# 1ac - deleuze

## 1AC

### Framework

#### Subjectivity is fluid—instead of basing ethics off universality, only deterritorialization provides a framework as new transformations and resistances are always created off norms

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If Deleuze’s political philosophy effects a shift from subjects to processes, then the concept of normativity would have to be altered accordingly. According to Patton, this is exactly what occurs in Deleuze’s work: it is the concept of deterritorialization that provides ‘a normative framework within which to describe and evaluate movements or processes’ (Patton 2000: 136). For Deleuze, to analyze a social formation is to unravel the variable lines and singular processes that constitute it as a multiplicity: their connections and disjunctions, their circuits and short-circuits and, above all, their possible transformations. To introduce elements of transcendence into the analysis of such fields of imman- ence, says Deleuze, it is enough to introduce ‘universals’ that would serve as constant co-ordinates for these processes, and effectively ‘stop their movement’ (see Deleuze and Guattari 1994: 47; Deleuze 1995b: 85, 145–6). Deleuze constantly insists that universals are abstractions that explain nothing; they are rather what need to be explained. For instance, there is no such thing as a ‘pure reason’ or a universal rationality, but rather a plurality of heterogeneous ‘processes of rationalization’ of the kind analyzed by Alexandre Koyré, Gaston Bachelard and Georges Canguilhem in the field of epistemology, Max Weber in sociology and François Châtelet in philosophy. Likewise, there is no universal or transcendental Subject, which could function as the bearer of universal human rights, but only variable and historically diverse ‘processes of subjectivation’, to use Foucault’s term (Deleuze 1988a: 14–17, 1992: 162). What one finds in any given socio-political assemblage is not a universal ‘Reason’, but variable processes of rationalization; not universalizable ‘subjects’, but variable processes of subjectivation; not the ‘whole’, the ‘one’ or ‘objects’, but rather knots of totalization, focuses of unification, and processes of objectification. Such processes operate within concrete multiplicities, and are relative to them, and thus need to be analyzed on their own account. Deleuze would no doubt have followed the same approach in his analysis of normativity had he addressed the issue directly. Foucault himself spoke of the power of what he called the process of normalization, which creates us, as subjects, in terms of existing force relations and existing ‘norms’. For Foucault, normalization is not merely an abstract principle of adjudication but an already actualized (and always actualized) power relation. Foucault’s question then became: is it possible to escape, or at least resist, this power of normalization? In Deleuze’s terminology, the same question would be stated in the following terms: within a given social assemblage or ‘territoriality’, where can one find the ‘line of flight’, or the movement of relative deterritorialization, by means of which one can escape from or transform the existing norm (or territoriality)? From this viewpoint, neither Foucault nor Deleuze avoid the issue of norma- tivity, they simply analyze it in terms of an immanent process. The error of transcendence would be to posit normative criteria as abstract universals, even if these are defined in intersubjective or communicative terms. From the view- point of immanence, by contrast, it is the process itself that must account for both the production of the norm as well as its possible destruction or alteration. In a given assemblage, one will indeed find normative criteria that govern, for instance, the application of the power of the State, but one will also find the means for the critique and modification of those norms, their deterritorializa- tion. A truly ‘normative’ principle must not only provide norms for condemning abuses of power, but also a means for condemning norms that have themselves become abuses of power (e.g. the norms that governed the treatment of women, slaves, minorities, etc.). An immanent process, in other words, must, at one and the same time, function as a principle of critique as well as a principle of creation (the ‘genetic’ method). ‘The conditions of a true critique and a true creation are one and the same’ (Deleuze 1994: 139). The one cannot and ‘must’ not exist without the other. If deterritorialization functions as a norm for Patton, then, it is a somewhat paradoxical norm. Within any assemblage, what is normative is deterritorializa- tion, that is, the creation of ‘lines of flight’ (Deleuze) or ‘resistance’ (Foucault) that allow one to break free from a given norm, or to transform the norm. What ‘must’ always remain normative is the ability to critique and transform existing norms, that is, to create something new (the category of the new should be understood here in the broad sense, including not only social change, but also artistic creation, conceptual innovation and so on.) One cannot have pre-existing norms or criteria for the new; otherwise it would not be new, but already foreseen. This is the basis on which Patton argues that Deleuze’s conception of power is explicitly normative: ‘What a given assemblage is capable of doing or becoming’, he writes, ‘is determined by the lines of flight or deterritorialization which it can sustain’ (Patton 2000: 106).

