean Baudrillard’s speculations about computer chess programs, specifically IBM’s Deep and Deeper Blue, and how best to play against them. Drawing on Baudrillard’s theory of loss in sports as an act of contempt for the fruits of victory, institutional accommodation, and the cheap inducements of **prestige and glory**, I examine how chess masters like Garry Kasparov have met the challenge of the brute force programs – some of which were congealed models of his own play – with appeals to a kind of unforced play and even ‘non-thought’. Considering the malevolent and fictional computer system HAL, as well as Deep Blue and subsequent programs, right up to IBM’s Jeopardy-playing computer ‘Watson’, this paper looks at ways to defeat programming power by critically regaining the counter-technical and (dys)functional skills of the loser.

He Continues Genosko 16 - Gary Genosko, University of Ontario, Lo Sguardo, 8/29/16 “How to Lose to a Chess Playing Computer According to Jean Baudrillard” [http://www.losguardo.net/wp-content/uploads/2017/05/2017-23-Genosko.pdf] Accessed 1/24/19 SAO

Baudrillard observed an inversion of roles and possibilities. Kasparov became a calculating machine, and Deeper Blue acquired, by the time of the second match and in virtue of the cunning of IBM’s programmers, the capacity to «play against its own calculating nature»30. Deeper Blue became more HALlike, in other words, when it chose to reject an obvious move for one that did not give it an immediate advantage and, in human terms, follow the path of weak play, ultimately committing an error that forced a draw. Deeper Blue was squeeezed into a space between rules and laws. Baudrillard quotes Kasparov to the effect that he couldn’t understand how such a turn of events could happen. Yet the matter is clear for Baudrillard: an inversion has taken place, however imperfectly. Certainly, Deeper Blue had been programmed «to beat human beings on their own ground»31 against the human desire to become more machinic than a machine opponent. Baudrillard refuses to concede that this has anything to do with the acquisition of human thought by machines: «The inhuman can mimic the human to perfection, without ceasing to be inhuman»32. Distinguishing between intelligence ideally abstracted into a computer, and thought’s instabilities in swerving from the path of reason and the ladder of higher and more efficient intelligence, Baudrillard configures the human– machine exchange in a way that does equal damage to the machine when a human ideal is projected on it, robbing it of its specificities, just as the human is diminished in acquiring machinic capabilities. Preserving both specificities is vital. In this way, Baudrillard takes the lesson of Kasparov’s loss to Deeper Blue as a wake-up call: «Rather than fight on a ground where victory is never certain (that of technical intelligence), let us choose to fight on the terrain of thought, where the question of winning does not actually arise»33. Conclusion Has Baudrillard relinquished his earlier idea of loss or simply refused the question of winning? Immediately he explains: «This is the key: maintaining the radical uselessness of thought, its negative predestination for any use or purpose whatsoever»34. It is «good fortune» that Deeper Blue defeated Kasparov because it shows that human thought has been relieved by computers of the burden of computation, calculation, communication, in short, of «knowledge and information». Having the virtual, the infoverse, think us, is a benefit for human thought since it can take up its tasks unburdened: «Thought can once again assume its place where ‘the thinking is’»35. For Baudrillard, «the person who thinks ‘in return,’ the one who thinks because he is thought, is liberated from the unilateral ‘service’ of thought by the operation of the machine itself»36. The cold and calculating gift without return that would be the perfection of artificial intelligence challenges human thinking to redouble its efforts toward non-functional meandering passages and singularities. Deeper Blue’s victory is liberating in this respect: from functionality, from meaning; for nothing, for throwing and blowing it. Relief from having to win, to succeed, to establish oneself; instead, the pursuit of singularities is paradoxically liberated by devolving perfect intelligence to the machine. This is not alienation but liberation: freedom to fail, and create along the way.

## 2

#### In 1951, white doctors cultured infinitely self-replicating cells from a black woman dying of cancer named Henrietta Lacks. Since then, medical companies have used her cells to generate billions of dollars of revenue without any compensation to her family. The current state of intellectual property protection gives them no recourse.

