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### Framework

#### Status quo ethics demand a duality of structural idealism or chaotic nihilism. However, the world is constantly oscillating between the poles of chaos and order. That requires the introduction of chaosmosis to answer this complexity **Arnott**:

Stephen J. Arnott 2001 “Liminal Subjectivity and the Ethico-Aesthetic Paradigm of Felix Guattari”, Limen 1/2001 – journal for theory and practice of liminal phenomena

I suggest that Turner's account of the oscillation between structure and anti-structure as the force behind dynamic and creative society provides us with a fortuitous mode of entry into **Guattari's** more complex and terminologically rich analysis and prospectiveinsights**.** The latter **employs the term 'chaosmosis' to describe the oscillation between the two poles of chaos and complexity, between the virtual and its manifold and transient actualizations.** **Although there is in a sense a unilinear progression leading out of the infinite speeds of chaos towards the finitude of actualization, the former is not thereby fully eradicated or covered over: "At the source of a world's constitution there is always a certain modality of chaotic discomfort in its organicity, functionality and relations of alterity**" (C p. 81). **No experience is more sensitive to this persistence of chaos than the psychotic, and Guattari devotes much attention to delineating the precise nature of such experiences with regard to their unique relation to chaos and social organization.** We should note that Guattari's conception of chaos bears close similarities to the nature of anti-structure as Turner understands it. There is, however, a problem with the structure/anti-structure distinction in that it expresses a rigid dichotomy, and if we are to take it as an ontological description, it seems hard to imagine how we might conceive of anti-structure, that which is patently not structured, giving rise to that which is. The relation between the ontological modalities of chaos and complexity as conceived by Guattari do not persist in a simple relation of opposition or contradiction. **Chaos is not simply the antithesis of structure or organization, but rather describes an ontological 'homogenesis' which would include not only virtual entities or particles in relatively free or disorganized states but also the potential relations constitutive of their ordering. Such relations would never be fixed, and a process of selection must begin to take place if any existential fixity or grasping is to be achieved or actualized**. "The movement of infinite virtuality of incorporeal complexions carries in itself the possible manifestation of all the components and all the enunciative assemblages actualizable in finitude" (C p. 112). The psychotic experience is characterized as a selective process, but one which is not limited to a consistency with the processual orderings already carried out. It is in this sense understood as autopoietic and is liminal to the extent that it crosses the threshold between complexity and chaos to return with fresh insights and new existential perspectives: "It is not therefore Being in general which irrupts in the chaosmic experience of psychosis, or in the pathic relationship one can enter into with it, but a signed and dated event, marking a destiny, infecting previously stratified significations. After such a process of dequalification and ontological homogenesis, nothing will be like it was before. But the event is inseparable from the texture of the being brought to light" (C p. 81). Note that the experience of psychosis shares with Turnerian liminality the qualities of 'stripping' and 'levelling' which problematize the structure and permit potential access to what Guattari calls 'the ontological roots of creativity'. It is in this way that psychotic experience is linked to or prefigures aesthetic experience which seeks to explore ontological univocity and develop its potentials in unforeseen and unpredictable ways. This aestheticization of subjective experience is constitutive of a Bergsonian 'open morality' in that it engenders new Universes of value which no longer possess the qualities of universals. Such processes of aesthetic creativity, which are not limited to great works of art, or even to artistic practice in any traditional sense, but which apply a broadly aesthetic paradigm to all selective functions, economic, social, political, educational and so on, always involve a relation of heteropathy, characterized by an initial ‘dequalification’ followed by the creation of new qualifications as necessary. As Guattari explains: "**every aesthetic decentring of points of view, every polyphonic reduction of the components of expression passes through a preliminary deconstruction of the structures and codes in use and a chaosmic plunge into the materials of sensation**. Out of them a recomposition becomes possible, an enrichment of the world (something like enriched uranium), a proliferation not just of the forms but of the modalities of being" (C p. 90). This is where Guattari's conception of the production of subjectivity becomes crucial. **With the introduction of the aesthetic paradigm as a principal contributing factor in this production, we can expect a change in existential modes, less reliance on or resignation towards the general stratification of society, and an increased awareness of the finitude and potential transiency of dominant Universes of value.** In other words, **the aesthetic paradigm involves a certain distancing from the mechanism and stasis of structure, inaugurating a social process whose increased adaptability and creative freedom ensures its capacity to deal with the problems which confront it, problems which at the moment seem insurmountable**. **Guattari has no faith in the dominant scientific and rationalist paradigms in this regard, because their conservative tendencies and rules and thus their distance from the ontological root of creativity make them incapable of engendering the kind of adaptability which seems to be required if we are to confront our most pressing global problems.**

#### A world built on neither structure nor chaos requires a radical shift in how we view it. Only the aesthetic paradigm can ever hope to explain what constitutes reality. It allows the subject to comprehend its environment via sensibility and escape exhaustion Berardi 09:

Berardi, Franco, et al. The Soul at Work: from Alienation to Autonomy. Semiotext(e), 2009

