# 1AC

## 1AC

### Notes

CSA –

Material Capitalism – Alienation – Jaeggi

Psychoanalysis – McGowan – Debate deployment

Black Hyperreality – Gillespie

### 1AC – Framework

#### THE DIGITAL AGE IS HERE – Technology has created an age of constant information and signifiers floating through our phones and computers as media. This creates a dyslexia – reduced attention spans, no time for true human interaction – this leads to information overload, which is too fast for our organic minds to keep up with – that causes depression and drug use. It’s no coincidence that the rise of tech in the 80s was complimented with a drug epidemic. These signifiers come prior to action, thus the value and role of the ballot is to disrupt semiocapitalism.

**Berardi 09** [Franco Berardi, Italian communist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism Precarious Rhapsody, by Franco Bifo Berardi et al., AK Press, 2009. P. 40-42 // LEX JB]

* TW – mentions of suicide, not read, but it’s in the card if you chose to read it after the round

The acceleration of information exchange has produced and is producing an effect of a pathological type on the individual human mind and even more on the collective mind. Individuals are not in a position to consciously process the immense and always growing mass of information that enters their computers, their cell phones, their television screens, their electronic diaries and their heads. However, it seems indispensable to follow, recognize, evaluate, process all this information if you want to be efficient, competitive, victorious. The practice of multitasking, the opening of a window of hypertextual attention, the passage from one context to another for the complex evaluation of processes, tends to deform the sequential modality of mental processing. According to Christian Marazzi, who has concerned himself in various books with the relations between economics, language and affectivity, the latest generation of economic operators is affected by a real and proper form of dyslexia, incapable of reading a page from the beginning to the end according to sequential procedures, incapable of maintaining concentrated attention on the same object for a long time. And dyslexia spreads to cognitive and social behaviors, leading to rendering the pursuit of linear strategies nearly impossible. Some, like Davenport and Beck , speak of an attention economy. But when a cognitive faculty enters into and becomes part of economic discourse this means that it has become a scarce resource. The necessary time for paying attention to the fluxes of information to which we are exposed and which must be evaluated in order to be able to make decisions is lacking. The consequence is in front of our eyes: political and economic decisions no longer respond to a long term strategic rationality and simply follow immediate interests. On the other hand, we are always less available for giving our attention to others gratuitously. We no longer have the attention time for love, tenderness, nature, pleasure and compassion. Our attention is ever more besieged and therefore we assign it only to our careers, to competition and to economic decisions. And in any case our temporality cannot follow the insane speed of the hypercomplex digital machine. Human beings tend to become the ruthless executors of decisions taken without attention. The universe of transmitters, or cyberspace, now proceeds at a superhuman velocity and becomes untranslatable for the universe of receivers, or cybertime, that cannot go faster than what is allowed by the physical material from which our brain is made, the slowness of our body, the need for caresses and affection. Thus opens a pathological gap and mental illness spreads as testified by the statistics and above all our everyday experience. And just as pathology spreads, so too do drugs. The flourishing industry of psychopharmaceuticals beats records every year, the number of packets of Ritalin, Prozac, Zoloft and other psychotropics sold in the pharmacies continually increases, while dissociation, suffering, desperation, terror, the desire not to exist, to not have to fight continuously, to disappear grows alongside the will to kill and to kill oneself. When, towards the end of the 1970s, an acceleration of the productive and communicative rhythms in occidental metropolitan centers was imposed, a gigantic epidemic of drug addiction made its appearance. The world was leaving its human epoch to enter the era of machinic posthuman acceleration: many sensitive organisms of the human variety began to snort cocaine, a substance that permits the acceleration of the existential rhythm leading to transforming oneself into a machine. Many other sensitive organisms of the human kind injected heroin in their veins, a substance that deactivates the relation with the speed of the surrounding atmosphere. The epidemic of powders during the 1970s and the 1980s produced an existential and cultural devastation with which we still haven’t come to terms with. Then illegal drugs were replaced by those legal substances which the pharmaceutical industry in a white coat made available for its victims and this was the epoch of anti-depressants, of euphorics and of mood regulators. Today psychopathy reveals itself ever more clearly as a social epidemic and, more precisely, a socio-communicational one. If you want to survive you have to be competitive and if you want to be competitive you must be connected, receive and process continuously an immense and growing mass of data. This provokes a constant attentive stress, a reduction of the time available for affectivity. These two tendencies, inseparably linked, provoke an effect of devastation on the individual psyche: depression, panic, anxiety, the sense of solitude and existential misery. But these individual symptoms cannot be indefinitely isolated, as psychopathology has done up until now and as economic power wishes to do.

