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#### Subjectivity is constituted fundamentally by loss –

#### [1] Alienation – our introduction into the world and the field of knowledge requires mediation through language. The submission to language pushes us into an indirect relationship. It deprives the subject of immediate contact with the object world, which creates a constitutive distinction between non-alienated and post-linguistic experience.

#### [2] The recognition of the knowledge gap is not active but rather unconscious – knowledge is infinite which means it can’t be acquired or processed by the subject which creates a fundamental lack between the real and the symbolic. And a search for knowledge is damaging to the self because the subject has a fetishization of the external paranoia- a simultaneous desire for it and rejection.

#### [3] Fluidity- A) Differentiation - signifiers refer to other signifiers without having a final signified to relate to which produces a constitutive lack from the inability to reach true meaning. This instability forces us to form a world in pursuit of the lost gaps to fulfill the subject’s desires. B) Language is constantly changing- it’s contextually produced with respect to temporality and cultures because every individual indexes to language differently.

#### The ROTB is to endorse the debater who best performatively and methodologically rejects the lack.

**Ruti 10** Mari Ruti. (2010). *Winnicott with Lacan: Living Creatively in a Postmodern World. American Imago, 67(3), 353–374.[*doi:10.1353/aim.20 [sci-hub.tw/10.1353/aim.2010.0016](https://sci-hub.tw/10.1353/aim.2010.0016)] [https://muse.jhu.edu/article/414021/pdf] // ahs emi

Let us consider Lacan first.1 As we know, Lacan’s theory of subject formation is premised on the notion of foundational lack or alienation. The transition from the Imaginary to the Symbolic—from preoedipal drives to the collective social space of signification and meaning production—is, for Lacan, a process of primordial wounding in the sense that the subject is gradually brought face to face with its own lack. While the internalization of the signifier brings the subject into existence as a creature of desire (thereby giving it access to a fully “human” existence), it simultaneously reveals that the surrounding world is much larger and more powerful than any individual subject could ever be—that the self is always merely a minor participant in a system of signification that operates quite independently of its “private” passions and preoccupations. In this manner, the signifier shatters the fantasies of omnipotence and wholeness that characterize the emerging ego of the mirror stage. One could, then, say that, in the Lacanian scenario, we purchase our social subjectivity at the price of narcissistic injury in the sense that we become culturally intelligible beings only insofar as we learn to love ourselves a bit less.It is worth noting right away that one of the things that drives a wedge between Lacan and Winnicott is that while Winnicott regards the ego as what allows the subject to enter into an increasingly complex relationship to the world, Lacan associates it primarily with narcissistic and overconfident fantasies that lend an illusory consistency to the subject’s psychic life. Lacan explains that the subject’s realization that it is not synonymous with the world, but rather a frail and faltering creature that needs continuously to negotiate its position in the world, introduces an apprehensive state of want and restlessness that it finds difficult to tolerate and that it consequently endeavors to cover over by fantasy formations. In other words, because lack is devastating to admit to—because the subject experiences [lack] it as a debilitating wound—it is disposed to seek solace in fantasies that allow it to mask and ignore the reality of this lack. Such fantasies alleviate anxiety and fend off the threat of fragmentation because they enable the subject to consider itself as more unified and complete than it actually is; by concealing the traumatic split, tear, or rift within the subject’s psychic life, they render its identity (seemingly) reliable and immediately readable. As a result, they all too easily lead the subject to believe that it can come to know itself in a definitive fashion, thereby preventing it from recognizing that “knowing” one version of itself may well function as a defense against other, perhaps less reassuring, versions. One consequence of the subject’s dependence on such egogratifying fantasies is that they mislead it to seek self-fulfillment through the famous objet petit a—the object cause of desire that the subject believes will return to it the precious sense of wholeness that it imagines having lost.2 In this scenario, the subject searches for meaning outside of itself, in an object of desire that seems to contain the enigmatic objet a. Lacan’s goal, in this context, is to enable the subject to perceive that this fantasmatic quest for secure foundations is a waste of its psychic energies. His aim is to convince the subject that the objet a will never give it the meaning of its existence, but will, instead, lead it down an ever-**widening spiral of existential deadends.** How, then, does the Lacanian subject find meaning in its life? Lacan’s answer is that it is only by accepting lack as a precondition of its existence—by welcoming and embracing the primordial wound inflicted by the signifier—that the subject can begin to weave the threads of its life into an existentially evocative tapestry. It is, in other words, only by exchanging its ego for language, its narcissistic fantasies for the meaning making capacities of the signifier, that the subject can begin to ask constructive questions about its life.3 For Lacan, there are of course no definitive answers to these questions. But this does not lessen the value of being able to ask them. The fact that there is no stable truth of being does not prevent the subject from actively and imaginatively participating in the production of meaning.

#### Prefer: A) recognition and embrace of our shared lack is the basis point of collective identity to form political change in the first place. B) Everything is constrained by the lack, even the flow because communication will always be coopted. C) most reciprocal because u cant embrace the lack more or less- it’s a binary so its more reciprocal and resolvable because one of us cant embrace more.

#### The 1AC is an endorsement of a never-ending quest for knowledge, a striving toward the known, the material, calculable – the acquisition of knowledge is inseparable from an unconscious paranoia that eats at the subject as its lifelong quest for meaning is for not. In an attempt to know the world around us, we sacrifice the very nature of knowledge itself while disintegrating our psychic integrity and crushing any value to life.

**Mills,** Mills, Jon. “Lacan on Paranoiac Knowledge.” Dr. Jon Mills Psychoanalyst Philosopher Psychotherapy Psychologist, Process Psychology, [www.processpsychology.com/new-articles/Lacan-PP-revised.htm](http://www.processpsychology.com/new-articles/Lacan-PP-revised.htm).

