# Bronx r2

## 1

#### First is the theory of language. The signifiers that structure the world only generate meaning based on their difference from other signifiers, meaning they can never fully represent the signified. Every linguistic representation is missing something, creating an unbridgeable gap between the ‘real’ and the linguistic representation of ‘reality’.

Van Haute, Philippe, Against Adaptation: Lacan’s “Subversion” of the Subject Translated by Paul Crowe and Miranda Vankerk 2002

The signifier actively institutes meaning. Language does not simply reflect reality; it is not the expression of a previously given order. The reality in which we carry on our existence must, on the contrary, be understood in a pregnant sense as the effect of the order of signifiers. In this context, Lacan points out that signifiers are essentially determined diacritically or differentially. In other words, they signify primarily on the basis of their difference from other signifiers and not, for example, by referring to a non-linguistic reality. Let us return to our example of the difference between “man” and “woman.” It is clear that the signifier “man” only has meaning as opposed to the signifier “woman”—for what could “man” mean without “woman”? The signifiers “man” and “woman” receive further meaning from a complex network of references in which signifiers such as “human,” “animal,” and “plant,” for example, hold a central place. The meaning of a signifier is in the first place dependent upon the linguistic context of which it is a part. Moreover, the fact that a signifier only receives meaning from a complex network of signitive references immediately implies, for Lacan, that the meaning of a signifier changes according to the context in which it is taken up. When an analysand says in an analytical session, Je vais à la mer (“I am going to the sea”), the analyst might hear, Je vais à la mère (“I am going to the mother”), basing her interpretation on other associations that the analysand has formulated in the course of this or other sessions. A second example can perhaps make the point somewhat clearer. Some years ago, for professional reasons, I opened a bank account in Holland, and the bank clerk asked if I had any “titles.” I replied that I did, but immediately added that I wanted to keep them in Belgium, where I was living at the time. The man looked at me strangely, and asked me if the “titles” were not valid in Holland. After a bit of talking back and forth, it turned out that he had meant academic titles, while I, because of my Belgian background, had understood “titles” in the sense of the French titres (“financial securities”).9 Just as the associative context determined the meaning of the signifier mer/mère (“sea”/“mother”) in the first example, so here the meaning of the signifier “title” changes depending on whether it is to be understood in an academic context or an economic one. The production of meaning is thus in principle a process that cannot be closed off. There is no ultimate context that could, as it were, embrace all contexts and so bring the production of meaning to completion. To some extent, we can also understand now why Lacan says that his thesis “the unconscious consists of a chain of signifiers” is in agreement with the basic theses of the Freudian oeuvre. According to Freud, the unconscious is not of the order of language because the unconscious does not know any reference to reality, and it is precisely language that introduces this reference. Lacan’s differential definition of the signifier, however, implies that language cannot be understood primarily as a reference to a reality outside of it, as Freud had thought. On the contrary, the meaning of a term is determined by its place in the system; it is the product of the “play of signifiers.” Just as the Freudian “thing-presentations” combine with each other and generate effects without taking reality into account, so too the Lacanian “play of signifiers” is not determined by a self-sufficient, pre-given referent. Both the Freudian and the Lacanian unconscious, as it were, put external reality out of play. However, Lacan goes still a step further. According to Freud, the primary processes of the unconscious are governed by two fundamental mechanisms: condensation and displacement. According to Lacan, condensation and displacement can be understood according to the models of metaphor and metonymy respectively. Or better, displacement is a metonymical process and condensation is a metaphorical process. Lacan believes that in this way, a linguistic status can be ascribed to the unconscious without breaking with the fundamental characteristics by which Freud tries to understand it. Let us unpack this idea a little further. According to Freud, condensation and displacement are the two fundamental principles that determine the activity of the unconscious. They are at work in all the formations of the unconscious (the symptom, slips of the tongue, etc.), though Freud described them chiefly in relation to dreams. Condensation refers to the fact that one simple dream image can represent several associative chains at the same time. So, for example, it often happens that a certain figure in a dream turns out on closer analysis to represent several persons. I dream about my brother, but in the course of the analysis it turns out that my brother represents not only himself, but also an older sister and a childhood friend. Displacement, on the other hand, refers to the fact that presentations that seem at first sight like details, insignificant for the meaning of a dream, often in fact stand in for a complex course of ideas decisive for its interpretation. For example, there might appear in a dream a completely unknown man with just the sort of beard that my father had when I was a child. What seems initially unimportant (the beard) might, on closer inspection, be decisive for the understanding of the dream (the beard evokes my father and my complex relationship with him). Thus the Freudian principles of displacement and condensation. How, then, does Lacan bring these two principles into relation with metaphor and metonymy respectively? We already know that according to Lacan, language is a differential network of signifiers that refers in the first place to itself. Meaning is an effect of language, and not vice versa. Metaphor and metonymy must therefore be understood primarily as relations between signifiers as such. They cannot, according to Lacan, be founded in the signified, or in a self-sufficient referent that can explain the signified. We shall address metonymy first. According to Lacan, metonymical processes are related to the way signifiers are linked together within a common, contiguous context. Very generally, one could say that metonymy indicates one and the same object with another word, which nevertheless belongs to the same semantic context. In his article “The Agency of the Letter in the Unconscious” (Lacan 1957a), in which he presents his theory of language in a systematic manner, Lacan gives the following example of metonymy: “thirty sails” standing for “thirty ships” (p. 156; see also EF 601). In the expression “thirty ships,” “ships” is replaced by “sails” on the basis of the fact that both terms belong to the same semantic context. In the expression “to be on the couch,” “on the couch” stands for “in psychoanalysis”; the signifiers are here connected in a new way on the basis of the fact that “couch” and “psychoanalysis” belong to the same contiguous context. Finally, the expression “I am