Christina Bostick, founder and managing director of Bostick Law Firm, and Kai Ryssdal, American radio journalist and the host of Marketplace, Who owns Henrietta Lacks’ cells?, Jul 9, 2018, <https://www.marketplace.org/2018/07/09/who-owns-henrietta-lacks-disembodied-cells/> //BA PB Brackets in original card

You’ve probably heard the story of Henrietta Lacks’ cells, which spawned more than 17,000 patents, a bestselling book and a made-for-TV movie starring Oprah. The cancer cells were harvested from Lacks’ cervix without her consent in 1951. According to Johns Hopkins, where doctors took the cells, the resulting “immortal” cell line, known as HeLa, has contributed to medical breakthroughs from research on the effects of zero gravity in outer space and the development of the polio vaccine, to the study of leukemia and the AIDS virus. Conspicuously missing from some of the stories about the legacy of Lacks’ cells, however, is the story of what has happened to her descendants. Many of them, including Lacks’ grandsons, haven’t seen any compensation or recognition as their grandmother’s cells rack up accolades and scientific discoveries. Now, they’re working with Christina Bostick, founder and managing director of Bostick Law Firm, who is trying to change the way we think about the cells’ autonomy by helping the cells sue for their own rights. She calls it creative litigation, and Marketplace host Kai Ryssdal discussed with her how it raises questions about what constitutes life. The following is an edited transcript of their conversation. Kai Ryssdal: Why does this case matter to you? Christina Bostick: You know, I am concerned about the exploitation of disenfranchised people in this country and how the law functions to disempower them from having a voice and from pursuing any concerns about their case. That’s not the way America’s supposed to work. You’re supposed to be able to utilize the legal system to find justice. And so, this was sort of right up my alley. It kind of just came to me that I should reach out to Ron Lacks, who is the grandson of Henrietta Lacks and see if there was anything I could do to help. Ryssdal: We should say here, because it’s important: you, on behalf of the family, don’t seek ownership of these cells and this cell line but rather guardianship … explain that to me. Bostick: Yes, there is some legal background that says you can’t really own a cell or something that has been disposed of from your body. So I think it’s more of an uphill battle to look at ownership of the cells or to try and patent a cell. And so a guardianship of the cell really says that the cell owns itself, that the cell has rights. This is a question that’s really unique: is a cell, in it of itself, life? Ryssdal: Not to get cold blooded about this, but there’s millions — probably billions — of dollars in patents and intellectual property and all kinds of things that have come from this cell line. Bostick: That’s right. There are many steps to this process, this is a big case. It’s very technical, very medical and scientific, and so some of those scientific aspects of things are going to have to be dealt with by experts. But my main concern is how do we get this case into court. Because so far, it hasn’t had a day in court. Right? And that’s primarily because there’s this thing called statute of limitations in the law, so you only get somewhere between one and maybe 10 years, depending on what the claim is, to file a lawsuit. Ryssdal: If you prevail, and this goes the way you hope it goes for your clients, what does that look like? Bostick: Well, right now, like I said, we are pursuing a guardianship petition. So the first step is, how can I get the cells themselves to pursue a claim? Then the next step is to sue Johns Hopkins in particular. Ryssdal: Which is where Henrietta Lacks went in 1950-ish, right? To get this original treatment from which this cell line was derived. Bostick: That’s exactly right. When her cells were taken and studied, the communications back and forth between her, the treatments … all of those things need to be legally investigated. And so the next step is sort of going through what we call the discovery process to figure out what information is out there and if there are any other litigants that we need to pursue. Ryssdal: Hopkins, we should say, denies culpability here. Bostick: Yes, that is my understanding. [They say] that the statute of limitations has run, there should be no ability to file a claim against them and that they did not take out a patent, which they weren’t legally authorized to do on the cells so they haven’t reaped a benefit. I think that that’s a little black and white and whether or not there has been a profit here is something that needs some investigating.

#### Thus the Counterplan: The United States ought to give Henrietta Lacks’ family intellectual property rights over the use of her cells. It competes, cells can’t be owned in the status qou so we strengthen protections, and cells count as medicine for the purpose of the debate.

U.S. National Library of Medicine, Doctor of medicine profession (MD), No Date, <https://medlineplus.gov/ency/article/001936.htm> //BA PB

The practice of medicine includes the diagnosis, treatment, correction, advisement, or prescription for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary.

#### The counterplan prevents pharmaceutical companies from unjustly profiting off of black life, and provides retributive justice for Henrietta’s family.

