## Framing

#### Subjectivity is the basis of ethics –

#### The subject is fundamentally unstable-

#### Affect is constitutive

#### Additionally- Affect is divided into two groups – Active and reactive

#### Fluidity determines the subject:

#### Implications: (a) Stable subjectivity makes critique impossible d (b) every negation is just a reconfiguration of a set of relationships of differences

#### Ethics must be a constant interrogation of static norms. This creation of new lines of flight redefines current concepts of normativity to that of deterritorialization. Thus, the standard is to vote for whoever best embraces active affect. Wallins 14

Wallins, Jason. “Deleuze and Guattari, Politics and Education.” Bloomsbur Publishing, 2014, Pgs. 119-121 Scarsdale CC

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

**Prefer the standard additionally –**

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

**Schaefer 13** [Schaefer ’13. Schaefer, D. "The Promise of Affect: The Politics of the Event in Ahmed's The Promise of Happiness and Berlant's Cruel Optimism." Theory & Event 16.2 (2013). Project MUSE. Web. LHP MK]

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

#### Outweighs – (a) Even you win your framework, this outweighs because we cant cohere to that (b) the statement of affirmation is sufficient to affirm. The nature of affect is such that any singularity of expression must be taken as an individual’s truth, thus my stance is sufficient to affirm

#### [2] Securitized life is oriented against death – this empty drive to sustain ourselves is violently limiting and destroys the exploration of active potentialities. Robinson

[Andrew Robinson, political theorist and activist based in the UK, “An A to Z of Theory | Jean Baudrillard: The Rise of Capitalism & the Exclusion of Death” Ceasefire Magazine, March 30, 2012, <https://ceasefiremagazine.co.uk/in-theory-baudrillard-2/>] From LHP AM