When these aspects of human life are broadly considered, it becomes easier to see how our linguistic-epistemological dependency has paranoiac *a priori* conditions. From Freud to Klein and Lacan, **knowledge is a dialectical enterprise** that stands **in relation to fear--to the horror of possibility**--the possibility of the *not*: **negation**, conflict, **and suffering saturate our very beings, beings whose self-identities are linguistically constructed. The relation between knowledge and paranoia is** a **fundamental** one, and perhaps no where do we see this dynamic so poignantly realized than in childhood. From the 'psychotic-like' universe of the newborn infant (e.g. see Klein, 1946), to the relational deficiencies and selfobject failures that impede the process of human attachment, to the primal scene and/or subsequent anxieties that characterize the Oedipal period, leading to the inherent rivalry, competition, and overt aggression of even our most sublimated object relations, -- fear, trepidation, and dread hover over the very process of knowing itself. **What is paranoid is that which stands in relation to opposition**, hence that which is **alien to the self. Paranoia is** not simply that which is beyond the rational mind, but it is **a generic process of *nosis***--**'I take thought, I perceive,** I intellectually **grasp,** I **apprehend'**--hence have ***apprehension* for what I encounter in consciousness**. With qualitative degrees of difference, we are all paranoid simply because others hurt us, a lesson we learn in early childhood. **Others hurt us with their knowledge**, with what they say, as do we. **And we hurt knowing. 'What will the Other do next?' We are both pacified yet cower in extreme trembling over what we may and may not know**--what we may and may not find out; and this is why **our relation to knowledge is fundamentally paranoiac**. For Aristotle (1958), "all men by nature desire to know" (p. 108). **This philosophic attitude is kindled by our educational systems** perhaps informing the popular adage, **'knowledge is power.' But whose?** There is no doubt that the acquisition of knowledge involves a power differential, but what if **knowledge itself is seen as too powerful because it threatens our psychic integrity**? In the gathering of **knowledge** there **is** simultaneously **a covering-over**, a blinding **to what one is exposed to**; moreover, **an erasure**. I ~~know~~ (No)! Unequivocally, **there are things we desire to know nothing about at all; hence the psychoanalytic attitude places unconscious defense--negation**/denial and repression--**in the foreground of human knowledge, the desire not to know. When we engage epistemology**--the question and meaning of knowledge--**we are intimately confronted with paranoia**. For example, there is nothing more disturbing when after a lifetime of successful inquiry into a particular field of study it may be entirely debunked by the simple, arrogant question: 'How do you know?' **Uncertainty, doubt, ambiguity, hesitation, insecurity--anxiety!: the process of knowing exposes us** all **to immense discomfort. And any epistemological claim is equally a metaphysical one**. Metaphysics deals with first principles, the fundamental, ultimate questions that preoccupy our collective humanity: 'What is real? Why do I exist? Will I *really* die?' Metaphysics is paranoia--and we are all terrified by its questions: 'Is there God, freedom, agency, immortality?' *Is? Why? Why not? Yes but why?!* **When the potential meaning and quality of one's personal existence hinge on the response to** these **questions, it is no wonder** why most **theists say only God is omniscient**. And although Freud (1927) tells us that the very concept of **God is an illusory derivative** of the Oedipal situation--a wish to be rescued and comforted from the anxieties of childhood helplessness, He--our exalted Father in the sky--is ***always* watching**, judging. Knowing this, the true believer has every reason to be petrified. For those in prayer or in the madhouse, **I can think of no greater paranoia**.

#### Capitalism sustains itself through the hollow promise of new innovations that will eventually allow humans to master nature. The aff’s drive to innovate by reducing patents plays into this fantasy and endlessly tries to fill the lack.

**Dean 17 -** “Still Dancing: drive as a category of political Economy” by Jodi Dean, Dept. of Politics, Hobart and William Smith Colleges

Žižek often describes Capital as Real. “The self-propelling circulation of Capital,” he writes, remains more than the ever the ultimate Real of our lives, a beast that by definition cannot be controlled, since it itself controls our activity. . .”32 The point is not that laws, states, policies, and practices play no role in enabling the paths capital takes. Nor is it that there is no difference between neoliberal capitalism and welfare state capitalism. Žižek is not saying that capitalism is an ahistorical, economic force that necessarily exceeds any attempts at regulation. Rather, **there is an excess of capitalism that persists through yet beyond its instantiation in production, consumption, and exchange**, its ideological manifestations in ideas of the free market, and the mathematical formulae and equations of economists.“**Self-propelling circulation” points to** drive as this Real of Capital, the “vanishing mediator” between processes of production and the abstract spectrality of finance. The persistent force **compelling capital’s ceaseless circuit and entrapping us within its unrelenting need to accumulate is the movement of drive as death-drive, a drive beyond life, balance, and efficiency and into the negativity of unavoidable destruction. This is the excess that cannot be controlled as long as capitalism exists,** the excess underlying capitalism in its different guises, **the perpetual push to accumulate, expand, and intensify, the endless circuit of creation and destruction, the inescapable drive to grow and profit that turns into devastation and loss.** Understanding Capital in terms of the Real of the drive expresses capitalism’s compulsive force without reiterating liberal and capitalist claims for an inevitable economic logic and thereby obscuring changes in capitalism. As Foucault discusses in his 1978-1979 lectures, The Birth of Biopolitics, classical liberal economics emphasized free markets. If the state would refrain from interfering, fair prices and reasonable distributions of goods would result from individuals selfinterested transactions—Adam Smith’s famous “invisible hand.” Should the state attempt to manage or regulate these transactions, however, it would inevitably distort them. In contrast, neoliberals stressed competition. Here the role of the state was to insure not free markets but free competition. At every level of society, **competition**—inclusive of the resulting inequalities— **was alleged to unleash excellence and productivity.** Over the course of the first decade of the twenty-first century, it became clear that real existing neoliberalism involved neither free markets nor free competition. Whether one focuses on ongoing tariffs, subsidies, and restrictions in global trade, the exclusivity of most Wall Street deals, capitalism’s tendencies toward monopoly, the social and control conditions establishing many of presuppositions for what can be bought and sold, or mainstream economists’ own acknowledgements that the suppositions of their models don’t hold in real-life conditions, **the free market is a myth—with powerful effects. The myth may be a lie, but it still “formulates the truth of capital.”**33 Likewise, contemporary **financial markets might be blood-thirsty and cut-throat, but they aren’t competitive,** not if by “competitive” we imagine some kind of open contest with clear, fair rules, and not if we think that competition has disciplining effects. On Wall Street, the competition is between bankers for their salaries and bonuses, a mindset that rewards shortterm deal-making and the overall number of deals made, not the outcome of the deal for parties to it. Nonetheless, the fiction of competition expresses a truth of capitalism, what people believe, their sense of an unavoidable struggle over goods, resources, and opportunities that are necessarily limited and scarce. **The “winner-take-all” logic of transactions in the contemporary networks of communicative capitalism manifests the truth in the lie of competition. Capitalism doesn’t actually rely on competition, yet we have to describe it this way in order to formulate its effect on us.** When Žižek asks “beyond which point does competition break down and the winner take all,” he misstates the primary question. 34 Presuming an actuality of competition, he overlooks not just the differences between popular and economic notions of competition, but the way this ambiguity informs a new configuration of waged work. He passes over the practical impact of competitive fictions. In growing numbers of fields, more tasks and projects are conducted as competitions: those doing the work are not paid unless they win. People work for a chance at pay. Rather than having a right to the proceeds of our labor by virtue of a contract, ever more of us are in win/ lose situations where remuneration is treated like a prize. In academia, art, writing, architecture, entertainment, and design people feel fortunate to get work, to get hired, to get paid. The Obama administration has given “inducement prizes” a key role in its “Strategy for American Innovation.” Explicit in its goal of amplifying competition, the White House wants to use “high-risk, high-reward policy tools such as prizes and challenges to solve tough problems.”35 But who is in a position to take such risks? Only those who are already “the haves,” those with little to nothing to lose, those whose success does not depend on competition (even as competition is presented as what determines success). The prize as inducement does more than amplify the entrepreneurial risk presupposed in capitalist models of innovation; it alters it 10 such that the risk is distributed downward, transferred from the capitalist to the worker. Work performed may not be work remunerated. Winners get money; losers don’t. The only link between the work and the remuneration comes from the prize giver, who is now in the position of judge, charitable giver, and beneficent lord with no particular obligation to those who have worked. Work as a collective enterprise, with multiple conditions and participants, all of whom depend on the “prize” for their livelihood vanishes. Workers don’t even appear as workers; they are competitors, and then the winner and the losers. Most prizes involve an element of prestige, that “extra something” associated with a prize. Discussing the “extra something” provided by brands like Nike, Žižek notes a kind of impossible limit position: although the capitalist ideally would like to be able to sell just a brand name and “get money for nothing,” this is impossible “since nobody is prepared to pay for nothing more than a name.”36 More radical is the shift effected by a prize-based reward structure: workers pay to work. In the instance of one competition, appropriately called the “X Prize,” competitors “spent 10 to 40 times the amount” of the award. The material costs were transferred onto the ones doing the work; they paid to do the work. For writers, bloggers, artists, and film-makers, working for less than nothing, paying for work, has become a commonplace (bringing with it the elimination of growing numbers of print newspapers in the US and cuts in numbers of paid journalists). In the form of an explicit governmental policy depicted as a competition, prizes usher in a new and acceptable relation to work bringing with them a likely decrease in opportunities for contract-based work and work for pay. Insofar as prizes produce the one, the winner, they elaborate a form of exploitation and expropriation of the common particular to communicative capitalism—network exploitation.37 Complex networks are characterized by a particular distributive pattern, “power laws.” As theorized by Albert-László Barabási, under conditions of free choice and preferential attachment, nodes in a complex network will distribute themselves such that the top one or two get a lot and the majority get a little.38 Academic citations, book sales, movie tickets, blog hits, and the distributed labor of creating of apps for smart phones all follow this pattern, one described in popular media as the 80/20 rule or the “winner-take-all” or “winner-take-most” characteristic of contemporary capitalism. In these examples, the general field out of which the one emerges is the common. Without the work of the many, the one would not emerge. **Exploitation consists in stimulating the creative production of the field in the interest of finding, and monetizing, the one. Expansions in the field produce the one** (hubs are an immanent property of complex networks). Such exploitation contributes to the expropriation of opportunities for income and paid labor, as 11 in the examples of print journalism and university presses. Network exploitation results in a dewaging of skilled, intellectual labor. **Drive is the “vanishing mediator” between the one and the many, the winner and the losers, the hit and the long tail. It accounts for the way neoliberalism manifests competition without competition. On the one hand, many need to be compelled to compete, to play and participate; they need to act as if they believe that capitalism mobilizes competition in order to inspire creativity and generate efficiency.** On the other, not only do actual competitions redistribute the costs of work onto workers and eliminate direct obligations of employers to employees, but they also benefit those already possessing the material means necessary to compete, thus placing these material means as outside the very competitive processes that ostensibly produce them. **Competitors are thereby rendered oddly passive, not creative producers at all. Drive is the “third level” linking subjective experience and objective exploitation, the fact that the latter depends on the “objective deception” or lie of the former.**39 Differently put, drive is the name of this reflexive turning back round upon itself or passivity at the core of activity.

