## Framing

#### Subjectivity is the prerequisite to ethics – ethics is a call for subjects to take actions and we need to understand the subject for ethics to be coherent. Stable and sovereign understandings of the subject are false and fail to create ethics. Instead, the subject is dynamic -

#### Time fractures the subject. Thinking only affects a subject as a being in time and so is not a transcendent feature. Transcendent subjecthood fails because differentiation through times causes instability

Deleuze 68

[Deleuze, Gilles. Difference and Repitition. Translated by Paul Patton. 1968. Accessed 9/17/21 <https://www.jstor.org/stable/10.3366/j.ctt1g09x57>]

Temporally speaking - in other words, from the point of view of the theory of time - nothing is more instructive than the difference between the Kantian and the Cartesian Cogito. It is as though Descartes's Cogito operated with two logical values: determination and undetermined existence. The determination (I think) implies an undetermined existence (I am, because 'in order to think one must exist') - and determines it precisely as the existence of a thinking subject: I think therefore I am, I am a thing which thinks. The entire Kantian critique [is] amounts to objecting against Descartes that it is impossible for determination to bear directly upon the undetermined. The determination ('I think') obviously implies something undetermined ('I am'), but nothing so far tells us how it is that this undetermined is determinable by the 'I think': 'in the consciousness of myself in mere thought I am the being itself although nothing in myself is thereby given for thought.'8 Kant therefore adds a third logical value: the determinable, or rather the form in which the undetermined is determinable (by the deter­ mination). This third value suffices to make logic a transcendental instance. It amounts to the discovery of Difference - no longer in the form of an empirical difference between two determinations, but in the form of a transcendental Difference between the Determination as such and what it determines; no[t] longer in the form of an external difference which separates, but in the form of an internal Difference which establishes an a priori relation between thought and being. Kant's answer is well known: the form under which undetermined existence is determinable by the 'I think' is that of time ...9 The consequences of this are extreme: my undetermined existence can be determined only within time as the existence of a phenomenon, of a passive, receptive phenomenal subject appearing within time. As a result, the spontaneity of which I am conscious in the 'I think' cannot be understood as the attribute of a substantial and spontaneous being, but only as the affection of a passive self which experiences its own thought - its own intelligence, that by virtue of which it can say I - being exercised in it and upon it but not by it. Here begins a long and inexhaustible story: I is an other, or the paradox of inner sense. The activity of thought applies to a receptive being, to a passive subject which represents that activity to itself rather than enacts it, which experiences its effect rather than initiates it, and which lives it like an Other within itself. To 'I think' and 'I am' must be added the self - that is, the passive position (what Kant calls the receptivity of intuition); to the determination and the undetermined must be added the form of the determinable, namely time. Nor is 'add' entirely the right word here, since it is rather a matter of establishing the difference and interiorising it within being and thought. It is as though the I were fractured from one end to the other: fractured by the pure and empty form of time. In this form it is the correlate of the passive self which appears in time. Time signifies a fault or a fracture in the I and a passivity in the self, and the correlation between the passive self and the fractured I constitutes the discovery of the transcendental, the element of the Copernican Revolution. Descartes could draw his conclusion only by expelling time, by reducing the Cogito to an instant and entrusting time to the operation of continuous creation carried out by God. More generally, the supposed identity of the I has no other guarantee than the unity of God himself. For this reason, the substitution of the point of view of the 'I' for the point of view of 'God' = than is commonly supposed, so long as the former retains an identity that it owes precisely tt. If the greatest tmttattve of transcendental philosophy was to introduce the form of time into thought as such, then this pure and empty form in turn signifies indissolubly the death of God, the fractured I and the passive self. It is true that Kant did not pursue this initiative: both God and the I underwent a practical resurrection. Even in the speculative domain, the fracture is quickly filled by a new form of identity - namely, active synthetic identity; whereas the passive self is defined only by receptivity and, as such, endowed with no power of synthesis. On the contrary, we have seen that receptivity, understood as a capacity for experiencing affections, was only a consequence, and that the passive self was more profoundly constituted by a synthesis which is itself passive (contemplation ontraction). · The possibility of receiving sensations or impressions follows from this. It is impossible to maintain the Kantian distribution, which amounts to a supreme effort to save the world of representation: here, synthesis is understood as active and as giving rise to a new form of identity in the I, while passivity is understood as simple receptivity without synthesis. The Kantian initiative can be taken up, and the form of time can support both the death of God and the fractured I, but in the course of a quite different understanding of the passive self. In this sense, it is correct to claim that neither Fichte nor Hegel is the descendant of Kant - rather, it is Holderlin, who discovers the emptiness of pure time and, in this emptiness, simultaneously the continued diversion of the divine, the prolonged fracture of the I and the constitutive passion of the self.10 Holderlin saw in this form of time both the essence of tragedy and the adventure of Oedipus, as though these were complementary figures of the same death instinct. Is it possible that Kantian philosophy should thus be the heir of Oedipus?

#### Thus, the standard and rob is embracing creative difference. Reject potential consequences of the aff under the standard – we forefront intrinsic aspects of the action of the resolution.

#### Creative difference outweighs under any framework – a. categorization destroys the possibility of ethics because we reduce agents to essential categories that allow us to deny the influence of ethics e.g. racists viewing certain races as non-deserving of ethical treatment b. Restrictions of fluidity idealize life to warrant a cleansing of difference which is the root cause of material violence and collapses to fascism.

Evans 10– Brad Evans, Lecturer in the School of Politics and International Studies at the University of Leeds and Programme Director for International Relations, “Foucault’s Legacy: Security, War, and Violence in the 21st Century,” Security Dialogue vol.41, no. 4, August 2010, pg. 422-424 Accessed 9/17/21 https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.886.8380&rep=rep1&type=pdf