having a glass,” for example, is a metonymy that stands for “I am drinking a glass of beer.” Here, too, it is the semantic proximity that allows the signifiers to be linked together in a new way, so that one and the same referent is signified by more than one word. According to Lacan, then, no new meaning arises in metonymy; the signified of the original and the metonymical expression remain the same, because the signifiers that refer to it are bound to each other through a relation of contiguity.10 However, we may not conclude from this that a metonymical link between signifiers can simply be traced back to a link in reality outside of language. The connection between signifiers is not governed by a self-sufficient referent. Thus, for example, when we replace “thirty ships” with thirty sails, this does not guarantee that in actuality we will also see “thirty sails”; ships can very well have more than one sail. The connection between the two signifiers is therefore not governed by the self-sufficient presence of the signified, something that, as we saw, is rendered impossible in any case by the differential determination of the signifier. Signifiers signify only by force of their difference from other signifiers. This implies that in the final instance there are no positive terms in language. Every signifier is only a moment in an endless series, and it will (must) be supplemented by still other signifiers, which again and again fail to definitively determine the signified. For our example, this means that since the replacement of “ship” by “sail” cannot be founded in reality without remainder, there will always be new signifiers necessary to express the referent “ship.” According to Lacan, metonymy thus refers to a general property of language, by virtue of which every signifier is necessarily followed by another. There is no ultimate signifier that can bring this movement to an end, and every manifestation of meaning is limited and incomplete. Lacan therefore connects metonymy with the diachronic dimension of language, for metonymy points to a linking of signifiers that in principle unrolls in time.11 How, then, does Lacan understand metaphor? Very generally, metaphor refers to a process of substitution by which two signifiers from two heterogeneous semantic fields are substituted for each other. Thus, the expression “John is a real lion,” in which the signifier “lion” takes the place of the signifier “courageous,” is a metaphor. Traditionally, this process of metaphorization is often understood in the following way: one signifier (“courageous”) is crossed out, and another signifier (“lion”) is put in its place—that is, the second signifier is linked with the signified of the signifier that has disappeared. Thus, according to this traditional vision, metaphor in fact says the same thing as the original expression, but in another way. Lacan flatly rejects this conception; metaphor does not say the same thing in a different manner. “John is a lion” says something more and something other than “John is courageous.” Let us see why. We know that there is always one signifier too few to definitively determine the signified, so that the signified is never a finished, identifiable identity. It is therefore impossible for the signified to function as the sufficient ground of the metaphorical substitution of two signifiers. The metaphorical term (in our example, “lion”) does not replace a signifier that could be used literally in its place—indeed, the differential character of the signifiers makes the determination of a literal meaning impossible. As a result, the expression “John is a lion” can never be completely reduced to the expression “John is courageous,” nor does the latter expression express the actual and true (literal) meaning of the metaphor “John is a lion.” The metaphor, as a result, creates a new meaning irreducible to the original.12 In “The Agency of the Letter in the Unconscious” Lacan offers the following example of metaphor from Hugo: Sa gerbe n’était pas avare, ni haineuse (“His sheaf was neither miserly nor spiteful” [Lacan 1957a; E 156–157, EF 506–507]). Here “sheaf” stands for “Boaz,” the farmer from the Old Testament book of Ruth. The tradition deals with this metaphor in terms of the substituted term (“Boaz”) and seeks an equivalence of meaning between “Boaz” and “sheaf.” Lacan, however, takes the expression as it is written. At first sight the expression seems to be absolutely meaningless; no sheaf ever showed any emotions. This apparent lack of meaning, however, gives back to the signifiers their full signifying force. In this manner it creates a signifying effect that can in no way be recuperated, that is, cannot be traced back to another expression that would give its literal meaning. Nothing predisposes the signifier “sheaf” to take the place of “Boaz,” but once this substitution is made, an underivable meaning arises. In this way, metaphor points to the potential of (the system of) signifiers to autonomously break through constituted meanings—independent of any reference to a previously given signified—and so say something completely new. This last point makes it clear why Lacan relates metaphor to the synchronic dimension of language.13 Metaphor does not relate to the way in which signifiers are coupled with each other, but to the potential of (the system of) the signifier to disorder every constituted connection and meaning. We can now also understand why and how Lacan links condensation with metaphor and displacement with metonymy. Condensation has the consequence that an element in a dream turns out on closer inspection to stand for several elements at once. It is not a question here of how the elements of the dream are linked together, but of the fact that one dream image represents several images from several contexts articulating the life of the analysand. This process then is more metaphoric in nature.14 Displacement, on the other hand, refers to the fact that an apparently unimportant detail can represent a complex series of ideas. One might think of the example of the beard of my father, which I mentioned above. The substitution here comes about through the fact that both elements (father-beard) stand in a relation of proximity within one and the same context. Displacement is thus more of the order of metonymy. Before passing over to the next section, in which we shall take up the “elementary cell” (cellule élémentaire) of Lacan’s “graph of desire,” I want to give one more brief, concrete illustration of Lacan’s abstract theory of language, and of his idea that the unconscious is of the order of the signifier. Freud tells the story of an obsessive neurotic man who was fascinated by black beetles, which he dared not pick up. When he was a child, there lived with his family a maid whose few words of French included the expression Que faire? (“What are you doing?”). Freud drew a connection between the French Que faire? and the German Käfer (“beetle”), which turns out to also be used as a pet name for a woman. According to Lacan, the symptom is thus determined by a signifier that generates effects in its sheer materiality. Que faire is replaced by Käfer, which in turn means “beetle” and is used as a pet name for a woman. What Freud calls a “condensation” (various associative chains coming together in the anxiety about beetles) Lacan interprets as a metaphor; two signifiers from two heterogeneous contexts are substituted for each other on the basis of their simple material similarity, and in this way are responsible for the formation of the symptom.

