# 1ac – Berardi

#### Capitalism has moved onto a new stage. Rather than focusing on material objects of value, the next hot thing is information in the form of signifiers. Signifiers are things that describe something, but not necessarily reality, and information is cycled through corporations, just like the brain. Unlike previous ages, industrialization places an emphasis on intelligence and information production as compared to fordist capitalism which requires only physical labor.

**Berardi 1** Precarious Rhapsody Semiocapitalism and the pathologies of the post-alpha generation Franco “Bifo” Berardi ISBN 978-1-57027-207-3 Edited by Erik Empson & Stevphen Shukaitis Translated by Arianna Bove, Erik Empson, Michael Goddard, Giuseppina Mecchia, Antonella Schintu, and Steve Wright Minor Compositions London 2009//sjvc but me recut it

The categories of the critique of political economy are now insuffi- cient because processes of subjectivation traverse fields that are much more complex. A new disciplinary field is starting to be delineated in the encounter between the territories of economics, semiotics and psycho- chemistry. Semio-capital is capital-flux that coagulates in semiotic artifacts with- out materializing itself. The concepts forged by two centuries of economic thought seem dissolved, inoperative and incapable of comprehending a great deal of the phenomena that have emerged in the sphere of social production since it became cognitive. Cognitive activity has always been the basis of all human production, even that of a more mechanical type. There is no process of human labor that does not imply an exercise of intelligence. But today, cognitive capacity is becoming the essential pro- ductive resource. In the sphere of industrial labor, the mind was put to work as a repetitive automatism, the physiological support of muscular movement. Today the mind is at work in so many innovations, languages and communicative relations. The subsumption of the mind in the process of capitalist valorization leads to a true mutation. The conscious and sensitive organism is submitted to a competitive pressure, to an acceleration of stimuli, to a constant attentive stress. As a consequence, the mental atmosphere, the info-sphere in which the mind is formed and enters into relations with other minds, becomes a psychopathogenic atmosphere. To understand semio-capital’s infinite game of mirrors we must outline a new disciplinary field, delimited by three aspects: –the critique of the political economy of connective intelligence; –the semiology of linguistic-economic fluxes;–the psychochemistry of the info-spheric atmosphere that studies the psychopathogenic effects of economic development on the human mind. The process of digital production is taking a biological form which can be likened to an organism: the nervous system of an organization is analogous with the human nervous system. Every industrial enterprise has ‘autonomic’ systems, operational processes that must function for its survival. What was lacking from organizations in the past were the links between pieces of information that resemble the interconnected neurons in the brain. The networked digital business functions as an excellent artificial nervous system. Information flows within it quickly and natu- rally, like thought in a human being, and we are able to use technology to govern and co-ordinate groups of people, with the same rapidity with which we can concentrate on a problem. According to Bill Gates (1999), the conditions are created for the realization of a new form of economic system, centered on what can be defined as “Business at the speed of thought.” In the connected world, the retroactive loops of general systems the- ory are fused with the dynamic logic of biogenetics in a post-human vision of digital production. Human minds and flesh are integrated with digital circuits thanks to interfaces of acceleration and simplification: a model of bio-info production is emerging that produces semiotic artifacts with the capacity for the auto-replication of living systems. Once fully operative, the digital nervous system can be rapidly installed in every form of organization. This means that only apparently Microsoft concerns itself with software, products and services. In reality, the hidden finality of software production is the wiring of the human mind in a network continuum of the cybernetic type destined to structure the fluxes of dig- ital information by means of the nervous system of all the key institutions of contemporary life. Microsoft will therefore be considered as a global virtual memory, exchangeable and ready to install. A cyber-panopticon inserted in the fleshy circuits of human subjectivity. Cybernetics finally becomes life, or, as Bill Gates likes to say, “information is our vital fluid.”

