## NC

#### Volition, or the structure of the will, is a pre-condition for ethics and has intrinsic value – A) Proceduralism – the will is the mechanism by which every agent engages in any activity, which means regardless of the content of any ethical theory, the ability to will that theory is an intrinsic good B) Motivation – the structure of the will is the primary source of all our desires, reasons, and beliefs since it generates what counts as motivational to the subject C) Identity – the nature of the will is most constitutive to the creation of the subject since it determines what each subject considers intrinsic to its identity and what exists externally as an façade.

**Ethical theories to evaluate the will face a dilemma – they are either paternally objectivist to the extent they restrict the will, or they are weakened by subjectivism to the extent that it’s impossible to make true moral claims. Jaeggi 14,** Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. From the perspective of liberal theory one aspect of the critique of alienation appears problematic above all others: **theories of alienation appear to appeal to objective criteria that lie beyond the “sovereignty” of individuals to interpret for themselves what the good life consists in**. Herbert Marcuse exemplifies this tendency of many theories of alienation in One Dimensional Man—a book that provided a crucial impulse for the New Left’s critique of alienation in the 1960s and 1970s— when, unconcerned with the liberal objection, he defends the validity of diagnoses of alienation with respect to the increased integration and identification with social relations that characterize the members of affluent industrial societies: “I have just suggested that the concept of alienation seems to become questionable when the individuals identify themselves with the existence which is imposed upon them and have in it their own development and satisfaction. This identification is not illusion, but reality. However, the reality constitutes a more progressive stage of alienation. The latter has become entirely objective; the subject which is alienated is swallowed up by its alienated existence.”10 The subjective satisfaction of those who are integrated into objectively alienated relations is, according to Marcuse, “a false consciousness which is immune against its falsehood.”11 Here, however, the theory of alienation appears to have made itself immune to refutation. It would seem, then, that the concept of alienation belongs to **a perfectionist ethical theory that presupposes, broadly speaking, that it is possible to determine what is objectively good for humans by identifying a set of properties or a set of functions inherent in human nature—a “purpose”—that ought to be realized. But** if the foundation of modern morality and the fundamental conviction of liberal conceptions of society is the idea “that **it should be left to each individual how he lives his own life**” 12—that **individuals are sovereign with respect to interpreting their own lives—then a theory of alienation that relies on objective perfectionist ideals appears to reject this idea in favor of a paternalist perspective that claims to “know better.”** For the latter (and as seems to be the case for Marcuse), it is possible for something to count as objectively good for someone without him subjectively valuing it as such. By the same token, it is possible to criticize a form of life as alienated or false without there being any subjective perception of suffering. But can someone be alienated from herself in the sense outlined here if she herself fails to perceive it? Can we claim of someone that she is alienated from her own desires or driven by false (alienated) needs or that she pursues an alienated way of life if she claims to be living precisely the life she wants to lead? In diagnoses of alienation the question arises, then, whether there can be objective evidence of pathology that contradicts individuals’ subjective assessments or preferences. This is a dilemma that is difficult to resolve. On the one hand, the concept of **alienation (this is what distinguishes it from weaker forms of critique) claims to be able to bring to individuals’ prima facie evaluations and preferences a deeper dimension of critique—a critical authority—that functions as a corrective to their own assertions**. On the other hand, it is not easy to justify the position of such a critical corrective. What could the objective criteria that overrule the assessments and preferences of individuals be in this case? 13 The arguments from human nature frequently appealed to in this context demonstrate, even in their most methodologically sophisticated, “thin” variants, the problems that plague attempts to derive normative standards from some conception of human nature. 14 **Even if there is**—in a banal sense—**something humans share on the basis of their natural, biological constitution, and even if**—in a banal sense—**certain functional needs can be derived from these basic presuppositions of human life** (all humans need nourishment or certain climatic conditions in order to survive), **these basic conditions imply very little when it comes to evaluating how humans, in relation to issues beyond mere survival, lead their lives**. On the other hand, the more human nature is given a specific content such that it becomes relevant to (culturally specific) forms of life, the more controversial and contestable the claims become. How are we to define human nature when its extraordinary variability and malleability appear to be part of human nature itself?15 And how are we to pick out among diverse forms of human life those that really correspond to human nature, given that even forms of life criticized as alienated have been in some way developed, advanced, and lived by human beings?