#### Questions regarding ethics are irrelevant in the world of the infosphere. All information gets coopted by the inescapability of capitalism – it’s search is cruelly optimistic in a world of semiocapitalism because of how information interacts with us.

Berardi 11 [Franco Berardi, Italian communist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism “0. Bifurications.” Precarious Rhapsody, by Franco Bifo Berardi et al., AK Press, 2011. P. 14-15 // LEX JB]

Because of this, I believe that it is necessary to identify the new forms of social consciousness beginning from generational belonging. And for this reason I will speak of two decisive successive shifts in a mutation that has led to the draining of humanistic categories and of the perspectives on which modern politics was based. These two passages are constituted in the subsumption of the human mind in formation within two successive technological configurations of the media-sphere. The first is that which I call video-electronic, meaning the technologies of televisual communication. It is a case of the passage that Marshall McLuhan speaks of in his fundamental 1964 study, Understanding Media. McLuhan looks at the transition from the alphabetic sphere to the video-electronic one and concludes that when the simultaneous succeeds the sequential, the capacity of mythological elaboration succeeds that of critical elaboration. The critical faculty presupposes a particular structuring of the message: the sequentiality of writing, the slowness of reading, and the possibility of judging in sequence the truth or falsity of statements. It is in these conditions that the critical discrimination that has characterized the cultural forms of modernity becomes possible. But in the sphere of video-electronic communication, critique becomes progressively substituted by a form of mythological thinking in which the capacity to distinguish between the truth and falsity of statements becomes not only irrelevant but impossible. This passage took place in the techno-sphere and media-sphere of the 1960s and 1970s and the generation that was born at the end of the 1970s began to manifest the first signs of impermeability to the values of politics and critique that had been fundamental for the preceding generations of the twentieth century. The more radical mutation was the diffusion of digital technologies and the formation of the global internet during the 1990s. Here, the functional modality of the human mind changes completely, not only because the conditions of communication become infinitely more complex, saturated and accelerated, but rather because the infantile mind begins to form itself in a media environment completely different from that of modern humanity.

#### Thus, the standard is to symbolically take the system hostage through it’s own method of exhaustion. We do this through radical passivity and a method of the Wu Wei – only radical passivity can escape the infosphere

**Berardi 11** [Franco Berardi, Italian communist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism “Chapter 4 Exhastion and Subjectivity.” After the Future, by Franco Bifo Berardi et al., AK Press, 2011. P. 107-108 // LEX JB]

* TW – mentions of suicide, not read, but it’s in the card if you chose to read it after the round

