## 1AC

### AC – You’re Going De-Leuze

#### We are dynamic – overtime, affective encounters with our surroundings through time shape subjectivity, yet representational thought ascribes to them a limited essence – our model resists the imposition of sameness onto a chaotic world.

Deleuze – Deleuze, Gilles. Difference and Repitition. Translated by Paul Patton. 1968

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?

#### The goal of ethics should not be to follow supposedly ‘objective’ moral laws, but instead to creatively push the boundaries that diffuse radical praxis – philosophy should not seek to represent the subject but criticize its imposition.

Spangenberg – Yolanda Spangenberg (Department of Philosophy, University of Pretoria). “‘Thought without an Image’: Deleuzian philosophy as an ethics of the event.” Phronimon 10:1, 2009

Introduction “To think is to create – there is no other creation – but to create is first of all to engender ‘thinking’ in thought” (Deleuze 2004: 185). This line from Difference and Repetition expresses the aspect of Deleuze’s work that will be the focus of this essay namely, to make of thinking, and especially philosophical thinking, an endeavour that is truly creative. **Thinking, in this sense, cannot be subordinate to factors that** predetermine and confine **what thinking should be**. The objective of Deleuze’s project is to lay out a philosophy of difference that truly thinks difference without reducing it to a pre-supposed, pre-determining and ultimately restrictive identity (Bell 2006). But what are the conditions of thinking in the Deleuzian sense? What do we need to do to enable such thinking to take place? In this essay these questions will be addressed by showing, first of all, why **representation**, and its essentially moralistic view of the world, **constitutes** a particularly **restrictive** and exclusionary form of **thinking** and acting. Following Deleuze, a radically different idea of philosophy and of what it really means to think will be proposed. This new conception of thinking – and of philosophy – will be brought to bear on our understanding of ethics and its relation to difference. Deleuze **conceives of ethics as an event and as inextricably linked with the sole aim of philosophy:** to become imperceptible or, as Deleuze would also say, to become worthy of the event. The essay will conclude with a few suggestions of what such an ethics might entail. Against common sense: Deleuze’s critique of the representational ‘image of thought’ What, precisely, is an ‘ethics of the event?’ In order to give this question an appropriate consideration, we need to, first of all, establish what ethics is not. Deleuze draws a very clear distinction between ethics and morality. **Morality, as we know, implies that we judge ourselves and others on the basis of what we pre-suppose we are and should be**. In contrast to this, Deleuzian ethics implies that **we do not yet know what we might become**. In short, morality is problematic in so far as it is rooted in an objectifying, representational or dogmatic ‘image of thought.’ Distinct ‘images of thought’ may be defined by reference to the presuppositions which define the nature of thought and which, in this way, provide the plane of theoretical consistency for how life is perceived, experienced and understood. Deleuze criticises thought defined in terms of identity in recognition and representation by showing what that definition is falsely ignoring or excluding. According to Deleuze, such definitions are always already objectifying and presupposing what they seek to exclude. In chapter three of Difference and Repetition, Deleuze (2004) describes and criticises the representational image by showing how the presuppositions of such an image inevitably make us miss the ‘essence’ of difference. One of the presuppositions Deleuze severely criticises is the assumption that there are certain, common sense facts that ‘everybody knows.’ This element consists … of the presupposition that there is a natural capacity for thought endowed with a talent for truth or an affinity with the true, under the double aspect of a good will on the part of the thinker and an upright nature on the part of thought (Gilles Deleuze in Williams 2005:115). This presupposition is moral in so far as it is assumed that it is how thinkers and thought, in principle, ought to be, regardless of how they are. The point of Deleuze’s criticism here is that the representational or dogmatic ‘image of thought’ perpetuates the common sense illusion that there are moral laws, while in fact, there are only morally established habits. A possible response to Deleuze’s critique regarding presuppositions could very well be that philosophy, explicitly and out of necessity, ought to adopt these presuppositions or else it will fall into quietist despair. From a moralistic standpoint, the destruction of all presuppositions does not take account of social, political and moral values and this seems to be undeniably bad. Deleuze, although he is very much aware of this response to his critique, still insists on the ‘dangerous’ and possibly ‘immoral’ path of uncovering and destroying all presuppositions. A further response to Deleuze’s critique is: can presuppositions ever really be done away with? Should the proper and superior role of philosophy not be to select the right presuppositions, instead of seeking to do away with all of them? If presuppositions are really inevitable, Deleuze has merely missed the fact that he has ‘implicitly’ adopted pessimistic ones (Williams 2005). Deleuze’s response to all of these critical points turns on the very familiar argument that even the most obvious, unequivocal and seemingly universal moral values have, in the past, turned out to be restrictive, erroneous and divisive. Instead of presupposing and affirming any obvious or given values, the superior role of the philosopher is to criticise all emergent ‘obvious’ values or doxa. Deleuze knows that both Descartes and Kant are well aware of this since they claim that the presupposition of the good and shareable nature of thought is only by right or in principle, and not in fact. For Descartes, as for Kant the good and shareable nature of thought is only formal; it does not concern specific empirical content. According to Deleuze, however, this line of thought still misses the way in which the supposedly empty form of thought continues to establish ‘obvious’ values and a doxa with an exclusive empirical content.

#### Thus, the standard is to embrace creative difference. Prefer additionally:

#### 1 – Pedagogy – we need to tip the scales towards a minoritarian repositioning to mobilize moments of relationality and challenge dominant epistemologies.