#### Only a functional understanding of the will solves – it ensures the very nature of the will is taken care of through appropriate willing capacities, without over-limiting it to a strict set of substantive rules. This functional capacity of willing is mediated by social roles – as the authentic self is inexplicably linked to the self that engages in social communities with others through duplication. Understanding the functionality of the will is impossible in a vacuum. Jaeggi 2, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. The positions of both authors can be reduced to the following common denominator: roles are less alienating than constitutive for the development of persons and personality. They are constitutive in the sense that they are directly bound up with a person’s development and, so, “productive.” At first glance this position might seem to come down on one side of the two alternatives—an unconditional affirmation of roles—but after giving a brief account of the position, I will make use of it to move beyond the two alternatives. Once the “productivity thesis” has been articulated, it will be possible to distinguish between alienating and non-alienating aspects of role behavior. THE HUMAN BEING AS DOPPELGÄNGER Roles are productive. In and through them we first become ourselves. This is the essence of Helmuth Plessner’s conception of the positive significance of roles (which he developed as a direct response to critiques of them as alienating). “The human being is always himself only in ‘doubling’ in relation to a role figure he can experience. Also, all that he sees as comprising his authenticity is but the role he plays before himself and others.22 Roles on this view are not only necessary in order to make social interaction possible, whether this be a “being together” of individuals or a benign “passing each other by;” interaction mediated by roles is also constitutive of an individual’s relation to herself.

#### This culminates in the act of appropriation – the ability to view yourself as a practical agent capable of taking up a project that actively changes your own subject and the role itself. Jaeggi 3, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. What does it mean to appropriate something?12 If the concept of appropriation refers to a specific relation between self and world, between individuals and objects (whether spiritual or material), what precisely does this relation look like, what are its particular character and its specific structure? Various aspects come together here, and together they account for the concept’s appeal and potential. As opposed to the mere learning of certain contents, talk of appropriation emphasizes that something is not merely passively taken up but actively worked through and independently assimilated. In contrast to merely theoretical insight into some issue, appropriation—comparable to the psychoanalytic process of “working through”—means that one can “deal with” what one knows, that it stands at one’s disposal as knowledge and that one really and practically has command over it. And appropriating a role means more than being able to fill it: one is, we could say, identified with it. Something that we appropriate does not remain external to ourselves. In making something our own, it becomes a part of ourselves in a certain respect. This suggests a kind of introjection and a mixing of oneself with the objects of appropriation. It also evokes the idea of productively and formatively interacting with what one makes one’s own. Appropriation does not leave what is appropriated unchanged. This is why the appropriation of public spaces, for example, means more than that one uses them. We make them our own by making a mark on them through what we do in and with them, by transforming them through appropriative use such that they first acquire a specific form through this use (though not necessarily in a material sense). Although it has one of its roots in an account of property relations, the concept of appropriation, in contrast to mere possession, emphasizes the particular quality of a process that first constitutes a real act of taking possession of something. Accordingly, appropriation is a particular mode of seizing possession.13 Someone who appropriates something puts her individual mark on it, inserts her own ends and qualities into it. This means that sometimes we must still make something that we already possess our own. Relations of appropriation, then, are characterized by several features: appropriation is a form of praxis, a way of relating practically to the world. It refers to a relation of penetration, assimilation, and internalization in which what is appropriated is at the same time altered, structured, and formed. The crucial point of this model (also of great importance for Marx) is a consequence of this structure of penetration and assimilation: appropriation always means a transformation of both poles of the relation. In a process of appropriation both what is appropriated and the appropriator are transformed.

#### Thus, the standard is consistency with non-alienated relations.

#### Prefer –

#### 1. Performativity – Every exercise you engage in is an instance of using your volition to establish some relation to the world and only non-alienation can establish that relationship as normatively legitimate.

#### 2. Action theory – Only viewing an agent as an active body capable of generating intentions can hold agents culpable and decipher the difference between actions and wishes. That’s a necessary feature of ethics since we must be able to warrant a coherent conception of what motivates our actions in order to provide a method to actually implement ethical principles.

#### 3. Epistemology – Only an understanding of appropriation can unify the distinction between theoretical and practical knowledge. Theoretical abstract concepts like 2+2=4 are true and necessary, but can only become useful once explained in context of how they actualize in the world through our intentions. That means absent an explanation of how that knowledge mixes with the world around us, it becomes useless.