#### Second is language’s impact on the subject. Before the subject enters language, it is a being of raw biological needs. This pre-subject is forced into language to fulfill them, but language is constitutively lacking and fails to represent them. The linguistic subject can never understand its own needs, meaning it can never satisfy its desires. It’s futile attempts to do so create a constitutive lack.

Van Haute 2, Philippe, Against Adaptation: Lacan’s “Subversion” of the Subject Translated by Paul Crowe and Miranda Vankerk 2002

THE ELEMENTARY CELL OF THE GRAPH OF DESIRE: THE SYMBOLIC AND THE REAL The previous section made it somewhat clearer what Lacan means when he claims that the signifier determines our existence and gives it form. How, then, should we think of the fundamental relationship between the subject and language? Lacan articulates this relationship in a particularly striking way in what he calls the “elementary cell” of the graph of desire. Lacan has good reason here to speak of an elementary cell, for the theoretical decisions this cell contains are determinative for the further construction of the graph. It is thus in our interest to dwell in detail on this first building block of the graph, with the aim of bringing its full theoretical scope to light.15 Lacan draws the “elementary cell” of his graph as follows: Here ∆ refers to the mythic moment in which the subject still has not entered the order of language—the human being as a simple being of needs, with vague, unstructured presentations (of hunger and thirst, light and dark, warm and cold, etc.) that are as such not yet taken up in the order of language and meaning. Lacan writes in this regard of “the mass of the pre-text, namely, the reality that is imagined in the ethological schema of the return of need.” Elsewhere, Lacan speaks of “the flux of lived experiences” (le flux du vécu; Lacan 1956–57, p. 48); the immediacy of the experience of myself in relation to the environment, prior to any linguistic mediation. ∆, in other words, refers to the pure movement of life. This notion of a “subject” that still swims in the stream of the pre-textual already allows us to some degree to address a second basic category of Lacanian thinking. We already know that the symbolic is the order of language and of the law. We also know that language, as a system of differentially determined signifiers, does not allow for a closure of the production of meaning. This implies that something is left out of every linguistic formulation, something that cannot be taken up in this order. By definition, every linguistic formulation leaves over something that cannot be integrated into the order of the symbolic. Lacan speaks in this regard of the real, which structurally resists any recuperation into the world of meaning. By extension, the human being simply as a being of needs, prior to entering the order of signifiers, can also be called real. The real must further be distinguished from what we usually understand by the term “reality”; this last category refers to the reality in which we carry on our everyday existence, and, as we earlier emphasized, that reality is essentially structured by the symbolic.16 We described the starting point of the “elementary cell” of the graph as “mythic” because, according to Lacan, the subject is in a manner of speaking “always already” taken up in the order of the symbolic. Even before our birth we are spoken about. Parents-to-be constantly fantasize about their unborn child: they talk about the name that they will give it, often even before it is conceived; they express expectations and anxieties about its future; or they discuss at length the way they will bring it up, partly in light of their own experience. This is more than mere idle fantasy. Not only is the child thereby taken up in the discourse of its parents before it even begins its biological existence, but also—and most importantly—the way in which the parental discourse functions will be determinative for its future. Our place in the symbolic system is already decided, to a large degree, before we are born. It is not something we can freely distance ourselves from, or something we can just lay aside. On the contrary, it is crucial in giving form to our existence—indeed, in a certain sense it is this existence itself. One might think, for example, of the situation of a child who bears the name of a famous forefather, and is invested with all sorts of expectations that this name immediately evokes for the parents as much as the child. All this, however, takes nothing away from the theoretical importance of the “elementary cell” of the graph, in which Lacan seems (forced) to presume a sort of pre-subject that has not yet entered the order of language. Quite to the contrary, this elementary cell throws light on a presupposition of Lacanian thought—a presupposition that would otherwise perhaps remain concealed, but the importance of which it is difficult to overestimate. This presupposition concerns the relationship between body and language, or better, the initial exteriority of the body with respect to language. We can make this even clearer by pursuing our discussion of the “elementary cell” of the graph in the light of the passage that we have been dealing with.17 The human being as a being of needs (∆) cannot express its needs other than through language. For in order to satisfy needs we require the help of the Other, who will herself immediately interpret the utterances of the child in terms of the order of signifiers. When a child cries, the mother says, “She must be hungry,” “She needs a fresh diaper,” or “She is unhappy.” In the elementary cell of the graph this concatenation of signifiers is represented by the vector. In this context, Lacan compares the pre-linguistic subject that inscribes itself in language to a fisherman, who casts a fishing-line (the vector ∆.) into the world of language () and, as it were, “catches” a signifier (“the fish it hooks”).18 The articulation of the needs is not, however, a neutral operation. Rather, language introduces a clear and articulated structure into the more or less confused sensations and feelings by which the needs at first manifest themselves. Anyone who has followed a wine-tasting course knows that a significant part of the course content consists in learning to give a name to the various flavors that one tastes when drinking wine.19 Once one has this skill in hand, one very soon notices that the names rebound upon how and what one tastes. The wine connoisseur tastes more and tastes otherwise than the normal untrained person. Of course, the latter nonetheless also notices differences between different sorts of wine. However, the capacity to also be able to clearly articulate these differences in language gives the tasting a quality it did not possess of itself, and that cannot be derived directly from the immediate experience.20 According to Lacan, the expression of needs in the order of language and culture leads to a diversification and multiplication that cannot be entirely explained by biology. Similarly, for example, humans are not only in search of a sufficient number of calories in order to survive, and perhaps not even primarily so. One look at the menu of any restaurant suffices to confirm that the demand for food is very diversified, and goes far beyond the level of biological functionality. “∆” indicates the human being as a being of needs that seeks satisfaction; it indicates the pure movement of life. In the first moment, this being wants nothing more than to return to the state that existed before the needs manifested themselves (“the intention that tries to bury it—the signifier—in the mass of the pre-text”). It simply seeks satisfaction.21 However, the being of needs unavoidably encounters language (the vector ) along its way (“its free movement”), which subsumes its needs in a dynamic that cannot be reduced to biological necessity and often takes no account of it. Consequently, the relation between language and body is characterized by an essential exteriority. More specifically, the relation between these two orders cannot be thought of as a relation of expression; the symbolic is not the translation of a pre-given natural order. On the contrary, for Lacan language is like an alien body that grafts itself onto the order of the body and of nature.22 We now understand, further, why the two vectors of the elementary cell of the graph have a different direction, and why they cross each other twice (“the retrograde direction in which its double intersection with the vector occurs”).23 Language is not simply the extension of the world of immediate experience (“the stream of experience”) and of needs. The symbolic follows a peculiar dynamic, which cannot be derived from biological reality or from the immediacy of experience. Accordingly, the two vectors do not follow the same direction—rather they intersect one another. By inscribing itself in language in this way, the being of needs becomes a subject. This subject, however, is essentially a split or crossed-out subject that can never coincide with itself (). As soon as the subject is marked by the signifier, every determination of it leaves a remainder; the subject as subject of the signifier—and strictly speaking there is no other—never simply coincides with itself. This implies that access to the immediacy of the “stream of experience” is denied to the subject once and for all. As subject of the signifier, all the subject can do is to strive after this lost immediacy from within the order of language, and all it achieves by this is to re-establish its own partition (Van Haute 1998). The exteriority of language with respect to the body takes on an extra dimension; not only is language not the extension of the body, but the entry into the order of language must always be understood as a loss. This loss can be made up for in very different ways on the level of phantasy,24 but inevitably these can only refer to the idea of a fullness and immediacy that is no longer affected by the differentiating and fragmenting force of the signifier. We will now illustrate this idea further by way of the relationship between the body and the unconscious in Lacan.