Imposing liberalism has often come at a price. That price has tended to be a continuous recourse to war. While the militarism associated with liberal internationalization has already received scholarly attention (Howard, 2008), Foucault was concerned more with the continuation of war once peace has been declared.4 Denouncing the illusion that ‘we are living in a world in which order and peace have been restored’ (Foucault, 2003: 53), he set out to disrupt the neat distinctions between times of war/military exceptionalism and times of peace/civic normality. War accordingly now appears to condition the type of peace that follows. None have been more ambitious in map-­ ping out this war–peace continuum than Michael Dillon & Julian Reid (2009). Their ‘liberal war’ thesis provides a provocative insight into the lethality of making live. Liberalism today, they argue, is underwritten by the unreserved righteousness of its mission. Hence, while there may still be populations that exist beyond the liberal pale, it is now taken that they should be included. With ‘Liberal peace’ therefore predicated on the pacification/elimination of all forms of political difference in order that liberalism might meet its own moral and political objectives, The more peace is commanded, the more war is declared in order To achieve it: ‘In proclaiming peace . . . liberals are nonetheless committed also to making war.’ This is the ‘martial face of liberal power’ that, contrary to the familiar narrative, is ‘directly fuelled by the universal and pacific ambitions for which liberalism is to be admired’ (Dillon & Reid, 2009: 2). Liberalism thus stands accused here of universalizing war in its pursuit of peace: However much liberalism abjures war, indeed finds the instrumental use of war, especially, a scandal, war has always been as instrumental to liberal as to geopolitical thinkers. In that very attempt to instrumentalize, indeed universalize, war in the pursuit of its own global project of emancipation, the practice of liberal rule itself becomes profoundly shaped by war. However much it may proclaim liberal peace and freedom, its own allied commitment to war subverts the very peace and freedoms it proclaims (Dillon & Reid, 2009: 7). While Dillon & Reid’s thesis only makes veiled reference to the onto-­ theological dimension, they are fully aware that its rule depends upon a certain religiosity in the sense that war has now been turned into a veritable human crusade with only two possible outcomes: ‘endless war or the transformation of other societies and cultures into liberal societies and cul-­ tures’ (Dillon & Reid, 2009: 5). Endless war is underwritten here by a new set of problems. Unlike Clausewitzean confrontations, which at least provided the strategic comforts of clear demarcations (them/us, war/peace, citizen/soldier, and so on), These wars no longer benefit from the possibility of scoring outright victory, retreating, or achieving a lasting negotiated peace by means of political compromise. Indeed, deprived of the prospect of defining enmity in advance, war itself becomes just as complex, dynamic, adaptive and radically interconnected as the world of which it is part. That is why ‘any such war to end war becomes a war without end. . . . The project of removing war from the life of the species becomes a lethal and, in principle, continuous and unending process’ (Dillon & Reid, 2009: 32). Duffield, building on from these concerns, takes this unending scenario a stage further to suggest that since wars for humanity are inextricably bound to the global life-­chance divide, it is now possible to write of a ‘Global Civil War’ into which all life is openly recruited: Each crisis of global circulation . . . marks out a terrain of global civil war, or rather a tableau of wars, which is fought on and between the modalities of life itself. . . . What is at stake in this war is the West’s ability to contain and manage international poverty while maintaining the ability of mass society to live and consume beyond its means (Duffield, 2008: 162). Setting out civil war in these terms inevitably marks an important depar-­ ture. Not only does it illustrate how Liberalism gains its mastery by posing fundamental questions of life and death – that is, who is to live and who can be killed – disrupting the narrative that ordinarily takes sovereignty to be the point of theoretical departure, civil war now appears to be driven by a globally ambitious biopolitical imperative (see below). Liberals have continuously made reference to humanity in order to justify their use of military force (Ignatieff, 2003). War, if there is to be one, must be for the unification of the species. This humanitarian caveat is by no means out of favour. More recently it underwrites the strategic rethink in contemporary zones of occupation, which has become biopolitical (‘hearts and minds’) in everything but name (Kilcullen, 2009; Smith, 2006). While criticisms of these strategies have tended to focus on the naive dangers associated with liberal idealism (see Gray, 2008), insufficient attention has been paid to the contested nature of all the tactics deployed in the will to govern illiberal populations. Foucault returns here with renewed vigour. He understood that forms of war have always been aligned with forms of life. Liberal wars are no exception. Fought in the name of endangered humanity, humanity itself finds its most meaningful expression through the battles waged in its name: At this point we can invert Clausewitz’s proposition and say that politics is the continuation of war by other means. . . . While it is true that political power puts an end to war and establishes or attempts to establish the reign of peace in civil society, it certainly does not do so in order to suspend the effects of power or to neutralize the disequilibrium revealed in the last battle of war (Foucault, 2003: 15). What in other words occurs beneath the semblance of peace is far from politically settled: political struggles, these clashes over and with power, these modifications of relations of force – the shifting balances, the reversals – in a political system, all these things must be interpreted as a continuation of war. And they are interpreted as so many episodes, fragmentations, and displacements of the war itself. We are always writing the history of the same war, even when we are writing the history of peace and its institutions (Foucault, 2003: 15). David Miliband (2009), without perhaps knowing the full political and philo-­ sophical implications, appears to subscribe to the value of this approach, albeit for an altogether more committed deployment: NATO was born in the shadow of the Cold War, but we have all had to change our thinking as our troops confront insurgents rather than military machines like our own. The mental models of 20th century mass warfare are not fit for 21st century counterinsurgency. That is why my argument today has been about the centrality of politics. People like quoting Clausewitz that warfare is the continuation of politics by other means. . . . We need politics to become the continuation of warfare by other means. Miliband’s ‘Foucauldian moment’ should not escape us. Inverting Clausewitz on a planetary scale – hence promoting the collapse of all meaningful distinctions that once held together the fixed terms of Newtonian space (i.e. inside/outside, friend/enemy, citizen/soldier, war/peace, and so forth), he firmly locates the conflict among the world of peoples. With global war there-­ fore appearing to be an internal state of affairs, vanquishing enemies can no longer be sanctioned for the mere defence of things. A new moment has arrived, in which the destiny of humanity as a whole is being wagered on the success of humanity’s own political strategies. No coincidence, then, that authors like David Kilcullen – a key architect in the formulation of counterinsurgency strategies in Iraq and Afghanistan, argue for a global insurgency paradigm without too much controversy. Viewed from the perspective of power, global insurgency is after all nothing more than the advent of a global civil war fought for the biopolitical spoils of life. Giving primacy to counter-­ insurgency, it foregrounds the problem of populations so that questions of security governance (i.e. population regulation) become central to the war effort (RAND, 2008). Placing the managed recovery of maladjusted life into the heart of military strategies, it insists upon a joined-­up response in which sovereign/militaristic forms of ordering are matched by biopolitical/devel-­ opmental forms of progress (Bell & Evans, forthcoming). Demanding in other words a planetary outlook, it collapses the local into the global so that life’s radical interconnectivity implies that absolutely nothing can be left to chance. While liberals have therefore been at pains to offer a more humane recovery to the overt failures of military excess in current theatres of operation, warfare has not in any way been removed from the species. Instead, humanized in the name of local sensitivities, doing what is necessary out of global species necessity now implies that war effectively takes place by every means. Our understanding of civil war is invariably recast. Sovereignty has been the traditional starting point for any discussion of civil war. While this is a well-established Eurocentric narrative, colonized peoples have never fully accepted the inevitability of the transfixed utopian prolificacy upon which sovereign power increasingly became dependent. Neither have they been completely passive when confronted by colonialism’s own brand of warfare by other means. Foucault was well aware of this his-­ tory. While Foucauldian scholars can therefore rightly argue that alternative histories of the subjugated alone permit us to challenge the monopolization of political terms – not least ‘civil war’ – for Foucault in particular there was something altogether more important at stake: there is no obligation whatsoever to ensure that reality matches some canonical theory. Despite what some scholars may insist, politically speaking there is nothing that is necessarily proper to the sovereign method. It holds no distinct privilege. Our task is to use theory to help make sense of reality, not vice versa. While there is not the space here to engage fully with the implications of our global civil war paradigm, it should be pointed out that since its biopolitical imperative removes the inevitability of epiphenomenal tensions, nothing and nobody is necessarily dangerous simply because location dictates. With enmity instead depending upon the complex, adaptive, dynamic account of life itself, what becomes dangerous emerges from within the liberal imaginary of threat. Violence accordingly can only be sanctioned against those newly appointed enemies of humanity – a phrase that, immeasurably greater than any juridical category, necessarily affords enmity an internal quality inherent to the species complete, for the sake of planetary survival. Vital in other words to all human existence, Doing what is necessary out of global species necessity requires a new moral assay of life that, pitting the universal against the particular, willingly commits violence against any ontological commitment to political difference, even though universality itself is a shallow disguise for the practice of destroying political adversaries through the contingency of particular encounters. Necessary Violence Having established that the principal task set for biopolitical practitioners is to sort and adjudicate between the species, modern societies reveal a distinct biopolitical aporia (an irresolvable political dilemma) in the sense that making life live – selecting out those ways of life that are fittest by design – inevitably writes into that very script those lives that are retarded, backward, degenerate, wasteful and ultimately dangerous to the social order (Bauman, 1991). Racism thus appears here to be a thoroughly modern phenomenon (Deleuze & Guattari, 2002). This takes us to the heart of our concern with biopolitical rationalities. When ‘life itself’ becomes the principal referent for political struggles, power necessarily concerns itself with those biological threats to human existence (Palladino, 2008). That is to say, since life becomes the author of its own (un)making, the biopolitical assay of life necessarily portrays a commitment to the supremacy of certain species types: ‘a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from that norm, against those who pose a threat to the biological heritage’ (Foucault, 2003: 61). Evidently, what is at stake here is no mere sovereign affair. Epiphenomenal tensions aside, racial problems occupy a ‘permanent presence’ within the political order (Foucault, 2003: 62). Biopolitically speaking, then, since it is precisely through the internalization of threat – the constitution of The threat that is now from the dangerous ‘Others’ that exist within – that societies reproduce at the level of life the ontological commitment to secure the subject, since everybody is now possibly dangerous and nobody can be exempt, for political modernity to function one always has to be capable of killing in order to go on living: Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity; massacres have become vital. . . . The principle underlying the tactics of battle – that one has to become capable of killing in order to go on living – has become the principle that defines the strategy of states (Foucault, 1990: 137). When Foucault refers to ‘Killing’, he is not simply referring to the vicious act of taking another life: ‘When I say “killing”, I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection and so on’ (Foucault, 2003: 256). Racism makes this process of elimination possible, for it is only through the discourse and practice of racial (dis)qualification that one is capable of introducing ‘a break in the domain of life that is under power’s control: the break between what must live and what must die’ (Foucault, 2003: 255). While killing does not need to be physically murderous, that is not to suggest that we should lose sight of the very real forms of political violence that do take place in the name of species improvement. As Deleuze (1999: 76) duly noted, when notions of security are invoked in order to preserve the destiny of a species, when the defence of society gives sanction to very real acts of violence that are justified in terms of species necessity, that is when the capacity to legitimate murderous political actions in all our names and for all our sakes becomes altogether more rational, calculated, utilitarian, hence altogether more frightening: When a diagram of power abandons the model of sovereignty in favour of a disciplinary model, when it becomes the ‘bio-­power’ or ‘bio-­politics’ of populations, controlling and administering life, it is indeed life that emerges as the new object of power. At that point law increasingly renounces that symbol of sovereign privilege, the right to put someone to death, but allows itself to produce all the more hecatombs and genocides: not by returning to the old law of killing, but on the contrary in the name of race, precious space, conditions of life and the survival of a population that believes itself to be better than its enemy, which it now treats not as the juridical enemy of the old sovereign but as a toxic or infectious agent, a sort of ‘biological danger’. Auschwitz arguably represents the most grotesque, shameful and hence meaningful example of necessary killing – the violence that is sanctioned in the name of species necessity (see Agamben, 1995, 2005). Indeed, for Agamben, since one of The most ‘essential characteristics’ of modern biopolitics is to constantly ‘redefine the threshold in life that distinguishes and separates what is inside from what is outside’, it is within those sites that ‘eliminate radically the people that are excluded’ that the biopolitical racial imperative is exposed in its most brutal form (Agamben, 1995: 171). The camp can therefore be seen to be the defining paradigm of the modern insomuch as it is a ‘space in which power confronts nothing other than pure biological life without any media-­ tion’ (Agamben, 1995: 179). While lacking Agamben’s intellectual sophistry, such a Schmittean-­inspired approach to violence – that is, sovereignty as the ability to declare a state of juridical exception – has certainly gained wide-­ spread academic currency in recent times. The field of international relations, for instance, has been awash with works that have tried to theorize the ‘exceptional times’ in which we live (see, in particular, Devetak, 2007; Kaldor, 2007). While some of the tactics deployed in the ‘Global War on Terror’ have undoubtedly lent credibility to these approaches, in terms of understanding violence they are limited. Violence is only rendered problematic here when it is associated with some act of unmitigated geopolitical excess (e.g. the invasion of Iraq, Guantánamo Bay, use of torture, and so forth). This is unfortunate. Precluding any critical evaluation of the contemporary forms of violence that take place within the remit of humanitarian discourses and practices, there is a categorical failure to address how necessary violence continues to be an essential feature of the liberal