**Chaosmosis is the beginning of a meditation** that Guattari left us **to develop on the creation of a peculiar cosmos, that is to say, on a desiring energy endlessly reconstituting itself beyond depression, across and beyond the dark (but also enlightening) experience of depression.** There is a truth within depression. And in fact, as we have read, “it is as if the struggle against chaos did not take place without an affinity with the enemy.” Depression is the vision of the abyss represented by the absence of meaning. **Poetic and conceptual creativity, like political creativity, are the ways of chaosmotic creation, the construction of bridges over the absence of meaning. Friendship makes the existence of bridges possible: friendship, love, sharing, and revolt. Chaosmosis** is a book **attempting to traverse chaos through cosmic and creative bridges, practices** (aesthetics, schizoanalysis, politics) **that could make possible the singularization of chaos,** that is to say the isolation of a specific bridge over the endless and infinitely fast flow of things. “Infinite speeds are loaded with finite speeds, with a conversion of the virtual into the possible, of the reversible into irreversible, of the deferred into difference.**”** **Philosophy is the creation of concepts, and concepts are chaoids capable of isolating a singular cosmos, the modality of projective subjectivation**. Art is instead the singular composition of chaos through the elaboration of forms, gestures, and environments assuming a concrete presence in the space of communication, vision, and projection. With the expression "**aesthetic paradigm**," Guattari **refers** **to the privileged position that sensibility has gained in present times, when productive and communicative relations lose their materiality** **and trace their trajectories in the space of sensible projections. Aesthetics is the discipline through which the organism and its environment become attuned. The tuning process is disturbed by the acceleration of infospheric stimuli** and by semiotic inflation, the saturation of every space of attention and consciousness. Art registers and signals this disturbance, but at the same time it looks for new possible modalities of becoming, and **aesthetics seems to be** at the same time **a diagnostic of the psychospheric pollution and a therapy for the relation between the organism and its world.** Guattari establishes a privileged relation between aesthetic and psychotherapeutic dimensions. The question of the relation between chaotic velocity and the singularity of lived time becomes decisive. **In order to grasp temporal flows, the mind needs to build its own temporalities**: these singular temporalities are refrains that make orientation possible. The notion of refrain leads us to the core of the schizoanalytic vision: the refrain is the singular temporality, the niche for individualizing the self where the creation of cosmos becomes possible. **Philosophy**, art and schizoanalysis **are practices of singular chaosmotic creation, that is to say they allow the configurations constituting the map of an existence to emerge from the infinite flux, like refrains. But these refrains can solidify and morph into semiotic, ritual, sexual, ethnic, and political obsessions.** On the one hand, the refrain protects the subject from the chaos of the Infosphere and the semiotic flows that carry him away like stormy winds. This is how, protected by refrains, it is possible to build one's own progression, the sphere of one's own semiotic relevancy, affects and sharing. On the other hand, **the refrain can become a cage, a rigid system for interpreting references and existential paths that are compulsively repetitive.** Schizoanalysis intervenes precisely at these points of the refrain's neurotic hardening. Here analysis is no longer understood as the interpretation of symptoms and the search for a latent meaning pre-existing the neurotic fixation. Analysis is the creation of new centers of attention capable of producing a bifurcation, a deviation from the track, a rupture within the closed circuit of obsessive repetition able to inaugurate a new horizon of possibilities for vision and experience. **Chaosmosis is situated within a specific historical dimension**, that of the mists and miasmas that began to spread at the beginning of the 1990s and that today, fifteen years later, seem to have invaded every space of the atmosphere, infosphere and psychosphere. **Breathing has become difficult, almost impossible: as a matter of fact, one suffocates.** One suffocates every day and the symptoms of suffocation are disseminated all along the paths of daily life and the highways of planetary politics. **Our chances for survival are few: we know it. There are no more maps we can trust, no more destinations for us to reach. Ever since its mutation into semiocapitalism, capitalism has swallowed the exchange-value machine not only for the different forms of life, but also of thought, imagination, and hope. There is no alternative to capitalism. "** Should we then place old age at the center of our discourse, like Deleuze and Guattari did in their introduction to What is Philosophy? Old age is no longer a marginal and rare phenomenon, like it was in the past when old people were considered to bring precious knowledge to the community. Senility is becoming the condition for the majority of a humanity deprived of the courage to bet on the future, since the future has become an obscure and scary dimension. Today old age is becoming the average social condition of the majority, while at the same time it also becomes the condition that best expresses the metaphor of the energy loss affecting the human race. Libidinal energy declines once the world becomes too fast to be elaborated according to the slow timing of emotions and once entropy dominates cerebral cells. The decline of libidinal energy and entropy are tow processes whose sense is in fact the same**. The social brain is decomposing** as it does in Jonathan Franzen’s The Corrections. **Alzheimer’s is becoming a metaphor for a future in which it is difficult to remember the reason for things** while the new video-electronic generations seem to be dragged by the vortexes of panic until they fall into the spiral of depression. **The question of sensibility becomes one with politics: and not even the redefinition of an ethical perspective can set it aside.** At the beginning of the new millennium, the end of modernity is announcing itself as the end of our humanist heritage. Hyper-capitalism is emancipating instead from its Western heritage and its so-called “values,” but this unveils a terrible sight: without the heritage of Humanism and the Enlightenment, **capitalism is a regime of pure, endless and inhuman violence. The mind is put to work in conditions of economic and existential precariousness.** Living time is subjected to work through a fractal dispersion of both consciousness and experience, reducing the coherence of lived time to fragments. The psychosphere has become the scene of a nightmare, and the relation between human beings is deprived of its humanistic surface. **The body of the other is no longer within the reach of an empathic perception: slavery, torture, and genocide become normal procedures for elaborating otherness in a-sympathetic conditions. The violent logic of belonging** **replaces the universality of modern rationality.** For the brains decomposing in the big Infosphere mixer, God seems to be the natural path to salvation, while of course it is instead the usual infernal trick. Religious fundamentalism and the cult of purity now join with ignorance and depression to nourish ethnicism and nationalism. The world landscape is becoming “Islamized” in various ways: submission becomes the dominant form of relation between individuals and groups. **While the collective dimension is deprived of any energy coming from desire and reduced to a skeleton of fear and necessity, adhesion to a group becomes compulsive and mandatory.** And conformism is the last refuge for souls left without desire or autonomy. Ethics and sensibility In this narrow passage it is the very notion of **ethical consciousness** that **needs to be rethought**. **Ethical consciousness cannot be founded on the binomial of Reason and Will – as during the modern period. The roots of rationalism have been forever erased, and rationalism cannot be the major direction of the planetary humanism we must conceive. Today the ethical question is posed as a question of the soul, that is to say of the sensibility animating the body, making it capable of opening sympathetically towards the other.** The chemical and linguistic soul we are talking about in the field where a recompositoin of bodies can happen. **A new conceptualization of humanism must be founded on an aesthetic paradigm, since it has to take root in sensibility. The collapse of modern ethics needs to be interpreted as a generalized cognitive disturbance, as the paralysis of empathy in the social psychosphere.** The acceleration of the mediasphere, the separation of consciousness from the corporeal experience, the de-eroticization of public spaces in the digital realm and the diffusion of competitive principles in every fragment of social life: these are the causes of the dis-empathy diffused in social action, of the diffused cyclothymia, and the alternate waves of panic and depression in the psychosphere. **The aesthetic paradigm needs to be considered as the** **foundation** of psychoanalaysis, as **an ecological therapy for the mind**. Guattari and Deleuze did not employ the vaguely apocalyptic tones I am using here, I know yet I did not swar to be eternally faithful to my two masters. Today, **the rhetoric of desire** – the most important and creative contribution that the authors of Anti-Oedipus brought to the movements of hope – **seems exhausted** to me, **waiting for a dimension and a movement capable of renewing it.** In their last two books, and in Chaosmosis in particular, the rhetoric of desire seems already attenuated, if not silenced. What emerges instead is the awareness of the entropy of sense in existential experience an historical perspective, the consciousness of fading, aging and death. This is just what we need today: an awareness of depression that would not be depressing.