#### Free trade and IP regimes exclusively exist in language without any grounding in reality, making them infinitely contestable and full of contradiction, Owen 16:

Owen, Thomas. Lacan, Laclau, and the Impossibility of Free Trade . 2016, <https://doi.org/10.11157/medianz-vol17iss2id207>. // LHP PS

The above illustration of Lacan and Laclau is by no means an attempt to exhaust all possible discussion of their ideas, and is inadequately brief to explore the many nuances of their negative ontology. **However, by focusing on the concept of ontological lack and the inaccessibility of the Real, it has set the tone for the following historico-contextual analysis of FTAs and IPRs.** In the first instance, **it must be noted that FTAs and IPRs are purely social constructions. There is no reality to FTAs or IPRs external to how they are discursively constructed, no natural law dictating their symbolisation**. **There may be material consequences as a result of an FTA** – for example, a farmer’s productivity relative to seed prices, or an HIV/AIDS patient’s ability to access antiretroviral medicine – **but an FTA itself is not a material thing. It is purely symbolic, existing only in language – and as language is partial and open to contestation and change, for FTAs there is no escape beyond language, beyond ideology, or beyond a constant state of contestation and transformation**. Secondly, **contemporary FTAs have come to include a myriad of other demands not typically considered part of ‘trade’ negotiations, such as financial regulations, environmental protections, and intellectual property rights**  (Kelsey 2010). In a Laclauian sense, the chain of equivalence constituting the hegemonic project of a contemporary FTA has been widely extended. **IPRs are particularly interesting in this sense, because of the multiple and contradictory meanings ascribed to IPRs – for instance, as rights, privileges, monopolies, protectionist measures, and also as free trade mechanisms promoting competition. Given this, the inclusion of IPRs in FTAs demonstrates the contingency of meaning allowable within hegemonic projects. There is no necessary, self-evident way that IPRs and FTAs must be configured; rather, there are only possible ways. A historical analysis of just some of the ways this has been done reveals the un-fixity and ‘impossibility’ of identity formation.**

#### The aff’s framing of IP as a right through the WTO and TRIPS erases past conceptions of IP, makes social contestation impossible, and is internally inconsistent – Owen 16:

Owen, Thomas. Lacan, Laclau, and the Impossibility of Free Trade . 2016, https://doi.org/10.11157/medianz-vol17iss2id207. // LHP PS

**For IPRs and free trade, a key site of linguistic contestation concerns the respective labeling of IP as a ‘right’ versus a ‘privilege’.** In the centuries before 1623, patents ‘grew directly out of system of royal privileges’ (Machlup and Penrose 1950, 2**). Precursors to patents – grants of privilege, letters of patent, and less formal favours from the sovereign to preferred subjects – were practiced across Europe**, un-beholden to formal legislative process, and wholly subject to the ‘vagaries of political power and personal relationships with the holders of such power’ (Sell and May 2001, 479). **Early IP, therefore, is best understood as a conditional privilege.** By the 1995 WTO TRIPS Agreement, however, the concept of intellectual property rights had become the mainstream accepted definition (Weissman 1996). For Sell (2003) **the alternate framings of ‘rights’ versus ‘privileges’ are important for establishing different obligations from the respective social actors. While a ‘privilege’ suggests a temporary and unstable luxury gift from the sovereign, granted at their discretion, a ‘right’ suggests something the sovereign is duty-bound to uphold,** thus **making a ‘great deal of difference in terms of what is and is not considered legitimate’** (Sell, 2003, 5). Weissman continues the point, noting that defining something as a ‘right’ effectively ‘immunise[s] it from challenge both in practice and in the realm of ideas’ (1996, 1087): To transgress a right is to ‘violate’ it, to commit a wrong. To define something as a right is to remove it, more or less, from political challenge. Even if it is not considered a ‘natural’ right; in moral terms, a right is supposed to be somewhat inviolate. (1087) These points illustrate the Lacanian notion that **linguistic articulations are also performative statements, constructing relations of trust and engagement. Performatives are speech acts that accomplish the act they state – for instance, the statement ‘this meeting is closed’ effectively closes the meaning. For Lacan, performatives go beyond this to also establish social power relations** (Žižek 2006). For instance, when a patent protection is a ‘privilege’, the power is with the sovereign to gift a limited monopoly to an individual or corporation. When it is a ‘right’, the power is with the individual or corporation to demand the monopoly protection from the sovereign, who is duty-bound to grant it. **Defining a patent protection as a ‘right’ thus reverses the power dynamic from the original conceptions of intellectual property.** Because different linguistic significations are possible, and their consequences important, different social actors compete to instigate their preferred particular definition as the naturalised ‘common sense’ universal definition. For Laclau, such efforts are referred to as hegemonic projects. Importantly, once a hegemonic project is successful, and a particular interpretation assumes the status of universal one, the contingency and historical alternatives are concealed. Thus, when intellectual property ‘rights’ were elevated as the hegemonic definition their prior historical definition as ‘privileges’ was concealed.Furthermore, once naturalised, **the internal incoherence and negative impossibility of any given definition is also concealed**. **With the ‘rights’ definition for IP,** Weissman (1996) **identifies several inconsistencies that were effectively concealed once the term assumed hegemonic status.** For instance, **a patent is granted only when an individual or corporation applies for it – which the state can refuse if the requirements are not met** (that it is new, useful, and non-obvious). **The state can thus choose to not grant the patent at all – something obfuscated in the notion of a ‘right’ as something that is already granted by default.** **Secondly, patents are only limited monopolies, meaning that the benefit to exclusivity ends after a set period, which may be shortened or lengthened – inconsistent with the idea of a ‘right’ being granted in perpetuity**. **The benefits granted under a patent**, therefore, **are best described as contingent, something obscured in their definition as a ‘right’**. In summary, **linguistic labels are not neutral objective descriptors, but rather tools that can be wielded strategically to establish specific power relations**. **Once naturalised** as the default term, **the hegemonic project appears as the natural and self-evident description, with its** strategic nature, historical contingency, and **internal contradictions effectively concealed**.

#### The alternative is to engage in ideology critique. Current forms of media ignore the constitutive lack in language, legitimizing hegemonic structures and ignoring important legislative processes. Instead, media should engage in ideological critique which exposes breaks in structures and inevitable inconsistencies in legislation, enabling true reform. Owen 2,

Owen, Thomas. "Lacan, Laclau, and the impossibility of free trade." *MEDIANZ: Media Studies Journal of Aotearoa New Zealand* 16.2 (2016). //LHP YA