#### Prefer additionally –

#### 1. Pedagogy – we need to tip the scales towards a nomadic repositioning to mobilize moments of relationality – thus the role of the judge is to be a disruptive educator. Through recognizing existence outside the dominant mode of thought, we further our own potential and movements that challenge dominant epistemologies.

Pires 14 [Marta, 5-2014, Doctor of Education, Montclair State, "De-Territorializing the Child : Towards a Theory of Affect in Educational Philosophy and Research" (2014). Theses, Dissertations and Culminating Projects. 66. Accessed 9/17/21 <https://digitalcommons.montclair.edu/cgi/viewcontent.cgi?article=1065&context=etd>] Recut AX

As seen in plateau 3., understanding, or coding the child as the child of labor/work, and as lack, as lacking something – rationality, reason, intellectual ability, knowledge and information, discursive abilities, and experience – postulates that the child not only needs to be educated, but that the purpose of education is to fill, or fulfill that lack. This lack is predetermined by the adults that make decisions about children and, in what regards formal education, made official through policy, and circulated within the community of education professionals as the truth. It is then, to a bigger or lesser extent, implemented by schools and teachers, and as of late, scrutinized by the penalizing effects of standardized test results – not conforming will result in loss of funds and often loss of the tools necessary to fulfill the very goals the policy states as necessary for children to thrive socially and personally. In current United States, those in charge of making decisions about children are often influenced by corporate rhetoric and logic. Corporate needs, translated into corporate rhetoric, become the goals for formal, mostly public, education serving millions of children. The “truth” served to the community of education professionals about the lack that makes of children incomplete, incompetent beings, is thus the truth about corporate needs and the ways those can be addressed through formal education. If any compelling evidence of this was needed, President Obama’s words at the nation address in February 2013, during which he referred to children as “our most valuable resource” (http://www.c-span.org, 2013, p. 12), have provided it. And while I do believe in the importance of providing children with tools and resources for navigating their social and financial reality, I do not believe that this should be the primary or exclusive goal/purpose of formal education, nor do I believe that formal public education should be geared towards fulfilling the ideals and needs of private corporate interest. I believe, rather, that it should finally be geared towards serving the child – not the child as resource, but the child as life, as immanent being that participates of the world today and tomorrow, and exists simultaneously with its adult. This is the affective child, the child of life, and the child of potentiality. This child is not defined by what she cannot do, but valuable for what she can do, and is not equated with lack. The child that does not lack, does not need the education of the kind that is meant to fulfill that lack – that predetermined lack that overlooks that which it does not include in its “lacking list”. The affective child learns, engages in learning as a way to activate her power to become – whatever, whenever. Learning may or may not come from, or occur within, formal education, thus extending value to the minor and decreasing the possibilities for discriminatory practices to occur. Becoming becomes itself a way of living with profound acceptance of experiencing the world rather than holding information about it – learning that other human beings are only different if engaged with as such, that they are victims only if taken advantage of, and that nature and the world are resource only when we act upon them as such. For teachers as for researchers, profound acceptance means being open to being changed in the process of engaging with the world. For the teacher, engaging with the students means engaging with other bodies like her own; accepting to be changed by the interactions with those bodies; and understanding the power that her actions have in the potential becomings of those bodies. Additionally, this teacher is willing to challenge the identifiers that children’s bodies have been assigned by social convention and categories, so as to allow them to become, thus increasing not only her own power to effect change, but also that of the children as immanently engaged with the world. For the researcher, profound acceptance entails facing the research process as a nomadic journey into inquiry, and following the path of the nomadic research map as it folds and unfolds throughout that journey. Inflections and foldings in the map have the 171 potential to start a rhizome where a tree once stood unshakeable in its epistemic certainties. The rhizome pokes its way into existence through affect – a tiny prickling of discomfort, the affective poke; but the researcher has to be willing to accept it, to accept the possibility of displacement of her beliefs, and her apparently united self, and to embrace a profound fearlessness of change. In conclusion, understanding that “I” can become and live within the limitless confines of the play between territorialization and deterritorialization suggests an understanding of other manifestations of being as engaged in similar life – I live in the openness of the possibility/potentiality of being changed, and engage with the world knowing that my decisions can, and likely will, impact others, change them, and impact their becoming and further expanded becomings. While responsibility over my own becoming appears diminished in light of the impact that context, circumstance, and others have over my condition, responsibility for others and the world increases. We become responsible for one another and for the world because we understand that that which happens to others and what they become impacts our own becoming possibilities. We understand that becoming occurs in the encounter and engagement with others by way of affects. It is in this way that recognizing affect as a valid and valuable mode of social and political perception and expression has the potential to increase social and political possibilities.

#### 2. General understandings of the relation between norms, subjects, and the world are insufficient for ethics because there is a gap between discursive regimes and real subjectivity. Only structures of affect distinguish the subject from static concepts of it – it is cruelly optimistic to think we can fit into stable structures.

#### Schaefer 13. Schaefer, D. "The Promise of Affect: The Politics of the Event in Ahmed's The Promise of Happiness and Berlant's Cruel Optimism." Theory & Event 16.2 (2013). Project MUSE. Web. https://muse.jhu.edu/article/509908 Accessed 9/17/21 AX