#### Pandemic threat construction justifies the ever-expansion of the bio-political regime through the normalization of biopolitical technologies and attitudes that are masked as requirements for the health of citizens.

**Couch et al 20:** Couch, Danielle et al. "COVID 19 - Extending Surveillance And The Panopticon". Journal Of Bioethical Inquiry, 2020. Accessed 10 Nov 2020. //Scopa

Surveillance is a core function of all public health systems. Responses to the COVID-19 pandemic have deployed traditional public health surveillance responses, such as contact tracing and quarantine, and extended these responses with the use of varied technologies, such as the use of smartphone location data, data networks, ankle bracelets, drones, and big data analysis. Applying Foucault’s (1979) notion of the panopticon, with its twin focus on surveillance and self-regulation, as the preeminent form of social control in modern societies, we examine the increasing levels of surveillance enacted during this pandemic and how people have participated in, and extended, this surveillance, self-regulation, and social control through the use of digital media. Consideration is given to how such surveillance may serve public health needs and/or political interests and whether the rapid deployment of these extensive surveillance mechanisms risks normalizing these measures so that they become more acceptable and then entrenched post-COVID-19. Much media coverage and wider social discourse have presented the COVID-19 pandemic as “unprecedented,” but in some ways this is not the case. Throughout history, outbreaks of disease have ravaged humanity, producing profound, enduring effects, even occasionally leading to the collapse of civilizations. What is unprecedented about the COVID-19 pandemic is the different type and extent of surveillance that has been deployed in response to it. In this paper we examine various examples of this surveillance in relation to Foucault’s (1979) notion of the panopticon and consider current and future implications. Surveillance and Foucault’s Panopticon Eighteenth-century English social reformer and utilitarian philosopher Jeremy Bentham designed the panopticon, a circular or rotunda shaped prison with an inspection room in the centre so that “a functionary standing or sitting on the central point, had it in his power to commence and conclude a survey of the whole establishment in the twinkling of an eye” (Bentham, quoted in Steadman 2012, 4). Foucault used the underlying concept as a metaphor for the disciplinary regime that prevails in modern society, in which the key form of social control has moved from spectacle, which prevailed in pre-modern societies, to surveillance (Foucault 1979). The panopticon allows disciplinary power to be enacted through hierarchical observation, examination, and normalizing judgement (Foucault 1979). In many settings, including in medicine and public health, the regime of power is all-pervasive: the few watch the many, undertaking surveillance using “methods of fixing, dividing, recording” throughout society (Foucault 1979, 305). As a form of social control, this ubiquitous panoptic surveillance contributes to the feeling of being under continual surveillance, and so in response to this individuals become their own agents of surveillance by complying with normative expectations and conventions without having to be actually under surveillance. People willingly participate in this surveillance. In this manner panoptic surveillance is an apparatus of discipline which makes the exercise of power more efficient and effective—it is a subtle form of coercion (Foucault 1979), and thus the power is enacted invisibly and inapparently, permeating all aspects of social life. Self-surveillance and discipline in these ways have become the primary source of social control in modern society. In relation to health we see this self-surveillance reflected and embedded in common expressions such as “taking care of yourself,” “keeping an eye on your weight,” “watching what you eat,” “watching the speed limit,” and “watching your fluid (or alcohol) intake” (Couch et al. 2016, 62). Foucault used an earlier pandemic, the outbreak of plague, to demonstrate how modern forms of governance and surveillance arose: … the plague gave rise to disciplinary projects … an organization in depth of surveillance and control, an intensification and a ramification of power…. those sick of the plague were caught up in a meticulous tactical partitioning in which individual differentiations were the constricting effects of a power that multiplied, articulated and subdivided itself… (Foucault 1979, 198) Foucault’s notion of panoptic surveillance has been practically applied to various public health issues and provides a useful framework for considering surveillance responses during the COVID-19 pandemic. Surveillance and COVID-19 Surveillance is a core function of all public health systems. In the course of the COVID-19 pandemic many standard surveillance techniques have been applied, including contact tracing (World Health Organization 2017), global seroprevalence studies (Vogel 2020), selective nasopharyngeal swabbing of cases, contacts, and the general population, and testing of blackwater for viral fragments (Mallapaty 2020). In addition to these traditional methods, COVID-19 has seen the development of a range of novel surveillance techniques. A multitude of smart phone apps have been devised to improve symptom tracking and contact tracing. Emergency powers have been widely enacted, and police, military, and government surveillance activities to ensure people are complying with COVID-19 restrictions have been greatly extended. The following is a partial list of additional forms of surveillance recently introduced: & United Kingdom and United States: COVID Symptom Study (this was initially called COVID Symptom Tracker), a symptom tracking app developed by King’s College London, Massachusetts General Hospital, and Zoe Global Ltd which collected data from 2,450,569 U.K. and 168,293 U.S. individuals between March 24 and April 21, 2020 (Menni et al. 2020). & Australia: BeatCOVID19Now, a symptom tracking app which collects anonymized data that can be shared with health authorities and researchers and can identify geographical clusters of COVID-19 spread (Slezak and Timms 2020; Swinburne University of Technology 2020). & Australasia: FluTracking, an existing website focused on tracking flu symptoms in Australia and New Zealand, incorporating new questions to track COVID-19 (University of Newcastle, Hunter New England Population Health, and Hunter Medical Research Institute 2020). & Singapore: TraceTogether, a contact tracing tool promoted as a means to “protect ourselves … our loved ones and … our community” (Government of Singapore 2020). & Australia: COVIDSafe, a contact tracing app promoted as providing government with the confidence to “find and contain outbreaks quickly” to allow Bioethical Inquiry easing of restrictions “while still keeping Australians safe” (Australian Government 2020). & Israel: measures approved to allow the Shin Bet internal security service to access mobile phone data to retrace movements of infected individuals (ABC News 2020b). & Taiwan: use of mobile phone location-tracking data to geofence people, erecting an “electronic fence” to notify police if people breach quarantine requirements (Lee 2020). & Hong Kong: wrist bands linked with a smart phone app to ensure compliance with self-quarantine measures, notifying authorities if an individual leaves their dwelling without authorization (Saiidi 2020). & Australia and the United States: ankle bracelets to be used when people fail to comply with quarantine or self-isolation requirements (Kallingal 2020; Hendry 2020). & China: co-opted and repurposed industrial mapping and surveying by drones to undertake crowd management and disease detection, incorporating loudspeakers, high-definition zoom lenses, flood lights, thermal sensors, and chemical spray jets for largearea disinfectant dispersal (Liu 2020). The drones have reportedly been used to break up mah-jong games and accost people in the street, with one elderly woman advised: “Yes auntie, this drone is speaking to you. You shouldn’t walk about without wearing a mask. You’d better go home, and don’t forget to wash your hands” (D’Amore 2020). & Western Australia: drones deployed by police in public places to ensure people practise distancing in adherence with government rules (Rimrod and McNeill 2020). & Italy: drones reportedly used by police to take people’s temperature without their consent (The Star 2020). & Globally: in response to privacy concerns, Google and Apple released an app which decentralizes the data collected by locating contact-matching on devices themselves rather than via a centrally controlled computer server (Kelion 2020). In addition to these responses, researchers and private sector companies have used COVID-19 to promote both existing