#### Semiocapitalism forces us to become workers taking the subway – emptied and tired from information we are bombared with, we become disconnected from reality and our brains become restructured. This is exhaustion – it destroys the subject and eliminates possibilities for any empathy or connection. Think of Tik Tok – endless videos of semiocapital wherein a saturation causes a disconnect from reality and an inability to process what is real and what is not.

Berardi 2 Berardi, Franco (2011) After the Future. Edinburgh: AK Press. /SHS DH

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

#### Thus the standard and the role of the ballot is to resist semiocapitalism. Prefer:

#### [1] Education has been coopted by semiocap since there is no more meaningful information.

Carlin and Wallin 1 [Carlin, Matthew. Wallin, Jason. “Deleuze & Guattari, Politics and Education.” Bloomsbury. 2014.] SHS DH

**Education is under attack**. The privatization of the educational system has been one of the tenets of the **neo-liberal** counter-revolution during the past thirty years. In the wake of the financial crisis in the West and the concomitant calls for ‘austerity’, **cuts to public funding have had a profound effect on cultural institutions, on all levels of schooling, and on all forms of university and scientific research.** This has been particularly noticeable in Europe, where the privatization of the education system is a relatively new phenomenon in comparison to the United States.¶ The **effect of this process of financialization and privatization is easy to predict: growing ignorance, violence, misery and precarity.** The **destruction of the educational system, converging with the acceleration of the Infosphere and the growing complexity of the semiotic environment, is one of the main features of the contemporary spasm**. The protests of students and teachers in defence of public education systems (particularly in Europe) are not enough. New educational institutions have to be conceived and built as chaoids, healers of the spasmodic mind and the spasmodic body of society.¶ **The modern educational process has been conceived as a process of critical transmission of knowledge. Because of the spasmodic condition of the social brain, the mind-format of teaching is diverging from the mind-format of the learner. As a result, the formal educational process is less and less effective in transmitting knowledge**.¶ **The transmission of knowledge is becoming more and more dysfunctional and empty. T**he mind-format of the connective generation is scarcely interacting (or not interacting at all) with the mind-format of the alphabetical generation. The spreading phenomenon of ‘attention deficit disorder’ is only one of the many examples and aspects of the decreasing functionality of educational systems in the present transition that is marked by the spasm.¶ In the connective sphere of techno-communication, **mental energy is incorporated into the semiocapital process of production**. This incorporation implies a standardization and formatting of the cognitive body. Bodily meaning and meaningful bodies become an impossibility as a result of the formatting process.¶

#### [2] The human subject cannot keep up with the speed of semiocapitalism – Exhaustion destroys our receivers and our value to live and reduces the power to movements. Outweighs everything since it requires a subject to process any conception of the good.

**Berardi 3** Precarious Rhapsody Semiocapitalism and the pathologies of the post-alpha generation Franco “Bifo” Berardi ISBN 978-1-57027-207-3 Edited by Erik Empson & Stevphen Shukaitis Translated by Arianna Bove, Erik Empson, Michael Goddard, Giuseppina Mecchia, Antonella Schintu, and Steve Wright Minor Compositions London 2009//sjvc

Some, like Davenport and Beck , speak of an attention economy. But when a cognitive faculty enters into and becomes part of economic dis- course this means that it has become a scarce resource. The necessary time for paying attention to the fluxes of information to which we are ex- posed 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 sim- ply follow immediate interests. On the other hand, we are always less available for giving our attention to others gratuitoeusly. We no longer have the attention time for love, tenderness, nature, pleasure and com- passion. 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 hyper- complex digital machine. Human beings tend to become the ruthless ex- ecutors 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 every- day 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 continu- ously, to disappear grows alongside the will to kill and to kill oneself.

## Contention

#### I affirm the resolution as a general principle- Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. CPs and pics don’t negate this since it is just an exception and doesn’t deny the goodness of the aff. I’ll change my advocacy within reason as long as I don’t abandon my maxim, and check all interps in cx or else assume I-meet.

#### Affirm:

#### [1] Intellectual property is rooted in semiocapitalism – it appropriates intellectual labor and information into semiocapital which marks a shift towards immaterial capital.