The process of collective subjectivation (i.e. social recomposition) implies the development of a common language-affection which is essentially happening in the temporal dimension. The semiocapitalist acceleration of time has destroyed the social possibility of sensitive elaboration of the semio-flow. The proliferation of simulacra in the info-sphere has saturated the space of attention and imagination. Advertising and stimulated hyper-expression (“just do it”), have submitted the energies of the social psyche to permanent mobilization. Exhaustion follows, and exhaustion is the only way of escape: Nothing, not even the system, can avoid the symbolic obligation, and it is in this trap that the only chance of a catastrophe for capital remains. The system turns on itself, as a scorpion does when encircled by the challenge of death. For it is summoned to answer, if it is not to lose face, to what can only be death. The system must itself commit suicide in response to the multiplied challenge of death and suicide. So hostages are taken. On the symbolic or sacrificial plane, from which every moral consideration of the innocence of the victims is ruled out the hostage is the substitute, the alter-ego of the terrorist, the hostage’s death for the terrorist. Hostage and terrorist may thereafter become confused in the same sacrificial act. (Baudrillard 1993a: 37) In these impressive pages Baudrillard outlines the end of the modern dialectics of revolution against power, of the labor movement against capitalist domination, and predicts the advent of a new form of action which will be marked by the sacrificial gift of death (and self-annihilation). After the destruction of the World Trade Center in the most important terrorist act ever, Baudrillard wrote a short text titled The Spirit of Terrorism where he goes back to his own predictions and recognizes the emergence of a catastrophic age. When the code becomes the enemy the only strategy can be catastrophic: all the counterphobic ravings about exorcizing evil: it is because it is there, everywhere, like an obscure object of desire. Without this deep-seated complicity, the event would not have had the resonance it has, and in their symbolic strategy the terrorists doubtless know that they can count on this unavowable complicity. (Baudrillard 2003: 6) This goes much further than hatred for the dominant global power by the disinherited and the exploited, those who fell on the wrong side of global order. This malignant desire is in the very heart of those who share this order’s benefits. An allergy to all definitive order, to all definitive power is happily universal, and the two towers of the World Trade Center embodied perfectly, in their very double-ness (literally twin-ness), this definitive order: No need, then, for a death drive or a destructive instinct, or even for perverse, unintended effects. Very logically – inexorably – the increase in the power heightens the will to destroy it. And it was party to its own destruction. When the two towers collapsed, you had the impression that they were responding to the suicide of the suicide-planes with their own suicides. It has been said that “Even God cannot declare war on Himself.” Well, He can. The West, in position of God (divine omnipotence and absolute moral legitimacy), has become suicidal, and declared war on itself. (Baudrillard 2003: 6-7) In Baudrillard’s catastrophic vision I see a new way of thinking subjectivity: a reversal of the energetic subjectivation that animates the revolutionary theories of the 20th century, and the opening of an implosive theory of subversion, based on depression and exhaustion. In the activist view exhaustion is seen as the inability of the social body to escape the vicious destiny that capitalism has prepared: deactivation of the social energies that once upon a time animated democracy and political struggle. But exhaustion could also become the beginning of a slow movement towards a “wu wei” civilization, based on the withdrawal, and frugal expectations of life and consumption. Radicalism could abandon the mode of activism, and adopt the mode of passivity. A radical passivity would definitely threaten the ethos of relentless productivity that neoliberal politics has imposed. The mother of all the bubbles, the work bubble, would finally deflate. We have been working too much during the last three or four centuries, and outrageously too much during the last thirty years. The current depression could be the beginning of a massive abandonment of competition, consumerist drive, and of dependence on work. Actually, if we think of the geopolitical struggle of the first decade – the struggle between Western domination and jihadist Islam – we recognize that the most powerful weapon has been suicide. 9/11 is the most impressive act of this suicidal war, but thousands of people have killed themselves in order to destroy American military hegemony. And they won, forcing the western world into the bunker of paranoid security, and defeating the hyper-technological armies of the West both in Iraq, and in Afghanistan. The suicidal implosion has not been confined to the Islamists. Suicide has became a form of political action everywhere. Against neoliberal politics, Indian farmers have killed themselves. Against exploitation hundreds of workers and employees have killed themselves in the French factories of Peugeot, and in the offices of France Telecom. In Italy, when the 2009 recession destroyed one million jobs, many workers, haunted by the fear of unemployment, climbed on the roofs of the factories, threatening to kill themselves. Is it possible to divert this implosive trend from the direction of death, murder, and suicide, towards a new kind of autonomy, social creativity and of life? I think that it is possible only if we start from exhaustion, if we emphasize the creative side of withdrawal. The exchange between life and money could be deserted, and exhaustion could give way to a huge wave of withdrawal from the sphere of economic exchange. A new refrain could emerge in that moment, and wipe out the law of economic growth. The self-organization of the general intellect could abandon the law of accumulation and growth, and start a new concatenation, where collective intelligence is only subjected to the common good. The global recession started officially in September 2008 and lasted officially until the summer of 2009. Since the summer of 2009 the official truth in the media, in political statements, in economic talk was: recovery. The stock exchange began to rise again and the banks started again paying huge bonuses to their managers and so on. Meanwhile, unemployment was exploding everywhere, salaries were falling, welfare was curtailed, 90 million more are expected to join the army of poverty in the next year. Is this recovery? Our conditional reflex (influenced by the Keynesian knowledge that recovery is the recovery of the “real economy”) answered: no, this is not recovery, capitalism cannot recover only by financial means. But we should reframe our vision. Finance is no longer a mere tool of capitalist growth. The financialization of capitalism has made finance the very ground of accumulation, as Christian Marazzi (2010) has explained in recent works such as The Violence of Financial Capitalism. In the sphere of semiocapitalism, financial signs are not only signifiers pointing to some referents. The distinction between sign and referent is over. The sign is the thing, the product, the process. The “real” economy and financial expectations are no longer distinct spheres. In the past, when riches were created in the sphere of industrial production, when finance was only a tool for the mobilization of capital to invest in the field of material production, recovery could not be limited to the financial sphere. It took also employment and demand. Industrial capitalism could not grow if society did not grow. Nowadays we must accept the idea that financial capitalism can recover and thrive without social recovery. Social life has become residual, redundant, irrelevant.

