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I affirm

Definitions

Reduce: to diminish in size, amount, extent, or number

[Reduce | Definition of Reduce by Merriam-Webster](https://www.merriam-webster.com/dictionary/reduce)

**Cornell University:**

In general terms, **intellectual property is any product of the human intellect that the law protects from unauthorized use by others.**  **The ownership of intellectual property inherently creates a limited monopoly in the protected property.**  Intellectual property is traditionally comprised of four categories:  [patent](https://www.law.cornell.edu/wex/patent), [copyright](https://www.law.cornell.edu/wex/copyright), [trademark](https://www.law.cornell.edu/wex/trademark), and [trade secrets](https://www.law.cornell.edu/wex/trade_secret).

This is what I define as intellectual property and this is what I am reducing. [Intellectual property | Wex | US Law | LII / Legal Information Institute (cornell.edu)](https://www.law.cornell.edu/wex/intellectual_property)

Volition is the structure of the will, what defines us as human beings but normative theories start from a flawed starting point: either paternalistic or completely libertarian, structuring rules with arbitrary punishments is alienating, since it’s paternalistic **Jaeggi**: From the perspective of liberal theory one aspect of the critique of alienation appears problematic above all others: **theories of alienation appear to appeal to objective criteria that lie beyond the “sovereignty” of individuals to interpret for themselves what the good life consists in**. Herbert Marcuse exemplifies this tendency of many theories of alienation in One Dimensional Man—a book that provided a crucial impulse for the New Left’s critique of alienation in the 1960s and 1970s— when, unconcerned with the liberal objection, he defends the validity of diagnoses of **alienation with respect to the increased integration and identification with social relations** that **characterize the members of affluent industrial societies:** “I have just suggested that the concept of alienation seems to become questionable when the individuals identify themselves with the existence which is imposed upon them and have in it their own development and satisfaction. This **identification is not illusion, but reality**. However, the reality constitutes a more progressive stage of alienation. The latter has become entirely objective; **the subject which is alienated is swallowed up by its alienated existence**.”10 The subjective satisfaction of those who are integrated into objectively alienated relations is, according to Marcuse, “a false consciousness which is immune against its falsehood.”11 Here, however, the theory of alienation appears to have made itself immune to refutation. It would seem, then, that the concept of alienation belongs to **a perfectionist ethical theory that presupposes, broadly speaking, that it is possible to determine what is objectively good for humans by identifying a set of properties or a set of functions inherent in human nature—a “purpose”—that ought to be realized. But if the foundation of modern morality** and the fundamental conviction of liberal conceptions of s**ociety is the idea “that it should be left to each individual how he lives his own life”** 12—that individuals are sovereign with respect to interpreting their own lives**—then a theory of alienation that relies on objective perfectionist ideals appears to reject this idea in favor of a paternalist perspective that claims to “know better.”** For the latter (and as seems to be the case for Marcuse), it is possible for something to count as objectively good for someone without him subjectively valuing it as such. By the same token, **it is possible to criticize a form of life as alienated or false without there being any subjective perception of suffering**. But can someone be alienated from herself in the sense outlined here if she herself fails to perceive it? Can we claim of someone that she is alienated from her own desires or driven by false (alienated) needs or that she pursues an alienated way of life if she claims to be living precisely the life she wants to lead? In diagnoses of alienation the question arises, then, whether there can be objective evidence of pathology that contradicts individuals’ subjective assessments or preferences. This is a dilemma that is difficult to resolve. On the one hand, the concept of alienation (this is what distinguishes it from weaker forms of critique) claims to be able to bring to individuals’ prima facie evaluations and preferences a deeper dimension of critique—a critical authority—that functions as a corrective to their own assertions. On the other hand, it is not easy to justify the position of such a critical corrective. What could the objective criteria that overrule the assessments and preferences of individuals be in this case? 13 The arguments from human nature frequently appealed to in this context demonstrate, even in their most methodologically sophisticated, “thin” variants, the problems that plague attempts to derive normative standards from some conception of human nature. 14 **Even if there is**—in a banal sense—**something humans share on the basis of their natural, biological constitution, and even if**—in a banal sense—**certain functional needs can be derived from these basic presuppositions of human life** (all humans need nourishment or certain climatic conditions in order to survive), **these basic conditions imply very little when it comes to evaluating how humans, in relation to issues beyond mere survival, lead their lives**. On the other hand, the more human nature is given a specific content such that it becomes relevant to (culturally specific) forms of life, the more controversial and contestable the claims become. How are we to define human nature when its extraordinary variability and malleability appear to be part of human nature itself?15 And how are we to pick out among diverse forms of human life those that really correspond to human nature, given that even forms of life criticized as alienated have been in some way developed, advanced, and lived by human beings?

[Rahel Jaeggi(August 2014). “Alienation.” Columbia University Press. Translated by Frederick Neuhouser and Alan E. Smith. Edited by Frederick Neuhouser. Rahel Jaeggi is professor of social and political philosophy at the Humboldt University in Berlin. Her research focuses on ethics, social philosophy, political philosophy, philosophical anthropology, social ontology, and critical theory. LHP JW]

 Thus, the ROB is consistency with avoiding alienation, focusing on how subjects act rather than what they act on **Jaeggi 2:**