**Lemmens 21** [Lemmens, P. (n.d.). The conditions of the Common. A Stieglerian critique ON Hardt AND Negri's thesis on Cognitive capitalism as a prefiguration of communism. The\_Conditions\_of\_the\_Common\_A\_Stieglerian\_Critique\_on\_Hardt\_and\_Negri\_s\_Thesis\_on\_Cognitive\_Capitalism\_as\_a\_Prefiguration\_of\_Communism] AS

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 Perspectives on Commoning 1st proof.indd 178 04/05/2017 16:16 The conditions of the common 179 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). The disciplinary strategies of precarisation of work and flexibilisation of the labour market are also counterproductive, depriving cognitive and affective workers of precisely the time and freedom on which the creativity and productivity of cognitive and affective labour depends (Hardt & Negri, 2009: 145–7). All attempts of capital to intervene in the production process and to appropriate the common frustrate that which it tries to capture: the productivity of the common. And the more the capitalist economy becomes a knowledge economy, the more it embarks on the path of value creation through knowledge production, the more that knowledge escapes its control and the more it produces and nourishes that which ultimately undermines its own existence: the common. Of course, as Hardt and Negri admit, ever since Marx uncovered the logic of capital, the critique of political economy has pointed to the contradiction within capitalism of the social nature of production and the private nature of accumulation. However, in the context of today’s cognitive capitalism, this contradiction is becoming ever more extreme and consequently ever more destructive for the capitalist endeavour, reaching a point of rupture: ‘This is how capital creates its own gravediggers: pursuing its own interests and trying to preserve its own survival, it must foster the increasing power and autonomy of the productive multitude’, Hardt and Negri (2009: 311) contend. ‘And when that accumulation of power crosses a certain threshold, the Perspectives on Commoning 1st proof.indd 179 04/05/2017 16:16 180 PERSPECTIVES ON COMMONING multitude will emerge with the ability to rule common wealth.’ Indeed, capital today is ‘facing increasingly autonomous, antagonistic, and unmanageable forms of social labor-power’ which embody an inherent potential for autonomy and have the capacity to ‘destroy capital and create something entirely new’ (Hardt & Negri, 2009: 136, 288, 311).

#### [2] Especially for medical patents

Amin 20 [Tahir Amin. . “We Need to Take On Drug Companies’ Abuse of the Patent System”. 12-18-2020. No Publication. [https://www.jacobinmag.com/2020/12/pharmeceutical-industry-patent-system-antitrust-law. Accessed 8-11-2021](https://www.jacobinmag.com/2020/12/pharmeceutical-industry-patent-system-antitrust-law.%20Accessed%208-11-2021)] SHS DH