Carlin and Wallin – Carlin, Matthew. Wallin, Jason. “Deleuze & Guattari, Politics and Education.” Bloomsbury. 2014. Pg. 119-121

As a social machine through which ‘labour power and the socius as a whole is manufactured’, schooling figures in the production of social territories that already anticipate a certain kind of people (Guattari, 2009, p. 47). And what kind of people does orthodox schooling seek to produce but a ‘molar public’, or, rather, a public regulated in the abstract image of segmentary social categories (age, gender, ethnicity, class, rank, achievement) (Deleuze and Guattari, 1987)? Such an aspiration is intimately wed to the territorializing powers of the State, for as Deleuze and Guattari argue (1983), State power first requires a ‘representational subject’ as both an abstract and unconscious model in relation to which one is taught to desire. As Massumi (2002) writes, ‘**the subject is made to be in conformity with the systems that produces it, such that the subject reproduces the system’** (p. 6). Where **education has historically functioned to regulate institutional life according to such segmentary molar codes, its** modes of production have taken as their teleological **goal** the **production of a ‘majoritarian people’**, or, more accurately, a people circuited to their representational self-similarity according to State thought. This is, in part, the threat that Aoki (2005) identifies in the planned curriculum and its projection of an abstract essentialism upon a diversity of concrete educational assemblages (a school, a class, a curriculum, etc.). Apropos Deleuze, Aoki argues that the standardization of education has effectively reduced difference to a matter of difference in degree. That is, in reference to the stratifying power of the planned curriculum, Aoki avers that difference is always-already linked to an abstract image to which pedagogy ought to aspire and in conformity to which its operations become recognizable as ‘education’ per se. Against political action then, orthodox educational thought conceptualizes social life alongside the ‘categories of the Negative’, eschewing difference for conformity, flows for unities, mobile arrangements for totalizing systems (Foucault, 1983, p. xiii). Twisting Deleuze, might we claim that the people are missing in education? That is, where **education aspires to invest desire in the** production of a ‘**majoritarian’** or ‘molar’ **public, the prospect of thinking singularities are stayed**, not only through the paucity of enunciatory **forms and images available for thinking education** in the first place, but further, **through the organization of the school’s enunciatory machines into vehicles of representation that repeat in molarizing forms of self-reflection**, ‘majoritarian’ perspective, and dominant circuits of desiring-investment. Herein, **the impulse of standardization obliterates alternative subject formations and the modes of counter-signifying enunciation that might palpate them. Repelling the** singular, the ‘**majoritarian’** **and standardizing** **impulse of education takes as its ‘fundamental’ mode of production** **the reification of common sense**, or, rather, the territorialization of thought according to that which is given (that which everyone already knows). **Figuring in a mode ‘of identification that brings diversity in general to bear upon the form of the Same’,** common sense functions to stabilize patterns of social production by tethering them to molar orders of meaning and dominant regimes of social signification (Deleuze, 1990, p. 78). As Daignault argues, in so far as it repels the anomalous by reterritorializing it within prior systems of representation, common sense constitutes a significant and lingering problem in contemporary education (Hwu, 2004). Its function, Daignault alludes apropos Serres, is oriented to the annihilation of difference. Hence, **where the conceptualization of ‘public’ education is founded in common sense, potentials for political action through tactics of proliferation, disjunction, and singularization are radically delimited** and captured within prior territorialities of use (Foucault, 1983, p. xiii). The problem of this scenario is clear: **common sense has yet to force us to think in a manner capable of subtracting desire from majoritarian thought in lieu of alternative forms of organization and experimental expression**. In so far as it functions as a vehicle of ‘molarization’, reifying a common universe of reference for enunciation, the school fails to produce conditions for thinking in a manner that is not already anticipated by such referential ‘possibilities’. Hence, **while antithetical to the espoused purpose of schooling, the majoritarian impulse of the school has yet to produce conditions for thinking** – at least in the Deleuzian (2000) sense whereupon thought proceeds from a necessary violence to those habits of repetition with which thought becomes contracted.

#### 2 – Rule-Following fails – there is nothing inherent in a rule that mandates following a specific interpretation. They are always subject to interpretation by the observer, which means an objective moral rule would get interpreted differently by different agents.

#### 3 – History proves – no moral or epistemological theory has received a majority support among philosophers, despite thousands of years of debate – means that even if there is an objective moral principle – it’s not binding as proven by ever past act of immorality.

#### 4 – Cruel optimism – Only affect can bridge the gap between discursive regimes and the material world – it’s cruelly optimistic to force chaotic identity into stable structures.

**Schafer 13** – 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

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](https://muse.jhu.edu/article/509908#b3)). 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](https://muse.jhu.edu/article/509908#f1) 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](https://muse.jhu.edu/article/509908#b11)). And 2: Human language is assumed to offer the most productive, if not the only possible, model for understanding representation ([Sedgwick: 2003, 93](https://muse.jhu.edu/article/509908#b11)). **Affect theory in this vision is designed to explore[s] the "crucial knowledges" of bodies outside a purely theoretical determination, outside** the traditional **domains of humanist scholarship—reason, cognition, and language** ([Sedgwick: 2003, 114](https://muse.jhu.edu/article/509908#b11)). **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](https://muse.jhu.edu/article/509908#b2)). **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](https://muse.jhu.edu/article/509908#b1)) and Berlant's Cruel Optimism ([2011](https://muse.jhu.edu/article/509908#b2)), 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](https://muse.jhu.edu/article/509908#b6)) must be supplemented with resources from the affective turn. Recent critiques of affect theory[2](https://muse.jhu.edu/article/509908#f2) 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](https://muse.jhu.edu/article/509908#f3) Contemporary Deleuzians such as Brian Massumi[4](https://muse.jhu.edu/article/509908#f4) and William Connolly[5](https://muse.jhu.edu/article/509908#f5) 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](https://muse.jhu.edu/article/509908#f6) ([Ahmed: 2010, 13](https://muse.jhu.edu/article/509908#b1)). Where the Deleuzian strands focuses on affect as the raw material of becoming, as the play of substances, Ahmed and Berlant locate **affect theory [is]** 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](https://muse.jhu.edu/article/509908#b1)). **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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b12)), 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](https://muse.jhu.edu/article/509908#b12)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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 use**s **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](https://muse.jhu.edu/article/509908#b2)). **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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). **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**](https://muse.jhu.edu/article/509908#b2)**). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). **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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b2)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). 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](https://muse.jhu.edu/article/509908#b1)). Is deferred happiness really divided from happiness? What if fantasies—what Silvan Tomkins calls "images"[7](https://muse.jhu.edu/article/509908#f7)—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](https://muse.jhu.edu/article/509908#b1)). 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.