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In “The Ethics of Antiquity and Modernity” Tugendhat raises the problem of whether it is possible to reformulate antiquity’s inquiry into the nature of happiness (or the good life) under modern conditions. **A modern inquiry into the good life must**, on the one hand, do justice to the view that its answer can**not “deny the autonomy** and thus the interpretive sovereignty **of those concerned**,” **and** its method **must** be such that it **avoid**s **committing itself to a** “specific and **unjustifiable picture of the human being**.”3 On the other hand, if modern ethical theory is to recover the interpretive content of ancient ethics, it must be able to identify an objective criterion that allows us to say “whether it is going well or badly for a person independently of their actual perceptions of their present or future well-being.” **What is needed, then, is a criterion that, on the one hand, is not identical with the desires or preferences a person actually has and that, on the other hand, does not call into question the interpretive sovereignty of the person and with it the modern ideal of self-determination.** Tugendhat’s proposed solution is to develop a formal conception of psychological health. **Starting from** (what appears to him to be) an unproblematic definition of physical health in terms of “functional capacity,” he develops for psychological health a conception of **the “functional capacity of willing” and its possible impairment**.4 Tugendhat elaborates his criterion with the example of compulsive behavior: a volition that is compulsive in some sense would count as impaired and hence as being disturbed in its functional capacity**. This provides a standpoint that is immanent to the subject’s will and, at the same time, not subjective in the sense in which contingent** and **unevaluated preferences are**: “In this way we would attain precisely what is sought, a point of view that is independent of the respective subjective goals of our willing but that nevertheless derives its authority from the perspective of willing itself. As willing (freely choosing) beings, we always will to be unlimited in our free choosing.”5 **Wit**h **the standard of the “impairment of the functional capacity of willing,”** which asks whether we have ourselves at our command in what we will, Tugendhat **has achieved a middle ground between subjectivistic and objectivistic positions** of the sort he was looking for. One could call such a positio**n a “qualified subjectivism.”**6 This provides us with a starting point for overcoming the opposition between modern antipaternalism and the paternalism of a more substantial ethical theory: whether something is good for me always depends (antipaternalistically) on my personal view, on whether I in fact want it. This view, however, must be qualified in the sense that the volition it expresses must be a “true volition” and therefore not subject to internal constraints. **I must be free in what I will; I must have my will at my command if it is to count as my own. This criterion is**, in the first place, **formal: it concerns the How, not the What, of willing. That is, I need not will anything in particular**; rather, I must be able to will what I will in a free or self-determined manner. **It is not necessary, then, to identify a “true object of willing,” but only a certain way of relating, in one’s willing, to oneself and to what one wills**. As Tugendhat puts it, “the question of what we truly will concerns not the goals of our willing but the How of willing.” Second**, this criterion is immanent: the criterion is the functional capacity of willing itself**, a claim posited by the act of willing itself. When I say, “I want to be able to do what I will,” I must also mean, “I want to be able—freely—to will.” My account of the problem of **alienation can be linked up with this conception of willing in the following way: instances of alienation can be understood as obstructions of volition and thereby**—formulated more generally—**as obstructions in the relations individuals have to themselves and the world**. With the help of Tugendhat’s conception of having oneself at one’s command, instances of alienation can be reconstructed in terms of disturbed ways of establishing relations to oneself and to the world. In this way the problem of alienation is tied to that of freedom. FREEDOM AND ALIENATION My thesis is that **alienation can be understood as a particular form of the loss of freedom**, as an obstruction of what could be called, following Isaiah Berlin, **positive freedom**. 8 Formulating the notoriously controversial distinction as briefly as possible, freedom in this sense refers not (merely negatively) to the absence of external coercion but (positively) **to the capacity to realize valuable ends**. In the sense described (and criticized) by Berlin, positive freedom has a variety of implications: The “positive” sense of the word “liberty” derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men’s, acts of will. I wish to be a subject, not an object; to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside. I wish to be somebody, not nobody; a doer—deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them. . . . I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and able to explain them by references to my own ideas and purposes. **I feel free to the degree that I believe this to be true, and enslaved to the degree that I am made to realize that it is not.** 9 As unsystematic and indeterminate the various dimensions of positive freedom might be, the important point is that conceptions of positive freedom always depict the free life as not alienated and vice versa.10 As Robert Pippin puts it, only those acts and intentions that I can “link . . . with me such that they count as due to me or count as mine” are “instances of freedom.”11 Being a human being rather than a thing means, according to this view, ascribing to oneself what one wills and does, taking responsibility for it and (therefore) being able to identify with it. Understood in this way, the concept of **alienation concerns itself with the complex conditions of “linking” one’s actions and desires** (or, more generally, one’s life) **with oneself, “counting them as due to” oneself, or making them “one’s own.”** It also concerns itself with the various obstructions and disturbances that can affect these relations. One is not always already “with oneself;” one’s actions and desires are not always one’s own from the start, and one’s relation to the surrounding natural and social world is equally constitutive and threatened. Positively formulated, clarifying the various dimensions of alienation enables us to specify the conditions for being able to understand one’s life as one’s own (and therefore to lead one’s life freely). An unalienated life, according to this view, is not one in which specific substantial values are realized but one that is lived in a specific—unalienated—manner. The belief that everyone should be able to live her own life no longer stands in opposition, then, to the project of alienation critique. Rather, **the absence of alienating impediments and the possibility of appropriating self and world without such impediments is a condition of freedom and self-determination.**

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Subjectivity is defined only through volitional relationships-there is no inner core **Jaeggi 3:** The positions of both authors can be reduced to the following common denominator: **roles are less alienating than constitutive for the development of persons and personality**. **They** are constitutive in the sense that they **are directly bound up with a person’s development** and, so, “productive.” At first glance this position might seem to come down on one side of the two alternatives—an unconditional affirmation of roles—but after giving a brief account of the position, I will make use of it to move beyond the two alternatives. Once the “productivity thesis” has been articulated, it will be possible to distinguish between alienating and non-alienating aspects of role behavior. THE HUMAN BEING AS DOPPELGÄNGER Roles are productive. In and through them we first become ourselves. This is the essence of Helmuth Plessner’s conception of the positive significance of roles (which he developed as a direct response to critiques of them as alienating). “**The human being is always** himself only in **‘doubling’ in relation to a role** figure **he can experience**. Also, all that he sees as comprising his authenticity is but the role he plays before himself and others.2**2 Roles** on this view **are not only necessary in order to make social interaction possible**, whether this be a “being together” of individuals or a benign “passing each other by;” **interaction mediated by roles is also constitutive of an individual’s relation to herself**. When Plessner speaks of a “doubling in relation to a role figure,” he means that one depends on roles not only to become a “figure” of experience for others but also in order to become such a figure for oneself. Plessner’s thesis that the human being is a Doppelgänger is grounded in a comprehensive theory of human nature that, beginning from the fundamental concept of “eccentric positionality,” is critical of every idea of immediacy or spontaneity.23 According to Plessner: **The distance that the role creates in family life, as well as in one’s profession**, work, or public offices, **is** **the human** being’s characteristic **detour to his fellow human bein**g; it is the means of his immediacy. Whoever wants to see in this an instance of selfalienation misunderstands the human essence and foists on it a possibility of existence such as animals have on the level of life or angels have on the spiritual level. . . . Only the human being appears as a Doppelgänger, on the outside in the figure of his role and on the inside, privately, as himself. 24 Although at first glance the talk of a Doppelgänger raises the suspicion that Plessner, too, is trapped in a model of doubling that relies on an opposition between authenticity and role behavior—between the inner and the outer—this suspicion turns out to be unwarranted: **the Doppelgänger character of human beings is illusory because there are not two real entities there; our character as a “double” is a construct. There is no**t an **internal division** here to be overcome; **rather, doubling is constitutive of the human self. “**The human being cannot abolish his status as a Doppelgänger without negating his humanity. He cannot complain of this doubling and play it off against the ideal of an original oneness, for I can be one only with something, with someone, even if it is only myself. **The human being gets a hold of himself in others. He encounters these others** on a detour via roles, exactly **as the others encounter him.**”25 If the other “gets a hold of himself” in the other, and if these two can encounter each other only through roles, then **a self that is prior to or outside roles is a fiction**. When Plessner says that “I can be one only with something, with someone, even if it is only myself,”26 he is referring to a constitutive internal division that precedes all possible unity—it points to the fact that **one’s relation to oneself must also be conceived of as a certain kind of relation, namely, one mediated by a relation to the outside or to others. Thus I am not “someone” already at the outset; I can become someone only in relation to others and hence only via the roles in which we reciprocally encounter one another**: “The human being gets a hold of himself in others.” Behind all roles, then, there is nothing or, in any case, there is no “authentic being” there. No matter where we look, behind roles we find nothing we can grab hold of except for more roles that one “plays before oneself and others.” **We could call this an onion conception of the self: there are various layers but no inner core**.