### offense

#### I contend that member nations of the WTO ought not reduce intellectual property protections for medicine.

#### [1] Intellectual property is a self-expression of the subject. When it’s used in a way that doesn’t reflect the framer’s intent, it is alienating.

Justin Hughes 98, "The Philosophy of Intellectual Property," 77 Georgetown L.J. 287, 330-350 (1988) [https://cyber.harvard.edu/IPCoop/88hugh2.html] AHS//MAK recut emi Accessed 8/10/21

"On the Hegelian perspective, payments from intellectual property users to the property creator are acts of recognition." 3. Intellectual Property Under Hegel. For Hegel, intellectual property need not be justified by analogy to physical property. In fact, the analogy to physical property may distort the status Hegel ascribes to personality and mental traits in relation to the will. Hegel writes: Mental aptitudes, erudition, artistic skill, even things ecclesiastical (like sermons, masses, prayers, consecration of votive objects), inventions, and so forth, become subjects of a contract, brought on to a parity, through being bought and sold, with things recognized as things. It may be asked whether the artist, scholar, &c., is from the legal point of view in possession of his art, erudition, ability to preach a sermon, sing a mass, &c., that is, whether such attainments are "things." We may hesitate to call such abilities, attainments, aptitudes, &c., "things," for while possession of these may be the subject of business dealings and contracts, as if they were things, there is also something inward and mental about it, and for this reason the Understanding may be in perplexity about how to describe such possession in legal terms. . . . n205**.** Intellectual property provides a way out of this problem, by "materializing" these personal traits.Hegel goes on to say that "[a]ttainments, eruditions, talents, and so forth, are, of course, owned by free mind and are something internal and not external to it, but even so, by expressing them it may embody [\*338] them in something external and alienate them." n206.Hegel takes the position that one cannot alienate or surrender any universal element of one's self. Hence slavery is not permissible because by "alienating the whole of my time, as crystallized in my work, I would be making into another's property the substance of my being, my universal activity and actuality, my personality." n207 Similarly, there is no right to sacrifice one's life because that is the surrender of the "comprehensive sum of external activity." n208 This doctrine supplies at least a framework to answer the question of intellectual property that most concerns Hegel. It is a question we ignore today, but one that is not easy to answer: what justifies the author in alienating copies of his work while retaining the exclusive right to reproduce further copies of that work. A sculptor or painter physically embodies his will in the medium and produces one piece of art.When another artist copies this piece Hegel thinks that the hand-made copy "is essentially a product of the copyist's own mental and technical ability" and does not infringe upon the original artist's property. n209 The **problem arises when a creator of intellectual property does not embody** his **will in an object** in **the** same **way the artist does**. The writer physically manifests his will only "in a series of abstract symbols" which can be rendered into "things" by mechanical processes not requiring any talent. n210 The dilemma is exacerbated by the fact that "the purpose of a product of mind is that people other than its author should understand it and make it the possession of their ideas, memory, thinking, &c." n211 This concern for the common of ideas is familiar. In resolving this dilemma, Hegel says that the alienation of a single copy of a work need not entail the right to produce facsimiles because such reproduction is one of the "universal ways and means of expression . . . which belong to [the author]." n212 Just as he does not sell himself into slavery, the author keeps the universal aspect of expression as his own. The copy sold is for the buyer's own consumption; its only purpose is to allow the buyer to incorporate these ideas into his "self." Hegel also identifies the instrumentalist-labor justification as a consideration against granting full rights of reproduction to buyers of individual copies [\*339] of a work. Hegel admits that protecting intellectual property is "[t]he purely negative, though the primary, means of advancing the sciences and arts." n213 Beyond this, Hegel says little. He declares that intellectual property is a "capital asset" and explicitly links this label to a later section in which he defines a "capital asset." n214 There is considerable literature on how Hegel did not develop the idea of "capital" to its logical conclusions, n215 but here "capital asset" can be understood as property which has a greater tendency to permanence and a greater ability than other property to give its own economic security

#### [2] IP is key to recognizing agents through the personality in their work. Recognition is necessary for agents to be non-alienated bc we need to establish relations with the world.