#### Stratification or organization of subjectivity justifies stigmatization of those who don’t fit into categories, deemed as deviant. Stratification also fails, as the body forms new assemblages in new directions and possibilities.

Malins 04, Peta. [“Machinic Assemblages: Deleuze, Guattari and an Ethico-Aesthetics of Drug Use.” (2004) Deleuze and Queer Theory, 84–104. University Press, 2004.]//anop

So where does this leave the subject? And identity? If we are to talk only of the drug using body and its multiplicities–where does the ‘drug user’ or ‘addict’ disappear to? For Deleuze and Guattari the subject is nothing more (and nothing less) than a particular way in which bodies have become organised and stratified in the post-Enlightenment social world. In order to comprehend the ‘human’ body, the social world (or socius) reduces the complexity and chaos of an ever-changing multiplicity of bodily flux to discrete categories of meaning and constancy. Bodies become ordered and delimited according to hierarchical binary presuppositions: human/animal, man/woman, healthy/unhealthy, lawful/criminal, hetero/gay, clean/junkie. Binaries that bodies never fully correspond to: No real body ever entirely coincides with either category. A body only approaches its assigned category as a *limit*: it becomes more or less “feminine” or more or less “masculine” depending on the degree to which it conforms to the connections and trajectories laid out for it by society… “Man” and “Woman” as such have no reality other than that of logical abstraction. (Massumi, 1992: 86) Yet when bodies fall outside these binaries, or try to claim a different identity, they are rarely granted anything outside a third term (‘bi-sexual’, ‘reformedsmoker’) that remains reliant upon, and limited to, those binary relations. Multiplicities reduced to binaries and trinities. Manifold potential reduced to a discrete set of bodily possibilities. You will be a boy or a girl; a smoker or a non-smoker; a civilized human being (with all bodily parts fulfilling civilized ‘human’ functions)’ or an animal. Your choice. You will subscribe to modern selfhood (and all its bodily and linguistic demands) or you’ll be rejected: You will be organized, you will be an organism, you will articulate your body–otherwise you’re just depraved. You will be signifier and signified, interpreter and interpreted–otherwise you’re just a deviant. You will be a subject, nailed down as one, a subject of the enunciation recoiled into a subject of the statement–otherwise you’re just a tramp. (ATP: 159) The pressure to stratify and organise as a subject is strong. Yet the socius, particularly under capitalist democracies, rarely forces bodies to comply (Massumi 1999). It hardly needs to. Bodies tend to desire their own order and organisation: they make their own movements toward stratification and limitation, and toward the reassuring constancy it provides. I know who I am. I am a female, student, non-smoker. Stratification is the way in which bodies actively and strategically put themselves together in order to have a political social voice and to say “I”. A body becomes a subject (selfsame) in order to interact successfully in the social world. It must accept an identity (male/female, hetero/gay/bi) and a particular way of organising itself (mouth for eating, arms for lifting, nose for smelling, eyes for seeing, lungs for breathing); otherwise it will be incomprehensible. It must reduce its own fluid complexities (I am female and sometimes like to look male and am mostly hetero but sometimes gay but only on Tuesdays and I occasionally use drugs but only when the moon is full . . .) to discrete categories (androgynous, bi, drug user). Languages, institutions and systems of thought all demand it, and bodies rarely fail to accede. A body that smokes once becomes a smoker. A body that injects twice becomes an addict. A complex rhizomatic flow of multiplicities reduced to a single grid of social strata. A grid of organization and predetermination (male, hetero, alcoholic) that limits the connections a body can make with other bodies; and reduces its potential for difference. Its potential for becoming-other. However, while bodies are themselves drawn to these reassuring modes of (organ)isation, they also simultaneously repel them. Cracks appear in the strata. For no identity category is ever entirely stable; no subject totally unified and consistent; and no mode of organisation fully sedimented 88 Janus Head (except in death). The body retains its own impetus–an impetus for forming assemblages which allow desire to flow *in different directions*, producing new possibilities and potentials. Revolutionary becomings. Becomings that can transform a single body or a whole social system. Brief lines of movement that move away from organisation and stratification and toward a Body without Organs (BwO); in other words, toward a disarticulated body whose organs (and their movements and potentials) are no longer structured in the same way, or structured at all. The human body: My breasts are for whipping (masochism); my mouth is for emptying my stomach (anorexia); my arm is a blank canvass (tattooing); my tongue is for dissolving a trip (raving); my veins are for transporting the drug (injecting). A particular becoming is only ever transitional. A body-in-becoming soon re-stratifies: either captured by, or lured by, the socius. Most often a drug using body is connected back up to the social machines of public health or medicine or morality through which it becomes stratified as a ‘drug user’ or ‘addict’ or ‘deviant’ respectively. Or the machine of law, through which it becomes stratified as a ‘criminal’ (or now, through diversionary programs: a ‘recovering addict’!). Or it might, if we allow it, connect up to a multitude of other machines and become something else entirely (a student, an architect, a mother, a surfer, a masochist, a gardener, a knitter . . .). It will likely be many at once. And although restratification usually occurs according to preexisting categories (masochist, deviate, drug user, junkie), it can also–at least in liberal democracies (and even then only very occasionally)–allow bodies to create their own entirely new (but most often abjected) categories (Massumi, 1992). I am a trisexual. I am a coffee-eater; a full-moon heroin-injector. And these territorialisations are also never fully complete: a living, desiring body will always form new assemblages that have the potential to transform it and its territories.