Donna M. Owens, Award-winning digital, print and broadcast journalist, Family of Henrietta Lacks Plans to Sue Pharmaceutical Companies They Say Profited from Her Cancer Cells, AUGUST 5, 2021, <https://www.essence.com/news/henrietta-lacks-family-retains-ben-crump/> //BA PB

“The American pharmaceutical community has a shameful history of profiting off research at the expense of Black people without their knowledge, consent, or benefit, leading to mass profits for pharmaceutical companies from our illnesses and our very bodies,” said Crump. “There is no clearer example of this than Henrietta Lacks and the seemingly endless manipulation of her genetic material.” Born in Virginia, Lacks was a farmer who’d migrated to Maryland. The wife and mother of five was treated for cervical cancer at The Johns Hopkins Hospital in Baltimore, dying of the disease in 1951 at age 31. Prior to her death, a sample of Lacks’s cancer cells retrieved during a biopsy were sent to the lab of a cancer researcher. Those cells, now commonly known as HeLa (using her initials), were discovered to have an amazing property not seen before: while other cells would perish, Lacks’s cells survived and would double. Because they could be grown continuously in laboratory conditions, HeLa cells have since been used for medical and other research. Breakthroughs range from development of the polio vaccine, to treatments for cancer, HIV/AIDS, Parkinson’s disease, and in vitro fertilization. Lacks’s cells have also been used in cosmetics testing, and they were even sent to space to study the impact of zero gravity. More recently, they have reportedly been used in COVID-19 research. Yet Crump contends, “the pharmaceutical companies have been unjustly enriched by this unethical taking of her cells, while Henrietta Lacks’s family has never been afforded any equity.” Billions of dollars have been made, he said. Seeger added that Lacks’s cells have been “monetized by big pharmaceutical companies for decades…these companies have profited from the ill-gotten genetic material of Mrs. Lacks, taken without her permission. It’s simply not right and we intend to hold them accountable.” Speaking at last week’s press conference, Kim Lacks called what happened to her grandmother a “theft.” Lacks’s story garnered national and international attention following the 2010 publication of “The Immortal Life of Henrietta Lacks,” by author and journalist Rebecca Skloot. The award-winning nonfiction book became a bestseller and later an Emmy-nominated HBO film starring Oprah Winfrey as daughter Deborah Lacks, and Renee Elise Goldsberry as Henrietta Lacks. Crump told ESSENCE in an interview that he and his legal team are “researching all aspects of getting equity and relief for the descendants of Henrietta Lacks.” A lawsuit is expected to be filed on October 4, the anniversary of her death. He said hundreds of pharmaceutical companies as well as others could potentially be sued. ESSENCE contacted Johns Hopkins for comment and was directed by a spokeswoman to a website. It states that Johns Hopkins “has never sold or profited from the discovery or distribution of HeLa cells and does not own the rights to the HeLa cell line.” The website further notes that in the 1950s, when Lacks was hospitalized, there were no established practices for informing or obtaining consent from patients when retrieving cell or tissue samples for research purposes, nor were there any regulations on the use of patients’ cells in research. “It was common practice at Hopkins for extra samples to be collected from cervical cancer patients during biopsies to be used for research purposes, regardless of race or socio-economic status.” The Lacks case influenced an update to the Common Rule, an ethical standard for informed patient consent in the medical community. It requires doctors to inform patients if any aspect of their medical case will be used for research and to assign them a code number to establish anonymity. Crump, who has represented the families of George Floyd, Breonna Taylor, and others in lawsuits related to fatal policing, said he believes the Lacks case ties into larger issues revolving around race. “We have to make America respect the value of Black life.”

## 3

#### CP Text: Countries in the WTO should create a consent and compensation mechanism to prevent biopiracy in drug development

Nard 03 - Craig Allen Nard, Director, Center for Law, Technology, and the Arts, Case Western Reserve University School of Law, Minnesota Law Review, October 2003 “IN DEFENSE OF GEOGRAPHIC DISPARITY” [http://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1277&context=faculty\_publications] Accessed 8/26/21 SAO