At a recent talk at the University of Pennsylvania, Lauren Berlant was asked a question about the relationship between her work—she had just finished a lecture on the theme of flat affect in Gregg Araki's 2004 film Mysterious Skin—and the political. "Because I work on affect," she responded, "I think everything is realism" (Berlant: 2012). Like the dense introductory segments of each of her chapters—thick but fast-moving genealogical waterslides—I think that unpacking statements like this from Berlant is best repaid by taking them in a low gear. When Berlant maps her method as affect theory, she is suggesting that the works she examines in her capacity as a scholar of literature cannot be divorced from the political-material contexts out of which they emerge, but at the same time must be recognized as incarnations of aparticular embodied iteration within this field. Texts are produced by bodies that are both enmeshed in their political worlds and trying to negotiate those worlds in their own distinct way. Everything we do is realism: Berlant's textual objects of study are mediations, attempts to work something out, exhibitions of tensed, embodied, affective realities.1 This is the promise of affect theory, the possibility sliding together analytical tools used to pick apart both highly individuated and highly social contact zones—bodies and histories—as incarnated realities. Affect theory wants to maintain the insights of high theory, the doctrinaire approach that says "historicize everything," while at the same time thinking of how bodies inject their own materiality into spaces. This means using language that enters the orbit of the biological. In the introduction to their 1995 edited volume Shame and Its Sisters: A Silvan Tomkins Reader (later reprinted in Sedgwick's Touching Feeling)—one of the earliest manifestoes of contemporary affect theory— Eve Kosofsky Sedgwick and Adam Frank acerbically catalog what theory "knows today," first and foremost that 1: The distance of [an] account from a biological basis is assumed to correlate near precisely with its potential for doing justice to difference (individual, historical, and cross-cultural), to contingency, to performative force, and to the possibility of change (Sedgwick: 2003, 93). And 2: Human language is assumed to offer the most productive, if not the only possible, model for understanding representation (Sedgwick: 2003, 93). Affect theory in this vision is designed to explore the "crucial knowledges" of bodies outside a purely theoretical determination, outside the traditional domains of humanist scholarship—reason, cognition, and language (Sedgwick: 2003, 114). Affect, for Lauren Berlant, is thus understandable as "sensual matter that is elsewhere to sovereign consciousness but that has historical significance in domains of subjectivity" (Berlant: 2011, 53). Affect theory is about how systems of forces circulating within bodies—forces not necessarily subsumable or describable by language—interface with histories. It is about how discourses form ligatures with pulsing flesh-and-blood creatures. Two recent texts, Sara Ahmed's The Promise of Happiness (2010) and Berlant's Cruel Optimism (2011), can be seen as developing this strand, and in particular, of indicating new ways of feeling out politics through the membrane of affect theory. Both of these authors suggest that the repertoire of the analytics of power (Foucault: 1990) must be supplemented with resources from the affective turn. Recent critiques of affect theory2 have focused on a branch of affect theory heavily informed by Gilles Deleuze's reading of Spinoza. In this strand, affect is rendered as a set of ontological properties, as an ensemble of mutable attributes.3 Contemporary Deleuzians such as Brian Massumi4 and William Connolly5 have been targeted by these critics for their attempts at absorbing scientific research into the Spinozistic discourse of affect. But Spinoza and Deleuze are second-tier characters in Ahmed and Berlant's work—which is perhaps why Ahmed situates herself in a lineage—stretching back to Sedgwick—that she calls "feminist cultural studies of affect"6 (Ahmed: 2010, 13). Where the Deleuzian strands focuses on affect as the raw material of becoming, as the play of substances, Ahmed and Berlant locate affect theory as a phenomenological, rather than ontological enterprise. It is in the phenomenology of the political that Ahmed and Berlant ground their projects. For Ahmed, this comes in the form of a new attention to happiness as an object of analysis. This does not mean a circumscribed exploration of happiness as a thing, but rather programmatically asking the question "what does happiness do?" (Ahmed: 2010, 2). Happiness is not autonomous, Ahmed argues, but a relationship of evaluation that creates the horizon of the self. For Ahmed, the "near sphere" of the self is constituted by a perimeter studded with "happy objects." This cluster of objects is what gives the field of mobile operations of the self its shape. In this "drama of contingency," we "come to have our likes, which might even establish what we are like" (Ahmed: 2010, 24). But for Ahmed, happiness as an affective field settling in proximity to bodies is not necessarily transparent in its shape or its function to the self. Happiness often takes the form, she suggests, of a promise, of a deferred possibility. Taking the phenomenological tradition of Edmund Husserl as a springboard for a discussion of time-consciousness, she suggests that happiness as a promise—from the Latin verb promittere, "to let go or send forth"—is an anticipation rather than a felt presence (Ahmed: 2010, 38). Rather than simply an affect that circulates between bodies and objects, happiness is also a promise that is passed around. This analysis of the promise of happiness underpins the genealogy Ahmed organizes in the opening chapter of the book: an exploration of the contemporary "happiness turn" in scholarship and the "happiness industry" emerging in parallel in popular media marketplaces. This discourse, she suggests, moves happiness further away from its etymological origin point—in the Middle English hap or fortune, cognate with "perhaps" and "happenstance"— suggesting chance to a sense of happiness as a scheme, a program that, if followed, leads to ultimate good (Ahmed: 2010, 6). This sense of the promise of happiness is the elimination of contingency by guaranteeing the futurity of happiness: "The promise of happiness takes this form: if you have this or have that, or if you do this or do that, then happiness is what follows" (Ahmed: 2010, 29). Happiness as a guarantee—a promise that circulates through power-knowledge regimes—but one that defers happiness rather than making happiness present, is one of the mechanisms by which happiness is translated into the skin of a political organism, an "affective community"—such as a family or a society. Through the promise of happiness, bodies are brought together by a shared expectation of future comfort. But because this is a promise rather than immediate happiness, an interstice is formed between this promise and individual experiencing bodies— an interstice that can either be full and complete or disconnected. The family, for instance, does not share a happiness, but a happiness deferred, a promise or image of happiness to-come (Ahmed: 2010, 46). It is in this interstice, either blockaded or fluid, that Ahmed articulates the need for a politics of killing joy, of breaking down the promise of happiness as a regime that demands fidelity without recourse. For Ahmed, the discourse of happiness is performative: it produces a politics of promise (or nostalgia) that suffocates alternative promises and alternative explorations. Here Ahmed produces biographies of a range of "affect aliens," bodies that are called on to be silent and accept the happiness that has been promised, while their actual desires and hopes are out of joint with the world around them: feminist killjoys, unhappy queers, melancholic migrants. The promise of happiness, Ahmed suggests, must be interrupted to make room for emancipatory politics. "I am not saying that we have an obligation to be unhappy," she writes, "I am simply suggesting that we need to think about unhappiness as more than a feeling that should be overcome" (Ahmed: 2010, 217). In the closing passage of the book she writes that since "the desire for happiness can cover signs of its negation, a revolutionary politics has to work hard to stay proximate to unhappiness" (Ahmed: 2010, 223). Political change, Ahmed contends, is paralyzed by the imperative to be happy, to stay within the narrow guidelines of happiness's promise. Where Ahmed's background is in a western philosophical lineage that leads up to contemporary questions of affect, the immediate theoretical precursor of Lauren Berlant's Cruel Optimism is Kathleen Stewart's Ordinary Affects (2007), which develops the notion of the "ordinary" as a felt reality. "Ordinary affects," Stewart writes, "are the varied, surging capacities to affect and to be affected that give everyday life the quality of a continual motion of relations, scenes, contingencies, and emergences" (Stewart: 2007, 1f). Berlant is interested in particular in how the ordinary comes to take the form of a sort of affective impasse, a set of felt relationships that cannot be moved through. Cruel Optimism is a focused study of a particular category of impasse, what she calls "cruel optimism." Cruel optimism, she explains at the book's outset, refers to a relation that emerges "when something you desire is actually an obstacle to your flourishing. It might involve food, or a kind of love; it might be a fantasy of the good life, or a political project" (Berlant: 2011, 1). Berlant explores a range of situations where these attachments emerge, as a response to trauma or out of the ongoing pressures of the ordinary, in particular through the parameters of what she calls "genres of precarity," a range of aesthetic practices and styles—"mass media, literature, television, film, and video"—that ... emerge during the 1990s to register a shift in how the older state-liberal-capitalist fantasies shape adjustments to the structural pressures of crisis and loss that are wearing out the power of the good life's traditional fantasy bribe without wearing out the need for a good life (Berlant: 2011, 7). Realism: texts always reflect an affective situation, a force field of desires, a labile contact zone between bodies and intersecting historical frames. Framing literary criticism (broadly construed) as a practice of tracing the connective tissue between bodies and situations is what lets Berlant speak to the political uses of affect. She suggests that affect theory is a "another phase in the history of ideology theory," that it "brings us back to the encounter of what is sensed with what is known and what has impact in a new but also recognizable way" (Berlant: 2011, 53). Affect—especially ordinary affect—is the missing link between discursive regimes and bodies, the arterial linkages through which power is disseminated. "The present" is not an assemblage of texts and knowledges, bloodless discursive inscriptions on the body, but a felt sense out of which political circumstances emerge. "We understand nothing about impasses of the political," she writes, "without having an account of the production of the present" (Berlant: 2011, 4). Cruel optimism as a byproduct of political situations colliding with bodies plays out in ongoing, semistable routines, in ordinariness. This focus on the ordinary frames Berlant's conception of the political as a slow-motion reaction rather than a series of staccato punctuations. This comes out, for instance, in her exhortation to move away from trauma theory as a way of "describing what happens to persons and populations as an effect of catastrophic impacts" (Berlant: 2011, 9). Rather, Berlant suggests that trauma is only one facet