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**The way we form relations and interactions, through appropriation gives us active agency over our own lives. Therefore, the capacity for action precedes rules that govern action inside and outside the debate space Jaeggi 4:** What does it mean to appropriate something?12 If the concept of appropriation refers to a specific relation between self and world, between individuals and objects (whether spiritual or material), what precisely does this relation look like, what are its particular character and its specific structure? Various aspects come together here, and together they account for the concept’s appeal and potential. As opposed to the mere learning of certain contents, talk of appropriation emphasizes that something is not merely passively taken up but actively worked through and independently assimilated. **In contrast to merely theoretical insight into some issue, appropriation**—comparable to the psychoanalytic process of “working through”—**means that one can “deal with” what one knows, that it stands at one’s disposal as knowledge and that one really and practically has command over it**. And appropriating a role means more than being able to fill it: one is, we could say, identified with it. **Something that we appropriate does not remain external to ourselves. In making something our own, it becomes a part of ourselves** in a certain respect. This suggests a kind of introjection and a mixing of oneself with the objects of appropriation. **It also evokes the idea of productively and formatively interacting with what one makes one’s own.** Appropriation does not leave what is appropriated unchanged. **This is why the appropriation of public spaces, for example, means more than that one uses them. We make them our own by making a mark on them through what we do in and with them, by transforming them** through appropriative use such that they first acquire a specific form through this use (though not necessarily in a material sense). Although it has one of its roots in an account of property relations, the concept of appropriation, in contrast to mere possession, emphasizes the particular quality of a process that first constitutes a real act of taking possession of something. Accordingly, appropriation is a particular mode of seizing possession.13 Someone who appropriates something puts her individual mark on it, inserts her own ends and qualities into it. This means that sometimes we must still make something that we already possess our own. **Relations of appropriation,** then, are characterized by several features: appropriatio**n is a form of praxis, a way of relating practically to the world**. **It refers to a relation of penetration, assimilation, and internalization in which what is appropriated is at the same time altered, structured, and formed.** The crucial point of this model (also of great importance for Marx) is a consequence of this structure of penetration and assimilation: appropriation always means a transformation of both poles of the relation. **In a process of appropriation both what is appropriated and the appropriator are transformed**. In the process of incorporation (appropriative assimilation) the incorporator does not remain the same. This point can be given a constructivist turn: what is appropriated is itself constituted in the process of appropriation; by the same token, what is appropriated does not exist in the absence of appropriation. (In some cases this is obvious: there is no public space as such without its being publicly appropriated; but even social roles exist only insofar as they are constantly reappropriated.) One now sees the potential and the peculiar character of the concept: the possibility of appropriating something refers, on the one hand, to a subject’s power to act and form and to impose its own meaningful mark on the world it appropriates. (A successful appropriation of social roles or activities and, by extension, the appropriating relation one can take to one’s life in general constitute something like self-determination and being the author of one’s own life.) On the other hand, a process of appropriation is always bound to a given, previously existing content and thereby also to an independent meaning and dynamic over which one does not have complete command. (**Thus a role**, for example, **in order to be appropriated, must always be “found” as an already existing model and complex of rules; it can be reinterpreted but not invented from scratch**. Skills that we appropriate are constrained by success conditions; leading our own life depends on circumstances over which we do not have complete command.) There is, then, an interesting tension in the idea of appropriation between what is previously given and what is formable, between taking over and creating, between the subject’s sovereignty and its dependence. The crucial relation here is that between something’s being alien and its accessibility: objects of appropriation are neither exclusively alien nor exclusively one’s own. As Michael Theunissen puts it, “I do not need to appropriate what is exclusively my own, and what is exclusively alien I am unable to appropriate.”14 In contrast to Marx, then, for whom appropriation is conceived of according to a model of reappropriation, the account of the dynamic of appropriation and alienation that I am proposing reconceives the very concept of appropriation. This involves rehabilitating what is alien in the model of appropriation and radicalizing that model in the direction of a nonessentialist conception of appropriation. Appropriation would then be a permanent process of transformation in which what is appropriated first comes to be through its appropriation, without one needing to fall back into the myth of a creation ex nihilo. Understanding appropriation as a relation in which we are simultaneously bound to something and separated from it, and in which what is appropriated always remains both alien and our own, has important implications for the ideas of emancipation and alienation bound up with the concept of appropriation. The aspiration of a **successful appropriation of self and world would be, then, to make the world one’s own without it having been already one’s own and in wanting to give structure to the world and to one’s own life without beginning from a position of already having complete command over them**.

 Prefer additionally:

1. Real world education- a) only alienation can explain why material violence occurs because people are prevented from acting on their will, which means you prefer my framework
2. B) Motivation – the structure of the will is the primary source of all our desires, reasons, and beliefs since it generates what counts as motivational to the subject

**4.**    **Self-alienation – Institutions are comprised of agents which requires that every agent play a role in establishing the conditions of non-alienation – anything else is indifference that only re-establishes alienation and violates the structure of the will. Jaeggi 5,** Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa.Second, if alienation is a form of powerlessness and impotence, then the theory of alienation concerns itself with both more and something other than straightforward relations of domination. What we are alienated from is always at once alien and our own. **In alienated relations we appear to be, in a complicated manner, both victims and perpetrators. Someone who becomes alienated in or through a role at the same time plays this role herself**; someone who is led by alien desires at the same time has those desires—and we would fail to recognize the complexity of the situation if we were to speak here simply of internalized compulsion or psychological manipulation. **Social institutions that confront us as rigid and alien are at the same time created by us. In such a case we are not**—and this is what is specific to the diagnosis of alienation—**master over what we (collectively) do**. As Erich Fromm vividly puts it: [The bourgeois human being] produces a world of the greatest and most wonderful things; but these, his own creations, confront him as alien and threatening; although they have been created, he no longer feels himself to be their master but their servant. The whole material world becomes the monstrosity of a giant machine that prescribes the direction and tempo of his life. The work of his hands, intended to serve him and make him happy, becomes a world he is alienated from, a world he humbly and impotently obeys.1 **In relations of alienation the feeling of impotence does not necessarily imply the existence of an actual power—an agent—that creates a condition of impotence**. Typically the theory of alienation— whether in the form of Heidegger’s “They” or Marx’s analysis of capitalism—concerns itself with subtle forms of structural heteronomy or with the anonymous, dominating character of objectified relationships that appear to take on a life of their own over and against individual agents. Formulated differently, the concept of alienation posits a connection between indifference and domination that calls for interpretation. **The things, situations, facts, to which we have no relation when alienated do not seem indifferent to us without consequence. They dominate us in and through this relation of indifference**.

**4.  – [Lutz 09] We can’t claim our own subjectivity fully without avoiding alienation – pre-req for us to engage in debate and have real meaningful discussions**

**Lutz 09** [(John Lutz is an Associate professor of English at the C.W. Post Campus of Long Island University. He received a Ph.D. in comparative literature (1998) from The State University of New York at Stony Brook and an M.A. (1991) and B.A. (1989) in English literature from Long Island University. )“A Marxian Theory of the Subject: Commodity Fetishism, Autonomy, and Psychological Deprivation.” Rethinking Marxism, 2021, Accessed 4 Sept. 2021. [https://sci-hub.st/https://doi.org/10.1080/08935690902955120](https://sci-hub.st/https:/doi.org/10.1080/08935690902955120)]