#### Impact calc –

#### Signifiers of capitalism must be evaluated

#### Weigh in terms of a better method of evaluation

### 1AC – Advocacy

#### Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicine.

Patents, jurisdiction in every country, covid patent waiver 2021, all other spec in cx

### 1AC – Offense

#### [1] IP is a regime of signifiers that is required for capital to flourish – biopolitics such as medicine theorization requires production which is inherently tied to IP.

Lemmens 17 [Pieter Lemmens, January 2017 , “The conditions of the common: a Stieglerian critique of Hardt and Negri’s thesis on cognitive capitalism as a prefiguration of communism”, DOI:[10.5040/9781350221741.ch-005](http://dx.doi.org/10.5040/9781350221741.ch-005) // JB]

Capital is compelled to remain increasingly external to the process of production and its functional role is constantly diminishing. Whereas material, industrial labour functioned heteronomously as an organ contained within the body of capital, immaterial labour is becoming increasingly free and autonomous and capital ever more dependent and parasitic, forced to block the movements of knowledge, communication and cooperation (e.g. through intellectual property rights) in order to survive (Hardt & Negri, 2009: 142). Whereas the multitude ‘is the real productive force of our social world’, therefore, ‘Empire is a mere apparatus of capture that lives off the vitality of the multitude – as Marx would say, a vampire regime of accumulated dead labor that survives only by sucking off the blood of the living’; it is nothing but ‘an empty machine, a spectacular machine, a parasitical machine’ (Hardt & Negri, 2000: 62). Capital thereby loses its historically progressive force and can continue to exist only through direct expropriation of externally produced value – that is, through expropriation of the common (Negri, 2008d: 64–7). Immaterial production is structurally ‘incompatible’ with the logic of capital and therefore cognitive capitalism will ultimately destroy itself through its inherent contradictions. Capitalism’s traditional mechanisms of exploitation and control, both the intensive and extensive, increasingly contradict and fetter the productivity of biopolitical labour and frustrate the creation of value. Biopolitical labour in all its forms – cognitive, intellectual, affective, etc. – cannot be contained by the forms of discipline and command that were developed during the era of Fordism. Therefore, the integration of labour within the ruling structures of capital becomes increasingly difficult (Hardt & Negri, 2009: 264, 291). Capital’s strategies of privatisation and control destroy the common that is at the base of biopolitical production, so biopolitical productivity is hampered every time the common is destroyed. A good example is the impediment of innovation in agriculture and biotechnology and the blocking of creativity in cultural production due to excessive intellectual property regimes in the form of patents and copyrights (see Drahos & Braithwaite, 2002; Lessig, 2004; Aigrain, 2005; Jefferson, 2006; Boyle, 2008; Hope, 2008; Kloppenburg, 2010).

#### [2] IP is the driving factor of semiocapitalism – the 1NC’s innovation DA will prove uniqueness for this.

Míguez 18 [Míguez, Pablo (2018). Intellectual property and the forced commodification of knowledge. Universitas, 29, pp. 41-62, [https://universitas.ups.edu.ec/index.php/universitas/article/view/29.2018.02 //](https://universitas.ups.edu.ec/index.php/universitas/article/view/29.2018.02%20//) JB]