of the ordinary, a precursory event that yields new historical trajectories lived out in slow-motion. "Trauma," she writes, ... forces its subjects not into mere stuckness but into crisis mode, where they develop some broad, enduring intuitions about the way we live in a now that's emerging without unfolding, and imagining a historicism from within a discontinuous present and ways of being that were never sovereign (Berlant: 2011, 93). Rather than the instantiating event, Berlant is interested in the fallout of politics, the long-running reverberations. It is in these interwoven aftermaths following in the wake of bodies that Berlant locates the tropic of cruel optimism. Optimism, she is careful to point out, can "feel" any number of different ways, can come clothed in any number of affective orientations. "Because optimism is ambitious," she writes, "at any moment it might not feel like anything, including nothing: dread, anxiety, hunger, curiosity, the whole gamut from the sly neutrality of browsing the aisles to excitement at the prospect of 'the change that's gonna come'" (Berlant: 2011, 2). Rather than a singularly identifiable feeling, optimism takes the phenomenological form of a "knotty tethering to objects, scenes, and modes of life that generate so much overwhelming yet sustaining negation" (Berlant: 2011, 52). Optimism binds bodies to "fantasies of the good life," to horizons of possibility that may or may not be defeated by the conditions of their own emergence. Cruel optimism is the outcome of this circumstance of tethering confused by itself, of Möbius-strip cycles of ambition and frustration. The ordinary, precisely because of its complexity, can contain the intransigent contradictions of cruel optimism (Berlant: 2011, 53). It is the space of the rubble, the hovering dust, the shockwaves that follow the event rather than the piercing clarity of the punctum itself. Berlant is interested in the ways that habits form out of situations of impossibility—for instance, in her reading of Gregg Bordowitz's documentary filmHabit (2001), about the body rituals that structure the daily lives of a gay man living with AIDS and his partner in New York City in the 1990s. Bordowitz's work maps a crisis that reflects Berlant's delineation of the field of the political: with the new availability of anti-retroviral drugs in the 1990s, AIDS ceased to be "a death sentence," and thus "turned fated life back into an ellipsis, a time marked by pill- and test-taking, and other things, the usual" (Berlant: 2011, 58). For Berlant, the event is a rarity, and is only secondarily the zone of the political, which is itself constituted by ongoing patterns of response and desire—slow-motion echoes producing new forms as they cross-cut and interfere with one another (Berlant: 2011, 6). In this sense, Berlant explains, her work meshes with Sedgwick's queer reading of affect as the histories that make us desire in unexpected, perverse ways. "The queer tendency of this method," Berlant writes, "is to put one's attachments back into play and into pleasure, into knowledge, into worlds. It is to admit that they matter" (Berlant: 2011, 123). Berlant sees the terrain of the political emerging out of this tissue of affectively-embroidered histories. Although both Ahmed and Berlant write about the uses of affect as a phenomenological bridge to the political, and the slipperiness of happiness or the good life—the way that pleasure can be wrapped up with a strain of unease— there is a distinction between their respective scopes of inquiry. Where Ahmed's book is about frustration/promise/deferral, Berlant's is about addiction. When I asked my students to come up with examples of cruel optimism, they brainstormed the following list: heroin, abusive relationships, candy, horcruxes. Each of these instances suggests a vital but destructive need, an ambivalent compulsion—an addiction, where the tectonic plates of the body's affects shift in friction with one another. Cruel optimism indexes these moments where a body desires and needs an arrangement of the world that is also frustrating or corrosive. Politics is one of these zones of fractious attraction. Berlant writes, for instance, that Intensely political seasons spawn reveries of a different immediacy. People imagine alternative environments where authenticity trumps ideology, truths cannot be concealed, and communication feels intimate, face-to-face" (Berlant: 2011, 223). Politics produces fantasies, tethers that draw us forward to particular attachments in the form of images, narratives, bodily practices. But these fantasies also contain the elements of their own frustration or refusal. President George W. Bush, for example, is able to use the affective elements of statecraft (a practice which, Berlant assures us, is decidedly non-partisan) to create a façade that diverts attention from his flailing foreign and economic policies (Berlant: 2011, 226). Berlant's focus in Cruel Optimism is on politics as a field of attachments, a skein of affectively pulsing tissues linking bodies together. "Pace Žižek," she writes, ... the energy that generates this sustaining commitment to the work of undoing a world while making one requires fantasy to motor programs of action, to distort the present on behalf of what the present can become. It requires a surrealistic affectsphere to counter the one that already exists, enabling a confrontation with the fact that any action of making a claim on the present involves bruising processes of detachment from anchors in the world, along with optimistic projections of a world that is worth our attachment to it (Berlant: 2011, 263). Berlant looks at how politics pulls on bodies using the ligaments of affect, how politics becomes irresistible, even when it is self-frustrating. Ahmed's focus is very different: she is interested in thinking through politics as the space of unhappiness and deferment. In a section of Chapter 5 entitled "The Freedom to Be Unhappy," Ahmed writes that revolutionary practices may need to follow from the willingness to suspend happiness, to dissolve the imbricated promises of happiness that produce hermetically sealed political systems. Affect aliens are forged in the pressure of unfulfilled or unfulfillable promises of happiness, sealed in a relationship of anticipation pinned to the guarantee of ultimate good. Thus Ahmed writes that "any politics of justice will involve causing unhappiness even if that is not the point of our action. So much happiness is premised on, and promised by, the concealment of suffering, the freedom to look away from what compromises one's happiness" (Ahmed: 2010, 196). The revolutionary politics Ahmed wants to advance is willing to put happiness at risk, to dissolve promises of happiness. Ahmed is clear, though, that this is not to make politics about unhappiness: It is not that unhappiness becomes our telos: rather, if we no longer presume happiness is our telos, unhappiness would register as more than what gets in the way. When we are no longer sure of what gets in the way, then 'the way' itself becomes a question (Ahmed: 2010, 195). Neither happiness nor unhappiness is the telos of revolutionary politics. Rather, Ahmed wants to connect the political back to the "hap" of happiness. Rather than a critique of happiness, I would suggest that the broader channel of her project is best understood as a critique ofpromise. Thus she ends Chapter 5 with the later work of Jacques Derrida, indicating the need to keep politics open to the event, to the unexpected possibilities to-come. She proposes a vision of happiness that "would be alive to chance, to chance arrivals, to the perhaps of a happening" (Ahmed: 2010, 198). Where for Berlant the event is in the past, the ancestor of our tensed bodily habits today, for Ahmed, the event is ahead, the always-anticipated but radically unknown future. There is also a complementarity to these books, a sense in which both come at the relationship between affect and the political from different sides of the problem, but are nonetheless hurtling towards a common point of impact. Is Ahmed describing scenes where cruel optimism unravels under the internal pressure of a frustrated promise? Is cruel optimism the deferral of happiness implicit in the temporal structure of the promise? These are not fully resolved or resolvable questions, in part because Ahmed and Berlant roll their theoretical lens over such a wide range of circumstances. I would suggest that deepening the conversation between these approaches will hinge in part on exploring the relationship between affect and time—a question that is surfaced by both of these texts but not resolved. Ahmed wants to play inside the deconstructive thematics of the promise that allows us to view affect as a state of deferral. But Ahmed comes closest to Berlant when she writes that "[i]f we hope for happiness, then we might be happy as long as we can retain this hope (a happiness that paradoxically allows us to be happy with unhappiness)" (Ahmed: 2010, 181). Is deferred happiness really divided from happiness? What if fantasies—what Silvan Tomkins calls "images"7—are so crucial to the production of affect that to save and savor fantasies in one's near sphere is "worth" their eventual frustration? What if a promise deferred is itself a form of happiness—even if the deferral turns out, in retrospect, to have been endless? What happens while we wait? This is in no way to acquiesce to those situations, sketched by Ahmed in the inner chapters of the book, where promises are made that produce affect aliens— investment in a community of promise that will never materialize as happiness. But it is to suggest that the economic flows of affect are more complex than a simple binary of presence/deferment. There may be a clearer divergence in Berlant and Ahmed's respective emphases on the felt temporality of politics. Ahmed suggests that political transformation happens by orienting us to the perhaps, towards an evental horizon constituted by uncertainty, rather than promise. Berlant seems more skeptical about the possibility of untethering ourselves from an orientation to future happiness. As in her response to Žižek, she emphasizes the intransigence of fantasy, especially as a conduit that can produce political energy. I wonder if Berlant's answer here points to a different way of resolving the problem of temporality hovering over Ahmed's work: what if the dissolution of promise did not leave us at the mercy of a pure politics of hap, of chance, but opened us up to new horizons of hope—neither guaranteed nor radically accidental? This dynamic interfaces with an equally provocative question lodged early on and left unresolved in Berlant's book: "I have indeed wondered," she writes in her Introduction, "whether all optimism is cruel, because the experience of loss of the conditions of its reproduction can be so breathtakingly bad, just as the threat of the loss of x in the scope of one's attachment drives can feel like a threat to living on itself" (Berlant: 2011, 24). In mapping affectively mediated politics, how do we assess the cruelty of hope? What are the singular psychic costs of disappointment that must be risked or countenanced in the production of a politics without promise? These books are profoundly important contributions advancing the still-new and in some ways still-tentative field of affect theory. They open up two distinct but interrelated methodological templates for thinking through issues of globalization, race, gender and sexuality, media, philosophy, and religion: the thematics of frustration and of addiction in the moving affectsphere of the political. What both Ahmed and Berlant demonstrate is that affect theory offers a crucial set of resources for thinking through the relationship between bodies and discourses. The enterprise of thinking politics, of mapping the enfolding of bodies by power, cannot move forward without affect.