#### The solution to ethical conflicts is to embrace an ethic that sustains our constant process of becoming - we should embrace the constant differentiation of identity.

Braidotti 06, The Ethics of Becoming Imperceptible, Rosi Braidotti, Deleuze and Philosophy, ed. Constantin Boundas, Edinburgh University Press: Edinburgh, 2006, pp. 133-159.//recut anop

How does all this relate to the project of ethics as a qualitative evaluation of the costs involved in experimenting with boundaries of sustainability ? In keeping with the deep materialism of his Spinozist roots, Deleuze stresses not only the importance of shame as the motor of ethical behaviour, but also the relevance of transience for the subject. What we truly desire as humans is to disappear, to step on the side of life and let it flow-by, without actually stopping it: becoming imperceptible. And yet our fundamental drive (conatus) is to express the potency of life (potentia), by joining forces with other flows of becoming. The great animal-machine universe is the horizon of becoming that marks the eternity of life as bios/zoe and its resilience, its generative power expressed also through what we humans call death. Indeed what we humans truly yearn for is to disappear by merging into this eternal flow of becomings, the pre-condition for which is the loss, disappearance and disruption of the self. The ideal would be to take only memories and to leave behind only footsteps. What we most truly desire is to surrender the self, preferably in the agony of ecstasy, thus choosing our own way of disappearing, our way of dying to and as our self. This can be described also as the moment of dissolution of the subject – the moment of its merging with the web of non-human forces that frame him/her. This point of evanescence has to do with radical immanence, with the totality of the moment in which, as Jacques Lacan cynically and wittily put it, you coincide completely with your body, i.e. you become a corpse. In the perspective of sustainable ethics, the same issue is dealt with more subtlety and considerably more compassion. Deleuze, for instance, makes a point of distinguishing death along the Majority-line of becoming and that which occurs along the minority-line of Becoming. At the point of his/her evanescence or dissolution, subjects are enfleshed entities, which are immersed, in the full intensity and luminosity of becoming. Theirs, however, is the light of phosphorescent worms, not the light of the eternal rays of some monotheistic God. This, therefore, is the glorious expression of the life-force 25 that is zoe, and not the emanation of some divine essence. Life is eternal, but this eternity is postulated on the dissolution of the self, the individual ego, as the necessary premise. The Life in me does not bear my name, “I” inhabits it as a time-share. Whereas Christianity, even in its postmodern variations (I am thinking of Gianni Vattimo) turns this into the preface to the re-affirmation of a higher order, a totalising One into which all fragments will re-assemble and fins a harmonious re-allocation, the philosophy of radical immanence remains resolutely attached to zoe – the life-force of recurrent waves of positive differences. Life endures in/as bio-centered egalitarianism on the ruins of the self-representation of a unified, controlling individual subject allegedly motivated by a self-reflexive consciousness. Deleuze does argue that all processes of becoming aim at the becoming imperceptible, but he thinks within the flat ontology on immanence, which encompasses both the embodiment of mind and the ‘ embrainment’ of matter4 . There is no collapse of being into non-Being, or ontological implosion, but rather a reversal of all negativity into the great animal, the Body-Without-Organs, the cosmic echoing chamber of infinite becomings. In order to trigger a process of becoming imperceptible, quite a transformation needs to take place in what we could call the self. I think the becoming-imperceptible is the point of fusion between the self and his/her habitat, the cosmos as a whole. It marks the point of evanescence of the self and its replacement by a living nexus of multiple inter-connections that empower not the self, but the collective, not identity, but affirmative subjectivity, not consciousness, but affirmative inter-connections.