#### 5 – Serial policy failure – The politics of stable subjectivity stabilizes complex features into unchanging models which dooms all radical praxis to failure.

**Rolli** – Rolli, Marc. “Immanence and Transcendence” Bulletin de la Sociite Amincaine de Philosophie de Langue Franfais Volume 14, Number 2, Fall 2004

We now arrive at the last point. I have emphasized how immanence can be considered as a profane source of experience that makes sense only in the context of temporal subjectification processes. It does not therefore suffice to posit a pure sensuality or a pure thinking of immanence. **Our self and worldly relations are always determined by relations of power**. But **only** **on** the basis of a scheme of **immanent thinking is it possible** **to** really begin to **see these determining factors**.28 **Otherwise** an **empricial state of affairs-an empirical normality-is hypostatized as a transcendental norm**, **in such a way that its** **genetic background** and conditions **can be** considered mere byproducts **and ignored**. Thus, **as long as** it is considered a foregone conclusion that **a normal human [is]** being has **white** skin, is of the **male** gender, **middle aged**, belongs to a (particular) religion, and so on, then **there is no need** **to ask about the disciplining**, sociological, political, and economical processes in recent or **past** **history[s] that have given rise to that person**. From the perspective of immanence, **what can be located within power relations**-in the sense of the conditions of actualization of immanent structures-thus **seems** naturally **legitimate**. Deleuze's philosophy o f immanence is therefore both political as weil as "absolute." Immanent perceptions, sensations, and concepts are just as much immediately determined by social conditions as are the micrological regions of the political as immanent processes of being. Against established power structures that benefit the rich to the detriment of the many, a kind of thinking emerges that relies on immanence and is thereby qualified to inquire into the implicit strategies that motivate all representative forms of life production and empowerment. **Such [immanent] a thinking does not solely** **aim at unveiling the orders of life** that are otherwise presumed to be natural, **but is** **directed towards a model of free associations** and free action. Deleuze's temporal ontology of **imn1anence** thus **reveal[ing]**s itself as excluding dejure **concentrations of power** **and** thereby **making them** **comprehensible** as facts with **regard to** **their causal conditions**. **It is** therefore **impossible** **to** tacitly **insert transcendence into** **the corresponding level of immanence**, **where its power can be played** **out**. It is impossible because the **structural characteristic of** **immanence is a constant transport of difference**, **so** that the **syntheses** **of** differential **singularities always refer to a particular actuality** of immanent structures-and according to Deleuze, it is only on this level that densities and consolidations of power relations are situated. By contrast, the postulates of **transcendence**, by relying on natural orders and homologies, **conceal the power**- drenched determination **of** forms of **thinking and action**. Although in his early lectures on Kant, Heidegger drew on the dimension of time to expand critical philosophy-and in this regard he was a source of inspiration for Deleuze-his orientation towards the origin of imagination as a medium between understanding and contemplation testifies to a certain natural accordance which in fact renders superfluous any profound analysis of conditioning power relations. Central to Heidegger's discourse is an act of transcendence which assigns the level oE temporal immanence to a self-identical Dasein which overcomes itself. The same problem can be identified in the context of the critique of onto-theology. Here the difficulty has to do with the presumed philosophical "unity" ofbeing and thinking which, according to Heidegger, pre-exists any active or spontaneous activity of thinking and is but the task of thinking to heed.29 In this regard Deleuze can be seen to playoff Nietzsche against Heidegger. For while Nietzsche, with the "will to power," presents a concept of immanence that leaves modern nihilism behind because it radically questions the value of value, Heidegger, in his criticism of Nietzsche, relies on the "proper" (eigentliche) value of a dedicated "experience of being" (5 which backs away from the escalating nihilism of the times. Insofar as Heidegger, faced with the decay of modernity, holds on to a thinking of transcendence, his diagnosis of the present thus remains stuck in resentment. For instead of taking fate (Geschick) into our own hands, we are to let fate follow its course and obey the order that comes from the highest ruler: Being itself.

#### 6 – Root Cause – Restrictions of creative difference are the root cause of material violence and collapse 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

**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 lethaland, 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 encounter. Hence, with post-interventionary forms of violence no longer appearing to be any cause for concern, the nature of the racial imperative that underwrites the violence of contemporary liberal occupations is removed from the analytical arena.

#### Now affirm – The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. Resolved is defined as[[1]](#footnote-1) firm in purpose or intent; determined and I’m determined. Affirm means to express agreement[[2]](#footnote-2) and you already know I do. I’ll clarify specification in CX to avoid frivolous debates.

#### Intellectual property regimes biologically regulate affective expression and force the subject into binary, mechanical, categories.

Wolodzko 18 – Agnieszka Anna, Bodies within affect. : on practicing contaminating matters through bioart, 2018, <https://scholarlypublications.universiteitleiden.nl/handle/1887/66889>, recut from a fellow Deleuzian – SHS KS