## Offense

#### Thus the advocacy: I affirm resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### The current informationalist discourse and regime surrounding medicinal IP is territorializing. Reducing IP is a form of deterritorialization through a rhizomatic redistribution of medicinal knowledge production that produces a key line of flight against capitalism and imperialism.

Attenberry 10 Jeffrey Attenbery (Dept. of English and Comparative Literature at the University of California)2010, “Information/Knowledge in the Global Society of Control: A2K Theory and the Postcolonial Commons” Accessed 9/17/21 <https://www.opensocietyfoundations.org/uploads/0af6273a-3775-4365-85d6-afd61b9fea45/age-of-intellectual-property-20101110.pdf> AX

Perfectly aware of the potentially duplicitous character of bourgeois freedom, Gilles Deleuze and Félix Guattari have described the process of capitalism’s development in terms of a “generalized decoding of flows” and a dynamic of “deterritorialization.”47 The current informationalist regime and the discourses attending to it—including that of the A2K movement—fit nicely within Deleuze and Guattari’s paradigm. The informationalist mode of production represents a new order of decoded flows. The freeing of information promises to restructure the relations of production, replacing vertically integrated structures of production with horizontally networked ones. The terrain of social production is being reterritorialized. The information that is struggling to be free continues, however, to circulate within a very material geography. While the circuits of production have become networked, the nodal points of the network continue to be places such as New York, London, and Tokyo.48 The creation of a global information commons may even render the networks of production slightly more flexible, facilitating the integration of places such as São Paulo, Bangalore, Mumbai, and Shanghai. The deterritorialization that results from the networked production of globalized informational capitalism is necessarily accompanied, however, by a corresponding reterritorialization.49 While a few postcolonial metropolises may enter the network, billions of impoverished people around the world will remain off the grid. “These neoterritorialities,” Deleuze and Guattari write, “are often artificial, residual, archaic; but they are archaisms having a perfectly current function.”50 In the case of the emerging territorialization of the Earth under informational capitalism, the archaisms of the colonialist world order threaten to reassert themselves with a vengeance. The solution to this problem of the continued colonialist distribution of wealth, therefore, will not be found simply in an information commons, although an information commons will surely have an important role to play. When faced with the dynamic of deterritorialization, Deleuze and Guattari ask, could it be that the revolutionary path is to “go further still, that is, in the movement of the market, of decoding and deterritorialization? For perhaps the flows are not yet deterritorialized enough.”51 The questions for the A2K movement then become what function would the information commons serve in the globalized economy, and how might we accelerate the process that it promises by finding ways to resist its potentially neocolonial reterritorializations? While the specific economic behavior of the information commons may differ from any kind of commons we have previously seen, the question remains whether its basic function within a capitalist world system would be fundamentally any different. A rigorous approach to the question must situate the A2K movement’s information commons not only within informational capitalism, but also within the emerging society of control. In “Postscript on the Societies of Control,” Gilles Deleuze argued that society was transitioning from a disciplinary society, which had been the object of Michel Foucault’s classic works, to a different mode of social organization. According to Deleuze, disciplinary society organizes society in and through “spaces of enclosure.” The paradigmatic spaces of enclosure would include prisons, hospitals, factories, schools.52 Within these spaces of enclosure, the exercise of power is static, discontinuous, and rigid. In contrast, societies of control construct open spaces where power is exercised in a dynamic, continuous, and flexible manner.53 In a further elaboration of his terms, Deleuze schematically links each type of society with a particular kind of machine that exemplifies the respective social relations of production: The disciplinary societies function through “machines involving energy” such as the steam engine or nuclear reactors; societies of control operate with “computers.” Furthermore, the technological shift that characterizes the transition to the society of control is itself the function of a “mutation of capitalism.”54 This mutation is nothing other than the emergence of informational capitalism. The so-called “new enclosures” operate within the logic of disciplinary societies. The open access of the information commons, on the other hand, exhibits an organizing structure that typifies the society of control. The regulation of information production under a commons regime functions according to a principle of open access, which reflects changing social relations of production that have themselves become more elastic and variable. As such, a commons-oriented regime, in contrast to the current intellectual property regime, would be more suited to the changing conditions of social production under informational capitalism. Our current historical moment, then, is one of transition. In the realm of political economy, the transition appears as the passage from industrial to informational capitalism. At the level of the social organization of power, it takes the form of the passage from disciplinary societies to societies of control. The current legal debate between maximalist protection and access to knowledge emerges as a symptom of this transition from discipline to control. “If our law is hesitant, is itself in crisis,” Deleuze writes, “it’s because we are leaving one in order to enter into the other.”55 The transitions from industrial to informational capitalism and from discipline to control appear as parallel historical changes, and the discourse of the A2K movement is situated within these passages. Despite the rhetoric of manifest liberation that attends each of these transitions, however, they should not be narrativized as movements of either liberation or oppression. Given its tendency to adopt such a binary rhetoric, the A2K movement needs to come to the broader recognition that “there is no need to ask which is the toughest or most tolerable regime, for it’s within each of them that liberating and enslaving forces confront one another.”56 The theoretical debate within the A2K movement has sometimes been framed as if legal policy makers were faced with a choice between an enslaving regime of enclosure and a liberating regime of the commons. The revolutionary zeal shown by some within the A2K movement must be accompanied by the sober realization that informational capitalism is no less capitalism than industrial capitalism, with all the corresponding hopes and fears. When approached from within this framework, the information commons is not necessarily a force of either liberation or enslavement. Rather, the terrain of information that the information commons territorializes becomes, like land and labor before it, a site of struggle. A2K theory must abandon the comfort of tidy binary oppositions where a theoretical stance against enclosure and in favor of the commons necessarily implies that one is similarly positioned against emerging information imperialism. As the A2K movement continues to unfold its theoretical and political practice, its underlying critical theory must incorporate this fundamental realization. Positionality is not determinable by a single theoretical position; rather, positionality is determined by a network of historical and material relations. If A2K is to become an effectively globalized movement, it will necessarily have to accommodate a number of different voices, each with their own positionality. The positionality of the law professor in the United States is not the same as that of the local grassroots organizer in India, and the positionality of the governmental agent in Uganda is different still. Many have come to perceive in the A2K movement an important element in the ongoing struggle against the legacies of colonialism, and the movement has found itself propelled toward alliances with other movements from the formerly colonized world in large part because of a shared opposition to what has been successfully characterized as a new historical moment of enclosure. Nevertheless, if effective alliances are to be made, the A2K movement must collectively develop a critical theory with the flexibility and sophistication necessary to articulate a theoretical and political practice that can account for the multiple valences that are operative within any single position. A critical interrogation of the limits of the commons doctrine is a good place to start. Given, as we have seen, that an uncritical version of the commons may well end up serving the long-term interests of informational imperialism, the A2K movement’s commitment to the commons should not, for example, necessarily imply a dogmatic opposition to any attempt on the part of the developing world to withdraw some informational goods from the commons, whether in the form of “traditional knowledge” or otherwise. With a rigorous critical theory guiding its theoretical and political practice, the A2K movement may well then become an indispensable component of the ongoing global struggle against imperialism.