#### Our instability means that we’re temporally bound and connected by affect – our encounters with the world change the way we form relations with everything else.

Hardt 14 (The Power to be Affected Michael Hardt Published online: 12 December 2014 # Springer Science+Business Media New York 2014 Int J Polit Cult Soc (2015) 28:215–222 DOI 10.1007/s10767-014-9191-x SHS KS)//recut ww pbj

By focusing on the causes of the affects, however, Spinoza points toward a practical project. All affects can be either active (that is, caused internally) or passive (caused externally). Indeed one advantage of using “affect” instead of the more colloquial “emotion” or “feeling” to translate Spinoza’s Latin term “affectus” is that it highlights the causes and effects of actions by and upon us. Once the causes are revealed, the project becomes to shift from passive to active affections, from external to internal causes. The reason to prefer active over passive does not reside in the experience of the affect, which does not change depending on cause or source. A passive affection, Deleuze explains, “does not express its cause, that is to say, the nature or essence of the external body: rather, it indicates the present constitution of our own body, and so the way in which our power to be affected is filled at that moment” (1992, pp. 219–220, translation modified). Just like passive affections, active affections too indicate the present constitution of our body. The crucial difference is really a temporal one and regards duration and repetition. We need the ability to select, as Nietzsche would say, in order to extend and repeat those encounters and affects that are beneficial and prevent those that are detrimental. The repetition of passive affections is completely out of our control. Some random encounters, of course, do bring us joy, but that passes quickly if we cannot make them last or repeat them. And most random encounters, unfortunately, result in sadness. If we leave this to hazard, we will stay stuck with no way forward. “As long as you don’t know what is the power to be affected of a body, as long as you understand it like that, in chance encounters, you will not have a wise life, you will not have wisdom” (1978 “L’affect et l’idée”). The great advantage of the active over the passive affection is that it is no longer dependent on the vagaries of external forces. Since the body causes itself to be affected, chance is removed and it is able to control the duration and repetition of encounters. The issue, then, is not only understanding and expanding your power to be affected but also augmenting proportion of that power that is filled with active rather than passive affections. This notion of active affection could appear obscure or, worse, moralistic if not linked to Spinoza’s definition of bodies (and, ultimately, subjects). From his perspective, there is no basic or default unitary body. “A body,” Spinoza explains, “is constituted by the relation among its parts” (1985 Ethics, IV P39 dem), and the number and constitution of those parts is changeable. We need to shift perspective so as no longer to consider a body as an entity (or even a cluster of entities) but instead as a relation. When a new relation is added, a larger body is composed, and when a relation is broken, the body diminishes or decomposes. All this simply means that the border between the inside and outside of bodies, and hence between internal and external causes, is fluid and subject to our efforts. In order for a passive affection to become an active one, then, it is not necessary for the body that previously experienced the effect of an external body somehow to cut off that relationship and learn to become itself the cause. The body instead can, under certain conditions, envelop the cause—this is the term Deleuze uses—by creating a relation with it or, really, by expanding the relation that constitutes the body. You only gain the knowledge of when these conditions exist through encounters with others: every encounter reveals the extent to which the relations that constitute your body agree with or are “composable” with those of another. And a joyful encounter always indicates that there is something in common to discover. “We must, then,” Deleuze explains, “by the aid of joyful passions, form the idea of what is common to some external body and our own” (1992, p. 283). Once we recognize those common relations, we can compose a new, greater body, which contains the cause of