The passage to capitalism: Symbolic exchange – or rather, its suppression – plays a central role in the emergence of capitalism. Baudrillard sees a change happening over time. Regimes based on symbolic exchange (differences are exchangeable and related) are replaced by regimes based on equivalence (everything is, or means, the same). Ceremony gives way to spectacle, immanence to transcendence. Baudrillard’s view of capitalism is derived from Marx’s analysis of value. Baudrillard accepts Marx’s view that capitalism is based on a general equivalent. Money is the general equivalent because it can be exchanged for any commodity. In turn, it expresses the value of abstract labour-time. Abstract labour-time is itself an effect of the regimenting of processes of life, so that different kinds of labour can be compared. Capitalism is derived from the autonomisation or separation of economics from the rest of life. It turns economics into the ‘reality-principle’. It is a kind of sorcery, connected in some way to the disavowed symbolic level. It subtly shifts the social world from an exchange of death with the Other to an eternal return of the Same. Capitalism functions by reducing everything to a regime based on value and the production of value. To be accepted by capital, something must contribute value. This creates an immense regime of social exchange. However, this social exchange has little in common with symbolic exchange. It ultimately depends on the mark of value itself being unexchangeable. Capital must be endlessly accumulated. States must not collapse. Capitalism thus introduces the irreversible into social life, by means of accumulation. According to Baudrillard, capitalism rests on an obsession with the abolition of death. Capitalism tries to abolish death through accumulation. It tries to ward off ambivalence (associated with death) through value (associated with life. But this is bound to fail. General equivalence – the basis of capitalism – is itself the ever-presence of death. The more the system runs from death, the more it places everyone in solitude, facing their own death. Life itself is fundamentally ambivalent. The attempt to abolish death through fixed value is itself deathly. Accumulation also spreads to other fields. The idea of progress, and linear time, comes from the accumulation of time, and of stockpiles of the past. The idea of truth comes from the accumulation of scientific knowledge. Biology rests on the separation of living and non-living. According to Baudrillard, such accumulations are now in crisis. For instance, the accumulation of the past is undermined, because historical objects now have to be concealed to be preserved – otherwise they will be destroyed by excessive consumption. Value is produced from the residue or remainder of an incomplete symbolic exchange. The repressed, market value, and sign-value all come from this remainder. To destroy the remainder would be to destroy value. Capitalist exchange is always based on negotiation, even when it is violent. The symbolic order does not know this kind of equivalential exchange or calculation. And capitalist extraction is always one-way. It amounts to a non-reversible aggression in which one act (of dominating or killing) cannot be returned by the other. It is also this regime which produces scarcity – Baudrillard here endorses Sahlins’ argument. Capitalism produces the Freudian “death drive”, which is actually an effect of the capitalist culture of death. For Baudrillard, the limit to both Marx and Freud is that they fail to theorise the separation of the domains they study – the economy and the unconscious. It is the separation which grounds their functioning, which therefore only occurs under the regime of the code. Baudrillard also criticises theories of desire, including those of Deleuze, Foucault, Freud and Lacan. He believes desire comes into existence based on repression. It is an effect of the denial of the symbolic. Liberated energies always leave a new remainder; they do not escape the basis of the unconscious in the remainder. Baudrillard argues that indigenous groups do not claim to live naturally or by their desires – they simply claim to live in societies. This social life is an effect of the symbolic. Baudrillard therefore criticises the view that human liberation can come about through the liberation of desire. He thinks that such a liberation will keep certain elements of the repression of desire active. Baudrillard argues that the processes which operate collectively in indigenous groups are repressed into the unconscious in metropolitan societies. This leads to the autonomy of the psyche as a separate sphere. It is only after this repression has occurred that a politics of desire becomes conceivable. He professes broad agreement with the Deleuzian project of unbinding energies from fixed categories and encouraging flows and intensities. However, he is concerned that capitalism can recuperate such releases of energy, disconnecting them so they can eventually reconnect to it. Unbinding and drifting are not fatal to capitalism, because capitalism itself unbinds things, and re-binds things which are unbound. What is fatal to it is, rather, reversibility. Capitalism continues to be haunted by the forces it has repressed. Separation does not destroy the remainder. Quite the opposite. The remainder continues to exist, and gains power from its repression. This turns the double or shadow into something unquiet, vampiric, and threatening. It becomes an image of the forgotten dead. Anything which reminds us of the repressed aspects excluded from the subject is experienced as uncanny and threatening. It becomes the ‘obscene’, which is present in excess over the ‘scene’ of what is imagined. This is different from theories of lack, such as the Lacanian Real. Baudrillard’s remainder is an excess rather than a lack. It is the carrier of the force of symbolic exchange. Modern culture dreams of radical difference. The reason for this is that it exterminated radical difference by