#### The idea that knowledge can be “owned” is inherently staticizing and violent.

**Long 95:** Roderick T. Long. “The Libertarian Case Against Intellectual Property Rights”. *Formulations*, 1995 issue. Accessed 9/17/21 <http://freenation.org/a/f31l1.html>. Recut AX

Ethically, property rights of any kind have to be justified as extensions of the right of individuals to control their own lives. Thus any alleged property rights that conflict with this moral basis — like the "right" to own slaves — are invalidated. In my judgment, intellectual property rights also fail to pass this test. To enforce copyright laws and the like is to prevent people from making peaceful use of the information they possess. If you have acquired the information legitimately (say, by buying a book), then on what grounds can you be prevented from using it, reproducing it, trading it? Is this not a violation of the freedom of speech and press? It may be objected that the person who originated the information deserves ownership rights over it. But information is not a concrete thing an individual can control; it is a universal, existing in other people's minds and other people's property, and over these the originator has no legitimate sovereignty. You cannot own information without owning other people. Suppose I write a poem, and you read it and memorize it. By memorizing it, you have in effect created a "software" duplicate of the poem to be stored in your brain. But clearly I can claim no rights over that copy so long as you remain a free and autonomous individual. That copy in your head is yours and no one else's. But now suppose you proceed to transcribe my poem, to make a "hard copy" of the information stored in your brain. The materials you use — pen and ink — are your own property. The information template which you used — that is, the stored memory of the poem — is also your own property. So how can the hard copy you produce from these materials be anything but yours to publish, sell, adapt, or otherwise treat as you please? An item of intellectual property is a universal. Unless we are to believe in Platonic Forms, universals as such do not exist, except insofar as they are realized in their many particular instances. Accordingly, I do not see how anyone can claim to own, say, the text of Atlas Shrugged unless that amounts to a claim to own every single physical copy of Atlas Shrugged. But the copy of Atlas Shrugged on my bookshelf does not belong to Ayn Rand or to her estate. It belongs to me. I bought it. I paid for it. (Rand presumably got royalties from the sale, and I'm sure it wasn't sold without her permission!) The moral case against patents is even clearer. A patent is, in effect, a claim of ownership over a law of nature. What if Newton had claimed to own calculus, or the law of gravity? Would we have to pay a fee to his estate every time we used one of the principles he discovered? "... the patent monopoly ... consists in protecting inventors ... against competition for a period long enough to extort from the people a reward enormously in excess of the labor measure of their services, — in other words, in giving certain people a right of property for a term of years in laws and facts of Nature, and the power to exact tribute from others for the use of this natural wealth, which should be open to all." (Benjamin Tucker, Instead of a Book, By a Man Too Busy to Write One: A Fragmentary Exposition of Philosophical Anarchism (New York: Tucker, 1893), p. 13.) Defenders of patents claim that patent laws protect ownership only of inventions, not of discoveries. (Likewise, defenders of copyright claim that copyright laws protect only implementations of ideas, not the ideas themselves.) But this distinction is an artificial one. Laws of nature come in varying degrees of generality and specificity; if it is a law of nature that copper conducts electricity, it is no less a law of nature that this much copper, arranged in this configuration, with these other materials arranged so, makes a workable battery. And so on. Suppose you are trapped at the bottom of a ravine. Sabre-tooth tigers are approaching hungrily. Your only hope is to quickly construct a levitation device I've recently invented. You know how it works, because you attended a public lecture I gave on the topic. And it's easy to construct, quite rapidly, out of materials you see lying around in the ravine. But there's a problem. I've patented my levitation device. I own it — not just the individual model I built, but the universal. Thus, you can't construct your means of escape without using my property. And I, mean old skinflint that I am, refuse to give my permission. And so the tigers dine well. This highlights the moral problem with the notion of intellectual property. By claiming a patent on my levitation device, I'm saying that you are not permitted to use your own knowledge to further your ends. By what right? Another problem with patents is that, when it comes to laws of nature, even fairly specific ones, the odds are quite good that two people, working independently but drawing on the same background of research, may come up with the same invention (discovery) independently. Yet patent law will arbitrarily grant exclusive rights to the inventor who reaches the patent office first; the second inventor, despite having developed the idea on his own, will be forbidden to market his invention. Ayn Rand attempts to rebut this objection: "As an objection to the patent laws, some people cite the fact that two inventors may work independently for years on the same invention, but one will beat the other to the patent office by an hour or a day and will acquire an exclusive monopoly, while the loser's work will then be totally wasted. This type of objection is based on the error of equating the potential with the actual. The fact that a man might have been first, does not alter the fact that he wasn't. Since the issue is one of commercial rights, the loser in a case of that kind has to accept the fact that in seeking to trade with others he must face the possibility of a competitor winning the race, which is true of all types of competition." (Ayn Rand, Capitalism: The Unknown Ideal (New York: New American Library, 1967), p. 133.) But this reply will not do. Rand is suggesting that the competition to get to the patent office first is like any other kind of commercial competition. For example, suppose you and I are competing for the same job, and you happen to get hired simply because you got to the employer before I did. In that case, the fact that I might have gotten there first does not give me any rightful claim to the job. But that is because I have no right to the job in the first place. And once you get the job, your rightful claim to that job depends solely on the fact that your employer chose to hire you. In the case of patents, however, the story is supposed to be different. The basis of an inventor's claim to a patent on X is supposedly the fact that he has invented X. (Otherwise, why not offer patent rights over X to anyone who stumbles into the patent office, regardless of whether they've ever even heard of X?) Registering one's invention with the patent office is supposed to record one's right, not to create it. Hence it follows that the person who arrives at the patent office second has just as much right as the one who arrives first — and this is surely a reductio ad absurdum of the whole notion of patents

**An open model of innovation is key to a more dynamic and open form of knowledge production.**

Gurgula and Lee 21 (Old Gurgula and Wen H. Lee, COVID-19, IP and access: Will the current system of medical innovation and access to medicines meet global expectations?, Journal of Generic Medicines 2021, Vol. 17(2) 61–70) Accessed 9/17/21 <https://journals.sagepub.com/doi/full/10.1177/1741134321993182>

Another option is to create a system of open innovation, in which access to information, data and technologies could be freely achieved. ‘While innovation is critical, the usual process of managing innovation does not seem to work anymore’.67 This is the view that Chesbrough expressed almost 20 years ago and it is still valid today. He explained that the old paradigm of innovation was based on the closed model, where companies generate their ideas, develop, build, market and finance them on their own (ibid). One of the implicit rules of this model is ‘we should control our IP, so that our competitors don’t profit from our ideas’ (ibid). He further claimed that this paradigm created a ‘virtuous circle’, in which companies invested in their R&D, which led to breakthroughs, increasing their profits, which were then reinvested back into their internal R&D (ibid). Since IP was vigorously protected, others could not use it for their own profit (ibid). This paradigm that according to Chesbrough worked for most of the twentieth century has become unsustainable in the twenty-first century (ibid; 68), and the pharmaceutical industry is a good example. Despite the alleged surge in investments into pharmaceutical R&D, the pipeline of breakthrough medicines is decreasing, with very few truly novel medicines being developed recently.24,69–71 Realising that the closed model of innovation in this field is not viable anymore, pharmaceutical companies have been increasingly turning to external sources of innovation.72 During recent years, pharmaceutical companies have been establishing collaborations with academic centres of excellence, building innovation centres, creating joint ventures with academic institutions (public-private partnerships), setting precompetitive consortia, or experimenting with crowdsourcing and virtual R&D (ibid). These new approaches, however, are mainly followed if they fit with companies’ traditional, predominantly internal (i.e. closed) R&D models and in research areas that do not affect their major franchises (ibid). Despite the great potential that the open innovation model may bring to society in this field, the pharmaceutical industry has been hesitant to utilise it. One of the main reasons is that this will mean changes to their traditional approaches, as well as because of the fear of losing control over their valuable IP assets. The apogee of this state of affairs is the current pandemic, in which pharmaceutical companies have refused to share their IP with the open innovation pledges discussed above, which would allow an acceleration of the process of developing the COVID-19 therapy. This system based on the closed (or semiclosed) model of innovation that relies on strong IP protection, which has already proven to be ineffective in the past, poses a risk to humanity by preventing researchers from accessing the valuable information related to COVID-19 therapeutics that is currently being generated in hundreds of laboratories worldwide. If employed, the open innovation model would eliminate ‘the fragmentation of knowledge that is inherent to the IP-driven pharma industry’ (ibid) and would allow a free flow of information, enabling more efficient use of resources and faster development of medicines, including for COVID-19.

## Method

#### Death is inevitable – decomposition is a new composition - your body decomposes and its parts enter new relations- we should not be afraid to enter new worlds of affective relations.