surveillance technologies and new ones under development, such as an automated fever scanning system that operates via CCTV cameras to assess the temperatures of individuals in crowds (Daly 2020). New pandemic drones are being developed which go even further, employing a “specialised sensor and computer vision system that can monitor temperature, heart and respiratory rates, as well as detect people sneezing and coughing in crowds, offices, airports, cruise ships … and other places where groups of people may … congregate” (Gibson 2020, ¶1). Global technology companies have presented their aggregated location data as a service to help address COVID-19 issues—Google has its Community Mobility Reports (Google 2020) and Facebook has its Data for Good which publishes daily maps about population movements (Jin and McGorman 2020). Extending the Panopticon? The COVID-19 health emergency has produced unprecedented levels of surveillance. Acceptance of this new, enhanced disciplinary regime has been gained on the basis of appeals about the importance of health and healthcare and fears of infection and death affecting individuals and their families. The preponderance of these appeals and fears may have reduced scrutiny and questioning about both the need for an advanced, allpervasive panopticon and its long-term implications. The construction of the system has been stimulated by governments and supported by public health experts, and it has complemented other methods of data collection and surveillance developed in the private sector, in some cases originally for other purposes. Collectively, vast troves of data can now be accessed. While the specific details may vary across countries and cultures, we have seen extensive and remarkably uniform changes. Consistent with Foucault’s (1979) description of how the plague allowed increased social control, during COVID-19 we have been witnessing a similar systematic, underlying process. The novel regimes of surveillance can be considered to exemplify a form of “biosurveillance” that integrates aspects of public health surveillance with techniques employing the use of big data formerly reserved for the maintenance of state and national security (Lee 2019). Prior to the advent of COVID-19, concerns had been raised around the lack of transparency regarding how big data algorithms were developed and applied and how biases built into these algorithms can exacerbate racial and socioeconomic inequalities and vulnerabilities (Hacker and Petkova 2017; Gianfrancesco et al. Bioethical Inquiry 2018). The nature and extent of the power exercised through big data analytics, the identity of those on whose behalf such power was exercised, and to whom—if anyone—they were accountable has been the subject of scrutiny (Couldry and Powell 2014); these concerns are even more relevant now with the introduction of multiple new forms of surveillance. One of the key issues raised about surveillance using smart phone apps has been potential breaches of “privacy,” in response to which assurances about data protection and anonymity have been provided. Previous scholars have noted that the very rich data derived from location-focused surveillance can be employed to draw inferences of a deeply intrusive nature (Clarke and Wigan 2011; Michael and Clarke 2013). The potential use of such data against already vulnerable people, such as domestic violence survivors, whose abusers may access and use contact tracing app location data via physical or spyware access to their phone (WESNET 2020) may also be of great consequence, as is the danger of misuse by others, such as cybercriminals who commonly target health-related data for black market activities (Ablon et al. 2014). However, we contend that, while privacy is an important issue and concern for many, compared with the other concerns raised by these technologies, breach of privacy is a relatively minor issue. We are interested in the broader cultural questions that are at stake—of the way in which the COVID-19 epidemic is being used to introduce what may emerge as a system of social control unprecedented in scope and power. Foucault referred to the inconspicuous and invisible “guards at the gates, at the town hall and in every quarter” that “ensure the prompt obedience of the people” (Foucault 1979, 196). We have learnt to live with “guards” in the form of the microregimes of power associated with everyday customs and ideologies and the deployment of reason, knowledge, sexuality, and many other social practices. Added to these we now have drones, wrist bands and ankle bracelets, smart phones, microchips, thermal sensors, and many other technologies to surveil our biometrics, our behaviours, and our movements. Originally installed for beneficent purposes by governments acting in plain sight, these new techniques of surveillance have been accepted actively and enthusiastically by many, although there are instances where there are concerns with uptake rates and apps have been made mandatory (Al Jazeera News 2020; ABC News 2020a) or there are government efforts through strategies and recommendations to make app use pseudo-voluntary and hence compulsory in effect (Greenleaf 2020). There is nothing secret about the all-pervasive system of surveillance now in force. Indeed, its very conspicuousness and its dependence on the active participation of the individuals subject to it guarantees what Foucault referred to as their “own subjection” (Foucault 1979), enforced through internalized self-surveillance and selfdisciplinary practices. The knowledge gleaned from the masses of data and the power flowing seamlessly from it generates conformity to prescribed norms (Pylypa 1998) and rapidly emerging habitual practices. What had once seemed alien quickly becomes incorporated into the mundane greyness of the everyday. Handwashing, the maintenance of physical distance, new ways of inperson greeting, a sense of revulsion or danger associated with personal contact, the wearing of face masks, and the protocols and good manners associated with Zoom meetings, virtual parties, and on-line professional conferences, integrated with the already wellestablished dependence on mobile phones and social media, are only the superficial marks of a deeper, more insidious, and thoroughgoing process of organization and control. It will only be with time that the more detailed, micro-effects on our personal affective lives, on our casual and intimate social interactions, on our senses of the self, will become more clearly apparent. The new highly refined and perfected forms of power are stabilized, magnified, and extended through news and social media, movies, music, and other forms of popular culture, where people watch others’ experiences of COVID-19 and then participate in furthering the messages by demonstrating their own compliance and encouraging others also to comply (Couch et al. 2015). The promotion of the use of contact tracing apps and the mass dissemination of—and complicity with—social media hashtags like #lockitdown, #stayathome, #covidiot, and so on through Twitter and other forms of information dissemination encourage well-governed citizens. “Inspection functions ceaselessly” with these ubiquitous, multifarious modes of surveillance and public participation in and support of it. “The gaze is alert everywhere” (Foucault 1979, 195). The gaze is the government; it is the private sector; it is social media; it is apps in our phones and drones in the sky; it is the stories in the news; it is our friends online. In this way, the loci of power are inexorably diffused and enabled across society. Bioethical Inquiry Beyond the “State of Exception” The massive surveillance response during the COVID19 pandemic has occurred within a “state of exception.” There has been an unusual extension of power of governments, and people’s rights have been diminished or rejected in the process of claiming this extension of power (Agamben 2005). The true power, and its likely enduring effects, relate not to the obvious “states of emergency” enacted through valid and openly declared legal mechanisms. Rather, it is the deeper, more insidious transformations of our personal habits, affective responses, and day-to-day interactions that carry its true force. As with all states of exception, a risk, or indeed a likelihood, exists that the newly established structures will persist—not the laws and regulations but the social and cultural ways of living, the behaviours, and the embedded emotional and psychic responses. The COVID-19 pandemic has strengthened and justified a shift to more intense and penetrating forms of surveillance culture. It is likely that this process will have long-reaching cultural, political, and economic impacts and will fundamentally reshape the structures of the societies which emerge and our personal affective lives. The normalization of the extended surveillance poses risks and raises questions which should become the subject of ongoing, critical dialogue.