House Democrats have signaled strong action against big tech for abusing its power. Most recently, Democrats on the House Judiciary Subcommittee on Antitrust issued a scathing [450 page report](https://www.nytimes.com/interactive/2020/10/06/technology/house-antitrust-report-big-tech.html?action=click&module=RelatedLinks&pgtype=Article) condemning the monopoly power of tech’s big four: Apple, Amazon, Google and Facebook — and calling for antitrust laws to be updated. Federal and state [antitrust lawsuits](https://www.wsj.com/articles/facebook-google-to-face-new-antitrust-suits-in-u-s-11606742163) are now beginning to pile up against Google and Facebook. We need similar action to reign in the power and tactics used by pharmaceutical companies to prolong their monopolies on life-saving medicines and keep lower-cost competition at bay. That means updating the patent system first. For nearly two years, the House Committee on Oversight and Reform has been investigating pharmaceutical company pricing practices. After reviewing more than a million pages of documents from companies selling some of the costliest drugs on the market and holding hearings, Democrats on the committee recently released [reports](https://oversight.house.gov/news/press-releases/committee-begins-releasing-staff-reports-on-skyrocketing-drug-prices-as-six-ceos) detailing the tactics pharmaceutical companies use to keep prices high, maximize profits, and suppress competition. At the core of all these strategies is patents. While big tech generates much of its monopoly power through algorithms and big data, drugmakers do it by filing every type of patent possible for a drug. Many of these patents are not for true inventions. They can be granted for minor tweaks that don’t involve new science, such as changing the formulation from a tablet to a capsule, or defensive patents that will never be used to produce a drug but instead serve to stop others from doing so. Pharmaceutical companies regularly file dozens, and increasingly hundreds, of patents on a single drug. And because each granted patent gets awarded twenty years of exclusivity, they can secure forty years or more of potential market exclusivity simply by strategically spacing out their patent filings. These “patent thickets” are to drugmakers what data is to big tech: the source of the industry’s power. And they require a similarly aggressive regulatory response. However, unlike the pharmaceutical industry, big tech is not as dependent on patents for its monopoly power. While updating antitrust laws and filing antitrust lawsuits may be the best course of action for breaking big tech’s monopoly power, that is not likely to be the case with the pharmaceutical industry. Take the recent antitrust [court decision](https://news.bloomberglaw.com/ip-law/abbvie-dodges-antitrust-challenge-to-its-humira-patent-thicket) on AbbVie’s drug Humira, which treats a number of conditions including rheumatoid arthritis, psoriatic arthritis, and Crohn’s disease. The drug has an annual list price of [$44,000](https://www.nytimes.com/2018/01/06/business/humira-drug-prices.html) and generated more than $19.2 billion for the company in 2019 alone. AbbVie had filed 247 patent applications and amassed 130 granted patents on Humira. The company was cleared of any antitrust violations, despite strong evidence of patent abuse. More than 90 percent of AbbVie’s patent applications were filed just two years before the main patent was about to expire in 2016 and more than twelve years after the drug was first introduced on the market. Tellingly, the judge presiding over the case commented that AbbVie had exploited advantages conferred on it through lawful practices permitted by the patent system. He added that, to the extent this had kept Humira prices high, existing antitrust doctrine does not prohibit it. In other words, abuse of the patent system is permitted by law. The case is currently under appeal. Meanwhile, Americans will have to wait until 2023 before competitive products can enter the market and bring prices down. In Europe, where AbbVie’s monopoly on Humira ended in 2018, prices have already dropped by 70 percent. Inaction on patent abuse is rooted in the fear that strong enforcement would harm “innovation.” To that end, antitrust law has become deferential to patent law and also needs a reboot. The consequence for pharmaceutical companies who behave anti-competitively, if there are any, is usually a fine. But the profits reaped through patent abuse typically far exceed the amount of the fine. As a result, the threat of a fine does little to deter patent shenanigans. Under our current system, it pays to get as many patents as possible and risk the possibility of a slap on the wrist. Patents today have become less of an instrument of invention and more a defensive business strategy to extract as many additional years of monopoly on a product as possible. A review by [I-MAK](https://www.i-mak.org/2019-bestselling/), the organization that I cofounded, found that the top twelve best-selling drugs in America in 2019 had on average 131 patent applications and a potential duration of protection of nearly thirty-eight years. Currently, the only recourse to stem this over-patenting is