Baugh 05

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Death is many things: a state of affairs, when a body’s parts, through external causes, enter into a relation that is incompatible with that body’s continued existence; an impersonal event of dying, expressed through an inﬁ nitive verb (mourir, to die); the experience of zero ‘intensity’ that is implicit in a body’s feeling or experience of an increase or decrease in its force of existence; a ‘model’ of immobility and of energy that is not organised and put to work; and ﬁ nally, the ‘death instinct’, capitalism’s destruction of surplus value through war, unemployment, famine and disease. A body exists when its parts compose a relation that expresses the singular force of existence or ‘essence’ of that body, and ceases to be when its parts are determined by outside causes to enter into a relation that is incompatible with its own. Death in this sense always comes from outside and as such is both fortuitous and inevitable: it is the necessary and determined result of a body’s chance encounters with other bodies, governed by purely mechanical laws of cause and effect. Since every body interacts with other bodies, it is inevitable that at some point it will encounter bodies that ‘decompose’ the vital relation of its parts, and cause those parts to enter into new relations, characteristic of other bodies. Death, as the decomposition of a body’s characteristic relation, forms the basis of the personal and present death of the Self or ego.To this death, as founded in the personal self and the body, Deleuze contrasts the ‘event’ of dying, which is impersonal and incorporeal, expressed in the inﬁ nitive verb ‘to die’ and in the predicate mortal. Dying is not a process that takes place in things, nor is ‘mortal’ a quality that inheres in things or subjects. Rather, the verb and the predicate express meanings that extend over the past and future, but which are never physically present in bodies and things, even though the death of a body effectuates or actualises this dying. In impersonal dying, ‘one’ dies, but one never ceases or ﬁ nishes dying. The death of the Self or ‘I’ is when it ceases to die and is actually dead: when its vital relations are decomposed, and its essence or power of existence is reduced to zero intensity. Yet, at this very instant, impersonal dying makes death lose itself in itself, as the decomposition of one living body is simultaneously the composition of a new singular life, the subsumption of the dead body’s parts under a new relation. During its existence, bodies experience increases or diminutions of their power or force of existing. Other bodies can combine with a body either in a way that agrees with the body’s constitutive relation, that results in an increase in the body’s power felt as joy, or in a way that is incompatible with that relation, resulting in a diminution of power felt as sadness. Power is physical energy, a degree of intensity, so that every increase or decrease in power is an increase or decrease in intensity. When the body dies, and the Self or the ego with it, they are returned to the zero intensity from which existence emerges. Every transition from a greater to a lesser intensity, or from a lesser to a greater, involves and envelops the zero intensity with respect to which it experiences its power as increasing or decreasing. Death is thus felt in every feeling, experienced ‘in life and for life’.It is in that sense that the life instincts and appetites arise from the emptiness or zero intensity of death. The ‘model’ of zero intensity is thus the Body without Organs (BwO), the body that is not organised into organs with speciﬁ c functions performing speciﬁ c tasks, the energy of which is not put to work, but is available for investment, what Deleuze calls death in its speculative form (taking ‘speculative’ in the sense of ﬁ nancial speculation). Since the BwO does not perform any labour, it is immobile and catatonic. In The Logic of Sense, the catatonic BwO arises from within the depths of the instincts, as a death instinct, an emptiness disguised by every appetite. In Anti- Oedipus, Deleuze retains his deﬁ nition of the death instinct as desexualised energy available for investment, and as the source of the destructiveness of drives and instincts, but argues that rather than a principle, the death instinct is a product of the socially determined relations of production in the capitalist system. Death becomes an instinct, a diffused and immanent function of the capitalist system – speciﬁ cally, capitalism’s absorption of the surplus value it produces through anti- production or the production of lack, such as war, unemployment, and the selection of certain populations for starvation and disease. The death instinct is thus historical and political, not natural.

#### The state is not inherently bad – we can use it as a set of tools to accomplish different desires – to try and ignore or destroy the state is merely defensive and does not accomplish anything

#### **Guattari 86**

[Felix Guattari and Suely Rolnik, schitzoanalysts and revolutionaries, 1986, “Molecular Revolution in Brazil, p.120-121 Accessed 9/17/21 <https://monoskop.org/images/1/10/Guattari_Felix_Rolnik_Suely_Molecular_Revolution_in_Brazil_2008.pdf>] AX

Comment: It's good that you mentioned those homosexuals who worked within the system as lawyers and succeeded in shaking it up. Here, everyone looks down on the institutional part.¶ Guattari: That's silly.¶ Comment: They think that dealing with the institutional side is reformism, that it doesn't change anything. As far as they're concerned, the institutions should be ignored because only one kind of thing is worthwhile, anarchism—which I question deeply. I think it's very naive, as you yourself say, to ignore the state on the basis that "it's useless," or "it oppresses us," and therefore to leave it aside and try to do something totally from outside, as though it might be possible for us to destroy it like that.¶ Suely Rolnik: This malaise in relation to institutions is nothing new; on the contrary, the feeling is particularly strong in our generation which, since the 1960s, has taken institutions as one of its main targets. But it's true that the malaise has been especially pronounced in Brazil over the last few years, and in my view this must have to do with an absolutely objective (and obvious) fact, which is the hardness of the dictatorship to which we were subjected for so long. The rigidity of that regime is embodied in all the country's institutions, in one way or another; in fact, that constituted an important factor for the permanence of the dictatorship in power over so many years.¶ But I think that this antiinstitutional malaise, whatever its cause, doesn't end there: the feeling that the institutions are contaminated territories, and the conclusion that nothing should be invested in them, is often the expression of a defensive role. This kind of sensation is, in my view, the flip side of the fascination with the institution that characterizes the "bureaucratic libido." These two attitudes really satisfy the same need, which is to use the prevailing forms, the instituted, as the sole, exclusive parameter in the organization of oneself and of relations with the other, and thus avoid succumbing to the danger of collapse that might be brought about by any kind of change. Those are two styles of symbiosis with the institution: either "gluey" adhesion and identification (those who adopt this style base their identity on the "instituted"), or else repulsion and counteridentification (those who adopt this style base their identity on negation of the "instituted," as if there were something "outside" the institutions, a supposed "alternative" space to this world).¶ Seen in this light, both "alternativism" and "bureaucratism" restrict themselves to approaching the world from the viewpoint of its forms and representations, from a molar viewpoint; they protect themselves against accessing the molecular plane, where new sensations are being produced and composed and ultimately force the creation of new forms of reality,. They both reflect a blockage of instituting power, an impossibility of surrender to the processes of singularization, a need for conservation of the prevailing forms, a difficulty in gaining access to the molecular plane, where the new is engendered. It's more difficult, to perceive this in the case of "alternativism," because it involves the hallucination of a supposedly parallel world that ¶ emanates the illusion of unfettered autonomy and freedom of creation; and just when we think we've got away from "squareness" we risk succumbing to it again, in a more disguised form. In this respect, I agree with you: the institutions aren't going to be changed by pretending that they don't exist. Nonetheless, it's necessary to add two reserves. In the first place, it's obvious that not every social experimentation qualified by the name of "alternative" is marked by this defensive hallucination of a parallel world. And secondly, x it's self-evident that in order to bear the harshness of an authoritarian regime there is a tendency to make believe that itdoesn't exist, so as not to have to enter into contact with sensations of frustration and powerlessness that go beyond the limit of tolerability (indeed, this is a general reaction before any traumatic experience). And in order to survive, people try in so far as possible to create other territories of life, which are often clandestine.

## Underview

1. 1ar theory– the aff gets it, or else the neg can be infinitely abusive which outweighs on magnitude. 1ar theory comes first since a) 13-7 timeskew means I will always lose on theory b) I don’t have time to cover their shell and also read my own in the short 1ar
2. Presumption and permissibility affirm: [1] It’s harder to affirm, a. neg reactivity means I speak in the dark, b. the 2nr is 6 minutes and the 2ar is way too short to compensate for it, [2] Presume statements true until proven false a) if I told you my name is Andy, you’d believe me b) Freezes action – can’t operate in a world where we can’t trust anything
3. Consequentialism and util fail a)pain and pleasure are subjective – masochists think pain is pleasurable – means that you can’t weight under util and their ethic excludes people like them b) Infinite universe means that there is an infinite amount of pleasure and pain – any change on earth is still infinity c) Butterfly effect - no way to know when we cut off looking at consequences
4. Aff Framework choice– the neg should operate under the aff framework a) Stat Skew: AFC forces the NC to engage directly with the AC instead of precluding it which preserves the value of the six-minute AC instead of allowing the neg to moot that entire speech. This also helps check back for the massive side-bias and time skew that the negative already possesses with the 6 minute 2NR to sandbag weighing. Strat skew is key to fairness because I need to be able to form a coherent strat to the ballot. B) Critical ed: Cross apply Pires 14 – disruptive ed ow bc it’s the only way to transform the capitalistic mindset
5. I get an RVI on NC theory a) reciprocity-you can read arguments such as T that are exclusively neg so I need other theory arguments to balance b) you can infinitely uplayer on the highest layer
6. If the neg wants to run theory or topicality, they must first check in cx because it deters debaters from using theory as a way to win. Most debates end up collapsing on theory and prevents debaters from getting any topic education. Forcing the neg to disclose any interps before the speech will prevent the debate from collapsing on frivolous theory.