Professor Bagley and I are on common ground when she argues that indigenous peoples deserve to be compensated for the commercial exploitation of their traditional knowledge.49 This concern is important, however the problem here is not the availability of patent protection but rather the lack of an adequate compensatory mechanism for developing nations and indigenous peoples.50 Safeguards must be put in place so as to prevent “biopiracy” similar to the Hoodia cactus incident.51 The availability of patent protection must be accompanied by a compensatory structure and mutual consent so that the keepers of traditional knowledge will be equitably compensated, the sovereignty of the host nation respected, and its biodiversity conserved. One way to accomplish these goals is through a contractual arrangement and a notification provision52 that are consistent with the aims of patent law and biodiversity conservation. To this end, it is preferable, as Professor Marco Ricolfi has argued, to amend the domestic patent laws of developed countries to require lawful acquisition of genetic resources and an equitable compensatory arrangement based on the commercial exploitation of these resources.53 A less satisfactory, though workable, approach is to encourage the formation of voluntary contractual relationships between the keepers of traditional knowledge and those who desire it. A prominent example is the bioprospecting agreement54 entered into between the Instituto Nacional de Biodiveridad (INBio),55 a private, non-profit, Costa Rican organization, and Merck, the U.S. pharmaceutical company.56 The terms of the Merck agreement are confidential, but it is known that Merck paid INBio $1.35 million in return for 10,000 samples of flora, soil, and insects collected by INBio and for in formation about how these samples have been traditionally used.57 Merck is also obligated to pay INBio royalties on future sales of products developed from the samples, which in turn are to be invested, in part, in conservation efforts.58

#### Mutually Exclusivity: Countries can’t ignore patents and use them as mechanism for wealth transfer.

#### Net Benefit: Capacity Building

#### [1] Empirically bioprospecting with compensation leads to conservation and capacity building which is key to moving past an extractive imperial economy

Castree 2 - Noel Castree, in the journal Transactions of the Institute of British Geographers, October 2002 “Bioprospecting: from theory to practice (and back again)” [https://www.jstor.org/stable/3804566] Accessed 8/26/21 SAO