Mainstream contemporary journalism’s cultural capital is its ability to act as truth-teller. Journalistic ordering of reality thus revolves around the vocation’s ‘God-terms’ of ‘truth’, ‘fact’, ‘reality’, and ‘objectivity’ (Zelizer 2004, 186). In committing to these terms, journalism adopts realist ontology, positioning itself as able to capture the direct truth beyond ideology and bias (Phelan 2014). In terms of its actors and audience, realist journalism presupposes rational choice subjects, capable of making the correct decisions if only they are provided the correct information. Lacanian thought, on the other hand, argues that reality is structured as a fiction, and that true fact – residing in the Real – is inaccessible to human thought, as necessarily mediated through the distorting filters of language and representation. Lacan and Laclau thus allow no escape from ideology, as we are all ‘always-already’ operating within contingent, unfixed, and partial discourses. Furthermore, in terms of social beings and subjectivities, Lacan posits that subjectivity is never total or fixed. Far from rational, subjects are driven by Freudian unconscious desires, but even this unconscious is inaccessible to the subject (Stavrakakis 1999), since the unconscious is not an objective mechanism regulating experience but rather the inaccessible desire, primordially repressed (Žižek 2006). Taken together, these differences exhibit the fundamental incommensurability between realist journalism and Lacanian approaches to social reality. As this article has demonstrated, FTAs provide a useful demonstration of the Lacanian impossibility of identity, with FTAs and IPRs interacting in contingent, changing, and often-contradictory formations. A realist analysis focused on rational, coherent, and fixed identity tends to miss such contingency. As Sell and May argue, the historical evolution of FTAs and IPRs has not been linear, inevitable, or directed solely towards the fulfillment of optimal social functionality; rather, it has swung between pro-patent and pro-public sensibilities, involving a ‘complex interplay of ideational, institutional and material forces’ (2001, 473). The ‘contested history’ (473) of IPRs and FTAs, Sell and May continue, reveals a ‘contingency and contestation’ (486) that is excluded within a realist approach, revolving instead around a ‘limited focus on the state as legislator’, and assuming ‘that the forces and interests that play out in contest over intellectual property have produced a series of “rational” settlements or “improvements”' (470). Such rational, realist, and state-focused representations of FTAs can be easily found in contemporary journalism. Consider, for instance, an article from The New Zealand Herald headlined ‘Twelve-nation trade deal took a long journey’: The Prime Minister 25 years ago … saw a trade deal with the United States as a way of helping to repair the relationship in the wake of the anti-nuclear laws, as well as boosting the economy. (Young 2016, A007) Here, the FTA is presented as the result of a series of rational deliberations by nationstate actors, whose motivations are inter-state relationship-building and national economic gain (the article continues to list key developments between New Zealand and US governments). The state actors are represented as coherent, positively defined identities, and the various hegemonic contestations by non-state actors (such as lobby groups and corporations) are ignored. Ideology is not considered, and the ebb and flow of contested FTA discourses is concealed behind a narrative of consistent linear TPPA development, driven by – and leading towards – optimal social functionality. This is not to say that conflict and contestation are not considered in realist journalism, where indeed, conflict is a common news value. However, when identities are assumed as coherent, fully formed entities, social conflict is in turn represented as the opposition between one or more positively constituted positions, whose respective truth claims may be measured against an objectively given Real. Consider, for instance, an article from The Dominion Post: Throughout the back and forth about the Trans-Pacific Partnership Agreement, one of the biggest concerns has been how the deal could affect Kiwis' access to medicines. The worry was that drug companies would invent new treatments but be allowed to keep the recipe to themselves for many years. That would prevent competition and allow the companies to keep prices much higher. So will we pay jacked-up prices for antibiotics and life-saving medications? Not quite. (Sachdeva 2016, 2) Here, the first positively defined coherent identity is the opposition to the TPPA, concerned that it will raise medicine prices. The second is the writer’s endorsement of the TPPA, claiming that no, it will not. Such positive declarations of the respective positions appear coherent, but in effect conceal the problematic internal incompletion of each. In the representation of TPPA opposition, for instance, patent ownership is conflated with product invention, thus de-emphasising the role of patents as property, and over-emphasising their role in innovation. Secondly, monopoly protections are confused as something the TPPA creates, rather than as the very core function of patents in the first place. Thus, these apparently coherent statements of fact conceal a deeper incoherence, effectively concealing the power relations constituting the conflict that is represented. Furthermore, with the statement ‘not quite’, the article exhibits its presupposition of an objective attainable truth. According to the article, the truth is that TPPA will not raise medicine prices, and thus the opposition to the FTA is incorrect. With a presupposed objective Real, this realist presentation of conflict is only between those who have access to the Real and those who do not. Ideological contestation is reduced to group A (who are right) versus group B (who are wrong). When viewed through a negative ontological lens, however, facts are not so simple. Stating a fact as ‘truth’, therefore, and simultaneously positioning objections to that fact as false, is an ideological act; it naturalises a contingent, incomplete, partial statement of opinion (a negatively constituted identity) as if it were an absolute objective complete truth (a positively constituted identity). For Phelan (2014, 83), this is mainstream journalism’s ‘anti-ideology ideology’. That is, contrary to the realist claim to access a direct truth, such statements of ‘fact’ are deeply ideological by the very nature that they