#### The alt is to embrace the politics of a death drive. This is a crucial first step to liberation and a new form of subject formation that breaks free of a politics of repetition.

McGowan ‘13 “Enjoying What We Don’t Have: The Political Project of Psychoanalysis” (Todd, Assoc. Prof. of Film and Television Studies @ U. of Vermont) Accessed on 7/25/19 AHS// emi

In light of this barrier, the formulation of a psychoanalytically informed political project demands that we dissociate politics from progress as it is usually conceived. We cannot escape progress, and yet the traditional conception of progress always runs aground. Th is paradox must become the foundation of any authentic psychoanalytic politics. It demands that rather than trying to progress toward overcoming the barrier that separates us from the good society, we begin to view identification with the barrier as the paradoxical aim of progress. The barrier to the good society — the social symptom — is at once the obstacle over which we continually stumble and the source of our enjoyment.32 Th e typical politics of the good aims at a future not inhibited by a limit that constrains the present. Th is future can take the form of a truly representative democracy, a socialist utopia, a society with a fair distribution of power and wealth, or even a fascist order that would expel those who embody the limit. But the good remains out of reach despite the various eff orts to reach it. The limit separating us from the good society is the very thing that constitutes the good society as such. Overcoming the limit shatters the idea of the good in the act of achieving it. In place of this pursuit, a psychoanalytic politics insists on identification with the limit rather than attempting to move beyond or eliminate it. If there is a conception of progress in this type of politics, it is progress toward the obstacle that bars us from the good rather than toward the good itself. Identification with the limit involves an embrace of the repetition of the drive because it is the obstacle or limit that is the point to which the drive returns. No one can be the perfect subject of the drive because the drive is what undermines all perfection. But it is nonetheless possible to change one’s experience within it. The fundamental wager of psychoanalysis — a wager that renders the idea of a psychoanalytic political project thinkable — is that repetition undergoes a radical transformation when one adopts a different attitude toward it. We may be condemned to repeat, but we aren’t condemned to repeat the same position relative to our repetition. By embracing repetition through identification with the obstacle to progress rather than trying to achieve the good by overcoming this obstacle, the subject or the social order changes its very nature. Instead of being the burden that one seeks to escape, repetition becomes the essence of one’s being and the mode through which one att ains satisfaction. Conceiving politics in terms of the embrace of repetition rather than the construction of a good society takes the movement that derails traditional political projects and reverses its valence. Th is idea of politics lacks the hopefulness that Marxism, for instance, can provide for overcoming antagonism and loss. With it, we lose not just a utopian ideal but the idea of an alternative future altogether — the idea of a future no longer beset by intransigent limits — and this idea undoubtedly mobilizes much political energy.33 What we gain, however, is a political form that addresses the way 21 that subjects structure their enjoyment. It is by abandoning the terrain of the good and adopting the death drive as its guiding principle that emancipatory politics can pose a genuine alternative to the dominance of global capitalism rather than incidentally creating new avenues for its expansion and development. The death drive is the revolutionary contribution that psychoanalysis makes to political thought. But since it is a concept relatively foreign to political thought, I will turn to various examples from history, literature, and fi lm in order to concretize what Freud means by the death drive and illustrate just what a politics of the death drive might look like. Th e chapters that follow trace the implications of the death drive for thinking about the subject as a political entity and for conceiving the political structure of society. Part 1 focuses on the individual subject, beginning with an explanation of how the death drive shapes this subjectivity. Th e various chapters in part 1 trace the implications of the death drive for understanding how the subject enjoys, how the drive relates to social class, how the drive impacts the subject as an ethical being, and how the subject becomes politicized. Th e discussion of the impact of the death drive on the individual subject serves as a foundation for articulating its impact on society, which part 2 of the book addresses, beginning with the impact of the death drive on the constitution of society. Part 2 then examines how the conception of the death drive helps in navigating a path through today’s major political problems: the ineffi cacity of consciousness raising, the seductive power of fantasy, the growing danger of biological reductionism and fundamentalism, the lure of religious belief, and the failure of att empts to lift repression. The two parts of the book do not att empt to sketch a political goal to be att ained for the subject or for society but instead to recognize the structures that already exist and silently inform both. Th e wager of what follows is that the revelation of the death drive and its reach into the subject and the social order can be the foundation for reconceiving freedom. The recognition of the death drive as foundational for subjectivity is what occurs with the psychoanalytic cure. Th rough this cure, the subject abandons the belief in the possibility of fi nding a solution to the problem of subjectivity. The loss for which one seeks restitution becomes a constitutive loss — and becomes visible as the key to one’s enjoyment rather than a barrier to it. A political project derived from psychoanalytic thought would work to broaden this cure by bringing it outside the clinic and enacting 22 on society itself. Th e point is not, of course, that everyone would undergo psychoanalysis but that psychoanalytic theory would function as a political theory. Politically, the importance of psychoanalysis is theoretical rather than practical. Politically, it doesn’t matt er whether people undergo psychoanalytic therapy or not. This theory would inaugurate political change by insisting not on the possibility of healing and thereby att aining the ultimate pleasure but on the indissoluble link between our enjoyment and loss. We become free to enjoy only when we have recognized the intractable nature of loss. Though psychoanalytic thought insists on our freedom to enjoy, it understands freedom in a counterintuitive way. It is through the death drive that the subject attains its freedom. The loss that founds this drive frees the subject from its dependence on its social environment, and the repetition of the initial loss sustains this freedom. By embracing the inescapability of traumatic loss, one embraces one’s freedom, and any political project genuinely concerned with freedom must orient itself around loss. Rather than looking to the possibility of overcoming loss, our political projects must work to remain faithful to it and enhance our contact with it. Only in this way does politics have the opportunity to carve out a space for the freedom to enjoy rather than restricting it under the banner of the good.