The particular discrepancy between the practice of affect and its control, between discovering the relations of transformation and managing these relations in order to achieve particular formations, is present in the practices of biotechnology. Take, for instance, the patenting of the human genome, which touches the very intimate and existential realm of what it means to have and be a body. Donna Dickenson reports that, according to common law, once a part of your body is separated from you, it is legally treated as waste and as not belonging to anybody [lat. res nullius].22 Dickenson believes that this disposable attitude to body parts that have been detached from the body is due to the traditional distinction between a person and raw matter. Unlike a body part, persons cannot be owned as this would undermine the notion of human dignity.23 However, as Dickenson states, recent biotechnological practices undermine the boundaries between what can be considered as a person and what is just a raw body part, which results making the body a much more fluid and hybrid phenomenon. The scale and implications of the hybridity and relationality of the body as a result of biotechnological practices can be seen, for instance, within the phenomenon of human genome patenting and genetic testing, the most lucrative applications of biotechnological innovations.24 Till 2013, it was common practice to patent the human genome once it had been isolated from the body. Even though genes are not an invention as such, their isolation from a body was considered an innovative practice and thus subject to patenting laws.25 This resulted in an enormous biomarket, where, in the 1980s-1990s, till 2005, over twenty per cent of the human genome was patented in the US.26 A patent is “a legal right granted to inventors by national governments to exclude others from making, using or selling their invention in a given country,”27 and so, in this context, its function presupposes that parts of our own body are legally owned by companies and institutions.28 Most importantly, gene patents are usually applied to all methods of their detection. This means that every test and tool involved in the management of a particular sequence are covered by patent laws. The patent thus reaches a very broad research area, and this may have consequences for future innovation and medical care. Since the main role of patents in the biotechnology that has induced genetic testing was to allow for private investment in research and development, biotechnology has transformed from a common good into a commodification and exploitation of the body. Arguably, things have changed once the US Supreme Court banned the patenting of “natural” genes in the case of the Myriad Genetics Inc., the company that discovered the sequence and location of BRCA1 and BRCA1 – a gene mutation that increases the risk of ovarian and breast cancer: “A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated, but cDNA is patent eligible because it is not naturally occurring.”29 However, things become more ambiguous when we look not only at the differences, but also at the similarities between DNA and its copy, cDNA (complementary DNA). cDNA is “a type of a man-made DNA composition, which is made in a lab with an enzyme that creates DNA from RNA template.”30 Not naturally occurring, and structurally and functionally different from DNA, cDNA thus complies with the patent law. Nevertheless, some critics argue that, despite its structural and functional difference, which allows for the further research, the copy (cDNA) still holds exactly the same information as the original (DNA).31 Moreover, because cDNA is not distinct from the methods it is extracted with, there is no specification of how much intervention is actually needed in order for the gene to be legally patented, since mere simple separation from the body is no longer a boundary.32 Despite the lack of boundaries and clear definitions of what a body’s natural state is and what its manipulated state is, Myriad, (like other companies involved in human gene patenting), practices what is now called personalized medicine. Bodies are practiced as autonomous and fixed identities, independent from collective relations.33 As Dickenson argues, personalized medicine deliberately positions itself against we medicine, emphasising individual responsibility and care, rather than a collective and relational understanding of the way our bodies are. We witnessed the power of individual choice when the American actress Angelina Jolie announced that she had undergone a double mastectomy due to the presence of the BRCA gene in her body. This was in 2013, just before the Supreme Court decision in the Myriad case and the actress’s experience provoked a public debate about the necessity of testing for the cancer gene. However, the media conveniently failed to mention the patent that applied to the BRCA gene, and just how expensive the test to detect it was (in 2013, the test cost between US$3,000 and US$4,000).34 Moreover, the decision to undergo the mastectomy – which for the average woman does not end with a full breast reconstruction as it did in Jolie’s case – was portrayed as being a woman’s – a mother’s – individual choice. The discussion of the elective surgery largely ignored any discussion of the financial, political or social situation of women, or of the industry involved in performing these tests. Importantly, in order for the testing to be accurate and certain, a large database of the variation of this mutation is needed. You need “we medicine in order to perform a successful me medicine.”35 In other words, to be accurate, any medicine depends on a range of relational practices and multiple bodies from various social, political and biological states. Any distinction, therefore, between “me” and “we” medicine is an artificial one. Medical practice has exposed how “me” medicine has already been “we” medicine. The tangible danger, however, is that these relational practices become veiled by the abstract categories of individuality and autonomy. In other words, while we are already living within