assume their own escape from ideology. For Lacan and Laclau, there is no escape. Laclau’s contribution to ideological analysis was to elevate ideology from the epistemological plane to the ontological (Glynos 2001). That is, rather than a Marxist ‘false consciousness’ approach, where ideology consists in the misrecognition of a positive essence, in Laclau’s negative ontology, ideology consists in the ‘non-recognition of the precarious character of any positivity, of the impossibility of ultimate suture’ (Laclau 1991, 27). In Lacanian terms, ideology is the ‘lack in the symbolic Other’ (Glynos 2001, 197) that inescapably plagues all identities and discourses. From this perspective, articulating a realist false consciousness position that claims to have revealed the truth beyond the ideology can only ever reproduce ideology, not critique it. This point has gained salience in recent years through Donald Trump’s critique of mainstream journalism as ‘fake news’, and Lacanian analysis is useful for engaging with such claims. For Lacan, news was always fake, in the sense that it was never the Real, but rather a limited symbolic fiction attempting (with inevitable failure) to represent the Real. Journalism assumes an important democratic social function as truth-teller, but this role can only be realised if audiences engage in fetishistic disavowal. That is, to appropriate Žižek’s (2006) earlier example, ‘I know very well that the news report in front of me is not objective and not completely true, but I nonetheless treat it as if it were true since it has been published by an official news outlet, and official news outlets are the socially recognised form of providing me with facts and information’. To function coherently within society and respect the news as truth and fact is to engage in fetishistic disavowal and treat the fiction as if it were truth. Again playing the role of a non-dupe errant, Trump refused to engage in fetishistic disavowal and instead articulated a criticism that news is false. However, rather than see this as a heroic attempt to escape the illusion and attain a greater contact with the Real, a Lacanian analysis encourages us to view this as the complete opposite: an attempt to delve even deeper into fiction. Summarising Lacan’s ideas, Žižek (2006) notes that in art we often encounter attempts to escape the façade and ‘return to the Real’ – for instance, a film character breaking the fourth wall and addressing the audience; or a brutal theatrical event drawing actual blood in order to highlight the physical reality of the stage. Žižek (2006) argues that counter to bringing audiences out of the fiction and closer to the Real, such efforts only delve further into illusion – in a similar way to realism’s claims to escape ideology and engage directly with objective truth. We cannot ever truly see behind the curtain of fiction/ideology/rhetoric etc., and so exaggerated attempts to do so only pull us deeper into ideology, precisely because they promise an escape from it. By ‘pulling back the curtain’ of fake news, Trump promised a truth beyond, but only guided his audience deeper into another fiction.2 To recap the above arguments, mainstream journalism tends to adopt a realist position incommensurate with Lacanian negative ontology; such realism is ill equipped to capture the contingencies of FTAs and IPRs; and neither realist claims to positive coherence, nor critical challenges to reach beyond illusion, can ever actually escape ideology, and in effect only go deeper into it. Given this, what role then can journalism play within a Lacanian negative ontology? One response to this is that while capturing the Real is unattainable, journalism can still engage in ideology critique. For Lacan and Laclau, ideology critique is not the statement of an alternative positive ideological position, but rather the analysis of how any ideological position is negatively constituted. The goal of ideological analysis, therefore, is not to determine which ideology is false and which correct, but to examine where any ideology, discourse, identity, or structure is rendered incomplete and negatively constructed by its own ruptures and antagonisms (Glynos 2001). Such an approach has been criticised for its normative deficit, in that it can critique ideology, but cannot point to which ideologies are ‘better’ than others (Critchley 2004). For Laclau, however, such analysis is a crucial moment in progressive social change. It is only by revealing the contingency and strategic construction of hegemonic regimes that the possibility for change can be fostered, and alternative positions legitimised. Laclau (1990) refers to this as ‘reactivation’, where the contingent processes leading to the naturalisation of a hegemonic form are rendered visible – for instance, through detailed historico-contextual analysis of the strategic social projects involved in its formation (Glynos 2001). Furthermore, for Glynos (2001) and Marchart (2011), a proper negative ontological critique must go beyond reactivation and focus not just on contingency, but on the impossibility of the discourse, that is, on the forces rendering the discourse incomplete. For Marchart, media representation can indeed achieve this is moments of ‘mediality’, where media focus on the fundamental antagonism within social practice, and are ‘touched by the mediality of antagonism’ (2011, 78). Quoting Leonard Cohen – ‘a crack in everything – that’s how the light gets in’ – Marchart argues that ideological critique can only occur when media focus explicitly on the ruptures and breaches structuring social formations (2011, 78). Indeed, he argues, it is only when media focus on the fundamental antagonism underlying all social practice that they can create a true public sphere, facilitating both the ‘public’ itself, and the means for political contestation. In this view, journalism can indeed enact ideology critique and escape the naturalisation of hegemonic discourses, but only when it is attuned to the ‘cracked’, or incomplete, nature of all social formations. Such an approach, if applied to FTAs and IPRs, would focus not on the positively expressed aspects – the laws, administrations, and negotiating forums – but on the competing definitions of key terms, the strategic campaigns to naturalise meaning, the multiple social actors engaged in such definition, and the inconsistencies and contradictions concealed within naturalisations. In short, it would focus not on the positively manifest aspects of how things ‘fully are’, but on the negatively latent forces preventing aspects from ‘ever fully being’.