**Alienated** in an imaginary other that presents the appearance of a unified self, the **subject of capitalism** **understands** his or **her existence through the ‘‘empty speech’’ of the commodity**, a me´connaissance that **reproduces** the negative effects of commodity fetishism on human lives. Always found alongside commodity fetishism, indeed, a condition that forms an irreducible aspect of its continued existence, is **profound psychologica**l and physical **impoverishment**. As a subjective process understood within the entire ensemble of social and economic relations constitutive of capitalism, fetishism is underwritten by a libidinal economy of the subject that functions to reproduce psychic impotence, an economy predicated upon the presence of an absence, or better, a fragmentation of subjectivity engendered by the contradictions endemic to the social relations of production and exchange. **Commodities** **operate as objects** of social desire invested with the magical ability to fulfill desires **that**, because they are substitutions for basic human needs derived from economic relations that simultaneously engender and negate those same needs, can **only result in the deprivation of active, creative human satisfactions**. In this sense, fetishism functions as a mechanism of concealment: ‘‘[t]he fetish itself\*/a photograph, a lock of hair, or whatever is chosen\*/becomes invested with presence, and so symbolically ‘stands in’ for absence or loss’’ (Gamman and Makinen 1995, 27). The material presence of the commodity as a fetish points to an absence both in the objective relations between subjects, that is to say, the absence of genuine community, and within the psychic economy of individuals. The hidden but all too real effect of this dialectical relationship between the libidinal economy of subjects and the objective economic process is powerlessness, an existential condition of lack that must be reproduced in order to sustain the consumption of substitutive satisfactions in the form of commodities and money. From the standpoint of a Marxian theory of subjectivity, the compulsion to consume or hoard exchange value derives from the substitution of money and commodities for the kinds of activities that would exist in a society of freely associated producers, a process which, through the internalization of social contradictions as much as the material reality of these contradictions, deprives subjects of the ability to develop themselves. In this way, Marx dramatically illustrates the contradiction between the social process immanent in the commodity, a process that entails the progressive domination of human subject**s**, and the emancipatory promise that all commodities present in their mystified form. To the extent that **capitalism** **requires**, under pain of its own extinction, the quantitative expansion of existing consumption, the creation of new needs by propagating existing ones in the widest possible circle, the production of new needs, and the discovery and creation of new use values (Marx 1973, 408), it sets in motion an irrational process that inverts the natural relationship between human beings and nature, **a relationship where individuals** **would** have the capacity to **realize themselves through their self-objectification in labor, and undermines their capacity** **to engage in self-originating activities that** might genuinely **enrich them** and allow for the creation of an authentic community. To the extent that the commodity continues to serve as an epistemological category, its true character as **a form of domination remains invisible to the subject of capitalism;** however, the double existence of the commodity as a material manifestation of relations of domination and as an idealized representation of autonomy corresponds to the double existence of subjects under capitalism. Marx’s theory of fetishism describes not simply the contradictions immanent in the objective relations of production and exchange, but contradictions played out in the consciousness of subjects, contradictions that must be viewed, in part, as constitutive of subjectivity itself. As Jack Amariglio and Antonio Callari aptly put it, Marx’s theory of ‘‘commodity fetishism depicts the social constitution of the individual as a ‘precondition’ for commodity trade as much as an effect of this trade’’ (1993, 190).

I contend that IP is inherently alienating

First, intellectual property restricts people from acting on their own volition, excluding them from making use of their own physical body

 Krawisz 9 [**Krawisz**, Daniel. “The Fallacy of Intellectual Property.” Mises Institute, 8 Aug. 2009, mises.org/library/fallacy-intellectual-property.//]

**Intellectual property is the principle that the creator of an idea has a right to certain controls over all the physical forms in which his [their] idea is recorded.** The extent of this control may be different depending on whether the idea is considered copyrighted, patented, or trademarked, but the essential principle is the same in all cases.[1] This presumed right of the creator of an idea is often believed to be similar to the right that a homesteader has to land he has settled, but the analogy is false. **I**ntellectual **p**roperty **is** necessarily **a statist doctrine**. The Nature of Property People cannot be expected to agree unanimously on what the world ought to be like and what each person should do, nor are people necessarily coordinated and patient enough to arrive at a consensus through deliberation. Instead they will tend to be apart from one another, desiring immediate action and lacking established procedures of efficiently coming to decisions. When people disagree and are unwilling to deliberate, one person's decision must prevail without regard to the others' desires. Whose decision prevails may be determined in two ways: physical conflict, or deferral to a system of property. With a system of property in place, it is necessary only to ask who owns a thing, rather than to endure the costs of deliberation or to resort to violence. Without the possibility of two persons attempting to control any one thing, defining property rights would be a mere psychological game without any consequences for human action. If persons were bodiless ghosts able to pass through one another without interacting, or if everyone lived in his own universe without being able to move from one to another, all disagreements about what to do with the world would be irrelevant. The purpose of property rights is the prevention of physical conflict. **An essential characteristic of property is exclusivity, meaning that the use of an object by one person prevents it from being used by another**.[2] In addition to property rights, political theorists have proposed many other kinds of rights. All such rights must resolve into rights over physical things. **When we speak of a right to free speech or a right to one's labor, for example, we really mean a right over one's own physical body.** All rights, therefore, are ultimately property rights. **Ultimately, though we might speak of ownership over abstract things, it is only physical things,** which can actually be fought over, **that are owned**. This we must keep in mind, for it is possible to sound reasonable and humane when discussing in abstract terms rights that would sound monstrous if they were described in terms of property. Libertarians have often noted, for example, that the "right" to health care, a job, or a minimum income implies a property right over the people capable of providing such things and is therefore really a form of slavery. Similarly, the right to a vote is really a joint ownership between all citizens over the people, land, and everything else within a particular jurisdiction. Libertarians themselves are at times confused over this issue. For example, they sometimes claim that in a free market broadcast industry, broadcasters would own certain frequencies in a given region and would therefore have the right to broadcast without interference by a pirate radio station on the same frequency. Yet it is clearly not the frequency that is owned, because a frequency is not a physical object but rather an abstract property of all waves. It is the land over which that frequency is broadcast that is owned, albeit only for the purposes of broadcasting that frequency. Ownership of a radio frequency is ultimately a property right over a region of space, which allows someone to broadcast at a given frequency over it.[3] This example demonstrates that ownership is not necessarily over entire objects but rather over decisions to be made with regard to them. An object can be owned by many different people because there are many kinds of decisions that can be made about it. Since different frequencies of radio waves can pass through one another without interfering, the same territory can be owned separately for the purposes of broadcasting at each frequency without leading to a conflict.[4] Ideas cannot themselves be controlled with physical force, but instead must be controlled by way of other things — paper, printing presses, computers, and people. It is therefore in these things that intellectual property consists. **To own a patent in a given invention is to have rights over everything in the universe that might be used to replicate that invention**. **This ownership is limited; one only owns things to the extent of being able to prevent others from arranging them in a particular way.** Similarly, to have a copyright in a song or a book is to have a property right over all paper, printing presses, computers — even over all people — everywhere. The owner may prevent the copying or public performance of his work by them all. Intellectual property is, like socialism, a kind of slavery, albeit a limited kind. Unlike socialism, however, intellectual property does not limit itself to the people and property in a given town or nation, or even the entire world. Since most matter in the universe could be used to encode an idea, intellectual property is a claim over the entire universe. "Intellectual property is necessarily a statist doctrine." Rather than seeing intellectual property as a particularly expansive kind of physical property, many people see it as a separate, analogous, and equally fundamental construction. To copy an intellectual work is therefore a form of theft analogous to burglary; however, I insist that there is no analogy. Intellectual property and physical property cannot exist side-by-side as logically independent legal constructions. Anything that gives control over physical things necessarily limits others' control of those things, and therefore acts exactly like a physical property right. **If you have an intellectual property right to your monograph, you may prevent me from copying it, thereby limiting the physical property right I have in my ink, pen, and paper.**

**Second, patents alienate people through the search for information and being cut off from their labor**

Beller 18 (Jonathan Beller; 2018; Pluto Press; *“The Message is Murder: Substrates of Computational Capitalism”*; accessed 8/6/21; ask me for the pdf; Jonathan Beller is a film theorist, culture critic and mediologist. He currently holds the position of Professor of Humanities and Media Studies and Critical and Visual Studies, Pratt Institute, Brooklyn, NY. He is the recipient of numerous awards and fellowships including Mellon, J.P. Getty and Fulbright Foundation grants and honours; pages 89-96) HB