#### No perms:

#### [1] Reject the logic of permutations- They sever the bonds between different theories and integrate them into new symbolic formations.

**Sondey 14** “Capital As Master-Signifier: Žižek, Lacan, And Berardi” William Sondey- A Thesis submitted to the Graduate College of Bowling Green State University for a Master of Arts Degree AHS//EMM

Berardi argues that the internal logic to semio-capital‘s and its various subsystems is one of recombination. According to Berardi, cognitive activity has always been the foundation upon which all human production is based, but to a lesser extent in industrial capitalism (34). In industrial production, the mind primarily served as the driving force behind routine muscle movements. However, in semio-capitalism, the need to innovate and communicate in a variety of languages and media increases the importance of cognitive capacity (34). Berardi argues that **cognitive activity within the context of the post-mechanical economy of semio-capitalism now follows a logic of recombination. Recombination is both a form of cognition as well as a mode of operation. It is the breaking down info-commodities into their basic elements, the organization of these discrete parts in new ways, and finally the construction of entirely new assemblages of data from these parts.** Recombination is fundamentally the boiling down of semio-capital‘s signs and symbols into their fundamental elements and the quilting of those elements together in a novel formation. **Examples of such recombinant elements include the ones and zeros of binary code as well as the four components that make up human DNA sequencing.** Both of these coding languages provide the constituent elements for human life and computer software just as the raw data elements of info-commodities provide the necessary coding for the construction of semio- capital‘s signs and symbols. **The logic of recombination is problematic according to Berardi because it is not dialectical** (149). **The constant re-articulation of elements in novel formulations results in the erasure of histories; there is no traceable linear progression of an element‘s existence. Elements are frozen in time in a sort of perpetual present until their bonds are radically severed and are integrated into a new symbolic formation. As such, recombination precludes the possibility of sustaining meaning as all elements appear in a static present without reference to other instances of signification.**

#### [2] Structural Abuse: No perms in a method v method debate. There is no plan to test competition with because the whole AFF is a plan. Combining methods meshes speech acts together in an arbitrary way which guarantees an AFF ballot.

## Case

### Util

#### Util collapses to contracts:

**[1] Utilitarianism collapses into contractarianism.**

John J. **Thrasher**, Assistant Professor in the Philosophy Department and the Smith Institute for Political Economy and Philosophy at Chapman University, Reconciling Justice and Pleasure in Epicurean Contractarianism, Ethical Theory and Moral Practice, Vol. 16, No. 2 (April **2013**), pp. 423-436 ///AHS PB