our joy. The cause, then, does not really change. It simply becomes internal—annexed, as it were, by the affected body. The real change is the border between inside and outside and hence the composition of the body. Once the cause is internal and the affection is active, then you are no longer subject to chance: the affect can be prolonged and repeated as long as it brings you joy.8 The practical project to transform passive into active affections thus ultimately involves a strategy of bonds and relations to maintain or transform the constitution of the body. The advice, if Spinoza were your therapist, could be as simple as this: first, discover your body’s power to be affected and the affects that compose it, and, then, if an encounter with someone or something results in joy, form a relationship with it, make it part of you, and transform the passive affection into an active one so that you can repeat the encounter or make it last until the joy no longer results. You have to recognize that you are not a fixed entity but a bundle of relations and your task is to compose new joyful relations and decompose sad ones. Increasing the proportion of active affections does not primarily mean becoming the cause, at least not in a direct way. The bad therapist is the one who simply berates you to take control of your life as if it were an act of sovereign will. Instead you must discover joyful encounters and then make the passive affection into an active one by forming a consistent relation with the cause, thereby enveloping the cause with a new relation that constitutes us as a new body. Spinoza’s and Deleuze’s technical vocabularies might make this process sound obscure when it is really a very practical project. Consider, for example, your power to think together with others. In many intellectual discussions and encounters, you find yourself more confused and less able to think. Occasionally, though, you encounter a person or a group with whom you are able to think more clearly and more powerfully than you could before. Suddenly, you understand things that previously seemed completely incomprehensible. This is a joy as pure as Spinoza can imagine. Well, the practical thing to do is not to leave such joyful encounters to chance and the fluctuations of external causes. Compose a stable relation with the source of intellectual joy; make the encounters repeat and last. Maybe form a discussion group or write a book together. This will change you, of course, since you are defined by relations, but it will change you for the better. It is never as simple as that, of course. Some of those people and things that bring you joy will simultaneously cause you sadness in other ways. Choosing whether to make or break bonds, compose or decompose relationships is always complicated. This tangled terrain of complex, contradictory affects is where so much of Berlant’s work resides. Consider, for example, her eminently Spinozian formulation, which could easily be added to his catalogue of the affects: “A relation of cruel optimism exists when something you desire is actually an obstacle to your flourishing.” (2011, p. 1). Her recognition that we are so often filled by such self-thwarting desires is not, of course, cause for despair. That is the field in which we need to work, the core of the ethical and political project. Conceiving our ethical and political tasks, as do Berlant and Spinoza, in terms of not our power to act as sovereign subjects but instead our power to be affected shifts the orientation of our political landscape and opens new political possibilities. It makes clear, most obviously, that political projects are not only (and not even primarily) a matter of reason and interests but instead an engagement with our power to be affected in all its messiness and, sometimes, its ugliness. This does not mean, however, that we need to abandon the classical goals of human flourishing, the good life, or joy. The mandate Spinoza gives you is first to increase your power to be affected and then, within that power to be affected, seek a greater proportion of active rather than passive affections. And, finally, in order to maximize active affects, focus on your bonds and relations: discover those people and things that bring you joy and form with them lasting relationships to compose a new body and correspondingly decompose the bonds that hold you to what brings sadness. This where Spinoza and Berlant meet: in a political project for nonsovereign subjects.