**Hughes 2 -** "The Philosophy of Intellectual Property," 77 Georgetown L.J. 287, 330-350 (1988) by Justin Hughes [https://cyber.harvard.edu/IPCoop/88hugh2.html] // ahs emi

At first blush, this economic rationale seems far removed from the concerns of personality theory, [n244](https://cyber.harvard.edu/IPCoop/88hugh2.html#n244) yet it can be recast into the framework of the personality theory. From the Hegelian perspective, payments from intellectual property users to the property creator are acts of recognition. These payments acknowledge the individual's claim over the property, and it is through such acknowledgement that an individual is recognized by others as a person. [n245](https://cyber.harvard.edu/IPCoop/88hugh2.html#n245) "Recognition" involves more than lip service. If I say "this forest is your property" and then proceed to flagrantly trespass, cut your timber, and hunt your deer, I have not recognized your property rights. Similarly, verbal recognition of an intellectual property claim is not equal to the recognition implicit in a payment. Purchasers of a copyrighted work or licensees of a patent form a circle of people recognizing the creator as a person. Furthermore, this generation of income complements the personality theory in as much as income facilitates further expression. When royalties from an invention allow the inventor to buy a grand piano he has always wanted, the transaction helps maximize personality. But this argument tends to be too broad. First, much income is used for basic necessities, leading to the vacuous position that life-sustenance is "personally maximizing" because it allows the personality to continue. Second, this approach could justify property rights for after-the-fact development of personality interests without requiring [\*350] such interests in the property at the time the property rights are granted. The personality theory provides a better, more direct justification for the alienation of intellectual property, especially copies. The alienation of copies is perhaps the most rational way to gain exposure for one's ideas. This is a non-economic, and perhaps higher, form of the idea of recognition: respect, honor, and admiration. Even for starving artists recognition of this sort may be far more valuable than economic rewards. Two conditions appear essential, however, to this justification of alienation: first, the creator of the work must receive public identification, and, second, the work must receive protection against any changes unintended or unapproved by the creator.VARA Hegel's prohibition of "complete" alienation of intellectual property appears to result from his recognition of the necessity for these two conditions. While he would permit alienation of copies, and even the rights to further reproduction, [n246](https://cyber.harvard.edu/IPCoop/88hugh2.html#n246) he disapproves alienation of "those goods, or rather substantive characteristics, which constitute . . . private personality and the universal essence of . . . self-consciousness." [n247](https://cyber.harvard.edu/IPCoop/88hugh2.html#n247) Such alienation necessarily occurs if the recognition of the connection between a creator and his expression is destroyed or distorted. When the first condition is violated, this recognition is destroyed; when the second condition is violated, it is distorted.

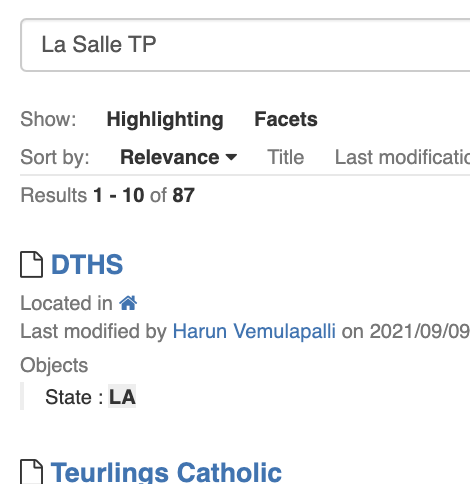
#### [3] Objectification - Absent intellectual property, agents feel like objects since they aren’t recognized for their exercise of agency. This procedurally prevents further appropriation bc agents lack incentive to innovate when they’re detached from their goods.

## Disclosure

#### Interpretation: At all TOC bid-distributing tournaments, debaters must the plan text of the aff.

Violation – u don’t hve a wiki.





#### Net Benefits:

#### 1] Accessibility: There is a section of literature base and evidence that is blanketed by paywalls and online protections. Full text disclosure means that even in the face of inaccessible evidence, debaters can still understand the crux of the arguments that are being detailed that a first three last three disclosure can never allow. Accessibility is an independent voter: we cannot have any debate without the ability to participate.

#### 2] Research Burdens: The more disclosure happens the better – the more access we have to opponent cases, the more motivated we will be to read, learn and block out.