through litigation. But in the United States, claims to inventiveness — whether warranted or not — are considered sacrosanct. That can make challenging patents an uphill climb. Often, commercial competitors would rather settle than challenge a system that begins with the presumption that all granted patents are valid unless proven otherwise. The problem is likely to get worse as we move into the age of biologics and gene therapies, which are scientifically more complex and provide even more avenues for companies to play their patent games. Layer on [constant lobbying pressure](https://khn.org/news/senators-who-led-pharma-friendly-patent-reform-also-prime-targets-for-pharma-cash/) and the reputational boost drugmakers have received from the development of COVID-19 vaccines and treatments, and it’s hard to envision lawmakers mustering the will to crack down on the bad behavior of pharmaceutical companies. Yet this is exactly the kind of deep structural change that is needed if we want to address a prescription drug crisis that is [careening out of control](https://www.evaluate.com/thought-leadership/pharma/evaluatepharma-world-preview-2020-outlook-2026). The Senate has attempted to pass a [bill](https://thehill.com/policy/healthcare/469523-senate-fight-derails-bipartisan-drug-pricing-bills) that would put some limits on companies using their patent thickets to delay competition and give the Federal Trade Commission the power to tackle patent abuse, but the effort has stalled. Even if it is revived, [industry lobbying](https://about.bgov.com/news/drug-industry-notches-win-as-senator-rethinks-patent-measure/) has stripped the bill of much of its bite. Indeed, most attempts by lawmakers to address the drug patent problem fail to get to the heart of the matter, instead dancing around the margins of real structural change. There are a few things the new Biden administration could do to change course. First, it could make the United States Patent and Trademark Office (USPTO) more accountable to the public. Currently, the USPTO engages almost exclusively with representatives from corporations. The USPTO does not acknowledge the impact of patents on drug prices and does not believe that public health impact should have any bearing on whether or not to grant a drug patent — despite ample evidence showing that patents are correlated with higher drug prices. Patients, advocates, and medical and public health officials are essentially shut out of the process. The system needs to be democratized. Even more importantly, we need stricter standards for obtaining a patent. The [cult of innovation](https://jacobinmag.com/2019/04/innovation-language-of-capitalism-ideology-disruption) has blinded us to the patent games that allow companies to claim huge rewards for minor tweaks. It is all too easy to get a patent for any slight modification to an existing invention in order to prevent outside research, block competition, and keep prices high. Nearly [eight out of ten](https://academic.oup.com/jlb/article/5/3/590/5232981) drugs associated with new patents are for existing drugs, not new ones. And where pharmaceutical companies are given patents on medicines that originate from [government-funded research](https://www.pnas.org/content/115/10/2329/tab-article-info) but which are being priced out of reach, the ability to use march-in-rights to rescind the patent exclusivities and correct market failures needs to be less onerous than it currently is. Indeed, California attorney general Xavier Becerra, Biden’s pick to run the department of health and human services, has openly [supported](https://www.dailyposter.com/p/biden-hhs-pick-backed-medicare-for) the use of march-in-rights to control prices of federally funded medicines. Any attempt to strengthen oversight will be met with a predictable response: claims that it will kill investment and innovation, and deprive us of new medicines. Fear works, especially in politics, and even more so in the wake of a pandemic. In [two-thirds of cases](https://science.sciencemag.org/content/339/6126/1386/tab-figures-data), pharmaceutical patents used to extend the protection on a drug past the initial twenty-year term are usually invalidated when fully litigated and not settled. Much of what is called innovation is not inventive for the purpose of a patent. Besides, separate from any patent protection, drug companies are provided with guaranteed market exclusivities where no competitors can enter, ranging anywhere from five to twelve years depending on the drug type. These exclusivities themselves are like mini-monopolies. There is also no clear [empirical evidence](https://www.nber.org/system/files/working_papers/w23088/w23088.pdf) that more patents and longer exclusivities results in more investment in research and development and, by extension, more innovation. Like big tech, the pharmaceutical industry has abused its power. The Constitution gave Congress the ability to give inventors the exclusive right to their discovery for a limited time in exchange for the benefit of their invention. Drugmakers have turned this bargain into an unlimited patent racket, weaponizing the system to maximize profits. Congress has the ability to reset the bargain. It must do so.