#### Thus the standard and ROB is to vote for the debater who better cultivates the aesthetic paradigm. That entails an engagement of the world that opens up new possibilities as a form of therapy to restore sensibility. Prefer it,

#### 1] Modern semiocap bombards subjects with excess information until their sensibility is too overstimulated to create real meaning out of their environment. This destroys the subject which is a gateway issue for goodness and materially creates perpetual depression. Berardi,

Franco Berardi, “After The Future,” 2011 //LHP YA

Actually the generation that is now entering the social sphere seems psychologically frail and scarcely fit to link emotion and verbal exchange. The huge multiplication of tools for communication, the digital saturation of the info-sphere, has dramatically reduced the spaces and the times of bodily interaction between persons. Let us think of the crowd of people sitting in the subway every morning. They are precarious workers moving towards the industrial and financial districts of the city, towards the places where they are working in precarious conditions. Everyone wears headphones, everybody looks at their cellular device, everybody sits alone and silent, never looking at the people who sit close, never speaking or smiling or exchanging any kind of signal. They are traveling alone in their lonely relationship with the universal electronic flow. Their cognitive and affective formation has made of them the perfect object of a process of de-singularization. They have been pre-emptied and transformed into carriers of abstract fractal ability to connect, devoid of sensitive empathy so to become smooth, compatible parts of a system of interoperability. Although they suffer from nervous aggression, and from the exploitation that semiocapitalism is imposing on them, although they suffer from the separation between functional being and sensible body and mind, they seem incapable of human communication and solidarity; in short, they seem unable to start any process of conscious collective subjectivation. The info-sphere is the dimension of intentional signs surrounding the sensible organism. Sensibility is an interface between organism and world, and particularly we may see it as the ability to understand the meaning of what cannot be said through words: the point of connection between sensitivity and language. Sensibility rather than judgment is the place of the mental mutation produced by the info-sphere. Changes of perception are intertwined with the technological architecture surrounding the perceptive organism. Prior to modernity, a regime of slow transmission characterized the info-sphere and man’s psychic time and expectations of events and signals. The acceleration of semiotic transmission and the proliferation of sources of information transformed the perception of living time. The info-sphere became more rapid and dense, and sensibility underwent a process of increasing exposure to the flow of info-stimuli. Due to an intensification of electronic signals, sensibility was dragged into a vertigo of simulated stimulation that increased its speed to panic levels. The perception of the other and its body is reshaped, too. Pressure, acceleration and automation affect gestural, postural behavior and the whole of social proxemics, the disposition and interaction of bodies in space. At the foundation of social proxemics lies a way of elaborating, hiding, exciting or repressing eroticism. Social proxemics intervene to change the disposition of the bodies that meet in the street and are nearby in the office or at school. Societies experience conditions of varying degrees of tension and aggressiveness also according to how they develop eroticism in the circulation of bodies. Throughout the history of civilization, perception has been molded by artificial regimes of images and techniques of representation. Through digital technology the image begins to proliferate vertiginously and our faculty of imagination undergoes vortices of acceleration. The image should not be considered as the brute perception of empirical data brought to our visual attention by matter: it is rather the effect of a semi-conscious elaboration. The technical mode in which we receive and elaborate images acts upon the formation of the imaginary. The imaginary in turn shapes the imagination, the activity whereby we produce images, and imagine worlds and thus make them possible in real life. The repertoire of images at our disposal limits, exalts, amplifies or circumscribes the forms of life and events that, through our imagination, we can project onto the world, put into being, build and inhabit. Techno-communicative and psycho-cognitive mutations are as interdependent as the organism and its ecosystem. The conscious organism is also sensuous; it is a bundle of sensitive receptors. The world we inhabit increasingly resembles the outcome of a projective zapping where we combine sequences of different linguistic derivations. The social unconscious does not easily adapt to this transformation of the info-sphere, because the social investment of desire is structured around the nucleus of identity, and this nucleus is fleeing and dissolving in all directions. Suddenly awoken by the eruption of semiotic proliferation, and deprived of the filters that the critical and disciplinary mind of modernity once possessed, the conscious organism reacts with panic. The communicative power of digital technology produces an excess of information with respect to the time of attention socially available. How is sensibility redefined and how does it adapt to over stimulation? I think that the effect of semiocapitalist acceleration and over-exploitation of nervous energies is exhaustion. Nervous breakdown, psychopathology, panic, depression, suicidal epidemic. “A titanic battle is about to begin, a Darwinian 103 struggle between competing psychopathies”, says Ballard in Super-Cannes, the book about the psychic catastrophe of the virtual class, published in the year 2000.