**The imperial masters** of social, now computer science (not the mere academics relegated to our pay silos and Twitter “feeds,” but the practitioner-entrepreneurs), **feed** their avarice, **their abstract quest for pleasure** in general and the object that in Marx’s phrase “can embody the possibility of all pleasures,” **by** decoding the social/computational logic of the community—of any phenomenon whatever—formalizing it, and developing a proprietary relation to that formalization. They call “their” insights nifty things like “Google” and “Facebook” and “Apple” and help to devour prior social orders by moistening them with information and re-organizing communication. Progress is bound less to their genius and more to **their proprietary rights**. Can we reengineer these relations? The control of communication, as Weiner noted, is the very strategy of the “Lords of Things As They Are.” This current control of communication has meant the instantiation and control of information, a control that in turn means a control of the market, and of social production and reproduction. The decoding and recoding of social practices in a proprietary vein is the precise logic of the start-up, as well as that of speculative markets, particularly that of the markets for celebrity, “tech” and art. Why? “The abstract quest for pleasure implies an object that can embody the possibility of all pleasures.” Content indifferent information is the contemporary analogue for content indifferent pleasure. The greater the accumulation of information, the greater the quantity of abstract pleasure. Without diminishing the brilliance of the achievements manifest in these corporate platforms, which do indeed harness collective aspirations and abstract an eon of collective praxis, we can also see what drives them. They embody the same logic of abstraction that drives many of the rest of us to abjection, sleeplessness, psychosis, insanity, precarity, outrage, breakdown, migration, starvation and/or death, in the unequal distribution of dispossession. Within the dialectics of avarice they offer the lure of increased sociality, and in return they strip-mine our libidos, our neuronal powers, our cognitive capacities, our language, our imagination and our time. **In the twenty-first century** it is paradigmatically social-media, the grim reaper, which extracts content indifferent value from the myriad qualities of social life **to provide an elite coterie of vested owners with what can embody the possibility of all pleasure, namely, money and the informatic control of rights.** Within the space of the social, information, in contrast to what we better understand as the community of exchange values, does not, at least until now, appear as social; it has been expressed as a property of things—“neither matter nor energy” and there with or without an observer (according to its observers, anyway). It is what communicates even between non-sentient things that otherwise do not communicate. It is, as Benjamin critically observed, the antithesis of narrative and the annihilator of experience. **We search information in pursuit of life and in flight from death**, doing what we can to avoid the crashing of the wave. And while we would be solipsistic and even foolish to imagine that after our own deaths, nothing means anything, it is perhaps slightly less egocentric to wonder, “What of the cosmos beyond the life-span of our visible generations, or even of ‘our species’?” In as much as we believe in the immortality of information, is there really any question we can pose that is not also in some way about our own place in the universe, that does not posit our own critical consciousness even after it has logically disintegrated? While there is within this reader-writer an impulse to say yes, it’s not all about “us” and better if it isn’t, I must confess that I/it is not sure—I/it is perhaps unable to escape the originary ethnocentrism of the sign and its extension into informatics. However, I also recognize that not caring about those in the future is analogous to not caring about those in the present or the past; we may be removed from them in a narrow way, but there are many many tendrils that link our fates together in the web of time. It only matters if it matters. If information binds us together in a negative way, what about the historical emergence that is the consolidation of the net communal will of what has been? What about the echo and persistence of all the endurance, survival, communication and aspiration that built the apprehension of the indifferent infinity called information? However bound by autopoetic limitations the answers to such a question about cosmic meaning may be, when regarding the relation of information to community our responses do not need to fall back into an identitarian framework, nor, in recognizing the alienation of so much intelligence, do they need to fantasize a return to origins. However, we may and indeed must ask, if death has developed such an articulate, infinite and immaterial infrastructure, wherefore life? If there is so much death in our information, in our images, in our streets, in our borderlands, and in our persons, what of the living that are marooned at the edge of space and time? Can we say (in agreement with Brian Rotman’s groundbreaking work on mathematics as sign system in Signifying Nothing) that information, likewise, elides the subject (I, God, totality) even as it smuggles in its ghost. This degree zero of information we should call the myth of non-presence (the presence of anti-presence that ushers in presence under erasure), a deep conviction, or rather a theology of the irrelevance and non-existence of what used to be called the human species, a world-view ceaselessly dedicated to the absence of concrete human agents, but no less ethnocentric for all that.22 Information, “the difference that makes a difference” as Bateson said, derives from the Latin nominative and the Latin verb informare (to inform) which means to give form or to form an idea of. “To give form, therefore I am.” As an expression of maroonage we can re-write this grammatological formulation as “Information, therefore I am.” The post-structuralist rewriting of Descartes, in which “think, therefore I am,” expresses that the subject is an artifact of grammatical function, a phantom presence generated only after the fact of, that is, in the very movement of sign function, of the symbolic, of the signifying chain, expresses that the subject of information as presence is therefore also a myth, an artifact that merely suggests metaphysical presence, rather than a pre-existing agent. I is a predicate rather than a subject who is always already absent— this famously, was “the myth of presence.” The spectral I of information, the informatic dividual, megalomaniacal and abject, is indeed the spirit of contemporary capitalism. Secular religion, an ascetic ideal. Knowing all devouring information encompasses the cosmos, therefore I am. And yet, in accord with an idea I develop elsewhere as the politics of the utterance, the strategic voicing of this spirit, this immaterial cybernetic consciousness so firmly grounded in and dependent upon the totality of the material array, matters profoundly. Does it hew toward all that appears, that is, to the spectacle and data-visualization? Or, might this spirit, Turing’s trans-substantiation, also be a specter, the product of so much disavowed violence that may yet devise strategies to hew toward all that is disavowed, disappeared, invisibilized, haunting and forgotten, as these unremembered violences are nonetheless part of this history of its moment of emergence and therefore part of what it is? The perception of information qua information, the analytical instantiation of the category itself, clearly has its origins in history and in sociality. Today there is almost no escape from the legacy of that perception: we are all part of the history of technology and all haunted by presence. Such is consciousness. Our emergence as an affordance of fixed capital is bound up with planetary materiality and information. Dominant history has it that the category of information arises and is formalized as an intervention in the merely social by punchcards, quantum physics, cybernetics and communication theory. Indeed, as ostensibly autonomous realms, the cumulative result of these emergent disciplines was a mythic generalization of the logistics of inscription of information as the fundamental cosmic modality. Thus i**nformation is now at the foundation of any event** whatever—indeed any and every event without exception at least in the multiverse of computational physics. Here we have wagered, a bit more precisely, that information arises in the footprint of the value form and that value as an immaterial number assigned to a social relation was indeed the precursor to the conceptual matrix that became information. Information: a way for value to get more value. No doubt this work of analysis can and will be done better and more thoroughly, but we have established that the cybernetic social totality of the computational multiverse has capitalism in its DNA. (Literally of course, since the discovery of the role of DNA was itself premised on an informatic model). Information as “the difference that makes a difference” was in fact informatics' very own concept of differánce. A deferral of meaning that found dramatic expression in many domains, for example, Shrodinger’s cat, who was alive and dead until one had a look. **The fact of information has been generalized as a universal principle**, visible everywhere one looks and, what’s more, everywhere