This brings us to the second supposed strength of bioprospecting: that, aside from the monetary benefits, it brings unique non-monetary advantages to source countries. Biotechnology is among the most research-intensive of all industries, and the economic value attached to biodiversity increases in proportion to the sophistication with which it is understood and used. This means that what countries like Costa Rica are really selling is not ‘raw biodiversity’ but knowledge of biodiversity (Janssen 1999). This is most obvious in those cases where, say, a pharmaceutical company pays for access to folk knowledge of tropical medicinal plants. But even newly discovered biodiversity has a major actual and potential knowledge component attached to it. The greater the degree of sample analysis a bioprospecting broker can undertake – using, for example, bioassay arrays – the greater the fee per sample it can charge to buyers. As Weiss and Eisner put it in their proselytizing essay ‘Partnerships for value-added through bioprospecting’, Developing countries naturally wish to begin their . . . prospecting activities at as high a technological level as possible, so as to maximise their value-added and to avoid relegating themselves to their traditional roles as suppliers of raw materials to industries in more advanced countries. (Eisner 1998, 489) So, in theory at least, bioprospecting **agreements can bring capacity-building** of a potentially high order to source countries through advanced scientific training and smart machinery being a part of the ‘value-added chain’. The activities of INBio evidently bear out the specific advantages of bioprospecting as a mode of green development in practice. For Nader and Mateo it is making a ‘significant contribution’ (2001, 181) to conservation and socio-economic development; for Weiss and Eisner it is an ‘institutional model’ (1998, 482); and in ten Kate and Laird’s global survey of biocommerce it is the focus of one of a small number of ‘best practice’ case studies. Though Mateo avers that INBio, in fact, ‘does not intend to be a model’ (2000, 44 54), this is rather disingenuous. By virtue of being the most discussed of all bioprospecting bodies, it has inevitably been forced to stand for the wider virtues of market-led sustainable development. This said, none of those commenting favourably on INBio do so uncritically. For instance, Mateo et al. observe that ‘it is not the gold mine that was originally envisaged’ (2001, 486), while Nader and Mateo emphasize that the Institute has only survived because of ‘a significant amount of flexibility’ (2001, 189). Provisos aside, these authors all base their assessments of the Institute on the whole spectrum of its activities, providing an element of comprehensiveness missing from the critiques to be discussed in the next sub-section. Their assessments comprise the following claims. First, INBio **has generated real revenue by selling bio- and data-diversity**. A sum of US$2 635 611 (Mateo 2000, 54) was realized from bioprospecting over the 1991–8 period, an amount now certainly over the US$3 million mark. Though a derisory sum in global terms, when converted to Costa Rican colonies it translates into considerable purchasing power. As, if not more, importantly, all INBio’s agreements with companies have royalty entailments that could ultimately translate into tens or hundreds of millions of dollars. Since the Merck contract, INBio has become increasingly adept at specifying ‘milestone payments’ in these agreements. These involve the partner company/research institution paying the Institute progressively higher fees if a sample progresses to various research stages (tertiary analysis, prototype, clinical trials etc.).18 Second, both non-royalty and royalty monies are **directly linked to conservation** in the INBio case. The Institute’s agreement with MINAE specifies that 10 per cent of its annual budget go to the Ministry’s national park programme (SINAC), while 50 per cent of any future royalties resulting from INBio’s almost 20 bio-contracts are to go to MINAE also. Between 1991 and 1998, MINAE and Costa Rica’s protected areas received over US$1 181 000 in this way. Thirdly, INBio has progressively provided to clients ‘more specialized services with higher added value . . .’ (Mateo 2000, 50). For instance, the agreements with biotech firms Diversa and INDENA were based explicitly on technology transfer, with the two companies obliged to supply cuttingedge equipment and training that would allow INBio to have a fully functional microbiology laboratory by 1998. Consequently, the Institute now has the technology and expertise to subject compounds from bacteria, fungi and insects to bio-assay guided fractionation. Fourthly, this overall combination of monetary and non-monetary compensation raises the ‘controversial issue’ (Mateo et al. 2001, 481) of benefit sharing. The controversy, not just in Costa Rica but in all cases of bioprospecting, relates not only to identifying who the relevant biodiversity stakeholders are, but also to how benefits should be distributed among them. INBio sought to sidestep this controversy from the outset by collecting only ‘wild’ not anthropogenic biodiversity, and by doing so only in protected nature parks and reserves. In this way, it has been able to equate the benefit-sharing issue with the question of what Costa Rican ‘society at large’ (Mateo et al. 2001, 481) receives from INBio’s work on ‘biodiversity as a national resource’ (Nader and Mateo 2001, 193). These aggregate benefits include all those mentioned above, plus the added distributional bonus that 40-plus otherwise poor campesinos have received the educational and income benefits of being full-time parataxonomists.19 Finally, INBio’s role in ‘knowing, using and saving’ biodiversity in a ‘fair and equitable’ way seems to be self-sustaining. Though Costa Rica’s bio-reserves are finite, knowledge about them is not. Given that what counts as a ‘resource’ is always a socio-technical question (Spoehr 1956), INBio has shown that both now and in the future the market for bio-resources ‘seems inexhaustible’ (Nader and Mateo 2001, 192). As new machines and techniques permit ever more complex study and manipulation of myriad biological samples, INBio stands to market new and existing samples repeatedly. Indeed, the Institute has been careful to limit the element of exclusivity in all its contracts, so that samples have as long and broad a commercial value as possible. Bioprospecting, then, appears to be at once **commercially valuable and** commercially **sustainable**. In sum, though by no means naïve in their assessments, those who advocate biodiversity prospecting as a tool for equitable conservation-led development in the South draw largely positive lessons from the pioneering work of INBio. In just ten years, it has in their estimation turned Costa Rica’s previously ‘free’ biodiversity into a stream of compensation while building future capacity to enhance that stream. In short, it has come to ‘epitomize the potential for mutual gain’ (Pearce and Moran 1994, 102) that green developmentalism is supposed to be all about.

## 4

#### Pain narratives in the academy only ever serve colonial ends. Form over content, they have the most real world impact.