affect, and are already practicing affect’s contaminations and its multiple relations and implications for various spheres of living bodies, we have never really changed our logic with regard to affect. In the case of Myriad, while, in principle, researchers, share their genome database in order to provide an exchange of information for the common good and to promote innovation and accurate medical care, fear of competition led the company to stop contributing to the data already in 2004. It has also stopped publicising new information about variations. As a major performer of tests for the BRCA gene, Myriad has thus significantly restricted research on breast cancer. The company’s self-interest, clothed in a policy of personalized medicine has stopped the flow of data and, therefore, causing less accurate medical care.36 What is worse, after the US Supreme Court decision of 15 April 2013, Myriad filed a number of lawsuits against laboratories that had started to offer the BRCA test more cheaply.37 What we learn from the BRCA case, is that by failing to change the logic of thinking about the bodies and as a result of its perpetuation of the belief in the autonomy of bodies, despite their obvious dependence on bodies’ relationality, the gene patenting industry has created even stronger hierarchies among bodies. The industry’s policies have enacted a strong belief in determinism, ascribed to DNA within the practices of biotechnological, economic and political application. The idea of the autonomous body is stronger than the actual matters of practice and relations that construct the body. Such practice of the body has preserved the nature/culture divide in a bizarrely paradoxical way. The US Supreme Court’s decision perpetuates a belief in the exclusion of nature from any economic-political spheres. As long as something does not occur in “nature”, it can be patented. However, as shown in the case of Myriad, the copy (cDNA) of DNA that is to be patented holds exactly the same information as the original (DNA). The border between what occurs naturally and culturally, what is original and what is a copy, is thus blurred. Without the “original” DNA there would be no cDNA in the first place. Moreover, what is considered as artificial and therefore ready for manipulation and commodification, materially influences and transforms what we consider to be “natural”. The promise of cure and treatment that has justified the privatization and monopolization of research, ultimately influences our own bodies and lives. Patented genes sequences do not regard a particular body, but “the body”. Patents have a universal function, which, in turn, incorporates all our bodies under its law. Once you have a breast cancer, part of you, what you think of as the “natural” you, belongs, in practice, to the corporation. The artificial divide between the “state of nature” and man-made practice does not respond to our bodies, which are an entanglement of living matter and practices. Furthermore, the Myriad case is also a striking example because it shows the consequences of our lack of understanding that biotechnology has a real material impact on our social and political life. Here, the idea of personhood and human dignity cannot do justice to the scale of novelty and unpredictability of the biotechnological world. Biobanks, which are the modern equivalent of surveillance and property, have resulted in: commodified cell lines, such as those in the Henrietta Lacks legal case,38 promises of regenerative medicine via new methods that transform a cell from an adult body into any other type of a cell, and CRISPR genome editing, which makes the idea of designer babies not just futuristic speculation, but a scientific possibly.39 Indeed, these new biotechnological inventions have undermined any doubt about the influence that biotechnology already has in shaping our lives. These phenomena are not just the concern of bioethical committees and economic policies, they directly touch the multiple political, social and cultural realms of our existence. Ingeborg Reichle called the unprecedented power inherent to the use of biotechnology “bottom-up eugenics”, which is not based directly on a socio-cultural idea and narration, but rather the market and profit.40 As Robert Zwijnenberg argues, biotechnology inevitably correlates with such problems as, for instance, human enhancement, posing not only ethical and legal problems, but forcing more philosophically and culturally varied questions and attitudes, i.e. “who and what do we want to be as humans, and who and what do we want to become?”41 Biotechnological innovations that allow us to manipulate our bodies construct economicsocial realities that do not respond to disciplinary divisions. Economic and political demands are strongly entangled with scientific findings, technologies and their agencies, which, in turn, inevitably influence social and cultural, individual and the population’s practices, as well as our lives and bodies. However, as the Myriad case shows, once these multiple entanglements are applied according to the traditional beliefs in autonomy, individuation and personalization, which do not respond to the relational nature of phenomena, we enter into the realm of utopian beliefs in purity and clear-cut boundaries between species and disciplines. For instance, transhumanists’ desire for designer babies and perfect humans,42 fuelled by an unquestioning use of technology, is just one among many examples of using relationality not as an ontological way of being, but as a means for strengthening the fixed ideas about our bodies. We already live and practice affect, that is why, if we do not think and act according to its dynamic nature, we create even sharper dualisms, polarizations and hierarchies. It is therefore time to map these material and relational ways of understanding. It is time to map bodies within affect, in order to meet the challenges of the biotechnological future. The question is, how to do that? How can we relationally practice the relational nature of our bodies? In other words, how do we make matters of affect matter?