one does not look, but could. We thus concur with critical race theory’s critique of dominant discourses of post-humanism in our analysis of information: it places the sovereign subject of colonial humanism (white, male) under erasure while leaving it operative. Technology as “white mythology” says Joel Dinerstein, Posthumanism as having afro-futurist, anti-racist, decolonizing roots in the rejection of the racist category of the human says Alexander Weheliye. Information as the further deracination of exchange value (itself dehistoricized and naturalized in everyday experience), and as the temporary suspension of price from propriety, serves as in an interum calculus that has value inputs and outputs at each end. It casts its net(work), its informatic reticulum, into speculative domains that have financialized protocols operationalized before and after. The endless flux of the cosmic informatic churn, presents an endless array of virtual subjectivities, any of which might become vested. **NSF grants and medical research are the most obvious examples of this process, and all research, as Flusser says, aspires to be photographed, which for us, is another way of saying that it unfolds in a capitalist milieu bent upon the bio-mediated extraction of information. As we** shall see in greater detail in the final chapter, the general formula for capital, M-C-M ' becomes M-I-M ', where I is information. As simple circulation, it returns a value equivalent, but as capital, the very informationalization of money and life also assumes a machinery of value extraction: Facebook, bitcoin, the NSA, Tech. This shift in the general formula of capital, in which surplus value is extracted by means of the human-mediated production of information, is the key to any understanding of post-Fordism and begins to forecast what’s beyond. **In a nutshell, information as a universal property of things means that the entire universe is posited as an interoperable site of financialization.** The machines that measure information and the informatic results they procure/produce are inscribed with ever increasing granularity between M and M '. Thus information as a presumably value-neutral category represents the cosmic naturalization of digital market relations. Under such conditions, we may be sure that any super-intelligent machine we make, (a7long the lines say, of any of those discussed in Nick Bostrom’s Super-Intelligence) will be the algorithmic embodiment of our history— of objectified humanity savaged under racial capitalism—and not the objective (as in ahistorical and value-neutural) embodiment of some deracinated universal Absolute Intelligence—which is to say that it is likely to be totalitarian with respect to any and all inferior races, the so-called human race included. Shanon’s words now sound almost as chilling as they were prescient: “I can visualize a time in the future when we will be to robots as dogs are to humans … I’m rooting for the machines!” Situating the emergence of information theory and practice in the history of capitalism (and keeping in mind the fate of Pavlov’s dogs), it is thus legitimate and indeed historically and politically necessary for us to ask: Is it Information that transcends Value, making Value just one instance of Information (ambient in markets); such that a category or superset that contains value as a subset led to the discovery of many other subsets of seemingly immaterial variables that index more general relations; or, does Value transcend Information, the latter of which as a category appears to be even more autonomous and therefore abstract than Value but, in actual practice, only operates/appears within the domain of Value (and markets), and thus not only in the domain of sociality per se but of Capital? Is informatic process the very means by which racial capitalism continues to expand its Imperium? No amount of “OOO” is going to answer that one, I’m afraid. What we need is a critique of Digital Ideology that re-subjectifies and historicizes the ostensibly non-subjective and ahistorical, a critique that, once having out-informed information, is not content to rest there, but is committed to develop new methods, idioms, and practices capable of recognizing the instrumentality of processes of digital occlusion and exclusion, and to actively refuse non-existence by demanding new methods of account. This critique must understand its own embodiment, its own emergence from within the framework of racial capitalism even as it writes in the name of an outside.23 Otherwise, the world will go on as it does, intensifying its violence, its environmental destruction, its genocide and radical dispossessions. To be clear, this murderous future is the path we are currently on since the planetary communication system—its integrated system of accounts— kills people(s) in its everyday operations. Racial Capitalism is another name for intergalactic information processing as we know it. Computational Capital as communication system, a militarizing apparatus and a distributed factory, crunches numbers and many of these numbers are people. We, the substrates of computational capital … The devaluation of the 2 billion dispossessed and living on two dollars a day, as accomplished by advertising, nationalism, imperialism, militarization, “aid,” borders, internet, educational systems and art, is part of the general, world-wide devaluation of the working day with regard to the fixed capital embodied in machines and their information. The historical devaluation of those in the Global South is thus far only intensified and exacerbated as the processor extends its range and resolution. Information is alienation distributed. It paints the cosmos with sedimented dead labor. To speak in the vernacular, it is the inhuman perceived by the inhuman in a matrix that encompasses what used to be human. It is an “object” that exists everywhere for a “subject” that exists nowhere. As the communication of the stolen sedimented dead labor that is capital accumulation, it is an abstraction meaningful to an abstract machine—all of which transpires with absolute indifference relative to the use-values afforded, including the use-value known as “you.” Your own particular value, based upon your production price and the value that your virtuosic activity gives to the computer that is capital, is calculated as a multiple of removes from absolute dispossession. Even if your multiple happens to go up (even if you are worth 50 or 500 times the lowest common denominator of “human” life), the general value of humans (or is it humans?) approaches zero while the extraction of productive activity still remains essential. Because **capital depends upon labor, and laborers are increasingly devalued in relation to the cosmic expansion of fixed capital as information, we see increasingly intensive exploitation on increasingly massive and increasingly granular scales.** The falling rate of profit brought about the decrease in the relation of the value of labor power as compared to fixed capital is compensated for by the extension of the working day to every and evermore waking hours, and the proliferation of metrics of extraction to linguistic, psychic, neuronal and metabolic levels. Likes, movements, heartbeats, pheromones and prison time are all value-productive for someone as every attack surface of the body and cerebellum is exploited. The devaluation of life on Earth is the mirror image of the cosmic distribution of information. Computation is the reticulated extension of financialization. We are back to Tarkovsky’s Solaris, in which the history of suffering is the very medium through which one apprehends the cosmos. Thus we have an image of the world media system and thus we may grasp the emergence and most general function of informatics in computational capital. Despite what the ideologues will tell you, neither your soul nor ambient information have escaped capitalist valuation. **The very fact of information and its metrics, both the data and the infrastructure that records, measures and posits it, is the result of alienated labor**: sedimented dead labor, theft. Yet some think it is just information that wants to be free. Does the “notional” assignation of price really begin to extend itself into the subatomic and the universal? Already, the cost-benefit analysis called the atom bomb seemed to say yes. So too does the large space telescope, the Higgs-Bozon particle colliders, and all the seemingly autonomous science undertaken without a serious regard for global inequality. John von Neuman, who Philip Mirowski credits with having invented both the A-bomb and modern computing in 1943, may have been remarking on the relation between the specific and the general case when he said, “I am thinking about something more important than bombs. I am thinking about computers.”24 And then of course, there is the oh-so-familiar computer-mediated financialization of everyday life. Interface, get paid. Move up the value chain on Instagram or at your institute, get paid. Garner those attention metrics, get paid. In the context of my overall argument regarding computational capital, our re-placing of the “universality” of information by and indeed within the domain of exchange value cosmically posited brings the entire armature of information back to McLuhan’s chicken: Information, an egg’s idea to get more eggs. In conclusion, information is but game theory for eggs. Well, at least we have posed the question: “Was information value’s idea to get more value?” There may not be a definitive answer, but new pathways for thought and praxis open when the logic gate selected is “Yes.”25

