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#### The 1AC’s attempt to change public belief based on the injection of new knowledge into the debate economy allows contrary beliefs to frame themselves as a “radical” rebellion against authority—this turns the case

McGowan, 2013 (Todd, Associate Professor in the College of Arts and Sciences at the University of Vermont, Enjoying What We Don’t Have, pg. 247-250)

Dawkins proceeds in his assault on belief in the precise manner that Noam Chomsky proceeds in his critique of contemporary capitalism. Underlying the arguments of both is the belief that if people simply had all the facts, they would abandon either their religious belief or their investment in the capitalist mode of production. But religious belief and ideological commitment are not reducible to knowledge. Both represent libidinal investments that provide adherents with a reward that no amount of knowledge can replace. What Dawkins’s argument against belief leaves intact – and what every argument against belief leaves intact – is the enjoyment that derives from believing. In fact, arguments that make clear the inutility of belief augment this enjoyment rather than detracting from it. Enjoyment has an inverse relationship to utility: we enjoy in proportion to the uselessness of our actions. If an activity such as belief is useful, we gain something from it. It might, for instance, provide us healing during a time of illness or bring a good harvest during a drought. When an activity is not useful, however, it results in no tangible or even immaterial benefit; pursuing it involves pure expenditure without any return and thus wastes time, energy, resources, and life itself. Religious belief is essentially waste and pointless sacrifice, which for critics augurs its eventual elimination. But when one examines religion from the perspective of human enjoyment, its wastefulness becomes the chief source of its attraction. Looked at from one side, the sacrifice that religion demands is not wasteful but productive: the believer gives up something in this life (sensual pleasures, free time on the weekend, and so on) in order to gain a blissful life in the afterworld. Belief, in this sense, operates according to the logic of exchange, and the exchange accrues to the benefit of the believer, since almost everyone would sacrifice some immediate pleasure for the assurance of eternity in heaven. Even religions without a clear conception of the afterlife (life Judaism) nonetheless offer the believer tangible rewards – a sense of membership in a community, transcendent justification for one’s actions, and so on. If this account of belief were sufficient to explain the phenomenon, the arguments against belief would have a cogency that they in fact lack. As Dawkins shows from the perspective of evolutionary biology and as Stenger shows from the perspective of physics, the probability that there is a God and that there is an afterlife is almost zero. 11 Given the odds, belief represents a poor investment and should attract very few adherents. But if the driving force behind belief is not eternal bliss but the very act of sacrifice itself – a wasteful rather than a productive act – the arguments against belief would lose all of their force. Wasteful sacrifice appeals to us because we emerge as subjects through an initial act of ceding something without gaining anything in return. The creative power of the human subject stems from its ability to sacrifice. Through sacrificing some part of ourselves, we create a privileged object that will constitute us as desiring subjects, but this object exists only as lost or absent and has no existence prior to the sacrificial act that creates it. There is a fundamental dissatisfaction written into the very structure of subjectivity that no one can ever escape. But at the same time, the act of sacrifice itself allows us to create anew our lost object. Through religious belief, the subject repeats the original act of sacrifice that constitutes its desire. Belief thus provides a foundational enjoyment for the believer, who, through the act of believing, wastes without recompense. The promise of a future reward in the afterlife is nothing but the alibi that religion provides in order to seduce the subject on the conscious level. But this is not where the real libidinal appeal of religion lies. The proliferation of religious belief is inextricable from its failure to deliver on its promises and from its status as a bad investment for the devout. Especially in the contemporary world, religious belief provides respite – an oasis of enjoyment – for the subject caught up in the capitalist drive to render everything useful and banish whatever remains unproductive. 12 The more that the demands of capitalist relations of production imprint themselves on a social order, the more that subjects – or at least a subset of them – within that order will turn toward religious belief or some other form of pure sacrifice (such as sports fandom). Capitalism installs a regime of utility that demands productive accumulation and leaves little space for useless expenditure. As Marx points out in the *Grundrisse*, Just as production founded on capital creates universal industriousness on one side – i.e., surplus-labour, value-creating labour – so it does create on the other side a system of general exploitation of the natural and human qualities, a system of general utility, utilizing science itself just as much as all the physical and mental qualities, while there appears nothing *higher in itself*, nothing legitimate for itself, outside this circle of social production and exchange. Thus capital creates the bourgeois society, and the universal appropriation of nature as well as of the social bond itself by the members of society. 13 The social bond within capitalist society is one that unites all subjects and all objects in a general calculus of utility. In the midst of this system, subjects increasingly carve out the space for useless acts, and religion provides a ready arena for them. Though the Protestant ethic may have initially paved the way for the development of capitalism, today it is capitalism and its ethos of general utility that provides the ground, albeit negatively, for religious belief. 14 Consequently, displaying the uselessness of religious belief or its wastefulness can only have the effect of highlighting its ultimate value for the believer. Demonstrating the improbability of God’s existence – one of the goals of *The God Delusion* and the other attacks on belief – allows believers who sustain belief in spite of this improbability to experience themselves as radicals. This is a great problem in contemporary society because the prevailing ideological modes of subjectivity is that of the rebel or outsider. Though religious belief involves bowing to authority, the contemporary believer also experiences the enjoyment that comes from defiance of earthly authority. In most societies today, there is simply no earthly authority inveighing against faith or even prohibiting it; there is no one to defy. But Richard Dawkins, Sam Harris, Christopher Hitchens, and the other contemporary critics of religion help to erect just such an authority. One might even imagine that their books were undertaken with the unconscious aim of allowing believers to enjoy their belief.