#### 2] Status quo education is under attack by semiocapitalism which makes pedagogical spaces like debate uniquely key to creating new forms of subjectivity and knowledge, Carlin & Wallin:

Carlin, Matthew. Wallin, Jason. “Deleuze & Guattari, Politics and Education.” Bloomsbury. 2014.

**Education is under attack.** The **privatization** **of the educational system has been one of the tenets of the neo-liberal counter-revolution** during the past thirty years. In the wake of the financial crisis in the West and the concomitant calls for ‘austerity’, **cuts to public funding have had a profound effect on cultural institutions, on all levels of schooling,** and on all forms of university and scientific research. This has been particularly noticeable in Europe, where the privatization of the education system is a relatively new phenomenon in comparison to the United States.¶ The **effect** of this process of financialization and privatization **is** easy to predict: **growing ignorance, violence, misery and precarity**. **The destruction of the educational system, converging** with the acceleration of the Infosphere **and the growing complexity of the semiotic environment**, is one of the main features of the contemporary spasm. The **protests** of students and teachers in defence of public education systems (particularly in Europe) **are not enough**. **New educational institutions** **have to be conceived** and built **as chaoids, healers of the spasmodic mind and the spasmodic body of society.¶** The **modern education**al process **has been conceived as** a process of **critical transmission of knowledge**. **Because of the spasmodic condition** of the social brain, the mind-format of **teaching is diverging** **from** the mind-format of **the learner**. As a result, the formal **education**al process **is less and less effective** in transmitting knowledge.¶ The **transmission** of knowledge i**s becoming more and more dysfunctional and empty.** The mind-format of **the connective generation is scarcely interacting** (or not interacting at all) **with** the mind-format of **the alphabetical generation**. The spreading phenomenon of ‘attention deficit disorder’ is only one of the many examples and aspects of the decreasing functionality of educational systems in the present transition that is marked by the spasm.¶ In the connective sphere of techno-communication, **mental energy is incorporated into the semiocapital process of production. This incorporation implies a standardization and formatting of the cognitive body. Bodily meaning and meaningful bodies become an impossibility as a result of the formatting process**.¶ A decisive step in this process of subsumption of nervous energy and intellectual work by the techno-financial articulations of semiocapital is the destruction of the modern institution of the university, and **the building of a recombinant system of knowledge exploitation that demands the cancellation of knowledge autonomy while reducing the learning process to a mere acquisition of operational skills**.¶ Autonomy was crucial in the conception and purpose of the modern university. Autonomy was not only independence from academic institutions, but the methodologies of scientific research and artistic practice as well.¶ In the humanistic sphere of modern bourgeois civilization, each field of knowledge was expected to autonomously establish its own laws: conventions, aims, procedures, forms of verification and change.¶ Consistently the university was based on two pillars: the first was the relation of the intellectuals to the city (i.e. the ethical and political role of reason and of research); and the second was the autonomy of research, teaching, discovery, innovation, and the production and transmission of moral, scientific and technical acquisitions.¶ The entrepreneurial bourgeois owner was strongly linked to the territory of his properties. He was also interested in the development of these properties, and knew that the autonomy of knowledge was necessary for achieving productive results. **The long process of emancipation from theocratic dogma deeply influenced bourgeois culture and identity throughout modern times.¶** The **financialization** of the economy in the post-bourgeois era **has led to the de-localization of work and information**. **The main trend of this** transformation **has been the formation of the homo oeconomicus** (Michel Foucault, 2010) in which every act and thought has been translated into economic terms. This transition **implies the abolition of the autonomy of knowledge, as the semio- capitalist economy gets hold of every space of social life.**¶ **Economics**, which is now more a technology for the crystallization of time into capital than a science, **has** progressively **assumed the central** **place** **in** the system of **knowledge** and research.¶ **Every act** **of** research, of teaching, of **learning**, and of inventing **is subjected to** the following questions: **Is it sellable? Is it profitable? Is it helping capital accumulation? Is it meeting the demands of corporate finance**?¶ **Those who do not recognize the primacy of the economic principle** in the field of education, or those who **refuse** to worship the central dogma of the neo-liberal church by condemning the rules of competition, profitability and compatibility, **are labelled as sceptics, non-believers, atheists and communists.** **The fate that awaits such miscreants is marginalization and expulsion.¶ The educational chaoide that we need is a sceptical institution for the re-activation of autonomy of knowledge from economic dogma**.