**And  IPR is the very definition of commodification – providing capitalism with a new means of commodification which weaponizes science to the aid of corporate elites**

**Drahos 16** [(Professor Peter Drahos is an Australian academic and researcher specializing in the areas of [intellectual property](https://en.wikipedia.org/wiki/Intellectual_property) and global business regulation amongst others. He is the Director of the Centre for Governance of Knowledge and Development and was formerly the Head of Program of the Regulatory Institutions Network at the [Australian National University](https://en.wikipedia.org/wiki/Australian_National_University). )“A Philosophy of Intellectual Property - ANU.” Anu.edu.au, 2021, press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml?referer=&page=9. Accessed 31 Aug. 2021. [|P144](https://press-files.anu.edu.au/downloads/press/n1902/pdf/book.pdf%20%7CP144) – P148|]

Now we are in a better position to see how **intellectual property** **accomplishes the task of integrating creative labour into the capitalist mode of production**. Marx more clearly than anyone sees that capitalism is a mode of production in which commodities are amassed on a historically unprecedented scale. Capitalism is not, however, the only mode of production which produces commodities. This is true of earlier forms of production. Where capitalism is distinctive is that it is a system in which the labour power of one class has become a circulating commodity available for purchase by another class, the members of both classes being formally free to buy and sell commodities.[61](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-311) It is the condition of being able to readily acquire labour power that gives capitalism its Midas touch in economic production. Our argument has been that **capitalism increasingly comes to depend on creative labour**. Individual, rational capitalists, subject to competitive pressures, begin to seek out creative labour, for it is **creative labour that is the source of** **much-wanted innovation**. We have deliberately steered away from trying to explain this search in terms of the theory of surplus value. Rather our position is this: **the search by** **individual** **capitalists for creative labour is motivated by the desire for control and ownership of the abstract object** so as **to gain a** **competitive edge** over a rival. In the next chapter we shall see that the ownership of abstract objects can function to relieve individuals from competitive pressures. This provides another incentive for individual capitalists to chase the ownership of abstract objects. Clearly, if abstract objects exist under conditions of positive inclusive community (that is, they belong to all) the incentives for individual capitalists to pursue them will be considerably reduced. So one task of **intellectual property law**, from the perspective of the industrialist, is to **create conditions** of negative community **so that the ownership of abstract objects is possible**. **Intellectual property, in commodifying** **universal mental constructs, dramaticall**y increases the commodity horizons of capitalism. Intellectual property is perhaps a sign that the commodity nature of capitalism never stops evolving. Marx thought that the commodity of labour power was the form of commodity that was distinctive to capitalism. Our analysis suggests that understanding the productive powers of capitalism does not stop with the commodification of labour power. Through the creation of abstract objects, intellectual property law provides capitalism with another distinctive commodity form and, potentially at least, another means to its further expansion. By creating abstract objects intellectual property brings creative labour directly into the relations of production. Capitalism can continue its historically spectacular commodity production run because through intellectual property law it has re-engineered the possibilities of commodity production. Not only that, creative labour, through the creation of more efficient means of production, actually diminishes the role of physical labour. The aim of the industrialist is no longer to control physical labour through contract and industrial relations law but to control creative labour through intellectual property law. One last remark before we close this section. Intellectual property, we have argued, is fundamental to the task of integrating creative labour and abstract objects into capitalism’s production processes. This argument does not mean that we abandon Marx’s view about the fundamental materiality of production. Much of the literature on post-industrial society or post-capitalist society tends to over-emphasise the role of knowledge in production in order to obtain a convenient and bright dividing line between capitalist and post-capitalist epochs.[62](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-310) Drucker offers a typical characterisation of this: ‘The basic economic resource – “the means of production”, to use the economist’s term – is no longer capital, nor natural resources (the economist’s “land”), nor “labour”. It is and will be knowledge.’[63](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-309) However, our analysis of the role of the abstract object in production, when placed in the context of Marx’s overall theory, suggests that perhaps good old-fashioned industrial capitalism has a way to run before it is given its last rites by scholars. Our reasons for thinking this are these. When he comes to discuss the role of physical forces (the laws of nature) Marx says that these cost the capitalist nothing once they are discovered.[64](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-308) But in order for these laws to enter the productive life of capital they must be consumed productively and that, for Marx, requires that they be mediated by or be embodied in some item of hardware, some industrial article: ‘A water-wheel is necessary to exploit the force of water, and a steam-engine to exploit the elasticity of steam.’[65](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-307) Abstract objects cannot just simply step into production. We now have the makings of a paradox. The greater the role of abstract objects in capitalist production, the greater the production of the hardware of technology there needs to be. Abstract objects propel capitalism into ever-higher levels of industrial production of physical objects. Furthermore it is clear that for Marx each new generation of technologies carries with it greater and greater investment costs. Manual tools are cheap. Machine tools are not – and computer-controlled machine tools, even less so. The rough shape of our paradox is that abstract objects, which once in existence cost nothing or little, when absorbed into capitalist production cost capitalists a great deal in terms of investment. Intangible objects generate ever-higher levels of tangible commodities. It is industrial commodity production that abstract objects help stimulate, with the result that fewer workers are employed in that production directly (because of automation) and more services are required to match the higher levels of production. For the individual capitalist there is no choice about the levels of investment needed to stay in what has become a technological race. Investment is forced upon him by competition.[66](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-306) In language not intended to comfort, Marx says, ‘one capitalist always kills many’.[67](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-305) The upshot of our remarks is this. We must not make intellectual property reveal more than is there. For post-industrial scholars, the intellectual property phenomenon seems to offer support for their pronouncements of radical social transformation. Our position is a more cautious one. Through intellectual property law, capitalism engineers new production possibilities for itself.[68](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-304) Creative labour is brought into the fold of productive labour, but the transformative possibilities of this remain for the time being grounded in a paradigm of commodity accumulation. So-called ‘knowledge societies’ have, through new communications and information technologies, the opportunity to reorganise the work patterns of their individual citizens in ways that liberate those citizens from conditions of alienated labour. But capitalist knowledge societies, if Marx is right about the commodity nature of capitalism, will not take that opportunity. Abstract objects are absorbed into production as part of a cycle of commodity production. Abstract objects are used to continue capitalism’s obsession with, to use modern parlance, the hardware of technology. Inequalities of an apparently new kind (for example, the information-poor versus the information-rich) appear, but in essence they are old forms of inequalities patterned around the ownership of productive forces. ‘Knowledge workers’ end up more like other workers, for like other wage-labourers they come to find themselves in conditions of alienated labour. The impact of intellectual property norms upon the activities of the scientific community provides an example of the way in which the positive expressive activity of **scientific** **research and discovery becomes alienated labour**. Natural science becomes part of the natural forces of production because individual capitalists realise they cannot survive without constantly ‘revolutionising the instruments of production’.[69](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-303) Modern industry draws on scientific knowledge to produce a ‘science of technology’.[70](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-302) This science of technology is derived from many earlier separate forms of production such as trade guilds and craft industries. Modern industry takes the knowledge and know-how which has been locked away in these secretive, almost ritualistic enterprises and applies it to improving production. The modern form of the science of technology as we know it seems to be, for Marx, born out of industry.[71](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-301) Once in existence, its utility is apparent to all capitalists who are all constantly seeking to improve their production techniques. **Science now finds itself press-ganged into capital’s service**. The normative practices of scientists begin to change. **Traditionally, scientists organised themselves** around **the goal of extending knowledge**. This goal is served by an ethos of science which consists of four key values: universalism, communism, disinterestedness and organised scepticism.[72](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-300) **Intellectual property**, we have argued, plays a critical role in integrating creative labour into production. Through this process, intellectual property **norms come to change the ethos of science**.[73](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-299) (For Marx the change would only be a symptom of deeper causes.) The ethos of science rewards the sharing of information, the public communication of ideas (the incentives being prizes, scientific immortality, recognition and so on). The existence of an intellectual commons is seen to be crucial to successful individual work. This public domain attitude of science begins to change as intellectual property norms come to govern scientific labour. Open communication and the exchange of ideas are no longer so strongly endorsed by scientists because they might, amongst other things, defeat a proprietary claim to the knowledge.[74](http://press-files.anu.edu.au/downloads/press/n1902/html/ch05.xhtml#footnote-298) The direction of scientific research becomes increasingly determined by state-based priorities expressed through intellectual property rights. **T**he fact that **ideas can in one way or another be owned is itself symbolic of the fact that scientific labour has become alienated labour**.