Tuck & Yang 13 – Eve Tuck and Wayne Yang, Dec 19, 2013 “R-WORDS: REFUSING RESEARCH”[http://townsendgroups.berkeley.edu/sites/default/files/tuckandyangrwords\_refusingresearch.pdf] Accessed 10/19/18 SAO

Elsewhere, Eve (Tuck, 2009, 2010) has argued that educational research and much of social science research has been concerned with documenting damage, or empirically substantiating the oppression and pain of Native communities, urban communities, and other disenfranchised communities. Damage-centered researchers may operate, even benevolently, within a theory of change in which harm must be recorded or proven in order to convince an outside adjudicator that reparations are deserved. These reparations presumably take the form of additional resources, settlements, affirmative actions, and other material, political, and sovereign adjustments. Eve has described this theory of change1 as both colonial and flawed, because it relies upon Western notions of power as scarce and concentrated, and because it requires disenfranchised communities to position themselves as both singularly defective and powerless to make change (2010). Finally, Eve has observed that “won” reparations rarely become reality, and that in many cases, communities are left with a narrative that tells them that they are broken. Similarly, at the center of the analysis in this chapter is a concern with the fixation social science research has exhibited in eliciting pain stories from communities that are not White, not wealthy, and not straight. Academe’s demonstrated fascination with telling and retelling narratives of pain is troubling, both for its voyeurism and for its consumptive implacability. Imagining “itself to be a voice, and in some disciplinary iterations, the voice of the colonised” (Simpson, 2007, p. 67, emphasis in the original) is not just a rare historical occurrence in anthropology and related fields. We observe that much of the work of the academy is to reproduce stories of oppression in its own voice. At first, this may read as an intolerant condemnation of the academy, one that refuses to forgive past blunders and see how things have changed in recent decades. However, it is our view that while many individual scholars have chosen to pursue other lines of inquiry than the pain narratives typical of their disciplines, novice researchers emerge from doctoral programs eager to launch pain-based inquiry projects because they believe that such approaches embody what it means to do social science. The collection of pain narratives and the theories of change that champion the value of such narratives are so prevalent in the social sciences that one might surmise that they are indeed what the academy is about.

They continue Tuck & Yang 13 – Eve Tuck and Wayne Yang, Dec 19, 2013 “R-WORDS: REFUSING RESEARCH”[http://townsendgroups.berkeley.edu/sites/default/files/tuckandyangrwords\_refusingresearch.pdf] Accessed 10/19/18 SAO

Moreover, some narratives die a little when contained within the metanarrative of social science. Richardson (2011) theorizes Gerald Vizenor’s concept of trickster knowledge and the play of shadows to articulate a “shadow curriculum” that exceeds the material objects of reference—where much meaning is made in silence surrounding the words, where memories are not simply reflections of a referent experience but dynamic in themselves. “The shadow is the silence that inherits the words; shadows are the motions that mean the silence” (Vizenor, 1993, p.7). Extending Richardson’s analysis of Vizenor’s work, beneath the intent gaze of the social scientific lens, shadow stories lose their silences, their play of meaning. The stories extracted from the shadows by social science research frequently become relics of cultural anthropological descriptions of “tradition” and difference from occidental cultures. Vizenor observes these to be the “denials of tribal wisdom in the literature of dominance, and the morass of social science theories” (Vizenor, 1993, p. 8). Said another way, the academy as an apparatus of settler colonial knowledge already domesticates, denies, and dominates other forms of knowledge. It too refuses. It sets limits, but disguises itself as limitless. Frederic Jameson (1981) writes, “[H]istory is what hurts. It is what refuses desire and sets inexorable limits to individual as well as collective praxis” (p. 102). For Jameson, history is a master narrative of inevitability, the logic of teleos and totality: All events are interconnected and all lead toward the same horizon of progress. The relentlessness of the master narrative is what hurts people who find themselves on the outside or the underside of that narrative. History as master narrative appropriates the voices, stories, and histories of all Others, thus limiting their representational possibilities, their expression as epistemological paradigms in themselves. Academic knowledge is particular and privileged, yet disguises itself as universal and common; it is settler colonial; it already refuses desire; it sets limits to potentially dangerous Other knowledges; it does so through erasure, but importantly also through inclusion, and its own imperceptibility.