### Contention

#### Patenting the human genome commodifies the body and dissociates the human from nature, Wolodzko 18:

Agnieszka Anna Wołodźko, “Bodies within Affect: On Practicing Contaminating Matters through Bioart” November 13, 2018, <https://scholarlypublications.universiteitleiden.nl/handle/1887/66889> //LHP AV

The particular **discrepancy between** the practice of **affect and its control**, **between discovering the relations of transformation and managing** these relations in order to achieve particular formations, **is present in** the practices of **biotech**nology. **Take**, for instance, **the patenting of the human genome**, **which touches the very intimate and existential realm of what it means to have and be a body**. Donna Dickenson reports that, according to common law, **once a part of your body is separated** from you, **it is legally treated as waste** and as not belonging to anybody [lat. res nullius].22 Dickenson believes that **this disposable attitude** to body parts that have been detached from the body **is due to the traditional distinction between a person and raw matter**. Unlike a body part, persons cannot be owned as this would undermine the notion of human dignity.23 However, as Dickenson states, **recent biotechnological practices undermine the boundaries between what can be considered as a person and what is just a raw body part**, **which results making the body a much more fluid and hybrid phenomenon**. The scale and implications of the hybridity and relationality of the body as a result of biotechnological practices can be seen, for instance, within the phenomenon of human genome patenting and genetic testing, the most lucrative applications of biotechnological innovations.24 **Till 2013, it was common practice to patent the human genome once it had been isolated** from the body. Even though genes are not an invention as such, their isolation from a body was considered an innovative practice and thus subject to patenting laws.25 This resulted in an enormous biomarket, where, in the 1980s-1990s, till 2005, over twenty per cent of the human genome was patented in the US.26 **A patent is “a legal right granted to inventors by national governments to exclude others from making, using or selling their invention in a given country,”**27 and so, in this context, **its function presupposes that parts of our own body are legally owned by companies and institutions**.28 Most importantly, gene patents are usually applied to all methods of their detection. This means that every test and tool involved in the management of a particular sequence are covered by patent laws. The patent thus reaches a very broad research area, and this may have consequences for future innovation and medical care. **Since the main role of patents in the biotechnology that has induced genetic testing was to allow for private investment in research and development, biotechnology has transformed from a common good into a commodification** and exploitation **of the body**. **Arguably, things** have **changed once** the US **Supreme Court banned** the patenting of “**natural” genes in** the case of the **Myriad Genetics** Inc., the company that discovered the sequence and location of BRCA1 and BRCA1 – a gene mutation that increases the risk of ovarian and breast cancer: “A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated, **but cDNA is patent eligible** because it is not naturally occurring.”29 **However, things become more ambiguous when we look not only at the differences, but also at the similarities between DNA and** its copy, **cDNA** (complementary DNA). cDNA is “a type of a man-made DNA composition, which is made in a lab with an enzyme that creates DNA from RNA template.”30 Not naturally occurring, and structurally and functionally different from DNA, cDNA thus complies with the patent law. Nevertheless, some critics argue that, **despite its structural and functional difference, which allows for the further research**, the copy (**cDNA) still holds exactly the same information** as the original (DNA).31 Moreover, because cDNA is not distinct from the methods it is extracted with, **there is no specification of how much intervention is actually needed in order for the gene to be legally patented**, since mere simple separation from the body is no longer a boundary.32

#### IP incorporates living flesh itself under the realm of the law, opening up the space for hierarchy and eugenics – reframing the artificial-natural boundary is key, Wolodzko 2:

Agnieszka Anna Wołodźko, “Bodies within Affect: On Practicing Contaminating Matters through Bioart” November 13, 2018, <https://scholarlypublications.universiteitleiden.nl/handle/1887/66889> //LHP AV

The US Supreme Court’s decision perpetuates a belief in the exclusion of nature from any economic-political spheres. **As long as something does not occur in “nature”, it can be patented**. **However**, as shown in the case of Myriad, **the** copy (**cDNA**) of DNA that is to be patented **holds exactly the same information** as the original (DNA). **The border between what occurs naturally and culturally, what is original and what is a copy, is thus blurred**. **Without the “original” DNA there would be no cDNA in the first place. Moreover, what is considered as artificial and therefore ready for manipulation and commodification, materially influences and transforms what we consider to be “natural”.** **The promise of cure and treatment that has justified the privatization and monopolization of research, ultimately influences our own bodies and lives.** **Patented genes sequences do not regard a particular body, but “the body”. Patents have a universal function, which, in turn, incorporates all our bodies under its law**. **Once** **you have** a breast **cancer**, part of **you**, what you think of as the “natural” you, **belong**s, in practice, **to the corporation**. **The artificial divide between the “state of nature” and man-made practice does not respond to our bodies, which are an entanglement of living matter and practices.** Furthermore, the **Myriad** case **is also** a **striking** example **because it shows the consequences of our lack of understanding that biotechnology has a real material impact on our social and political life**. Here, the idea of **personhood and human dignity cannot do justice to the scale of novelty and unpredictability of the biotechnological world**. Biobanks, which are the modern equivalent of surveillance and property, have resulted in: **commodified cell lines, such as those in the Henrietta Lacks legal case,38 promises of regenerative medicine via new methods that transform a cell from an adult body into any other type of a cell, and CRISPR genome editing**, **which makes the idea of designer babies not just futuristic speculation, but a scientific possibly.**39 Indeed, these new biotechnological inventions have undermined any doubt about the influence that biotechnology already has in shaping our lives. These phenomena are not just the concern of bioethical committees and economic policies, **they directly touch the multiple political, social and cultural realms of our existence**. Ingeborg Reichle called the **unprecedented power inherent to the use of biotechnology “bottom-up eugenics”,** **which is not based directly on a socio-cultural idea and narration, but rather the market and profit**.40 As Robert Zwijnenberg argues, biotechnology inevitably correlates with such problems as, for instance, human enhancement, posing not only ethical and legal problems, but forcing more philosophically and culturally varied questions and attitudes, i.e. “who and what do we want to be as humans, and who and what do we want to become?”41 Biotechnological innovations that allow us to manipulate our bodies construct economic- social realities that do not respond to disciplinary divisions. Economic and political demands are strongly entangled with scientific findings, technologies and their agencies, which, in turn, inevitably influence social and cultural, individual and the population’s practices, as well as our lives and bodies. However, **as the Myriad case shows, once these multiple entanglements are applied according to** the traditional **beliefs in autonomy**, individuation and personalization, which do not respond to the relational nature of phenomena, **we enter into the realm of utopian beliefs in purity and clear-cut boundaries between species and disciplines**. For instance, **transhumanists’ desire for designer babies and perfect humans**,42 fuelled by an unquestioning use of technology, **is just one among many examples of using relationality not as an ontological way of being, but as a means for strengthening the fixed ideas about our bodies**. We already live and practice affect, that is why, **if we do not think and act according to its dynamic nature, we create even sharper dualisms, polarizations and hierarchies**. It is therefore time to map these material and relational ways of understanding**. It is time to map bodies within affect, in order to meet the challenges of the biotechnological future**. The question is, how to do that? **How can we relationally practice the relational nature of our bodies? In other words, how do we make matters of affect matter?**