simulating it. The energy of production, the unconscious, and signification all in fact come from the repressed remainder. Our culture is dead from having broken the pact with monstrosity, with radical difference. The West continues to perpetrate genocide on indigenous groups. But for Baudrillard, it did the same thing to itself first – destroying its own indigenous logics of symbolic exchange. Indigenous groups have also increasingly lost the symbolic dimension, as modern forms of life have been imported or imposed. This according to Baudrillard produces chronic confusion and instability. Gift-exchange is radically subversive of the system. This is not because it is rebellious. Baudrillard thinks the system can survive defections or exodus. It is because it counterposes a different ‘principle of sociality’ to that of the dominant system. According to Baudrillard, the mediations of capitalism exist so that nobody has the opportunity to offer a symbolic challenge or an irreversible gift. They exist to keep the symbolic at bay. The affective charge of death remains present among the oppressed, but not with the ‘properly symbolic rhythm’ of immediate retaliation. The Church and State also exist based on the elimination of symbolic exchange. Baudrillard is highly critical of Christianity for what he takes to be a cult of suffering, solitude and death. He sees the Church as central to the destruction of earlier forms of community based on symbolic exchange. Baudrillard seems to think that earlier forms of the state and capitalism retained some degree of symbolic exchange, but in an alienated, partially repressed form. For instance, the imaginary of the ‘social contract’ was based on the idea of a sacrifice – this time of liberty for the common good. In psychoanalysis, symbolic exchange is displaced onto the relationship to the master-signifier. I haven’t seen Baudrillard say it directly, but the impression he gives is that this is a distorted, authoritarian imitation of the original symbolic exchange. Nonetheless, it retains some of its intensity and energy. Art, theatre and language have worked to maintain a minimum of ceremonial power. It is the reason older orders did not suffer the particular malaise of the present. It is easy to read certain passages in Baudrillard as if he is bemoaning the loss of these kinds of strong significations. This is initially how I read Baudrillard’s work. But on closer inspection, this seems to be a misreading. Baudrillard is nostalgic for repression only to the extent that the repressed continued to carry symbolic force as a referential. He is nostalgic for the return of symbolic exchange, as an aspect of diffuse, autonomous, dis-alienated social groups. Death: Death plays a central role in Baudrillard’s theory, and is closely related to symbolic exchange. According to Baudrillard, what we have lost above all in the transition to alienated society is the ability to engage in exchanges with death. Death should not be seen here in purely literal terms. Baudrillard specifies early on that he does not mean an event affecting a body, but rather, a form which destroys the determinacy of the subject and of value – which returns things to a state of indeterminacy. Baudrillard certainly discusses actual deaths, risk-taking, ~~suicide~~ and so on. But he also sees death figuratively, in relation to the decomposition of existing relations, the “death” of the self-image or ego, the interchangeability of processes of life across different categories. For instance, eroticism or sexuality is related to death, because it leads to fusion and communication between bodies. Sexual reproduction carries shades of death because one generation replaces another. Baudrillard’s concept of death is thus quite similar to Bakhtin’s concept of the grotesque. Death refers to metamorphosis, reversibility, unexpected mutations, social change, subjective transformation, as well as physical death. According to Baudrillard, indigenous groups see death as social, not natural or biological. They see it as an effect of an adversarial will, which they must absorb. And they mark it with feasting and rituals. This is a way of preventing death from becoming an event which does not signify. Such a non-signifying event is absolute disorder from the standpoint of symbolic exchange. For Baudrillard, the west’s idea of a biological, material death is actually an idealist illusion, ignoring the sociality of death. Poststructuralists generally maintain that the problems of the present are rooted in the splitting of life into binary oppositions. For Baudrillard, the division between life and death is the original, founding opposition on which the others are founded. After this first split, a whole series of others have been created, confining particular groups – the “mad”, prisoners, children, the old, sexual minorities, women and so on – to particular segregated situations. The definition of the ‘normal human’ has been narrowed over time. Today, nearly everyone belongs to one or another marked or deviant category. The original exclusion was of the dead – it is defined as abnormal to be dead. “You livies hate us deadies”. This first split and exclusion forms the basis, or archetype, for all the other splits and exclusions – along lines of gender, disability, species, class, and so on. This discrimination against the dead brings into being the modern experience of death. Baudrillard suggests that death as we know it does not exist outside of this separation between living and dead. The modern view of death is constructed on the model of the machine and the function. A machine either functions or it does not. The human body is treated as a machine which similarly, either functions or does not. For Baudrillard, this misunderstands the nature of life and death. The modern view of death is also necessitated by the rise of subjectivity. The subject needs a beginning and an end, so as to be reducible to the story it tells. This requires an idea of death as an end. It is counterposed to the