For some authors, intellectual property rights constitute “new fencing” or enclosures, in the same way that during the so-called original accumulation the laws of land fencing imposed the initial conditions for the deployment of conventional capitalist accumulation. This time these enclosements would aim to impose the foundations of a capitalism sustained on new pillars, a “cognitive capitalism” where the production of intangible goods imposes its hegemony to the typical production of the classic industrial period. In cognitive capitalism, intellectual property is reinforced because it is the only mechanism that allows the private appropriation of increasingly social knowledge and its control is strategic for the valorization of capital. Moulier Boutang emphasizes that this new “great transformation” that means cognitive capitalism —taking the terms of Karl Polanyi— needs the creation of new “fictitious goods” such as the introduction of “artificial” scarcity mechanisms, “to temporarily limit its diffusion and to regulate access” (Rullani, 2002). In that sense, Boutang pointed out in 2001 that: The cognitive capitalism is in its phase of primitive accumulation, in the sense that the whole of the property rights established between the seventeenth and eighteenth centuries, and from which it has reasoned the classical political economy —and which in turn contributed to perfection and legitimize— constitutes an impassable limit for the inscription of the development potential of the productive forces of the human activity in a trajectory of regular growth and in the framework of an institutional commitment with the forces of the old economy (Moulier Boutang, 2004, p. 111). For Boutang, the old property rights are limits to the development of the productive forces to the extent that they do not allow to take advantage of the positive and free productive effects (“positive externalities” in the conventional economic jargon) of the multiple interactions of a knowledgebased economy, a free, incessant and continuous activity. If one is obliged to resort to the commercial exchange for the production of knowledgeintensive goods, the company would be deprived of an essential source of the productivity of the economic agents (Moulier Boutang, 2004, p. 116).

### 1AC – Method

#### 1] Contradictions affirm – they make people unsure of what people mean which confuses productivity in debate

#### 2] I’ve hypnotized them – to prove this, I’ll make them contest the 1AC in the next speech and ask questions about the aff in 3 minutes after the aff. Vote aff because I’ll control you otherwise.

#### 3] Reject 1NC theory and IVIs- it destroys any engagement with the aff and is what allows debaters to up-layer issues of oppression.

### 1AC – UV

#### [1] 1ar theory since the neg can do infinite bad things and I can’t check. It’s drop the debater since the 1ar is too short to win both layers. No RVI since they’d dump on it for 6 minutes. CI since reasonability is arbitrary and bites intervention.

#### [2] Permissibility and presumption substantively affirm: a) Statements are true before false since if I told you my name, you’d believe me b) Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason. c) interp – the neg must grant the aff permissibility and neg gets presumption for recirpcority for equal routes to the ballot and deters tricks NCs that bank on no offense

#### [3] No omissions: All neg theory violations and kritik links must come from the text of the AC, not the absence of specification. (A) I have a limited time to speak so it’s an infinite aff burden (B) Race to bottom – incentivizes people to not engage the aff and make a bunch frivolous spec argument to preclude

#### [4] Neg may only read 1 T or theory shell. Multiple shells spread out the 1AR and allow the 2NR to collapse to whichever shell was under covered, meaning I wasn’t given a fair shot at justifying my practice. Multiple rounds solve your offense since we can check lots of abusive practices over time. Theory on spikes are incoherent a) they are paradoxical because they both indict each other but mine are lexically prior b) we can infinitely debate about framing which never gets resolved which means default aff

#### [5] Aff gets RVIs a) time skew: theory moots all aff offense and the 1ar isn’t enough time to win on both substance and theory so the 2n collapse makes it impossible, and given bidirectional interps, theory is always a 2nd off strategy for you

### 1AC – UV 2

#### The status quo ensures vaccine imperialism. Intellectual property law is the lynchpin of North-South health inequality and has empirically resulted in disparate life outcomes.

Vanni 21 – Dr. Amaka Vanni is Lecturer in Law at the University of Leeds. ("On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism," 3-23-2021, <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>) julian

While the response to COVID-19 has shown what can be accomplished when the world works together, it has also underscored three interrelated points. First, the neoliberal framework – including the critical role intellectual property (IP) law plays in constituting this form of civilisation – is an unsuitable model for delivering the goods needed to respond to global health emergencies. The current economic/market system does not allow for equitable responses to infectious diseases, particularly access to sufficient medical and health resources. This inequity was obvious in the early days of the pandemic when test kits, PPEs, and ventilation machines were being distributed on the basis of who could pay the most rather than who needed them the most. Second, the beggar-thy-neighbor response currently adopted by developed countries hurts everyone because failing to stop the spread of the virus globally allows more mutations, which makes existing vaccines less effective. As COVID-19 has shown, no one is safe until everyone is safe. Yet, despite this warning, the hoarding of vaccines by developed countries continues unabated and speaks to the wider racist capitalist system we live in. If anything, this crude accumulation of vaccines reinforces North-South economic and political dominance and marks, as Onur Ince observes, the conceptual locus of political violence operative in the global genealogy of capitalism.