#### The role of the ballot is to endorse the Hysteric’s discourse. The Master’s discourse, as whole and undivided by language, simply assumes its justification for its existence. It is unconcerned with knowledge production so long as it doesn’t challenge it which repackages multiculturalism to limit radical transformative potential. The Hysteric maintains division between consciousness and the unconscious while testing the Master’s discourse to reveal its hidden split. Viego:

“Dead Subjects: Towards a Politics of Loss in Latino Studies” by Antonio Viego 2007 Duke University Press // LHPDD

“Looking at the formula for **the master’s discourse** in figure 7, we note that the master is situated in the upper left-hand corner, S∞ representing the signifier that **needs no alibi or justification for its manipulation of power; it just is because it says it is.** Again, for the purposes of reflecting early-twenty- first-century articulations and elaborations of multiculturalism in North American universities and illustrating the university’s role in helping perpetuate and deepen the alienated labors of ethnic resemblance that Chow names ‘‘coercive mimeticism,’’ I identify the university as speaking the master’s discourse in relation to Latino studies as a field, which is why I choose to represent the university with the matheme S∞. Directly across its way is S≤, representing the body of knowledge that S∞, the university, puts to work. In my example, I have two laboring bodies in mind: the body of knowledge called Latino studies and the instrumentalized body of the Latino studies professor. **The** Latino studies **laborer produces** something in the way of **knowledge, but the master is unconcerned with the nature of this knowledge. The production of this knowledge doesn’t affect how business as usual is conducted. It is not allowed to have transformative potential. The only requirement is that the work keeps getting done and that the worker keep doing it. Let’s think of the requirement as that of the ongoing circulation of difference just for difference’s sake or, more specifically, as the packaging of** Latino **cultural difference in the service of teaching about and codifying so-called** Latino **cultural difference** for the delectation of the masses. That ‘‘difference’’ is represented by the a in the lower right-hand corner; this is the surplus produced by the Latino studies professor’s labor in the context of contemporary university multiculturalism and diversity rationales.∏≤ The university-qua-master appropriates this surplus. Generally speaking**, the master’s discourse is primarily concerned with giving the appearance of** having not been submitted to symbolic castration— **not having been subjected to language as structure like the other human subjects laboring in language.** Translated into the terms of my example, the university must ensure that **it is not transformed or challenged in any substantive way** by a broadly conceived and far-ranging Latino studies critique of knowledge production. The split or crack in the master’s discourse—the revelation through Latino studies critique of the motives for the university’s production and appropriation of difference as knowledge for prestige (the ego’s prestige) and financial profit—is represented by $, which occupies the place of truth in the lower left-hand corner. In **the hysteric’s discourse** (figure 8), the upper left-hand corner **is** occupied by $, **the split or barred subject who interrogates and puts** S∞, **the master signifier, to the test, calling it into question, making it prove that it has what it takes.** **Where both the master’s and university’s discourses try to cover over a basic lack that blisters any attempt at complete knowledge that is fully transparent to itself, the hysteric’s discourse keeps pointing to the breach, to the hole in the discourse that wants to be free of lack and division. ‘‘The hysteric maintains the primacy of subjective division, the contradiction between conscious and unconscious, and thus the conflictual, or self-contradictory, nature of desire itself.’’**∏≥ The cultural and political critique deployed in Latino studies possesses the ability to hystericize university discourse. This hystericization of university discourse would ideally necessitate an intensive study—and reorganization—of the politics of knowledge production in the university and the uses to which we think we are to put those knowledges. Darder and Torres write, ‘‘Latino Studies is forthrightly directed toward promoting critical scholarship—schol- arly work carried out with the expressed intent of challenging the current nature of economic inequality and social oppression.’’” (132-134)

## Case

### Schlag

#### THERE’S NO REASON TO VOTE AFF – THEY CAN’T ARTICULATE ANY LINKAGE BETWEEN THEIR PRESCRIPTIONS AND PRACTICAL, WORLDLY EFFECTS

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In fact, **normative legal thought** is so much in a hurry that it **will tell you what to do even though there is not the slightest chance that you might** actually **be in a position to do it.**  For instance, when was the last time you were in a position to put the difference principle   n31 into effect, or to restructure  [\*179]  the doctrinal corpus of the first amendment? "In the future, we should. . . ." When was the last time you were in a position to rule whether judges should become pragmatists, efficiency purveyors, civic republicans, or Hercules surrogates?  **Normative legal thought** doesn't seem overly concerned with such worldly questions about the character and the effectiveness of its own discourse.  It just goes along and **proposes**, recommends, **prescribes**, solves, **and resolves.  Yet** despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all practical purposes, **its only consumers are** legal **academics** and perhaps a few law students -- persons who are **virtually never in a position to put any of its** wonderful normative **advice into effect.**

#### NO SOLVENCY – THEIR DESCRIPTION OF THE STATUS QUO PRESUPPOSES A RATIONAL, AUTONOMOUS SUBJECT THAT NOT ONLY DESCRIBES THE BUREAUCRACY BUT ALSO OUR AGENCY, TO ACT AS EMPOWERED CARTESIAN EGOS – IN REALITY, THESE SUBJECT POSITIONS DON’T EXIST

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For these legal thinkers, it will seem especially urgent to ask once again: What should be done? How should we live? **What should the law be?** These are the hard questions. These are the momentous questions. [\*805] And they are the wrong ones. They are wrong because it is these very normative questions that reprieve legal thinkers from recognizing the extent to which the cherished "ideals" of legal academic thought are implicated in the reproduction and maintenance of precisely those ugly "realities" of legal practice the academy so routinely condemns**.** It is **these normative questions** that **allow legal thinkers to shield themselves from the recognition** that their work product consists largely **of the reproduction of rhetorical structures by which human beings can be coerced** into achieving ends of dubious social origin and implication. It is **these** very **normative questions** thatallow legal academics tocontinue to **address** (rather lamely) **bureaucratic power structures as if they were** rational, morally competent, individual humanist subjects. It is these very normative questions that allow legal thinkers to assume blithely that -- in a world ruled by HMOs, personnel policies, standard operating procedures, performance requirements, standard work incentives, and productivity monitoring -- they somehow have escaped the bureaucratic power games. It is these normative questions that enable them to represent themselves aswhole and intact, as **self-directing individual liberal humanist subjects at once rational**, morally competent, **and in control** of their own situations, the captain of their own ships, the Hercules of their own empires, the author of their own texts. It isn't so. n5