#### [3] Our orientation towards intellectual property reproduces the logic of accumulation. Behind every invention and thought lies the question, is this profitable? Carlin and Wallin 2

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

**A decisive step in this process of subsumption of nervous energy and intellectual work by the techno-financial articulations of semiocapital is the destruction of the modern institution of the university, and the building of a recombinant system of knowledge exploitation that demands the cancellation of knowledge autonomy while reducing the learning process to a mere acquisition of operational skills.**¶ Autonomy was crucial in the conception and purpose of the modern university. Autonomy was not only independence from academic institutions, but the methodologies of scientific research and artistic practice as well.¶ In the humanistic sphere of modern bourgeois civilization, each field of knowledge was expected to autonomously establish its own laws: conventions, aims, procedures, forms of verification and change**.¶ Consistently the university was based on two pillars: the first was the relation of the intellectuals to the** city (i.e. the ethical and political role of reason and of research); **and the second was the autonomy of research, teaching, discovery, innovation, and the production and transmission of moral, scientific and technical acquisitions.¶ The entrepreneurial bourgeois owner was strongly linked to the territory of his properties. He was also interested in the development of these properties, and knew that the autonomy of knowledge was necessary for achieving productive results. The long process of emancipation from theocratic dogma deeply influenced bourgeois culture and identity throughout modern times.¶ The financialization of the economy in the post-bourgeois era has led to the de-localization of work and information.** The main trend of this transformation has been the formation of the homo oeconomicus (Michel Foucault, 2010) in which **every act and thought has been translated into economic terms. This transition implies the abolition of the autonomy of knowledge, as the semio- capitalist economy gets hold of every space of social life.¶ Economics, which is now more a technology for the crystallization of time into capital than a science, has progressively assumed the central place in the system of knowledge and research.**¶ **Every act of research, of teaching, of learning, and of inventing is subjected to the following questions: Is it sellable? Is it profitable? Is it helping capital accumulation? Is it meeting the demands of corporate finance?**¶ Those who do not recognize the primacy of the economic principle in the field of education, or those who refuse to worship the central dogma of the neo-liberal church by condemning the rules of competition, profitability and compatibility, are labelled as sceptics, non-believers, atheists and communists. The fate that awaits such miscreants is marginalization and expulsion.¶ **The educational chaoide that we need is a sceptical institution for the re-activation of autonomy of knowledge from economic dogma.**

# UV

#### [1] Kant affirms:

#### Property only exists as an extension of one’s right to set and pursue ends which means it can only apply to physical objects – your use of intellectual property could never hinder my freedom because both of us can use it!

Ripstein 09 Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. WWBW

The nature of a property right is structured by the basic requirement of a system of equal freedom in a world in which free persons can use things other than their bodies to set and pursue their purposes. That is why, as we saw in the previous chapter, property rights constrain others in ways parallel to the way rights to your own person constrain others. Your body is your person, and it constrains others because it is that through which you act, your capacity to set and pursue purposes, and any interference with your body interferes with that capacity [to act]. Your property constrains others because it comprises the external means that you use in setting and pursuing purposes; if someone interferes with your property, he thereby interferes with your purposiveness. The same point can be made through the distinction, from Chapter 2, between a person’s means and the context in which that person uses them. A changed context raises no issues of right, because it is the inevitable result of people’s exercise of their freedom. A system of property is a system in which persons have rights to means others than their bodily powers, and others may not change those means or their availability. If you could not have a right to something in your absence, everything except your bodily powers would be mere context, subject to the choice of others. The relation of property to setting and pursuing purposes underlies both its rationale and its structure. Freedom requires that external means that can be used in setting and pursuing purposes be available formally: an owner’s entitlement to use them does not depend on the matter of the owner’s or any other particular person’s choice. For the same reason, a property right needs to constrain others even when the owner is not in physical possession of an object. Otherwise whether an object was available to the owner to set and pursue purposes would depend on the particular choices of others, and so violate the formality condition. As a matter of fact, you may be able to set yourself the end of making a mushroom omelet without having rights to objects that are not in your physical possession, but you could not have an entitlement against others to set yourself the end of making one. If there were no such rights, someone else would be entitled to take the eggs you had gathered while you were sautéing the mushrooms, and you would not be entitled to do anything to stop her. Your entitlement to set and pursue purposes would thus depend on the particular choices made by another. Again, the fact that some other person needs or wants what you have more than you do, could use it more effectively than you, or could gain from using it more than you would lose is of no significance. The simplest wrong against property is using what belongs to another without the owner’s permission. Kant’s account explains why this is a wrong without inquiring into the magnitude of the loss (if any) suffered by the owner, or the benefits the trespasser hoped to gain. Any account that focuses on specific uses—the matter of choice—must regard such a rule as wasteful, since it forbids a transaction that makes one party better off and the other no worse off. In the vocabulary of economic theory, a harmless trespass is a Pareto improvement: one person is made better off, and no other person is made worse off.8 Perhaps a material analysis, focusing on need or wish, could generate a rule against trespass by reference to secondary problems about the resources people would waste in protecting their property, and so conclude that there are grounds for a general rule that sometimes prohibits people from doing harmless and even worthwhile things.9 Kant’s approach is different: the reason harmless trespasses are prohibited is that they violate the owner’s right to determine how his or her property will be used.