#### Thus, the standard is embracing fluidity.

#### Prefer additionally:

#### [1] Subjectivity – their conception of what an agent is and their roles is a stratification, but can’t take into account changes in subjectivity from various factors, which results in microfascism– only embracing fluidity can account for the subject and solve

#### [2] Epistemology – their conception of knowledge production is majoritarian and based off the definition of objective forms of knowledge – only embracing nomad science that constantly challenges majoritarian knowledge can determine values, so the NC comes as a pre-req and side constraint to the aff

#### [3] Proving a moral theory false does not inhibit acting morally under that moral theory. The resolution questions a moral obligation so even if util is the moral framework, you would still affirm if there is a deleuz-ian obligation to affirm

#### [4] Vote aff to vote neg – negation is just a form of becoming and since we should embrace difference our framework explains their position which means if they answer our framework they’re conceding it

### Offense

#### I defend the resolution as a general principle. CX checks any T or theory interps as there are infinite things I could spec/violate, making it impossible to verify everything – if a shell is unchecked, grant me an auto I-meet. PICs, CPs, and DAs to specific countries don’t negate – they don’t disprove the general thesis of the aff.

#### Affirm:

#### [1] Property protections are a manifestation of the creeping shadow in our comfortable lawscape. Every object has a distinct and undeniable patent, trademark or copyright symbol, each serving as a daunting reminder of the ever-present state and commodifying our affect

[P-M 13] Philippopoulos-Mihalopoulos 13 [Andreas Philippopoulos-Mihalopoulos, Atmospheres of law: Senses, affects, lawscapes, Emotion, Space and Society, Volume 7, 2013, Pages 35-44, ISSN 1755-4586, https://doi.org/10.1016/j.emospa.2012.03.001. <https://www.sciencedirect.com/science/article/pii/S1755458612000266> (Andreas Philippopoulos-Mihalopoulos, LLB, LLM, PhD, is a Professor of Law & Theory at the University of Westminster, and founder and Director of The Westminster Law & Theory Lab.)] SHS KS \*brackets used for grammatical clarity