**If** you do not, on every occasion, refer each of your actions to the goal of nature, but instead turn prematurely to some other [criterion] in avoiding or pursuing [things], your actions will not be consistent with your reasoning (KD 25). **This goal of reasoning and action is the absence of pain** and the tranquility that comes from living without fear (KD 3).4 This kind of pleasure, ataraxia, is unhindered tranquility, rather than a sensation of active pleasure.5 It is a psychological fact, according to Epicurus, that we do actually seek ataraxia and that our lives go best, from a subjective point of view, when we pursue ataraxia. It is the natural goal of beings like us. If fear of the gods, death, and pain constitute sickness of the soul, removing those ailments constitutes its health. This psycho logical hedonism creates the justification for the normative hedonism that practical reason ing should aim at ataraxia.6 The normative ideal of Epicurean practical rationality is a hedonistic form of instrumental rationality with the final end of ataraxia. In the parlance of modern decision theory, it is a maximizing theory of rationality. Given a set of ordered preferences, individuals chose rationally when they choose to act on their highest valued goals. To choose less pleasure rather than more pleasure when given the choice is paradig matically irrational and contrary to nature. Given this conception of practical rationality and virtue, it is hard to see how one can single-mindedly pursue pleasure and accept the constraints of justice. Traditionally, virtue ethical theories solve this problem by making the virtue of justice constitutive of happiness with deontic restraints built into the formal conditions of happiness.7 To use the Rawlsian terminology, the right flows naturally out of the good.8 This solution, however, will not work for the Epicurean. Unlike in Aristotelian or Stoic virtue theory, the standard of Epicurean happiness is not an objective, formal standard, but rather the subjective, psychological state of ataraxia. The Epicurean has a reason to (j> only if he or she believes that (J)-ing will reliably lead to the final end of ataraxia. If all reasons are instrumental in this sense, how is it possible for the Epicurean to have reason to constrain his or her pursuit of the goal of nature by the deontic demands of justice? To give a plausible account of justice, the Epicurean needs to explain how to justify the demands of justice as a means to the final end of ataraxia. One version of this problem arises in the context of friendship. Epicurus claims . .every friendship is worth choosing for its own sake, though it takes its origin from the benefits it confers on us" (VS 23). Given this statement about the value of friendship and KD 25, how can friendship be non-instrumentally valuable while also being beneficial because of the benefit it confers? Some have argued that genuine friendship is impossible unless we amend the basic egoistic element of Epicurean practical rationality.9 In contrast, Matt Evans argues that there are two basic approaches to understanding friendship in a consistently egoistic way (Evans 2004, 413). Friendship as "indirect egoism" involves incorporating the good of a friend or of friendship generally into one's own good. This is the interpretation that Timothy O'Keefe favors (O'Keefe 2001a). The alternative is Evans's preferred view, "direct egoism," that one's own good "stands or falls" with the good of one's friend (Evans 2004, 413). Indirect egoism is, for O'Keefe, a two-level hedonistic theoiy. Choice of desires is governed directly by hedonic concerns and those desires then pick out particular actions, which are only indirectly related to the original hedonic calculus (O'Keefe 2001a, 300-302). In contrast, Evans's direct egoism applies the hedonic calculus to action selection. Evans maintains that Epicureans can "reason their way to friendship" through direct egoistic means (Evans 2004, 423). What is true of friendship will likely be true of justice so it is imperative to determine whether the Epicurean hedonic calculus is meant to apply to actions (direct egoism), desires (indirect egoism), or something else entirely. The direct egoist interpretation has the benefit of being the easiest to reconcile with KD 25. The indirect egoist interpretation makes it easier to understand how the Epicurean can incorporate friendship and justice into hedonism. Another possibility, between direct and indirect egoism, is what Gregory Kavka calls "rule egoism" (Kavka 1986, chap. 9). Although Kavka developed his version of rule egoism in the context of understanding Hobbes's ethical theory, there are enough similarities between the two accounts for a plausible Epicurean version as well. The hedonic calculus applies directly to rules rather than to desires or action. Furthermore, rules can be generalizations over desires or actions, e. g. "don't cultivate a desire for riches" or "seek out friends." The first is a rule that indicates what desires will lead to pleasure whereas the second is a rule that indicates a particular set of actions that will likely lead to pleasure, namely having friends. **Rule egoism has several benefits over direct and indirect egoism. First, it is more general. Both actions and desires are mentioned throughout KD and VS as the possible object of choice. Rule egoism recognizes the importance of both actions and desires to the end of ataraxia and accounts for both in terms of rules. Second, rule egoism is simpler and likely more reliable than direct or indirect egoism. It is reasonable to expect that the typical Epicurean would be bewildered in the face of the multiplicity and complexity of choices that would face him or her on any given day. The stress of deliberating over actions on the direct egoist interpretation of KD 25 would often create anxiety rather than tranquility. Similarly, it is not clear that, given the complexity of the world, the direct approach would reliably lead to ataraxia. The indirect approach is not better on this count partly because desires do not necessarily pick out unique action in decision situations, partly because the indirect egoist faces the same problem as the direct egoist at the level of desires. By using rules, however, the Epicurean can rely on the knowledge embodied in the rules without having to deliberate in each case.** This explains the reason that Epicurus spends so much time in his writing listing rules and maxims. He gives rules about how to reduce sexual passion (VS 18), the irrationality of suicide (VS 38), the danger of envy (KS' 53), and the dangers of great wealth (VS 67). In all of these cases, and many more, Epicurus is passing on wisdom about how to reliably achieve ataraxia. He is playing the part, of a guide who has walked down life's tangled road and is reporting to those who have yet to see everything he has seen. These maxims or rules are the embodiment of the successful use of practical rationality in the past. Following these types of rules is, therefore, an application of direct egoism in an indirect way. Given the limited cognitive capacity and time of the Epicurean rational agent, relying on rules as a guide can be, following Gigerenzer and Goldstein, a "fast and frugal" way of reasoning based on heuristics communicated as rules or maxims (Gigerenzer and Goldstein 1996). **Instead of choosing over the expected outcome of individual acts, the rule egoist chooses sets of rules to follow based on the expected outcome of following that rule or set of rules** (Kavka 1986, 358-359). In the next section we will see how understanding Epicurean practical rationality as "rule-hedonism" makes it possible to reconcile Epicurean practical rationality with justice. 3 The Possibility of the Contract Once we understand Epicurean practical rationality as applying to rules rather than to particular actions or desires, we can see how the Epicurean can reconcile the imperatives of practical rationality with the demands of justice. **A particular social contract is a set of rules that regulates behavior in certain public settings.** The Epicurean agrees to a particular set of rules in order to more reliably achieve and maintain personal ataraxia. We might wonder, however, why the Epicurean would need a contract at all. Why wouldn't the first personal application of practical rationality be sufficient for ataraxia? Why is the social **contract** necessary? In a world of practically rational Epicureans, the social contract seems either otiose or harmful. Either the contract recommends what practical rationality would recommend or it conflicts with practical rationality. On its face, Epicurean contractarianism looks either unnecessary or impossible. I will argue here that the Epicurean social contract is both necessary and possible. **The social contract is necessary, as I will argue in the next section, for its coordinating, assuring, and specifying functions**. The social contract is possible because of the role that rules can play in Epicurean practical rationality. In this section I will argue that the Epicurean social contract is consistent with Epicurean practical rationality and, hence, possible, while fulfilling an important social role. The Epicurean social contract is fundamentally instrumental; **it is a "pledge of reciprocal usefulness neither to harm one another nor be harmed**" (KD 35). To be consistent with Epicurean practical rationality, then, the contract must secure benefits that would not be possible without the contract. If, however, one only has reason to enter into a contract because of the benefits, what reason does one have to follow the contract when there are no benefits and only costs? This is the heart of the concern that the Epicurean cannot be a good citizen. If citizenship involves the possibility of sacrifice, why should we expect the Epicurean to comply? Here again, we see the same kind of problem that we saw in §2 concerning friendship; the solution is also similar.

**[2] util requires a system of individual preference in order to be normative, which means my framework is a prior question.**

**Gauthier**, David P. *Morals by Agreement*. Oxford: Clarendon, **1986**. Print ///AHS PB BRACKETED FOR CLARITY

A position both subjectivist and absolutist seems implicit in the views of many defenders of one of the most influential modern moral theories, **utilitarianism**. John Stuart Mill suggests such a position in his attempt to offer a sort of proof for the principle of utility - **subjectivist in saying that 'the sole evidence it is possible to produce that anything is desirable is that people do actually desire it', and absolutist in insisting 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons'. 22 But there is an evident awkwardness in this union** of subjectivism and absolutism noticeable in Mill's own statement, **which in passing from a seemingly relativist premiss (that each person's happiness is a good to that person) to an absolutist conclusion (that the general happiness is a good to all persons) has generally been held to exemplify the fallacy of composition**. Utilitarianism finds itself under pressure to move away from a conception of value at once subjective and absolute. The most plausible way to resist this pressure would seem to be to accept a universalistic conception of rationality, and to argue that since rationality is identified with the maximization of value, and rationality is universal, then what is maximized, value, must similarly be universal -- the same from every standpoint. If however utilitarianism remains true to its roots in the economic conception of rationality, then either subjectivism or absolutism gives way. On the one hand value may be conceived as relative, but a special form of value, **moral value**, is introduced, which **is the measure of those considered preferences held from a standpoint specially constrained to ensure impartiality**. On the other hand value may be conceived as objective, as the measure of an inherent characteristic of states of experience -- enjoyment -- that affords a standard or norm for preference. This is not the place to embark on a discussion of these positions, so that we shall merely (but dogmatically) affirm that a hundred years of ever more sophisticated efforts to avoid Mill's fallacy have not advanced the cause of utilitarianism a single centimetre. But we shall of course give more serious attention, especially to the second of the above ways of defending utilitarianism, as we continue the exposition of our own theory.

#### that negates:

#### [1] Stronger IPRs help equalize the bargaining field for developing countries to check western coercion which would diminish their place as world enforcer. Therefore, it’s not in mutual self-interest for them to remove IPs because they want to keep their own economies ahead of others.