#### That affirms since property rights exist because if people took away your property, you lose the ability to use it to pursue ends. But, it doesn’t apply to intellectual property since other people can take your intellectual property and you can still use it.

#### Ownership requires physical possession and giving a sign which are both impossible for immaterial objects.

Ripstein 09 Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. WWBW

Kant’s account thus focuses exclusively on the transition in a thing’s status from unowned to owned, that is, the transition from its being available to all to its being subject to one person’s exclusive choice. The account is boring because the only factual precondition of rightful acquisition of an unowned object is empirical possession of that object. The act in question is simply bringing a thing under your control, so that you can now decide how to use it. Neither improving it nor putting your will into it is required. Improving it is not required because improving an object is only relevant once you have taken possession of it. Until you take possession, improving just fritters away your efforts. The same point applies to what Hegel describes as “putting your will” into an object, at least if this is understood as something different from simply taking possession of it. Wishing for a thing engages your will in a sense that is irrelevant; subjecting it to your choice—making it a means for setting and pursuing your purposes—is established only by taking control of it. Nothing more is required. All you need to do is take physical possession, and give a sign to others that you are doing so in order to have it as your means rather than just for a specific use. These steps are required because they are just the steps in subjecting a thing to your choice. You do not need to improve the object, because improving an object you are already in possession of is just subjecting it to your choice in some specific way. Unless it is already subject to your choice, however, the ways in which you change it—for example, by tiring it out—do not subject it to your choice. At most, they prepare it for subsequent use. Taking control must be public, and so Kant says it requires giving a sign. If others could not determine that you meant to bind them, you cannot bind them. You can use something on a particular occasion without acquiring it or even intending to. You might use a stick to balance as you walk up a rocky path without making it your own. It is not that you acquire it and then immediately abandon it. Instead, you use it only while you are in physical possession of it. In so doing, you make no claim to subject the thing to your choice when you are not in physical possession of it. The second unilateral act (strictly speaking, the second aspect of the same unilateral act) is “giving a sign”: you must make your appropriation of the object in question public, in the sense that others could be bound by it. If you are only using the stick to balance, you do not need to give a sign to others; the fact that you are in physical possession of the stick means that they cannot interfere with the stick while you are using it without thereby committing a wrong against your person. So no other person can grab the stick, making you lose your balance, but the wrong of so doing has nothing to do with the stick as such, and everything to do with the fact that you are currently holding it. On the other hand, if you give a sign, then the person who takes the stick from you wrongs you with respect to the stick as well, and so wrongs you by taking the stick when you put it down. It does not follow from the need for a sign that there needs to be a clear marker on every boundary line; only that in bringing the thing under control you make it apparent to others that you intend to make it your own.

#### [2] Presumption affirms: A) Epistemology – nobody would be able to start any stand of reasoning since they would already be questioning it B) Affirming is harder because of the 7463 time skew so if we’re equal on the flow then I did the better debating.

#### [3] If theory is coherent, allow 1ar theory to check back against 1nc abuse. DTD and no RVIs because the 1ar is too short to substantively engage with abusive positions.