Third, while COVID-19 may endanger us all, it is far more costly to some than others. Numerous reports have shown how black and brown people are most impacted by the pandemic. In the United States, for example, indigenous Americans have the highest COVID-19 mortality rates nationwide while African American communities have COVID-19 mortality that is 2.3 times higher than the rate for Asians and Latinxs, and 2.6 times higher than the rate for Whites. Similar data is also emerging in the UK where people from black and minority ethnic groups are at greater risk of dying from coronavirus. This means those groups suffer higher loss of life compared to other racial groups due to inequities in healthcare access as well as higher rate of pre-existing conditions. In other parts of the world, the most vulnerable and the economically marginalized such as those working in the informal sector and living in shanty towns are feeling the effects of the pandemic the most. In Latin America and the Caribbean, 70 per cent of domestic workers have been affected by the pandemic where most have stopped receiving income. In Ghana, residents of slums at Old Fadama – a suburb in Accra – were made homeless when the government demolished their homes. The ensuing homelessness means there is little to no space of observing social distancing rules, access to running water and access to other resources to practice basic hygiene. Meanwhile in India, the pandemic has unsurprisingly hit the country along caste lines where the Dalits are most impacted because many are poor and have limited access to healthcare.

As Kimberlé Williams Crenshaw reminds us, the high number of minority deaths is not new. Rather, this crisis simply amplified racism and other forms of structural inequality as a pre-existing condition – an intersectional issue – where those disproportionately hurt are those who are already structurally marginalized. Thus, while recognising a broken global IP regime that triggered the scramble for vaccines, the racialized impact of the pandemic cannot be ignored, and it points to the entangled roots of race and capitalism.

The rest of this analysis takes a close look at some of the legal, political and economic forces that have animated IP rights and access to COVID-19 vaccine. It will focus on how the entanglement of corporate capture of global IP regime, state complicity and vaccine imperialism have come together to shape public health responses to the pandemic. It underscores how the law, in this case international IP law, consistently shelters capital and operates as an expression to further corporate pharmaceutical interests. If there is a lesson to be gleaned from this pandemic, it is that intellectual property is not failing us but is functioning the way it is set up to do. As the history of IP globalization has shown, the World Trade Organization’s (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) is a transplant of the Euro-American model of property, driven by multinational corporations who used their respective national governments to underwrite and export their domestic IP claims. Therefore, it is unsurprising that this international legal regime employed to advance the interests of particular classes, nations and regions at the expense of others continues to reproduce extreme inequality with human costs.

#### The plan reverse casually ensures the reduction of vaccine imperialism.

Vanni 21 – Dr. Amaka Vanni is Lecturer in Law at the University of Leeds. ("On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism," 3-23-2021, <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>) julian

Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term.

Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic.

Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do.

These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities.