#### cDNA is not different than other forms of DNA – distinctions are arbitrary, Contreras 20:

Jorge L. Contreras, [Jorge L. Contreras is a Presidential Scholar and Professor of Law at the University of Utah with an adjunct appointment in the Department of Human Genetics.] “Association for Molecular Pathology v. Myriad Genetics: A Critical Reassessment”, 27 MICH. TECH. L. REV. 1 (2020). Available at: <https://repository.law.umich.edu/mtlr/vol27/iss1/2> //LHP AV

So much for those who would have preserved the patentability of human genes. What about those on the other side of the aisle; **the ACLU** allies who **criticized Justice Thomas for allowing patents claiming cDNA?** In a single paragraph, Justice Thomas concluded that “cDNA does not present the same obstacles to patentability as naturally occurring, isolated DNA segments.” Why not? Because, he reasoned, cDNA lacks the introns found in naturally occurring gDNA. Without the introns, cDNA is “something new”—a molecule that is created by the lab technician; it is not a product of nature.156 Hence, it is patentable. **This particular leap of logic has attracted the ire of scholars who have analyzed Justice Thomas’s opinion.**157 What was wrong with his reasoning? Just cast your eyes up a few paragraphs and you will see where Justice Thomas belittles the chemical differences between isolated genes and cellular genes. He finds these differences immaterial to the information content of the genes, so these two substances are not markedly different. Hence, no patent on isolated genes. But **if differences like covalent bonds and attached molecules do not make isolated DNA markedly different from cellular DNA, then why does the absence of introns distinguish cDNA from gDNA**? **After all, just like the missing covalent bonds in isolated DNA, introns are not relevant to the coding function of a gene**.158 **The same exons occur in both gDNA and cDNA in the same order, and both will code the same protein**. **It is just that the cDNA version lacks the introns interspersed among the exons. But the body’s DNA replication process nicely ignores those introns and replicates the information only from the exons**. **So, if we ignore covalent bonds to reason that isolated DNA is not patentable, then why don’t we also ignore the absence of introns in cDNA?** In other words, if the important thing about DNA is its informational content—the order of As, Ts, Cs and Gs—and we ignore other chemical differences that are unrelated to this information, then shouldn’t we ignore introns? Because if we do, both gDNA and cDNA should be unpatentable. The magic microscope just does not work here. Or, **if it does, it’s not being properly focused, because neither isolated gDNA nor cDNA is chemically identical to what exists inside the body**. Yet the Court treats one as patentable (cDNA) and the other as unpatentable (gDNA**). There is really no principled, scientific reason to distinguish between molecules attached to cellular DNA, on one hand, and introns that are interspersed among the coding exons of a gene, on the other hand. Both are equally irrelevant to protein coding, and cDNA should not be eligible for patent protection**.159

#### Plan: The member nations of the World Trade Organization ought to eliminate patent protections for medicinal applications of complementary DNA.