immortality of social institutions. In relation to individuals, ideas of religious immortality is simply an ideological cover for the real exclusion of the dead. But institutions try to remain truly immortal. Modern systems, especially bureaucracies, no longer know how to die – or how to do anything but keep reproducing themselves. The internalisation of the idea of the subject or the soul alienates us from our bodies, voices and so on. It creates a split, as Stirner would say, between the category of ‘man’ and the ‘un-man’, the real self irreducible to such categories. It also individualises people, by destroying their actual connections to others. The symbolic haunts the code as the threat of its own death. The society of the code works constantly to ward off the danger of irruptions of the symbolic. The mortal body is actually an effect of the split introduced by the foreclosure of death. The split never actually stops exchanges across the categories. In the case of death, we still ‘exchange’ with the dead through our own deaths and our anxiety about death. We no longer have living, mortal relationships with objects either. They are reduced to the instrumental. It is as if we have a transparent veil between us. Symbolic exchange is based on a game, with game-like rules. When this disappears, laws and the state are invented to take their place. It is the process of excluding, marking, or barring which allows concentrated or transcendental power to come into existence. Through splits, people turn the other into their ‘imaginary’. For instance, westerners invest the “Third World” with racist fantasies and revolutionary aspirations; the “Third World” invests the west with aspirational fantasies of development. In separation, the other exists only as an imaginary object. Yet the resultant purity is illusory. For Baudrillard, any such marking or barring of the other brings the other to the core of society. “We all” become dead, or mad, or prisoners, and so on, through their exclusion. The goal of ‘survival’ is fundamental to the birth of power. Social control emerges when the union of the living and the dead is shattered, and the dead become prohibited. The social repression of death grounds the repressive socialisation of life. People are compelled to survive so as to become useful. For Baudrillard, capitalism’s original relationship to death has historically been concealed by the system of production, and its ends. It only becomes fully visible now this system is collapsing, and production is reduced to operation. In modern societies, death is made invisible, denied, and placed outside society. For example, elderly people are excluded from society. People no longer expect their own death. As a result, it becomes unintelligible. It keeps returning as ‘nature which will not abide by objective laws’. It can no longer be absorbed through ritual. Western society is arranged so death is never done by someone else, but always attributable to ‘nature’. This creates a bureaucratic, judicial regime of death, of which the concentration camp is the ultimate symbol. The system now commands that we must not die – at least not in any old way. We may only die if law and medicine allow it. Hence for instance the spread of health and safety regulations. On the other hand, murder and violence are legalised, provided they can be re-converted into economic value. Baudrillard sees this as a regressive redistribution of death. It is wrested from the circuit of social exchanges and vested in centralised agencies. For Baudrillard, there is not a social improvement here. People are effectively being killed, or left to die, by a process which never treats them as having value. On the other hand, even when capitalism becomes permissive, inclusive and tolerant, it still creates an underlying anxiety about being reduced to the status of an object or a marionette. This appears as a constant fear of being manipulated. The slave remains within the master’s dialectic for as long as ‘his’ life or death serves the reproduction of domination. A fatal ontology?: In Fatal Strategies, Baudrillard suggests an ontology which backs up his analysis of death. The world itself is committed to extremes and to radical antagonism. It is bored of meaning. There is an ‘evil genie’, a principle of Evil which constantly returns in the form of seduction. Historical processes are really pushed forward by this principle. All energy comes from fission and rupture. These cannot be replaced by production or mechanical processes. There is no possibility of a collective project or a coherent society, only the operation of such forces. Every order exists only to be transgressed and dismantled. The world is fundamentally unreal. This leads to a necessity of irony, which is to say, the slippage of meaning. Historically, the symbolic was confined to the metaphysical. It did not affect the physical world. But with the rise of models, with the physical world derived increasingly from the code, the physical world is brought within the symbolic. It becomes reversible. The rational principle of linear causality collapses. The world is, and always remains, enigmatic. People will give for seduction or for simulation what they would never give for quality of life. Advertising, fashion, gambling and so on liberate ‘immoral energies’ which hark back to the magical or archaic gamble on the power of thought against the power of reality. Neoliberalism is in some ways an ultimate release of such diabolical forces. People will look for an ecstatic excess of anything – even boredom or oppression. In this account, the principle of evil becomes the only fixed point. Desire is not inescapable. What is inescapable is the object and its seduction, its ‘principle of evil’. The object at once submits to law and breaks it in practice, mocking it. Its own “game” cannot be discerned. It is a poor conductor of the symbolic order but a good conductor of signs. The drive towards spectacles, illusions and scenes is stronger than the desire for survival.