#### Medical intellectual property protections proliferate the Empire’s parasitic control of subjects by restricting affective communication, eliminating creative potentialities.

**Lemmens** – 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

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

### Advantage

#### IP regimes push biodiversity loss over the brink.

**Pamun 14** –“PAMUN Xviii Research Report— Question Of Intellectual Property And Biodiversity” [http://asp-edu.net/pamun/pamun2013/wp-content/uploads/2014/04/OK\_EDITED\_-UNCTAD-biodiversity-and-IP-1.pdf

During the last few years, biodiversity has been lost at an unprecedented rate throughout the world in every ecosystem. According to the FAO, about 75% of the genetic diversity found in agricultural crops has been lost over the last century, and this phenomenon continues. It is imperative that we conserve agricultural biodiversity: higher biodiversity of agricultural crops helps increase yield stability and soil fertility and gives species the ability to adapt to changing conditions. High agricultural biodiversity also helps protect our health by ensuring sustainable production in medicinal plant use systems. Agricultural biodiversity loss and the present IPR legislation are inextricably tied. IPRs continue to homogenise agricultural production and medicinal plant use systems and could reduce crop variety development. Our health and our environment is negatively affected, and it is of utmost importance to conserve our agricultural biodiversity. Evolution of IPRs on biological resources As stated before, IPRs are rights to new ideas and information, which allow the creator to prevent the imitation or the commercial exploitation of his/her creations. IPRs have existed for centuries; however, the use of IPRs on living organisms such as GRs is a recent phenomenon. In 1930, the U.S. government passed the U.S. Plant Patent Act, which granted IPRs to new plant varieties with the exception of sexual and tuber-propagated plants. Other countries also extended such forms of IPRs, and in 1957, the International Union for the Protection of New Varieties of Plants (UPOV) was formed, which was established by the International Convention for the Protection of New Varieties of Plants that was signed in 1961. The convention was revised in 1972, 1978, and 1991 in Geneva, and each member state is expected to adopt laws that meet the requirements of the convention. With the latest revision in 1991, the convention recognizes new plant varieties as intellectual property and extended international PBRs. Furthermore, in 1972, the U.S. Supreme Court ruled that the patent claim made by the microbiologist Ananda Chakrabarty for a genetically engineered bacterial strain was permissible, which made it clear that anything man-made, including human genetic material, could be patentable. The legally binding TRIPS agreement in 1995 (explained in detail below) further imposed private IPRs on plant varieties, increasing the control of governments and large corporations over biogenetic resources. International Treaties and Agreements The link between IPRs and biodiversity has been shaped by numerous agreements and institutions. The Convention on Biological Diversity (CBD) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are the two principal agreements on this issue. Moreover, organizations such as the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) have also become more active in dealing with this issue, and various megadiverse countries (see Major Countries Involved for definition) such as India, Costa Rica, and Mexico are passing laws in order to deal with this issue. The most important agreement on the conservation of biodiversity is the Convention on Biological Diversity (CBD), which is often regarded as the founding document of global commitment to sustainable growth. The CBD is a legally binding, multilateral treaty signed on June 5th, 1992. It has been signed by 168 nations, 157 of which have ratified the convention. The convention has three main goals: the “conservation of biological diversity”; the “sustainable use of the components of biological diversity”; and the “fair and equitable sharing of the benefits arising out of the utilization of genetic resources”. The treaty recognizes the sovereign right of states over GRs, and it also demands the respect and preservation of associated traditional knowledge at the national level. In fact, article 8(j) of the CBD states: ““Each contracting party shall [...] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices”, thus recognizing the collective rights of indigenous and local communities, and encouraging member nations to follow the ABS provisions of the agreement, which aim to share GRs equitably with the indigenous communities. Moreover, to improve the implementation of the CBD, two supplementary agreements to the CBD have been signed: the Cartagena Protocol of 2002 and the Nagoya Protocol of 2010. The Nagoya Protocol (Appendix IV), which is explained in the Previous Attempts to Solve the Issue section, deals with the implementation of the third objective: fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Another important legally binding agreement is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995. All 162 members of the WTO are signatory states of the agreement. Before the TRIPS agreement was signed, IPRs were restricted within countries; however, with the national treatment article in the TRIPS agreement, every signatory state should ensure that the rights given by IPRs are applied to locals and foreigners alike. In relation to plant varieties, it is important to note that the TRIPS agreement requires that plant varieties, along with microorganisms and microbiological processes, be eligible for IPR protection. In article 27.3(b) of the TRIPS agreement, signatory member states are not permitted to exclude microorganisms and microbiological processes from patentability, and they are expected to provide protection of these new plant varieties through patents, or an “effective” sui generis system. In other words, the agreement requires an exclusive protection for plant varieties, be it in the form of patents or a new sui generis system, which the WTO decides is effective or not. Another form of protection that many developing countries are also adopting as a sui generis system is the model of plant variety protection that is provided by the UPOV Convention (PBRs), whose standards are pretty much equivalent to patent protection. Hence, the TRIPS agreement not only imposes exclusive, private IPRs on biological resources, but it also does not attempt to protect indigenous and local community knowledge. Unlike the CBD, which aims to protect TK and maintain biodiversity, the TRIPS agreement legitimizes the commercial use of biodiversity-related knowledge. However, the TRIPS agreement does require the review of Article 27.3(b)–the article that prohibits the exclusion of microorganisms from patentability and provides protection for plant varieties–which has facilitated discussion on the issues with the article (see ‘Previous Attempts’ for detailed information). It is also important to note that both agreements are highly flexible, even though they contradict each other in many aspects. Many articles of the TRIPS agreement can be used by indigenous communities to protect their interests. Article 8 allows members to protect public interest through legal measures and environmental protection could be justified as as being in "public interest". Moreover, article 27(2) allows members to exclude inventions from patentability to safeguard against "serious prejudice" to the environment. The CBD, on the other hand, ensures that it does not conflict with the implementation of any other international agreement. Article 22 of CBD states: “The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity”. This article provides countries with a leeway; although both agreements are legally binding, countries can implement the TRIPS agreement without adhering to obligations of the CBD. Impacts of present IPR legislation Exploitation of traditional knowledge Existing IPR systems, particularly patents, increase the risk of exploitation of traditional knowledge. Existing IPRs are expensive and challenging to acquire, failing to provide local and indigenous communities incentives to protect or capitalize on their traditional knowledge even though traditional knowledge is often shared by all members of the community and passed through the generations. Commercial Exploitation of Plant Varieties and GRs The TRIPS agreement is intended to provide private IPRs on any products, be they biogenetic resources or not, in order to ensure that trade goes smoothly and corporate interests are protected internationally. In the process, the agreement provides exclusive control of plant varieties to corporations and individuals that they have patented. The privatization of IPRs as a result of the TRIPS agreement has caused commercial and industrial interests to control the resources of developing countries that are rich in biodiversity, leading to biological uniformity and in turn biodiversity loss (explained below). Besides, these private commercial interests are encroaching upon common indigenous and local community knowledge, which is another negative impact of the TRIPS agreement. Biological Uniformity The present IPR legislation causes biological uniformity because of growing private commercial interests, which directly causes biodiversity loss. Countries that extend IPRs to plant varieties will be establishing an IPR system where few corporations and individuals prohibit others from making or using the protected variety or any product containing protected genetic information, and push its production for profits. Farmers will be faced with production restrictions, while scientists will be faced with research restrictions. All in all, the present IPR legislation not only discourages the growth of new and different plant varieties, but it also restricts researchers from freely using the genetic information for research into diseases or for making new and more effective plant varieties. Hence, this reduces the availability of biodiversity and leads to the homogenization of agricultural production and plant use systems. For example, Monsanto, an agrochemical and agricultural biotechnology corporation that is facing a surge of lawsuits, is also accused of biological uniformity. It owns such a large portion of the world's cotton seed supply that cotton farmers are not given access to non-GM cotton seeds. These farmers are also not allowed to save, reuse, or even study the seeds due to biotech IPR laws, greatly hindering natural diversity.

#### Extinction.

Schelske 20 – Why managing biodiversity risk is critical for the global economy By [Oliver Schelske](https://www.swissre.com/profile/Oliver_Schelske/ip_bdeb3f), Natural Assets & ESG Research Lead, Swiss Re Institute & [Bernd Wilke](https://www.swissre.com/profile/Bernd_Wilke/ip_567f65), Senior Risk Manager, Group Risk Management Published on:23 Sep 2020 <https://www.swissre.com/risk-knowledge/mitigating-climate-risk/managing-biodiversity-risk-is-critical-for-global-economy.html>