#### The plan reaffirms our intertwined relationship with nature, Contreras 20:

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3. Reining in “Invention” I agree with the Supreme Court’s decision in Myriad inasmuch as it prohibits the patenting of isolated human genes (though, as mentioned above, I would have **extend**ed **the ruling to cover cDNA** as well). But even as to gDNA, I would have gone further than Justice Thomas, whose entire analysis rests on the “markedly different” test established in Chakrabarty. For reasons both rhetorical and analytical, I would have returned to the roots of patent law—the U.S. Constitution. The Constitution authorizes Congress to grant patents to “inventors” for their “discoveries.”160 The Patent Act says that patents will be granted to “whoever invents or discovers any new and useful . . . composition of matter.” Invention is at the root of the patent law. **Did Myriad “invent” the BRCA genes? Not under any reasonable interpretation** of the word.161 **Though Myriad was the first to isolate and sequence the BRCA genes, it did not invent the genes themselves**. In fact, at the time that Myriad sequenced the BRCA genes, neither Myriad nor anyone else even knew their biological function.162 As Judge Bryson wrote in dissent at the Federal Circuit, Myriad’s location of the BRCA genes was simply not “an act of invention.” Thus, at most, **Myriad discovered** (invented) **a method** for assessing a person’s risk of cancer based on the presence of certain mutations in the BRCA genes. Justice Thomas, echoing Judge Bryson, did not rule out patents claiming, “new applications of knowledge about the BRCA1 and BRCA2 genes” (emphasis in original). In fact, he acknowledged that several of Myriad’s patents that were not challenged in the litigation did cover such applications of knowledge. The disease-correlated mutations in the BRCA genes were Myriad’s actual contribution to science and probably should have been eligible for patenting (more on this below). But **by allowing Myriad to claim the entire BRCA1 and BRCA2 genes and all of their uses, both known and unknown, the Patent Office went too far**. **Again, Myriad did not invent the genes. Allowing patents on genes as compositions of matter had far-reaching effects and gave Myriad far more than it deserved based on its actual discovery**. This is just how composition of matter patents work. Suppose that someone invents and patents a new rubbery elastic compound called “flubber.”163 He has exclusive rights to every possible use of flubber — in bouncing balls, car bumpers, roof caulking, athletic shoes, and whatever else can be imagined. Should someone who discovers a new gene have the same broad rights as the inventor of a new substance like flubber? Myriad’s composition of matter patents covering the BRCA1 and BRCA2 genes gave it exclusive rights not only to conduct diagnostic testing using those genes, but to do anything else imaginable with those genes. A BRCA1 antibody to fight tumor cells? Patented. Using BRCA2 to predict the occurrence of birth defects? Patented. **An endless number of applications and uses for those genes, none of which were discovered by Myriad, are all covered by the broad patents** claiming the genes as a compositions of matter. 164 Yet this makes little sense, given that unlike flubber, Myriad did not invent BRCA genes. **Myriad merely discovered that they were useful in a particular application**— predicting cancer risk.165 Patents arising from the discovery of gene-disease associations should always have been limited to the discovery actually made and should never have been allowed to expand to cover human genes as compositions of matter. **Human genes are quintessentially products of nature, not inventions.**

#### Global capitalism relies on a structurally divided form of society which allows it to commodify all logic which accepts the given structure. This is used to cover the unsustainability of its current form. However, the lines of such divisions can be contested from outside the commodification by pursuing valuation of ecology, reproduction, and polity above capital. FRASER

[Fraser, Nancy. “Beyond Marx’s Hidden Abode: For an Expanded Conception of Capitalism.” *Critical Theory in Critical Times*. Pg 142-159]