## Offense

#### Thus, the advocacy: I’ll defend the resolution as a general principle and am willing to clarify or specify anything in CX to avoid frivolous T debates. Assume I-meet if not asked because I could’ve met in CX and the abuse would’ve been solved. PICs don’t negate because general principles tolerate exceptions

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

**Lemmens –** Lemmens, P. (n.d.). The conditions of the Common. A Stieglerian critique ON Hardt AND Negri's thesis on Cognitive capitalism as a prefiguration of communism. The\_Conditions\_of\_the\_Common\_A\_Stieglerian\_Critique\_on\_Hardt\_and\_Negri\_s\_Thesis\_on\_Cognitive\_Capitalism\_as\_a\_Prefiguration\_of\_Communism, [https://www.ru.nl/publish/pages/685630/conditions\_of\_the\_common\_pl.pdf]

Immaterial labour is becoming increasingly free and autonomous and capital ever more dependent and parasitic, forced to block the movements of knowledge, communication and cooperation (e.g. through intellectual property rights) in order to survive **(Hardt & Negri, 2009: 142). Whereas the multitude ‘is the real productive force of our social world’, therefore, ‘Empire is a mere apparatus of capture that lives off the vitality of the multitude** – as Marx would say, a vampire regime of accumulated dead labor that survives only by sucking off the blood of the living’; it is nothing but ‘an empty machine, a spectacular machine, a parasitical machine’ (Hardt & Negri, 2000: 62). **Capital thereby loses its historically progressive force and can continue to exist only through direct expropriation of externally produced value** – that is, through expropriation of the common (Negri, 2008d: 64–7). Immaterial production is structurally ‘incompatible’ with the logic of capital and therefore cognitive capitalism will ultimately destroy itself through its inherent contradictions. Capitalism’s traditional **mechanisms of exploitation and control, both the intensive and extensive, increasingly contradict and fetter the productivity of biopolitical labour and frustrate the creation of value.** Biopolitical labour in all its forms – cognitive, intellectual, affective, etc. – cannot be contained by the forms of discipline and command that were developed during the era of Fordism. Therefore, the **integration of labour within the ruling structures of capital becomes increasingly difficult** (Hardt & Negri, 2009: 264, 291). Capital’s **strategies of privatisation and control destroy the common that is at the base of biopolitical production**, so biopolitical productivity is hampered every time the common is destroyed. A good example is the impediment of innovation Perspectives on Commoning 1st proof.indd 178 04/05/2017 16:16 The conditions of the common 179 in agriculture and biotechnology and the **blocking of creativity in cultural production due to excessive intellectual property regimes** in the form of patents and copyrights (see Drahos & Braithwaite, 2002; Lessig, 2004; Aigrain, 2005; Jefferson, 2006; Boyle, 2008; Hope, 2008; Kloppenburg, 2010). The **disciplinary strategies of precarisation of work and flexibilisation of the labour market are also counterproductive, depriving cognitive and affective workers of precisely the time and freedom on which the creativity** and productivity of cognitive and affective labour depends (Hardt & Negri, 2009: 145–7). All attempts of capital to intervene in the production process and to appropriate the common frustrate that which it tries to capture: the productivity of the common. And the more the capitalist economy becomes a knowledge economy, the more it embarks on the path of value creation through knowledge production, the more that knowledge escapes its control and the more it produces and nourishes that which ultimately undermines its own existence: the common. Of course, as Hardt and Negri admit, ever since Marx uncovered the logic of capital, the critique of political economy has pointed to the contradiction within capitalism of the social nature of production and the private nature of accumulation. However, in the context of today’s cognitive capitalism, this contradiction is becoming ever more extreme and consequently ever more destructive for the capitalist endeavour, reaching a point of rupture: ‘This is how capital creates its own gravediggers: pursuing its own interests and trying to preserve its own survival, it must foster the increasing power and autonomy of the productive multitude’, Hardt and Negri (2009: 311) contend. ‘And when that accumulation of power crosses a certain threshold, the Perspectives on Commoning 1st proof.indd 179 04/05/2017 16:16 180 PERSPECTIVES ON COMMONING multitude will emerge with the ability to rule common wealth.’ Indeed, capital today is ‘facing increasingly autonomous, antagonistic, and unmanageable forms of social labor-power’ which embody an inherent potential for autonomy and have the capacity to ‘destroy capital and create something entirely new’ (Hardt & Negri, 2009: 136, 288, 311).