**And commodification of ideas is the very definition of alienation – the hyper specific focus on possession and ownership distorts our subjectivities and base it upon material gains**

**Dai 16**[(Duong Dai, Vietnam National University of Agriculture, [University of Missouri Kansas City](https://scholar.google.com/citations?view_op=view_org&hl=en&org=10466414618594003349)) |”Human development and alienation in the context of economic crisis in Vietnam”|Published November 23, 2016|Accessed August 29, 2021|https://sci-hub.st/https://doi.org/10.1177/0309816816678575]**Commodity fetishism as a common form of alienation in commodity** production In his effort to critique other theories of value, Marx introduced the concept of ‘**commodity fetishism’** to explain the **false belief that ‘goods possess value** just as they have weight, **as an inherent property’** (Elster 1986: 57). Actually, commodity fetishism is restated from alienation in order to reveal the essence and mystification of capitalism (Cowling 2006: 329). For Marx, commodity fetishism refers to **a social phenomenon whereby the commodity becomes mysterious and** appears to **dominate** **human relationships**. In the eyes of human beings, the commodity seems to be endowed naturally with its value. It looks like an autonomous and independent power in the relation with human beings (Marx 2007: 83). However, the secret behind such mystification is that value is the result of socially necessary abstract labour embodied in commodity. Because value expresses relations between producers, when the source of value is concealed, relations between producers are also obscured. Harvey described in A Companion to Marx’s Capital that ‘our social relation to the labouring activities of others is disguised in the relationships between things’. So, it is impossible to know anything about the labour or the labourers through commodities (Harvey & Marx 2010: 39–40). In short, commodity fetishism is an epistemic problem, involving the **mistaking of appearance for commodity production** (Ripstein 1987: 736). It plays an important role in creating alienation of consciousness that contributes significantly to alienation of human nature. Therefore, commodity fetishism changes life styles, thoughts and enjoyments in human life. Commodity fetishism is summarised in five points by Cohen: (1) the labour of persons takes the form of the exchange-value of things, (2) things do have exchange-value, (3) they do not have it autonomously, (4) they appear to have it autonomously and (5) exchange-value, and the illusion accompanying it, is not permanent but peculiar to a determinate form of society (Cohen 2000: 116). Point 3 jumps to point 4 due to a very peculiar kind of false consciousness of participants in commodity production. Producers cannot understand the origin of exchange value, not because they are unintelligent but because **commodity fetishism** hides its own origins, making it impossible to see the origin of value and, therefore, making it difficult to understand. Related to point 5, Lukacs showed that a commodity takes a form of objectivity and also creates subjective behaviour for human beings (John & Dimitri 2004: 6). The unawareness of the origin of value **leads people to wrongly evaluate their lives**. They are happier with activities that gain money, and vice versa, losing money brings depression. Similarly, their attitude of valuable things is intensive and explicit. Commodity fetishism is **a symptom of alienation whereby** some **people become obsessed by the ownership of commodities**. These people lose themselves in their objects, and their existence is then proved by their ownership of them. As Marx (1964) said, ‘Thus, the **objectification of the human essence**, both in its theoretical and practical aspects, is required to make man’s sense human, as well as to create the human sense corresponding to the entire wealth of human and natural substance’ (p. 141). In other words, ownership of objects, or commodities, in the context of capitalism, conveys status on their owners and brings feelings of well-being. Meanwhile, the absence of commodities clearly defines their situation of poverty. Possessing luxury commodities or collecting unique ones is the common way to signify the wealth, status, power, lifestyle and social relations of their owners. Money and often precious metals become the highest of fetishised things, appearing to have innate power. Owning them often becomes the goal of many people instead of being the means to live their lives. The empirical evidence I present in the case studies (part 4) will show how people were worried when they have less. Their feelings were strongly affected by commodity fetishism when they lost their objects – that is, via reduced incomes. This suggests that some people had exposed their identities through their preoccupation with commodities. Commodity fetishism does all this, while **concealing the real relations between those who produce and those who exchange.** Such negative impacts of commodity fetishism are shown clearly in difficult times, such as in economic crises. It is to this that we now turn.

And, there isn’t access to medicine in the squo. Lack of access is inherently alienating because you aren’t able to act on your own volition.

**Ahmadiani and Nikfar 16:** The right to health as a basic human right- and access to medicine as a part of it- have been a matter of attention for several decades. Also the responsibilities of different parties- particularly pharmaceutical companies- in realization of this right has been emphasized by World Health Organization. **This is while many companies find no incentive for research and development of medicines related to rare diseases.** Also some **legal structures such as “patent agreements”** clearly **cause huge difficulties for access to medicine in many countries. High prices of brand medicine and no legal production of generics can increase** the **catastrophic costs- as well as morbidity-mortality of medication in lower income countries.** Here we evidently review the current challenges in access to medicine and critically assess its legal roots. How societies/governors can make the pharmaceutical companies responsible is also discussed to have a look on possible future and actions that policy makers- in local or global level- can take. Responsibilities of pharmaceutical companies with regard to human rights have been matter of debates for many years. In August 2008, the Secretary-General of United Nations published a report which mentioned that **over 2 billion people all over the world do not have sufficient access to essential medicine** [[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR1)]. The message was clear, **two billion people** (about one third of the world population at the time) **were in danger of death** or major harm to their health as a result of the lack of access to essential medicines**, either because of not enough attention from pharmaceutical companies, or because the state parties could not fulfill their obligation in regards to essential medicines.** Now after a couple of years it might be still a question that, what the responsibilities of different parties (such as pharmaceutical companies, governments, NGOs, world organizations etc.) are for solving this problem, and how we can assure that the realization of access to essential medicines takes place? This paper will discuss these questions briefly from a human rights perspective, and we will try to find and summarize some legal solutions for controversies and complexities in this field. **Huge part of barriers in access to medicine returns to patent law and its consequences.** Although patent law generally has been used for centuries [[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR2)], **the manifestation of TRIPS agreement in 1994 turned it to a new form of challenge.** This agreement force the World Trade Organization (WTO) members to take action for protecting intellectual property rights, which entails that any patented product should be produced, imported, sold or used under permission of the patent owner [[3](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR3)]. This includes medicine, thus the production of each medicine is initiated with a period of monopoly in the market with the highest possible price. In this period there will be no low price generic drugs in the market after signing the agreement by one state (for those drugs which are still under patent), and hence, patients should provide the expensive branded medicine either out of pocket or by using their insurance. The problem will rise up when it comes to a developing country where population not only have lower economic status, but also lower health status and higher needs to medicine. According to WHO, life expectancy in developed countries was 1.7 fold higher than developing countries in 2002, showing a 32-years gap in life expectancy between these societies [[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR4)]. Also, data shows that infectious diseases such as TB have a negative relationship with GDP per capita of the country [[5](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR5)] (also see Fig [1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/figure/Fig1/)). These health measures make it obvious that **in developing countries there is a higher need to medical technologies which many of them are under patent.** At the same time, **health insurance coverage is usually poor in these countries and patients often have to pay for the branded medicine out of their own pockets. Evidence shows that the lower the national income is, the higher the out of pocket share of health spending will be** [[6](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR6)]. With higher needs and lower economic ability, providing branded medicine will result in a large load of expenditure for states, catastrophic expenditures for patients [[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/#CR7)] and increase of mortality and/or morbidity because of low access to medicine (see Fig [2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4855755/figure/Fig2/)).

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