#### Patents on medicine create a hierarchy of cultural practices

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

The production of scientific and technological knowledge has a history of hierarchical oppression. From the inception of scientific experimentation those deemed suitable to produce knowledge and in which way was clearly defined. And so the modest witness (Haraway, 1997: 24) was born. For Donna Haraway, this Subject was able to sediment its position as the only self-invisible, objective knower by normalizing the idea that “his subjectivity is his objectivity” (24). Through performing an air of legitimate agency and distancing himself from any form of knowledge viewed as ‘feminine’ (anything subjective, embodied or alchemical, but not necessarily originating in a or from a female biological body) and excluding women, people of lower class and people of different ethnicities from the space of knowledge production, therefore making their voices dissident and eventually invisible, the modest witness claims the space of knowledge production (27-32). Haraway sees this evolution of the experimental life as responsible for marginalizing various groups from the scientific world and also permeating these oppressive views out into society. She states, “racial formation, gender-in-the-making, the forging of class, and the discursive production of sexuality [are created] through the constitutive practices of [knowledge production] themselves” (35). Discursive practice of knowledge production forge these same marginalized Subjectivites through constructing, re-presenting and positioning as less capable due to these categorizations. An intersectional (Crenshaw, 1989) indigenous identity, whereby an indigenous person suffers oppression along multiple lines; gender, race, ethnicity and class, leads to the entire marginalization and trivialization of knowledges produced by the indigenous Subject. Knowledges produced outside of the dominant paradigm becomes subjugated as they are: “either hidden behind more dominant knowledges but can be revealed by critique or have been explicitly disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity” (Foucault, 1980: 82). Positivist accounts of Eurocentric masculinist knowledges are often in direct opposition to knowledges produced by subordinate groups, such as indigenous peoples, who have developed alternative standpoints and validation processes (Collins, 1991: 202). The former account is dominant and therefore subordinate knowledge is rarely recognized and those producing it even more rarely acknowledged (Smith, 2012: 121). This self-stated omnipotent embodied Subject defines its own reality as concrete experience (Spivak, 2010: 27) prioritizing its own in relation to all other experience. Knowledge and power intertwine to become a nexus of considerable force, continually constructing one another, capable of defining discourse. Foucault argues that knowledge and power cannot stand-alone, they are in a perpetual reliant construction of one another, “knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true. All knowledge, once applied in the real world, has effects, and in that sense at least, 'becomes true.' Knowledge, once used to regulate the conduct of others, entails constraint, regulation and the disciplining of practice. Thus, there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations” (Foucault, 1977: 27). This formidable force of power/knowledge constructs a referent figure for itself whilst simultaneously constructing the Other in opposition. The dominating power/knowledge nexus generates inequalities in the way knowledge is structured by legitimizing itself and delegitimizing alternatives (Shiva, 1993: 9). This is what leads Shiva to argue that modern knowledge systems, emerging from a colonizing culture, are themselves colonizing (9). As discussed previously, the concept of biopiracy has its epistemological roots in the colonial period. Otherwise framed as bioprospecting but termed biopiracy in this thesis due to its politically loaded associations with theft (Bender, 2003), biopiracy is “the practice of commercially exploiting naturally occurring biochemical or genetic material, especially by obtaining patents that restrict its future use, while failing to pay fair compensation to the community from which it originates” (Taylor, 2014). Ethnopharmacological studies have enticed many researchers and anthropologists to biodiverse areas of the Global South in search of ancient wisdom for contemporary healing (Lee and Balik, 2001).15 This type of ecoethno research is highly problematic for various reasons as has been discussed previously. When multinational pharmaceutical and agrichemical companies fund research with invested interests in exploiting indigenous knowledges for the exclusive economic enrichment of the Global North (Tamale, 2001: 28) the central knowledge producing role of the indigenous Other is obscured in Western discourse and the economic relation between indigenous peoples, resources and the Global North is denied or presented in a paternalistic frame (Plumwood, 1993: 49). Through the framing of indigenous peoples as devoid of scientific knowledge the role of indigenous peoples is constructed as being unrelated to the knowledge production process. Beyond these problematic issues also lies environmental degradation, habitat destruction and resource exploitation. Thus, in cases of biopiracy the appropriation of knowledge can be witnessed, and this denies the indigenous Subject the right to present and preserve one’s own scientific creativity, and the right to expression and self-determination. This theft can be viewed as double layered; first, it is the theft of intellectual and creative property nurtured by indigenous communities for generations, and second, the theft of potentially economically viable and life sustaining resources (Shiva cited in Shah, 2002). Shiva further comments on the central role racism has in the hierarchy of knowledge production and how this applies to biopiracy, “The knowledge of our ancestors […] is being claimed as an invention of US corporations and US scientists and being patented by them. The only reason something like that can work is because underlying it all is a racist framework that says the knowledge of the Third World and the knowledge of people of colour is not knowledge. When that knowledge is taken by white men who have capital, suddenly creativity begins… Patents are a replay of colonialism, which is now called globalization and free trade” (Shiva, cited in Mohanty, 2003: 232- 233, emphasis added). Indigenous knowledges are discounted when they emanate from a racialized indigenous Subject, yet that same knowledge is venerated when it emanates from a Global North Subject. Biopiracy operates as another mechanism of silencing the indigenous Subject, Those who do not fit within the neo-liberal capitalist regime and Global North’s narrow concept of modernity are disqualified, therefore reifying the Global North’s supremacy. This act is authorized by the subtle nuances of internationallegislation on the rights of indigenous peoples and trade and patent related laws that circumvent obstacles to the misappropriation of indigenous knowledges. Subject construction of the natural, inferior indigenous Other is created and sustained through these documents, as will be analysed in chapter four, enabling this discourse of exploitation. In the following chapter the postcolonial ecofeminist perspective used to frame this exploration will be detailed, accompanied by the critical discourse methodology that will be used to analyse the international legislation.