Nails 13 A Defense of Disclosure (Including Third-Party Disclosure) by Jacob Nails [NSD, Update](http://nsdupdate.com/author/nsd_update/) October 10, 2013

In theory, the increased quality of information could trade off with quantity. If debaters could just look to the wiki for evidence, it might remove the competitive incentive to do one’s own research. Empirically, however, the opposite has been true. In fact, a second advantage of disclosure is that it motivates research. Debaters cannot expect to make it a whole topic with the same stock AC – that is, unless they are continually updating and frontlining it. Likewise, debaters with access to their opponents’ cases can do more targeted and specific research. Students can go to a new level of depth, researching not just the pros and cons of the topic but the specific authors, arguments, and adovcacies employed by other debaters. The incentive to cut author-specific indicts is low if there’s little guarantee that the author will ever be cited in a round but high if one knows that specific schools are using that author in rounds. In this way, disclosure increases incentive to research by altering a student’s cost-benefit analysis so that the time spent researching is more valuable, i.e. more likely to produce useful evidence because it is more directed. In any case, if publicly accessible evidence jeopardized research, backfiles and briefs would have done LD in a long time ago..

#### Voter: Fairness is a voter since if the rounds been skewed its impossible to determine who the better debater was. Education- constitutive purpose ie why schools fund. Competing interps: 1. Reasonability causes a race to the bottom where we read increasingly unfair practices that minimally fit the brightline 2. Necessitates judge intervention to see if we meet th brightline and 3 collapses because we use offense defense paradigm. Drop the debater on theory: 1. Drop the arg is the same thing since the argument was their entire advocacy text. 2. Its key to deterring future abuse No RVIs – a] illogical – fairness is a burden just like the aff has the burden of inherency b] norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms c] chilling effect – debaters are scared to check real abuse which means inf abuse goes unchecked d] substance crowdout – prevents 1AR blipstorms and allows us to get back to substance

## T

#### Interpretation: Affirmatives must reduce intellectual property protections for medicines unconditionally and permanently.

Reynolds 59: Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: The waiver is temporary.

Gupta & Namboodiri 21: Gupta, Vineeta [a maternal and child health physician, human rights advocate, and a passionate activist for health equity. As director, she leads the ACTION Global Health Advocacy Partnership as well as a volunteer-based policy advocacy organization that unites the Indian diaspora to mount a prompt, global response to the COVID-19 crisis in India. Dr. Gupta has more than 20 years of tri-sector experience in leading and supporting projects in more than 25 countries. In addition to conducting organization development, diversity, inclusion, equity, and global health equity workshops, Gupta has designed and facilitated partnership projects to achieve agreements and results on complex issues. She has been invited to speak in more than 60 universities in the US and Europe.] Namboodiri, Sreenath [LLM, LLB, is assistant professor at the School of Ethics, Governance, Culture and Social Systems at Chinmaya Vishwavidyapeeth and a post-graduate on law of intellectual property rights (IPR) from Inter University Centre for IPR Studies, CUSAT, Kochi. His areas of interest are in intellectual property rights vis-à-vis health systems, sustainable development and innovation, pharmaceutical patents, knowledge governance, and technology and law. He is an honorary fellow of the Centre for Economy, Development, and Law since 2013. Namboodiri is part of the editorial team of *Elenchus Law Review*, a biannual peer-reviewed journal from the Centre (CED&L). He has also worked as a guest lecturer in Inter University Centre for IPR Studies, CUSAT, Kochi, where he provided courses on access to medicine and IP, and patents and biotechnology] “America And The TRIPS Waiver: You Can Talk The Talk, But Will You Walk The Walk?,” July 13, 2021 AA

In October 2020, the governments of India and South Africa, with the support of 62 WTO member states, proposed **a**[TRIPS Agreement waiver proposal](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True)**that would temporarily waive intellectual property rights protections for technologies needed to prevent, contain, or treat COVID-19**, including vaccines and vaccine-related technologies. More than 100 low-income countries support this proposal, but it is receiving much opposition from many high-income countries, including some European Union (EU) member states, the UK, Japan, Canada, and Australia. On May 5, 2021, the Biden administration announced support for negotiating this waiver, intensifying debate in the US and the EU—but so far the US has not gone further than its announcement of support.

#### No plan text in a vacuum – the offense defines what the plan looks like. Worst case scenario, you vote neg on presumption because all their solvency evidence is about a waiver.