Let me therefore allow a little bit of law, and specifically intellectual property law, to emerge. Think of your initial welcome to the lawscape: the music, the smell, the taste, the textures. Think of how cosy you felt. Think of your affects — you wanted to have a Coke, you had a Coke; you wanted to stay in the room, you stayed in the room. Think of the atmosphere, comfortable, safe, energising. No law, just smooth space, reassuringly urban, tasteful yet with a hint of home-baking. At the same time, you realise that there is a bit of law around to protect you: you close the door behind you, this is your private space, the law protects that. You were offered the Coke, you did not steal it; you legitimately bought your iPad (ok, from Hong Kong but who knows this). The atmosphere is assembled by a safe, small measure of law, there to protect you and to make you feel immune in your enclosed sphere. But look again. Or rather, smell, listen, touch again. The red and yellow colour combination is a registered trademark of KODAK (Vaver, 2005). The smell of roses comes from the rubber used for the floor of the room — the Sumitomo Rubbers’s successful application for trademark.1 The first notes of Für Elise by Beethoven have been registered as a trademark by a Dutch company. The iPad touch screen is part of patented technology for which Apple has been in dispute with Samsung over the past few years (see also Parisi, 2008 on touch technologies).2 Finally, the Coke, well!, the Coke is obviously one of the best examples of a fully protected product in terms of taste, appearance, logo, bottle — the whole lot. And the bonus of sorts in the room: if you were to approach the darts, you would see that they emanate a distinct smell of dark beer. Even this combination is successfully registered by Unicorn Products, 3 a company who obviously thought that its target audience would be able to identify with it, and wanted to secure that no one else would use it. These are just some examples. As Vaver (2005: 897) points out, “over time there has been constant pressure from industry – note, not consumers – to widen the subject matter of protection to include as trademark virtually any perceptible feature in the sensory world that can be used to attract custom.” There are myriads of other laws that categorise, determine and restrict urban space, such as planning law (Valverde, 2011), property law (Blomley, 2004), environmental law (PhilippopoulosMihalopoulos, 2007) and health and safety regulations (and the mythology that feeds back, Almond, 2009). I chose to introduce the issue of atmospheres on the basis of intellectual property law because of [is] the fact that sensory control is direct and unmediated to the body, yet it manages to diffuse and dissimulate itself. This it does in two ways: first, by targeting the environment rather than the body (Sloterdijk, 2009), and precisely through this diffusing manoeuvre managing to have the greatest impact on the body; and second, by dissimulating itself as desire, that is as personal preference that ‘demands’ Kodak, Coke, Apple, or beer-scented darts. In some cases, the proffered hyperreality is superimposed on a more basic desire for, say, natural smells or tastes. This sensory desire, as Emily Grabham has convincingly demonstrated (in her case, touch), “embeds itself into the normative fabric of the law, creating and maintaining expectations around what is proper, decent and safe” (Grabham, 2009: 350). This means that the legal sensorium becomes “detached from specific moments and mobilised within legal processes” (2009: 350), indeed becomes fetishised by the law only to be snuggly reattached, I would argue, to the materiality of the situation in hand, claiming echoes of universality. But this is the paradox: the more universal the law, the more diffused it is. The more diffused it is, the more anomic a space appears. The room is just a room. The legal affect is found in this excess of law, in law’s ubiquitous presence that tends to hide under rose-smelling rubber surfaces. The atmosphere of the lawscape is perfectly engineered to appear as a city that is guided by preference, choice, opportunity, freedom. Scratch the surface and you feel the law pushing all these preferences into corridors of affective movement, atmospherics of legal passion that are material through and through yet appear reassuringly distant and abstract.

#### [2] Patents within the world of medicine and biotechnology take ownership of “the body.” Bits and pieces of peoples are being restricted by the law and personalized medicine works to create a hierarchy of bodies, both stifling our natural flow of affect and continuing the commodification of people.

Wolodzko 18 [Agnieszka Anna, Bodies within affect. : on practicing contaminating matters through bioart, 2018, <https://scholarlypublications.universiteitleiden.nl/handle/1887/66889>] 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?

### Underview

#### [1] Aff RVIs —

#### Skew – there’s no 2AC to develop carded offense and the 1AR has to over-cover since the 6 minute 2NR is devastating which encourages them to under-develop T in the NC and over-develop in the NR – need the RVI to develop good, in-depth T offense

#### Reciprocity – T is a unique avenue to the ballot that the aff can’t access – makes T structurally unfair without the RVI.

#### [2] 1AR theory –

#### AFF gets it because otherwise the neg can engage in infinite abuse, making debate impossible.

#### Drop the debater – the short 1AR irreparably skewed from abuse on substance and time investment on theory.

#### No RVIs – the 6-minute 2nr can collapse to a short shell and get away with infinite 1nc abuse via sheer brute force and time spent on theory.

#### No 2NR paradigm issues – 2NR can sit on that for 6 minutes and always uplayer to win what 1AR undercovered since the 1AR is too short to in depth on everything, so they would always win

#### No new 2NR theory – allows them to spam frivolous shells in the 2NR and prove why theirs outweighs which gives them a 6-3 structural skew where they can always win on uplayering or outspreading

#### Highest layer – Short 1AR makes it impossible to both check abuse and sufficiently respond to other layers, so 1AR theory should be rectified first bc it controls the strongest I/L to abuse

#### Fairness is a voter—it’s constitutive of the judge to decide the better debater. Only fairness is in your jurisdiction bc it skews decisionmaking, so it’s a side constraint on ROTBs. Fairness first—

#### [1] Proceduralism – abuse story on theory is a reason I couldn’t engage with the ROTB, so theory controls the internal link to discussions