### 1AC – UV 3

#### The DA is uniqueness for the affirmative – semiocapitalism is the root cause

Bifo 12 [Franco Berardi, Italian communist theorist and activist in the autonomist tradition, whose work mainly focuses on the role of the media and information technology within post-industrial capitalism, “After the Future”, Published: 2012, DOA: 7/5/19 // JB]

As soon as the economic breakdown began, as if by miracle, three planes flew through the skies of Washington and New York. After the events of September 11, 2001 (S11), miraculously, the capitalism on the verge of bankruptcy could 59 invest the energies of the whole society (that displayed signs of exhaustion) in the direction of war. **The general** **mobilization of these energies began with a call to a Holy War** **of the West** **against the** **evils of the** **world**. Here begins the great Manichean campaign of **Good versus Evil**. The **Good is represented by a group of oil magnates** who have notoriously **robbed public funds that led to the collapse of giant companies**. Since the **war on** the **Afghan** **population** **failed to produce any of the promised results**, i.e. the arrest of the heads of the Al Qaida organisation accused of being responsible for the S11 attacks, **the war must be re-launched**. A new target is chosen: the former ally and accomplice Saddam Hussein is the target. The motivations for a war on Iraq are ridiculous. “Saddam is an enemy of humanity”. Of course, he was one already when he acted on behalf of the American administration and occupied Iran, as are many of the American allies such as Sharon and the Saudi dynasty. “He used illegal weapons”. As he did in 1988 with the financial and political support of the US. “He can make nuclear weapons”. Which is improbable. Anyway, the violations of the nonproliferation treaty are multiple, starting from Israel. “We need to bring democracy to the Middle East”. Nothing could be more hypocritical. Democracy in the Middle East would require the departure of Israeli forces from the occupied territories, the recognition of the political rights of the Kurdish people, and a reduction of the role of the large oil corporations that for fifty years have been robbing the resources of those countries whilst influencing their political life in a direct and authoritarian manner ever since they sponsored a military coup in 1953 against Premier Mohammed Mossadeq for trying to nationalize the Iranian oil industry. **The ideology of** **security is the product of** **a paranoia** **fuelled** **by** **the** **media and geared to** **create** **an economic system of global security that** **can** **always feed on new paranoia**. “We need to protect our quality of life”. **This is the only sentence that corresponds to truth in the whole of the war propaganda**: 20% of humanity does not wish to give up the consumption of 80% of the world resources. What are the possible scenarios of war in Iraq? One is that of a rapid victory for the aggressors, the capture and trial of Baghdad’s criminal, the imposition of a relatively peaceful protectorate, the American democratization of the Middle East, the progressive clearance of conflict zones, the imposition of a planetary military dictatorship for good purposes. But does anyone believe this to be possible? The **more realistic scenario entails the possibility of a fall of the Pakistani regime with** the gain of **two hundred nuclear warheads** for the Islamic fundamentalists. The most probable consequence of aggression against Iraq is the explosion of Empire, the inauguration of the Empire of Chaos. Meanwhile, something came to change the whole scenario: in the framework of a paranoid **clash between fundamentalist and nationalist fanaticism and nazi-capitalist fanaticism**, a third actor has finally emerged, that we have been 60 waiting for since S11, which has been built with the stubborn labor of the global movement against corporations. The third actor came into being on February 15th, 2003 as millions upon millions marched in cities around the globe in protest against the war in Iraq. It is the movement of global everyday life that rebels against war mongering dementia. What we saw on F15 is a movement that is destined to expand and radicalize. **But at that stage it will be a matter of working towards pushing the process of exiting the war to coincide with that of dissolving of the neoliberal domination of global capitalism, in order to repose the dynamic of anti-capitalist conflict in society. Capitalism brings war as clouds bring storms, but in the course of the war the conditions for a re-dislocation of capitalism are created. The question of subverting the forces that produced the war will emerge. Then it will not be sufficient to eliminate the criminal class that produced the war. It will be necessary to clarify that war is only the continuation of liberalist devastation by other means, hence, it will be necessary to cut the roots of the process that led to catastrophe.**

### 1AC – UV 4

#### 1] Neg arguments assume that the 1AC is a statement that is worthy of contestation which means our arguments are legitimate.

#### 2] What the neg reads doesn’t prove the aff false but only challenges an assumption of it

#### 3] Either the neg is true meaning its bad for us to clash w/ it because spreads fake news OR it’s not meaning it’s a lie