#### Prefer my interpretation:

#### 1] Limits: they open the door to an infinite number of affs – from any condition to any time restriction. Each one becomes its own new aff.

#### 2] Ground: condition and delay counterplans are all ground we are entitled to because they disprove the idea of passing the plan right now.

#### 3] Topic lit: authors aren’t writing about a reduction that happens a few years or now or under a specific condition.

#### 4] Semantics: not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which destroys predictability because they are no longer bounded by the resolution.

## Case

On neuroscience evidence– Agents intuitively prefer intent. Botti et al 09, Botti, Simona, Kristina Orfali, and Sheena S. Iyengar. "Tragic Choices: Autonomy and Emotional Responses to Medical Decisions." *J Consum Res Journal of Consumer Research* 36.3 (2009): 337-52. 2009. Web. Specifically, we study how making a tragic choice, versus having the same tragic choice externally made, affects individuals’ desire for autonomy and their emotional reactions to the same decision outcome. Prior research has shown that the sense of agency and internal locus of control associated with the act of choosing lead to perceptions of personal causality, whereas the imposition of a choice is removed from the idea of personal causality because it presupposes an external, rather than internal, locus of control (Brehm 1966; deCharms 1968; Deci and Ryan 1985; Langer 1975; Seligman 1975; Taylor and Brown 1988). Stronger causal ascriptions, in turn, have been found to magnify the intensity of emotional responses to an event, so that perceptions of personal causation intensify positive affect from desirable outcomes but also enhance negative affect from undesirable outcomes (Gilovich, Medvec, and Chen 1995; Landman 1987; Ritov and Baron 1995; Weiner 1986). Thus, we hypothesize that a decision outcome following a tragic choice will generate more extreme negative emotions when it is personally chosen because of a greater sense of causality; in contrast, when the same tragic choice is externally determined, negative emotions will be lessened by the per- ceived absence of a causal link with the aversive experience. Yet the torments of making tragic choices do not necessarily reduce people’s desire for autonomy. Prior research has shown that consumers confronted with choices that detrimentally affect their well-being still prefer making these choices themselves rather than having the same choices made for them by somebody else (Botti and Iyengar 2004; Botti and McGill 2006). This desire for choice in spite of its negative consequences can be attributed to consumers’ belief that they will maximize subjective utility by selecting the option that best matches personal preferences (Hotelling 1929). Even when individuals are unaware of their preferences, choosing activates a psychological immune system that facilitates preference matching by subjectively bolstering the value of a personally selected outcome (Gilbert et al. 1998). Through subjective bolstering decision makers are able to reduce the emotional discomfort of decisions that may not be consistent with individual preferences by con- vincing themselves and others that they had chosen the best- matching option (Brehm 1966; Festinger 1957; Shafir et al. 1993).

### case

#### 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

### ADV1

#### [1] No disease extinction – burnout and genetic variance.

York 14 - Ian York, Quora, 6/4/14 (head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, [“Why Don't Diseases Completely Wipe Out Species?”,<http://www.quora.com/Why-dont-diseases-completely-wipe-out-species>] bcr 8-20-2016

But mostly **diseases don't drive species extinct.** There are several reasons for that. For one, the most dangerous diseases are those that spread from one individual to another. **If the disease is highly lethal, then** the **population drops,** and **it becomes less likely** that **individuals will contact** each other during the infectious phase. Highly contagious diseases tend to burn themselves out that way.¶ Probably the main reason is variation. Within the host and the pathogen population **there** **will be a wide range of variants.** **Some hosts may be naturally resistant.** Some pathogens will be less virulent. And either alone or in combination, **you end up with infected individuals who survive**.¶ We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. ¶ We can see indications of this sort of thing happening in the past, because **our genomes contain many instances of pathogen resistance genes** that have spread through the whole population. Those all started off as rare mutations that conferred a strong selection advantage to the carriers, meaning that the specific infectious diseases were serious threats to the species.

#### [2] Corona virus proves virus burnout. The fact that it is a virus that can travel in a hundred different ways, mutates constantly, has no symptoms in majority of patients, and is twice as deadly and contagious as anything we regularly see hasn’t even come close to extinction level proves you should err heavily neg on impact calc.

### Adv 2-

The aff only adds to the disregard of WTO enforcement bc it removes IPRs, a core tenant of international trade. Reversing historical precedents in a time of instability only adds to less credibility.