Biodiversity and ecosystem services underpin our daily lives and many of our products and services. From the water we drink to the food we grow and the resources we use in manufacturing, we would be at a loss without Mother Nature. But from the wildfires raging in California to forest loss in the Amazon, it is clear many of these ecosystems are suffering. And as the United Nations points out in the promotion of its [2020 Biodiversity Summit](https://www.un.org/pga/74/united-nations-summit-on-biodiversity/), the COVID-19 pandemic has “further highlighted the importance of the relationship between people and nature”. “We are reminded that when we destroy and degrade biodiversity, we undermine the web of life and increase the risk of disease spillover from wildlife to people,” it says. Understanding the extent and impact of biodiversity and ecosystem decline is key to minimizing further damage, and making informed decisions that prioritise a more sustainable future. This is why the Swiss Re Institute has created the [Biodiversity Ecosystem Services (BES) Index](https://www.swissre.com/institute/research/topics-and-risk-dialogues/climate-and-natural-catastrophe-risk/expertise-publication-biodiversity-and-ecosystems-services.html). It brings together masses of data and research from scientists around the world to present a kilometre-by-kilometre view of the state of biodiversity-related ecosystem services. We can use this information to become more risk-aware, and inform sustainable future development. And this wealth of data for the first time gives insurers the possibility to adapt their future risk pricing, selection and products to reflect the evolving risks caused by the declining health of biodiversity and ecosystems. The insurance industry has begun to realise the impact of climate change and other environmental decline on risk profiles. And it has become apparent that the risks are both physical – for example, the increasing size and amount of pay-outs following hurricanes and tropical storms – as well as reputational. There is now a recognition that coal, oil and gas policies, for example, have an impact on external perceptions. But until now, there has been limited recognition or ability to quantify the changing risk profile of different locations. Swiss Re’s new tool takes us beyond the awareness stage and gives us information we can act on. As Oliver Schelske, environmental and business economist at Swiss Re Institute and co-author of the new study, explains: “Biodiversity and ecosystem services are the foundation for life. They underpin economic activity. Here, we are talking about the health of forests and other ecosystems and the plants and wildlife within them. It impacts processes like water purification, pollination and soil formation. This affects food security, fresh water, and also has cultural, religious, educational and aesthetic importance.” The index paints a grim picture. There are 39 of 195 countries with fragile ecosystems on more than 30% of their land. Among them are Malta, Israel, Cyprus, Bahrain and Kazakhstan. The risks presented by this weakening of the natural world vary country by country. And within countries too. Some economies are more dependent on ecosystem services than others – countries with high dependency on agriculture, forestry and fishing, for example, may be more at risk from a decline in the natural world. These include countries with huge and growing populations like Kenya, Vietnam, Pakistan, Indonesia and Nigeria. But while more diversified economies may feel less of a direct impact, they are far from immune. Everyone is affected by broad socio-economic vulnerabilities like food security and diversity, the ability to discover and develop new medicines, and water quality. The BES Index gives a detailed view of how the interplay of these factors affects the risk in any given location. This makes it possible for the insurance industry to incorporate biodiversity and ecosystem strengths and weaknesses into its risk selection and ultimately pricing in the future. This will make businesses and societies more resilient as they adapt and shift to make better use of resources and locations, influenced by premium prices and insurability. Bernd Wilke, senior emerging risk manager at Swiss Re and index co-author, says: “In the future the tool will allow the insurance industry to adjust and develop products and create nature-based solutions that take account of where in the world, on a square-kilometre scale, ecosystems are healthy or fragile. That information can be used to identify where to invest and where to restore.” He gives the example of property located near damaged mangroves and coral reefs, which might have higher premiums than that behind intact mangroves or reefs. These natural barriers provide crucial protection in areas that are more prone to flooding, erosion and tidal damage, and the tool can help promote identification and investment in them. Using the index can help insurers to not only make communities more resilient and better protected, but also promote the UN Sustainable Development Goals (SDGs) of Life on land, which Wilke says underpins all other SDGs. “If we don’t work with nature in a sustainable way, we don’t have the foundation for our economies and everything that depends on it,” he says. Biodiversity and ecosystem strength are particularly poignant in the midst of the COVID-19 pandemic. In fact, coronavirus could be a sentinel. All over the world, humans and animals are coming into closer contact than ever before. One of the largest potential reservoirs of future zoonotic diseases is in the rainforests of our world. And with deforestation we are making swift inroads into habitats. New roads are bringing greater connectivity to areas previously cut off. In the past, if a new disease was encountered somewhere remote it might have been days before an infected person reached the next tribe. Human expansion into wildlife areas, soaring globalisation and urbanisation, and risky nutrition.

### Shell

#### Interp: Debaters must disclose round reports on the 2021-2022 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Violation: screenshot in the doc – they only have for their 2NRs and 2ARs.

Graphical user interface, text, application, email

Description automatically generated

#### Prefer – A] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key for them to prep – they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it's an impact multiplier. B] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can't afford coaches to prep out affs. C] Pre-round prep –1ARs gives especially give an idea of what type of debater someone is – they could go for 1AR theory every round– otherwise I enter every round unknowing whereas you have an idea of what you want to go for from the start.

#### Drop them on 1AC theory – skews put me at an unrecoverable disadvantage from the outset. Use competing interps on 1AC theory – the negative has 7 minutes to answer the shell, and you can’t reasonably not have round reports. No RVIs – you’d read a counter-interp for 7 minutes of the NC and the debate would end right there.

### Shell

#### Interpretation: The negative must concede the affirmative framework if the standard is to embrace creative difference.

#### Prefer – A] Time skew – Winning the negative framework moots 6 minutes of 1AC offense and forces a 1AR restart against a 7 min 1NC – outweighs on quantifiability and reversibility – I can’t get back time lost and it’s the only way to measure abuse. B] Topic Ed – Every debate would just be a framework debate which crowds out our ability to have core debates about the topic – that outweighs – we only have 2 months to debate the topic C] Prep skew – We can’t predict every single negative framework before round but they know the aff coming into round which makes pre-tournament prep impossible – especially true since there are millions of K’s and NC’s that could negate.

### Underview

#### 1 – Yes 1AR theory – anything else means infinite abuse – drop the debater, competing interps, and the highest layer – the 1AR is too short to make up for the time trade-off – no RVIs – 6 min 2NR means they can brute force me every time.