#### Representations must come first in scholarship production in the Global North.

Curbishley 15 - Liddy Scarlet Curbishley student Masters of Humanities in Gender Studies August 2015 “Destabilizing the Colonization of Indigenous Knowledge In the Case of Biopiracy” [https://dspace.library.uu.nl/bitstream/handle/1874/319612/Liddy%20Thesis.pdf] Accessed 8/13/21 SAO

Vital for the aims of this thesis is the ability to use reflexivity when discussing representation in/and research and to this end a postcolonial ecofeminist perspective is helpful as it allows for the analysis of Subject constructions, in this case those that are constructed over the lives of non-white, non-Western, colonized, or indigenous peoples. Simone de Beauvoir discusses how representations are created from partial perspectives that transcend into absolute truths when created by those with hegemonic power. “Representation of the world, like the world itself, is the work of men; they describe it from their own point of view, which they confuse with absolute truth” (de Beauvoir, 1972: 161). Those privileged within the hierarchy have the power to represent the Other. Representation is therefore an important focus of this thesis because we see that the power to re-present is concentrated in the hands of elites, in this case the Global North holds the power to re-present indigenous peoples. The ways in which the indigenous Other is re-presented through the Subject construction devised by the Global North creates the oppressive dualism necessary for the colonization of indigenous knowledges through acts of biopiracy. Said’s extensive exploration of the ways in which the Oriental Other is represented by the Occidental Subject in literature and academia is relevant here. In his important text, Orientalism, Said asserts that a “phenomenologically reduced status” is placed upon the Oriental that can only be accessed by a Western expert (1978: 283). Since Western re-presentations of the Orient began to arise, the Orient has been unable to represent itself as hegemonic Western representations engulf any attempt. Thus knowledge of the Orient can only be deemed credible once it had been refined by the Occidental’s work (283). This process of re-presenting through Western eyes that Said speaks of is supported by institutions, vocabulary, scholarship, imagery and doctrines (Said, 1978) hence representation’s power which is performed through discursive meaning which is both constructing of and constructed within social spheres. When representing the Other, their agency to represent their own experiences becomes obscured and removed. Taking up this issue in her seminal paper, “Can the Subaltern Speak?” Spivak (2010) met her question with the answer of a resounding no: a response that exemplifies the lack of ability one has to represent oneself as a hyper-oppressed individual or collectivity. Mohanty moves beyond Spivak’s assertions and invites us to consider the possibility of a shift in the politics of representation and states, “it is time to move beyond the Marx who found it possible to say: They cannot represent themselves; they must be represented” (Mohanty, 2003A: 354). Thus, as these arguments make clear, it is imperative that whilst conducting research and theorizing one is attentive to representation - the act of speaking about and for another. The use of a postcolonial standpoint can assist me in remaining sensitive to the forms of colonialist power relations that frequently shape knowledge production. In this way, postcolonialism can help me to interrogate my partial perspective and privileged standpoint (Haraway, 1988). It offers a reflexive approach that foregrounds the way one’s positionality influences what knowledge is produced in the research process, while drawing attention to the partial perspective (Haraway, 1988) that one necessarily inhabits in this process. This reflexive approach is also relevant to the political interests of this thesis. Perpetually interrogating the claims and assumptions one makes whilst theorizing from one’s own standpoint helps to reduce the prospect of reproducing hierarchies and perpetuating colonial re-presentations. I must critique my own gaze and be careful not to encode my own representations as truth, so as not to marginalize other alternative readings. In this way I can aim to avoid conducting research through imperial eyes (Smith, 2012). Through the analysis and discussion I will attend to the Global North’s behaviour and the effects this has on the lived experiences of indigenous peoples in postcolonial India with regards to resources, knowledge and the politics of representation. In doing so I do not wish to speak for indigenous peoples or perpetuate essentialist tropes of indigenous peoples as Mother Nature’s carer. I wish to destabilize this, to untwine the tangled woman-nature-nurturer knot that has been dreamt up. I wish to de-essentialize the image of indigenous peoples through showing that the reason why the homogenized scientific and modern Global North seeks the knowledges of indigenous peoples is due to the complexity, creativity and fruitfulness of these knowledges. Again, I must be aware of not glorifying sites of indigenous knowledges as green utopian paradises capable of offsetting global environmental degradation, but instead attend to them as an alternative modernity based on differing values that demonstrate alternative knowledge production and deserved recognition, protection and selfdetermination. Furthermore, despite the urgent need to pay attention to non-Western knowledge – knowledges that sit outside of the dominant knowledge paradigm -, it remains pertinent to remind oneself of the violence and oppression within the Global South and indigenous communities with regards to gender, sexuality, religion and class (Shome, 2012: 200). The idea is not to reverse the nature/culture binary or create an indigenous-centrism as opposed to a Global North-centrism but instead move beyond these dominating dualistic ways of perceiving the world (200).