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

**Lefebvre** – Lefebvre, A. (2009). In The image of law: Deleuze, BERGSON, SPINOZA. essay, Stanford University Press. Body extension and the law: Medical devices, intellectual property, prosthetics and marginalisation (again) [https://www.sup.org/books/title/?id=16341]

A central claim of the information-commons movement has been precisely to emphasize the **regulatory nature of exclusive rights regimes, resisting and undermining the move to unthinking application of the “intellectual property” label. In other words, the state has a model of how software development goes (or encyclopedia writing, or video entertainment, in the case of copyright and paracopyright), and it is intervening in what seems to be a perfectly functional innovation system, imposing new rules that are upsetting a whole set of freely chosen** business **practices** already in place. Needless to say, this is not the only way to view what is happening, but it is a sufficiently plausible characterization that many libertarians and laissez-faire liberals in fact understand what is happening in these terms. The rhetorical foundation of the “open-source software” movement was precisely to frame the practice in these terms of free choice, innovation, and business benefits. **Because individual human beings are a complex bundle of urges, emotions, and motivations who often act irrationally** (that is, regardless of self-interest) from an economist’s perspective, corporations are the ideal economic agents, pursuing nothing but maximum gain for themselves based on the economic theory of laissez-faire capitalism.26 They are therefore driven to undermine abundance and create artificial scarcity as an unintended, but logical consequence of their internal programming, creating a modern class of rentiers who accumulate wealth by charging fees for access to the resources they control. This **regulatory regime, at its extremes, can lead to the non-user having the power (and the responsibility) to make decisions about functionality without any regard to the aspirations of the user in this respect or indeed regarding more aesthetic matters. This will have an impact on identity - one which is so far unexplored in the existing discussion of bodily autonomy**.87 And it is perhaps as a result of this marginalisation (with respect to design, function, performance, and many other relevant details) that more informal maker movements have arisen such as those discussed above. The EU Regulation can apply to any prosthesis, howsoever developed. Devices which are manufactured and used within health institutions, however, are considered as being ‘put into service’, 88 and are therefore exempt from many requirements of the EU Regulation, although they must still comply with general safety and performance requirements. There is a possibility, therefore, **of IP law having a restrictive impact on choices made by and (largely) for prosthesis users. This increases when it is considered that developers of prosthetic limbs are indeed engaging with IP rights**. There are patents, for example US3908201A from 1972 for a prosthetic device made of a particular plastic material and cases involving patents for silicon foam for covering prostheses for implanting in the body;108 and there are registered designs, for example UK D462767 from 2001 for a slideable and rotatable coupler for a prosthetic leg. Copyright and unregistered designs cannot be evidenced in the same way (given their more informal nature of creation), however there are examples of infringement actions being raised. Notably, a court rejected an argument109 that because of the so-called “must fit” provision in UK unregistered design law,110 there was no protection for the shape of a breast prosthesis. The court found that although the shape of the bra might influence the shape of the breast prosthesis, a bra shape did not determine the detail or circumstances of it – indeed, the prosthesis would fit several bras. The analysis of the legal and regulatory framework, and the results of the research interviews and Focus Groups, reveal that the **power in determining which prosthetic limb can be issued and of what kind (e.g. a leg for rockclimbing), does not always involve the user; and that even if the desire is identified and supported, frequently insufficient budget has been allocated to fulfil it.** A research interview also indicated that private fundraising (one way of addressing this outside the NHS) can be perceived by prosthetic users as leading to a prosthesis which belongs more to the donors – and is **less aligned with the user’s identity and integrity**. Further, if notwithstanding this, a particular prosthesis is able to be allocated which supports identity and integrity (e.g. running, climbing, decoration) in some circumstances an IP owner can restrict or prevent this. And **the identity/identities and integrity of the prosthetic user are not required to be relevant for those with authority and control in respect of these prosthetic related decisions; rather, there are obligations and restrictions under NHS funding rules and the EU Regulation, and rights held by others under IP legislation.** Like the physical states to which they are applied, **prosthetic limbs can challenge our perception of what it means to be human, to be a person. They can challenge our symbolic order, or the binary categories and differentiations that we use to structure society** (such as nature/construct, human/non-human, self/other, friend/stranger).118 Indeed, they may offer new categories and measures, and new possibilities and capabilities. Yet **their allocation and usage are characterised by social, legal and ethical debates around risk, boundaries, and power. The result is often a collage, or indeed a cacophony, rather than a consensus of values, visions, and decision-making models associated with specific interventions or technologies. 119 And all of this is positioned against a legal landscape which fails to engage (at least sufficiently) with the person, and the concepts of identity and integrity.**