#### 2 – Utilitarianism fails – multiple warrants.

**Cleveland** [Cleveland, Paul A. “The Failure of Utilitarian Ethics in Political Economy.” Independent Institute. <https://www.independent.org/publications/article.asp?id=1602>. Published 1 September 2002]

The Problem of Making Interpersonal Comparisons Among the many difficulties encountered in Bentham?s approach, the first is that **it is impossible to make interpersonal comparisons**. It is a well-known fact that different **people have different tastes**. In addition, there are differences in personalities and talents that different people possess **and these differences give rise to differences in** their **goals** and ambitions. All these variations in turn give rise to a fundamental fact of human existence. Namely, that **it is impossible** for us **to** know or **measure the extent of either pleasure or pain for any specific person** in any particular situation. Such measures are beyond the capacity of our ability to know. **While human beings can** most certainly **empathize** with someone who is experiencing extreme hardship or enjoying great success, such **efforts are only accomplished by projecting one’s own inward feelings to someone else’s** circumstance. One person simply cannot accurately know the depth of another person’s pain nor the height of his joy. While Bentham at least recognized this problem, it did not discourage him from his ultimate pursuit. Instead, he continued to promote his new ethical philosophy and argued that it was the only way that we could go. Therefore, he pressed for a way to measure happiness. While he was never able to arrive at such a measure, he remained confident that one would soon be developed and even used the term utils as the units in which it would be measured. Economists have long since given up on the search for a cardinal measure of utility. Strangely enough however, welfare economists continue to act as if we can actually accomplish the impossible task by attempting to measure deadweight losses within the context of modern price theory. It is the rise in the prominence of welfare analysis that has given **utilitarianism** a standing in modern policy debates. However, such efforts **cannot escape the reality that** such **measures cannot be made**. With no adequate way to measure utility in order to make the necessary interpersonal comparisons, all such policy arguments are reduced to contests where each side claims that the rewards to be received by them would greatly outweigh whatever pain might be incurred by those who are forced to bear the costs. B. An Inadequate Conception of Human Nature Another problem with **utilitarianism** is that it **has a very narrow conception of what it means to be a human being**. Within Bentham’s view, human beings are essentially understood to be passive creatures who respond to the environment in a purely mechanical fashion. As such, **there are no “bad” motives, only “bad” calculations**. In these terms, **no person is responsible for his or her own behavior.** In effect, the idea being promoted is that human action is essentially the same as that of a machine in operation. **This** notion **reduces a human thought to** nothing more **than a series of bio-chemical reactions**. Yet, if this is true, **then there is no meaning to human thought or human action and all human reason is reduced to the point of being meaningless**.[[6]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn6" \o ") Beyond this problem, it also seems a little absurd to argue that since all human beings seek pleasure and avoid pain, that we can conclude that such a fact ought then be used as the foundation upon which an ethical theory ought to be constructed. As Opitz points out, **Words like pleasure** happiness, or satisfaction **are** what might be called “**container words**.” **They are words needing a content,** like the word “assistant.” When someone tells you he is an assistant, you are told nothing about his actual job. All you know is that he is not an executive. To make it specific, the job of being an assistant needs some entity to hook up with. Similarly, happiness or pleasure. **There is no such entity as pleasure or happiness**; these are mental states which may be associated with many different things.[[7]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn7" \o ") Since this is true, **pleasure cannot be the goal of human action in and of itself**. **It is simply the by-product** of human action which is actually aimed at the attainment of some specific goal or end. To be sure, people rarely seek to refine their tastes by considering such qualitative issues until they are well fed, clothed, and housed, but that fact does not mean that such issues are unimportant. Even that great proponent of utilitarianism, J. S. Mill, came to understand this point. As a result, he too began to recognize that happiness was not something that could be had directly and tried to introduce qualitative factors into his utilitarianism. Regrettably, Mill did not press the implication of this insight to its final conclusion. If he had, he would have abandoned his utilitarianism in favor of some other ethical philosophy. The reason why this is so is that **an effort to include qualitative factors into one’s ethical thinking** necessarily **requires an appeal to some ideal**. That is, Mill must have in mind some concept or idea of what human beings ought to be, rather than what they in fact are, if he is going to include qualitative factors in his analysis. When this is done, one is forced back into the mode of the traditional ethical philosophies that existed prior to the utilitarian project. If one has an ideal of what men should be, then that ideal establishes a standard of moral behavior apart from the pursuit of pleasure itself. As Copleston comments on the matter: Hence **there must be a standard of excellence**; and this is not fully worked out. The relevant point in the present context, however, is not Mill’s failure to elaborate a theory of human nature. Rather is it the fact that he grafts on to Benthamism a moral theory which has little or nothing to do with balancing of pleasures and pains according to the hedonistic calculus of Bentham, and that he does not see the necessity of subjecting his original starting-point to a thorough criticism and revision.[[8]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn8" \o ") C. The Fallacy of Composition A final problem with **utilitarianism** that ought to be mentioned is that it **is subject to** being criticized because of **a** potential **fallacy of composition**. **The common good is not** necessarily **the sum of the interests of individuals**. In their book, A History of Economic Theory and Method, Ekelund and Hebert provide a well-conceived example to demonstrate this problem. They write: **It is** presumably **in the** general **interest of American society to have every automobile** in the United States **equipped with** all **possible safety devices**. **However**, a majority of **individual car buyers may not be willing to pay the cost** of such equipment in the form of higher auto prices. **In this case, the collective interest does not coincide with the sum of the individual interests.** The result is a legislative and economic dilemma. [[9]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn9" \o ") Indeed, individuals prone to political action, and held under the sway of utilitarian ethics, will likely be willing to decide in favor of the supposed collective interest over and against that of the individual. But then, **what happens to individual human rights**? Are they not sacrificed and set aside as unimportant? In fact, this is precisely what has happened. In democratic countries the destruction of human liberty that has taken place in the past hundred years has occurred primarily for this reason. In addition, **such thinking largely** **served as** the **justification for the mass murders of millions** **of innocent people in communist countries** where the leaders sought to establish the “workers’ paradise.” To put the matter simply, utilitarianism offers no cohesive way to discern between the various factions competing against one another in political debates and thus fails to provide an adequate guide for ethical human action. The failure of utilitarianism at this point is extremely important for a whole host of policy issues. Among them, the issue of the government’s provision of public goods is worth our consideration.

1. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-1)
2. http://www.dictionary.com/browse/affirm [↑](#footnote-ref-2)