**Hassan et al 10** “Intellectual Property and Developing Countries: A review of the literature: by Emmanuel Hassan, Ohid Yaqub, Stephanie Diepeveen. RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. [https://www.rand.org/content/dam/rand/pubs/technical\_reports/2010/RAND\_TR804.pdf] // ahs emi

Commonly, FDI and trade are seen as key determinants for economic development and poverty reduction in developing countries. Inward FDI can generate important spillovers for developing economies, resulting in the upgrading of domestic innovative capacity, increased R&D employment, better training and support to education. For most developing countries, international trade allows them to acquire high value-added goods through importation that are necessary for economic development, but which are not produced domestically. In turn, exports allow developing countries to transform underutilised natural resources and surplus labour into foreign exchange, in order to pay for imports to support economic growth. Consequently, a central aim of the literature has been to examine how stronger IPRs in developing countries can give incentives to firms in developed countries to undertake cross-border investment in, and to export their goods to, these countries. Recalling the ambiguous relationship between IPRs and the individual strategies of single firms from a theoretical point of view, researchers have investigated empirically the effects of stronger IPRs on inward FDI in developing countries and exports from developed to developing countries. The empirical evidence suggests that stronger IPRs may positively affect the volume of FDI and exports, particularly in countries with strong technical absorptive capabilities where the risk of imitation is high. When such risk is weak, particularly in the poorest countries, firms in developed countries do not seem to be sensitive to the level of protection in developing countries. Using disaggregated data on FDI and trade, the empirical literature also shows that stronger IPRs impact on the composition of FDI and trade. First, stronger IPRs seem to encourage FDI in production and R&D rather than in sales and distribution. Second – and more surprisingly – stronger IPRs do not have any effect on the exports of hightechnology products. There are at least two explanations for this somewhat surprising result. Many high-tech products are difficult to imitate, thereby international trade for these products is less sensitive to the level of protection than for other products. Furthermore, firms in developed countries may choose to distribute their high-tech products through FDI or licensing, instead of exporting them directly. Intellectual property rights, international technology transfer and domestic innovation Increasingly, harnessing technological progress is viewed by policymakers as a key priority to boost economic growth and improve living standards. In an open economy, technological progress can be driven either by technology diffusion or technology creation. In less advanced economies, technology absorption can drive economic growth because countries at the forefront of technology act as a driver for growth by expanding the stock of scientific and technological knowledge, pulling other countries through a ‘catch-up’ effect. However, the strength of this ‘catch-up’ effect at the technology frontier decreases with the level of technological development, to the benefit of technology creation. Indeed, technology creation by domestic firms becomes progressively more important as a country moves closer to the technology frontier, because catching up with the frontier translates into increasingly smaller technological improvement. The empirical literature has examined the effects of IPRs on technological progress through these two main channels: technology absorption (i.e. international technology transfer) and technology creation (i.e. domestic innovation). The empirical evidence suggests that stronger IPRs in developing countries may encourage international technology transfer through market-based channels,1 particularly licensing, at least in countries with strong technical absorptive capacities. In the context of strong IPRs, firms in developed countries are more inclined to transfer their technologies to developing countries through licensing rather than through exports and FDI, since such rights allow them to retain control over their technologies. In the presence of weak IPRs, multinationals in developed countries seem to prefer to retain control over their technologies through intra-firm trade with their foreign affiliates in developing countries or FDI. Nevertheless, the historical evidence shows that many developing countries have benefited from international technology transfer through non-market-based channels, especially reverse engineering and imitation, thanks to weak IPR regimes. The empirical literature also shows that stronger IPRs can encourage domestic innovation, at least in emerging industrialised economies. Nevertheless, the empirical literature suggests the existence of a non-linear function (i.e. a U-shaped curve) between IPRs and economic development, which initially falls as income rises, then increases after that.

#### [3] Forecloses the ability for future contracts.

Hilty et al 21 [Reto Hilty Director at the Max Planck Institute for Innovation and Competition and a professor at the University of Zurich Pedro Henrique D. Batista Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition Suelen Carls Senior Research Fellow at the Max Planck Institute for Innovation and Competition Daria Kim Senior Research Fellow at the Max Planck Institute for Innovation and Competition Matthias Lamping Senior Research Fellow at the Max Planck Institute for Innovation and Competition Peter R. Slowinski Doctoral student and Junior Research Fellow at the Max Planck Institute for Innovation and Competition; “10 Arguments against a Waiver of Intellectual Property Rights,” Oxford Law; 6/29/21; <https://www.law.ox.ac.uk/business-law-blog/blog/2021/06/10-arguments-against-waiver-intellectual-property-rights>] Justin

2. Intellectual property rights are the **basis for collaborations and contracts** The development cycle of the new mRNA and vector vaccines—from the provision of the technological basis to safety studies and marketing authorisation—is tremendously multifaceted. Nevertheless, throughout the development, production and distribution of vaccines against Covid-19, cooperation has reached an **unprecedented** level—despite the typically fierce competition in the biopharmaceutical sector. Intellectual property rights and particularly patents are normally the basis for such cooperation; they provide assurance that contracts will be **fulfilled. Even a temporary waiver** of these rights may therefore have **detrimental consequences for the willingness to cooperate**.

#### LBL –

#### On Blum: Jouissance is the greatest pleasure – k hijacks.

McAleer 17 - Graham McAleer, The Ethics of Fashion, December 9th, 2017 “Lacan’s critique of Bentham’s utilitarianism” [http://www.ethicsoffashion.com/lacans-critique-benthams-utilitarianism/] Accessed 11/24/19 SAO

Jeremy Bentham (1748-1832) was involved in the founding of my undergraduate institution, the “Godless College,” University College London. Nonetheless, I have never been taken with his ethical thought. Benthamism or utilitarianism is, with Kantianism, one of the two most dominant ethical theories taught at colleges in the Anglosphere. I’m not sure it has the same hold in European universities; possibly because central Europe has an indigenous ethical theory, value ethics. I am far more persuaded by value ethics. The central dispute between Bentham and value ethics (Scheler, Kolnai, Wojtyla) is the original moral character of the world. Bentham thinks objects ethically neutral: only once an object/act/event is lifted into the moral calculus of the greatest happiness of the greatest number does it come to have moral bearing. By contrast, value ethics argues that what populates our world intrinsically bears value tones, discrete value textures that shape our ethical assessments. This position is also shared by Shaftesbury, Smith, and in my opinion, Hume. To this dispute, Lacan adds that the use of the greatest happiness principle is not the generous and altruistic act that Bentham, and his follower, J. S. Mill, believes. Pleasure scrambles any clean distinction between egoism and altruism. The utilitarian principle gains its user a secret satisfaction: “It is a fact of [psycho-analytic] experience that what I want is the good of others in the image of my own” (Seminar 7, Chapter 14). The core of my psyche is The Thing, the unconscious, a place of “unfathomable aggressivity from which I flee.” How to escape? Things are not so simple: I don’t altogether want to flee. This place is also the origin of my jouissance, the confused pleasure offered by a bewildering aggressivity. Bentham’s mistake is to think we have clarity about pleasure: that we can index our pleasure so as to understand the application of the principle of the greatest happiness of the greatest number (Seminar 2, Chapter 1). However, jouissance confuses me: I both want it, and not. Pleasure is deceiving and I am no good guide to my own pleasure. This is no mere pragmatic or epistemological problem: applying the principle well is not possible; pleasure is necessarily bewildering. What is The Thing we want, and flee? It is a place of vulnerability, where longing and violence entwine. Is escape possible? Sort of. In affirming what countermands aggression — the moral law — I do right by others, and therewith myself: I remove myself from the place of violence as I affirm the good of others. This is only ever a partial affirmation of the other. Altruism is also always egoism. And yet even my egoism is deceived: I do also want to affirm The Thing, the place of jouissance. Egoism would be to pursue my pleasure to the utmost but I recoil from my gravest identity: to make my pleasure gravid would also be to dig my own grave. Thus, affirming the other I surreptitiously affirm myself (egoism) and simultaneously deny myself (not egoism): I am neither true friend to others or myself. Benthamism is built on the least trusty worthy of foundations: pleasure.