Likewise, the picture I have sketched differs from the view of capitalism as a reified form of ethical life, characterized by pervasive commodification and monetization. In **that view**, as articulated in Georg Luka.cs's celebrated essay on "Reification and the Consciousness **of** the Proletariat," **the commodity form colonizes all of life**, stamping its mark on such diverse phenomena as law, science, morality, art, and culture.11 In my view**, commodification is far from universal in capitalist society**. On the contrary**, where it is present, it depends for its very existence on zones of noncommodification**. **Social, ecological, and political**, these **noncommodified zones do not simply mirror the commodity logic but embody distinctive normative and ontological grammars of their own**. For example, **social practices oriented to reproduction (as opposed to production) tend to engender ideals of care, mutual responsibility, and solidarity, however hierarchical and parochial these may be**.12 Likewise, **practices oriented to polity, as opposed to economy, often refer to principles of democracy, public autonomy, and collective self-determination, however restricted or exclusionary these may be**. Finally, **practices associated with capitalism's background conditions in nonhuman nature tend to foster such values as ecological stewardship, nondomination of nature, and justice among generations, however romantic and sectarian these may be**. Of course, **my point is not to idealize these "noneconomic" normativities** **but** **to register their divergence from the values associated with capitalism**'s foreground-above all, growth, efficiency, equal exchange, individual choice, negative liberty, and meritocratic advancement This divergence makes all the difference to how we conceptualize capitalism. **Far from generating a single, all-pervasive logic of reification, capitalist society is normatively differentiated, encompassing a determinate plurality of distinct but interrelated social ontologies.** What happens when these collide remains to be seen. But the structure that underpins them is already clear: capitalism's distinctive normative topography arises from the foreground-background relations we have identified**. If we aim to develop a critical theory of it, we must replace the view of capitalism as a reified form of ethical life with a more differentiated, structural view.** If capitalism is neither an economic system nor a reified form of ethical life, then what is it? My answer is that it is best conceived as an institutionalized social order, on a par with, for example, feudalism. Understanding capitalism in this way underscores its structural divisions, especially the institutional separations that I have identified. Constitutive of capitalism, we have seen, is the institutional separation of "economic production" from "social reproduction," a gendered separation that grounds specifically capitalist forms of male domination even as it also enables capitalist exploitation of labor power and, through that, its officially sanctioned mode of accumulation. Also definitive of capitalism is the institutional separation of "economy" from "polity," a separation that expels matters defined as "economic" from the political agenda of territorial states, freeing capital to roam in a transnational no-man's-land, where it reaps the benefits of hegemonic ordering while escaping political control. Equally **fundamental to capitalism**, finally, **is the ontological division, preexisting but massively intensified, between its (nonhuman) "natural" background and its (apparently nonnatural) "human" foreground**. Therefore, to speak of capitalism as an institutionalized social order, premised on such separations, is to suggest its nonaccidental, structural imbrication with gender oppression, political domination-both national and transnational, colonial and postcolonial-and ecological degradation, in conjunction, of course, with its equally structural, nonaccidental foreground dynamic of labor exploitation. This is not to suggest, however, that capitalism's institutional divisions are simply given once and for all. On the contrary, as we saw**, precisely where and how capitalist societies draw the line between production and reproduction, economy and polity, human and nonhuman nature varies historically, according to the regime of accumulation**. In fact, we can con­ ceptualize competitive laissez-faire capitalism, state-managed monopoly capitalism, and globalizing neoliberal capitalism in precisely these terms, as three historically specific ways of demarcating economy from polity, production from reproduction, and human from nonhuman nature. Equally important, **the precise configuration of the capitalist order at any place and time depends on politic**s-on the balance of social power and on the outcome of social struggles. **Far from being simply given, capitalism's institutional divisions often become foci of conflict, as actors mobilize to challenge or defend the established boundaries separating economy from polity, production from reproduction, human from nonhuman nature.** **Insofar as they aim to relocate contested processes on capitalism's institutional map, capitalism's subjects draw on the normative perspective**s associated with the various zones that we have identified.We can see this happening today. For example**, some opponents of neoliberalism draw on ideals of car**e, solidarity, and mutual responsibility, associated with reproduction, in order **to oppose efforts to commodify education**. **Others** **summon notions of stewardship of nature** and justice among generations, **associated with ecology, to militate for a shift to renewable energy**. Still others invoke ideals of public autonomy, associated with polity, to advocate international capital controls and to extend democratic accountability beyond the state. **Such claims, along with the counterclaims they inevitably incite, are the very stuff of social struggle in capitalist societies-as fundamental as the class struggles over control of commodity production and distribution of surplus value that Marx privileged**. **These boundary struggles**, as I shall call them, **decisively shape the structure of capitalist societies**.13 They play a constitutive role in the view of capitalism as an institutionalized social order.The focus on boundary struggles should forestall any misimpression that the view I have been sketching is functionalist. Granted, I began by characterizing reproduction, **ecology**, and political power **as necessary background conditions for capitalism's economic front story, stressing their functionality for commodity production, labor exploitation, and capital accumulation. But this structural moment does not capture the full story of capitalism's foreground-background relations. It coexists, rather, with another "moment," already hinted at, which is equally central and which emerges from the characterization of the social, political, and ecological as reservoirs of"noneconomic" normativity. This implies that, even as these "noneconomic" orders make commodity production possible, they are not reducible to that enabling function. Far from being wholly exhausted by, or entirely subservient to, the dynamics of accumulation, each of these hidden abodes harbors distinctive ontologies of so­ cial practice and normative ideals.** Moreover, **these "noneconomic" ideals are pregnant with critical­political possibili**ty**. Especially in times of crisis, they can be turned against core economic practices associated with capital accumulation**. In such times, the structural divisions that normally serve to segregate the various normativities within their own institutional spheres tend to weaken. When the separations fail to hold, capitalism's subjects-who live, after all, in more than one sphere-experience normative conflict. **Far from bringing in ideas from the "outside," they draw on capitalism's own complex normativity to criticize it, mobilizing against the grain the multiplicity of ideals** that coexist, at times uneasily, in an institutionalized social order premised on foreground-background divisions. Thus, the view of capitalism as an institutionalized social order helps us understand how a critique of capitalism is possible from within it. Yet this view also suggests that it would be wrong to construe society, polity, and nature romantically, as "outside" capitalism and as inherently opposed to it. That romantic view is held today by a fair number of anticapitalist thinkers and left-wing activists, including cultural femi­ nists, deep ecologists, and neo-anarchists, as well as by many proponents of "plural," "postgrowth," "solidary," and "popular" economies. Too often, these currents treat "care;' "nature;' "direct action," or "commoning" as intrinsically anticapitalist. As a result, they overlook the fact that their favorite practices not only are sources of critique but also are inte­ gral parts of the capitalist order. Rather, the argument here is that society, polity, and nature arose con­ currently with economy and developed in symbiosis with it. They are effectively the latter's "others" and only acquire their specific character in contrast to it. Thus, reproduction and production make a pair, with each term co-defined by way of the other. Neither makes any sense apart from the other. The same is true of polity/economy and nature/human. Part and parcel of the capitalist order, none of the "noneconomic" realms af­ fords a wholly external standpoint that could underwrite an absolutely pure and fully radical form of critique. On the contrary, political projects that appeal to what they imagine to be capitalism's "outside" usually end up recycling capitalist stereotypes, as they counterpose female nurtur­ ance to male aggression, spontaneous cooperation to economic calcula­ tion, nature's holistic organicism to anthropocentric individualism. To premise one's struggles on these oppositions is not to challenge but to un­ wittingly reflect the institutionalized social order of capitalist society. It follows from this that a proper account of capitalism's foreground­ background relations must hold together three distinct ideas. **First, capitalism's "noneconomic" realms serve as enabling background conditions for its economy; the economy depends for its very existence on values and inputs from the "noneconomic." Second, however, capitalism's "noneco­ nomic" realms have a weight and character of their own, which can, under certain circumstances, provide resources for anticapitalist struggle.** Nevertheless, and this is the third point, these realms are part and parcel of capitalist society, historically coconstituted in tandem with its economy and marked by their symbiosis with it. There is also a fourth idea, which returns us to the problem of crisis with which I began. Capitalism's foreground-background relations harbor built-in sources of social instability. As we have seen**, capitalist production is not self-sustaining; it free rides on social reproduction, nature, and political power. Yet its orientation to endless accumulation threatens to destabilize these very conditions of its possibility**. **In the case of its ecological conditions, what is at risk are the natural processes that sustain life and provide the material inputs for social provisioning.** In the case of its social-reproduction conditions, what is imperiled are the sociocultural processes that supply the solidary relations, affective dis­ positions, and value horizons that underpin social cooperation while also furnishing the appropriately socialized and skilled human beings who con­ stitute "labor." In the case of its political conditions, what is compromised are the public powers, both national and transnational, that guarantee property rights, enforce contracts, adjudicate disputes, quell anticapital­ ist rebellions, and maintain the money supply.