#### [2] Education assumes fairness – education assumes we cohere to speech times and judge does not arbitrarily evaluate

#### [3] Reversibility – a loss is a loss forever, but education can be rectified through readings and redo

#### [4] Controls the internal link to competition which incentivizes clash and education

#### H. If the negative doesn’t specify what world each position defends, like the status quo or another policy, drop the argument – that’s the only thing reciprocal as aff specifies what position/advocacy they defend. Also skews strat – I can’t leverage the world of the aff versus the neg and can’t do comparative weighing bc I don’t know what position the neg defends

#### [3] Err aff –

#### A. Speech times – time crunched 1AR means I cant sufficiently respond to every layer whereas 2NR can collapse to 1 and sit on it for 6 minutes, so they’re always more in depth

#### B. 2NR New args – 2NR gets new responses to 1AR arguments and can read new carded offense to overdevelop claims and get away with it, but 2AR can’t make new args since it’s the last speech

#### C. Aff has 2 rebuttals, so I have to extend case twice which means I don’t get as much time on responses

#### D. Uplayering – 1NC gets 7 minutes to uplayer and win on multiple layers whereas aff only has substantive offense in the 1AC, so they have more routes to win

#### [4] Presumption and Permissibility Affirm –

#### Affirmation theory—affirm means to put support for or defend—presumption means nothing attacks, so therefore it is defended and meets affirming

Declare one's support for; uphold; defend.

That’s Lexico <https://www.lexico.com/en/definition/affirm>

#### That also means that if I show support for the aff by reading the 1AC, vote aff since I showed support for affirming

#### Statements are more often true then false—we can regard an entire statement as true but changing every part of a statement false makes it true and creates contradictions or regarding everything as false creates contradictions. Also you assume something is true—if I say my favorite color is blue you believe me

#### Regress – assuming that the resolution is false presumes that statements are true, which concedes that presumption affirms

#### Presuming nothing is true means we can’t create any strand of reasoning, meaning we can’t conclude that presumption negates or can’t create moral reasoning

#### Negating the aff assumes that the aff is true so that it needs to be negated, so you vote aff if neg wins

#### F. Cross apply err aff

#### [5] Vote aff if I win 1 layer

#### A. cross apply err aff – 1AR is too time crunched to win multiple layers, so me winning 1 layer is the only thing reciprocal

#### B. Key to clash – neg won’t go for the most under covered position and will have to respond to all aff args, which means it’s best for idea testing and engagement

#### [6] A spike is a pointed piece of a rigid material

A thin, pointed piece of metal, wood, or another rigid material

#### That’s Lexico <https://www.lexico.com/en/definition/spike>

#### [7] Neg a priori’s don’t negate [a] contradictions flow aff since the neg started them [b] condo logic – a prioris only deny the antecedent of the resolution i.e. If the World Trade Organization exists, then the member nations of the WTO should reduce IPPs, but denying an antecedent doesn’t disprove the consequent since there’s still a conceivable world where the consequent is true [c] tacit ballot conditional – that means vote aff even if we’re losing since denying the antecedent of the statement “if the affirmative is winning, vote aff” wouldn’t disprove the consequent

#### [8] The role of the ballot is to vote for the debater who best proves the truth or falsity of the Resolution; the aff must prove it true and the neg must prove it false

#### Prefer:

#### [1] Constitutivism: The ballot asks you to either vote aff or neg based on the given resolution a) Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means its intrinsic to the nature of the activity It’s a jurisdictional issue since it questions whether the judge should go outside the scope of the game – that’s a meta constraint on anything else since otherwise they could just hack against or for you which means hack against them if they contest it and it also controls the internal link to fairness since that’s definitionally unfair and a practice can only make sense based on intrinsic rules.

#### [2] Logic: Any counter role of the ballot collapses to truth testing because every property assumes truth of the property i.e. if I say, “I am awake” it is the same as “it is true that I am awake” which means they are also a question of truth claims because it’s inherent. It also means their ROB warrants aren’t mutually exclusive with mine.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)