#### Anticapitalist struggles attempt to remove the limits of capitalism to reach a utopian society in which the forces of production experience no constraints - the impact is lashouts and it just reproduces capitalism.

McGowan 16 - Todd McGowan is an Associate Professor of English at the University of Vermont, 2016 [“Capitalism and Desire: The Psychic Cost of Free Markets”, Columbia Press New York, pages 19-34] rpg

When Marx discusses the contradictions of capitalism, he is really describing the system as one of true infinitude. This becomes evident in the middle of the third volume of Capital, where he makes a famous proclamation about the limits of capitalism. He says, “The true barrier to capitalist production is capital itself.” The project of infinitely expanding the forces of production encounters the barrier of capital’s need to become profitable. A bit later, Marx contrasts capitalist means with the capitalist end, noting that “the means—the unrestricted development of the social forces of production—comes into persistent conflict with the restricted end, the valorization of the existing capital.” The limit is not external to capitalism but the product of its own striving to transcend every limit. In the capitalist universe the logic of the bad infinite leads the system directly to the true infinite, and this infinite spells its failure. Marx is able to see this but then goes awry when he tries to imagine communism in response to this contradiction. The problem with Marx’s conception of communist society derives from his investment in the capitalist bad infinite. In other words, Marx would have been a better revolutionary if he had remained a Hegelian. The revolution, as Marx sees it, would unleash the forces of production without any restriction at all from the mode of production, from capital’s need for self-valorization. This image of a future of unrestricted production jettisons the limit altogether. Instead of continually surpassing their limit (which is what occurs under capitalism), the forces of production would experience no limit at all. They would continue to grow unabated in concert with the growth of desire. Marx’s image of a society without a limit errs not just due to its fantasmatic nature, as many critics claim. The problem with this vision of the future is that it is not fantasmatic enough. In an actual fantasy the subject does not just envision the complete evanescence of the limit and untrammeled access to the object. Instead, the fantasy introduces an external limit where none exists, thereby enabling the subject to enjoy the object through this barrier. Fantasy focuses on the loss of the object and then shows its reacquisition, but the loss has primacy, which is why only the last few minutes of Hollywood fantasies are devoted to the object’s reacquisition. By completely eliminating the barrier when it comes to imagining the economy of the future, Marx betrays his own critique of capitalism and the communist fantasy of escaping it. Here Marx’s analysis undergoes a shocking change: he compellingly identifies how capitalism stumbles on the true infinite while pursuing the bad infinite of endless progress, but then he theorizes communism as the perfect realization of the bad infinite when he proclaims that communism will remove all restraints on the forces of production. It is commonplace to laud Marx as a critic of capitalism and criticize him as a prophet of communism, but in this passage from the third volume of Capital the reason for this discrepancy becomes clear. The true infinite simply drops out of the analysis. This departure from Hegel right at the point of Hegel’s key insight creates a chasm between Marx’s analysis of capitalism and his image of the communist future. The one benefits from the conception of the true infinite while the other is handicapped by its absence. The failure to sustain the idea of the true infinite leads Marx to misrepresent the nature of the dialectical shift that would occur with the transition from capitalism to communism. For Marx, communism will solve the contradiction between the forces of production and the means of production in capitalism—and thus allow for unfettered productivity. Hegel never conceives of dialectical transitions in this way. The transition or Aufhebung does not involve an elimination of the limit that haunts the prior structure, as it does for Marx. Instead, it involves a recognition that the limit is internal to the structure rather than external. Aufhebung requires, in other words, a recognition that the limit is not a contingent barrier but a necessary obstacle constituted through the structure’s own logical requirements. To take an example from The Phenomenology of Spirit, Hegel insists that stoicism as a philosophy runs aground on its own internal obstacle. Stoicism preaches a retreat from the external world into the serenity of the self, but at the same time, it requires the hostile external world from which the stoic can execute a retreat. Th e unconscious focus of the stoic is on the external world that the stoic claims to disdain. The dialectical move out of stoicism, for Hegel, involves making the unconscious focus on the external world qua obstacle into the basis of a new philosophy— skepticism. The skeptic doesn’t retreat from the external world but calls its reality into question. In this way, the obstacle undergoes a dramatic transformation and becomes the center of the new philosophy. If we follow Hegel’s line of thought about change, then we must rethink the relationship to the obstacle or limit that capitalism establishes. It cannot simply be a question of dispensing with this limit altogether. To try to do so is to fall into the capitalist trap, as Marx himself does, despite—or perhaps because of—his fervent anticapitalism. Capitalism demands the notion of the natural world as an external limit that it will constantly work to overcome, but it cannot integrate any limit as internal to its own functioning. This is what Hegel’s dialectic would demand. His version of communism or socialism would thus be significantly different from Marx’s. Marx, as everyone who reads him knows, offers very little description of the nature of communist society. The most famous of these moments occurs in The German Ideology, when he and Engels pause during their opening diatribe against Ludwig Feuerbach to offer their vision of the postrevolutionary future. In their brief account of communist society, they portray a world in which limits do not exist. They claim that one will be able “to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, shepherd or critic.” Marx and Engels provide a description of how socialist society would strip away fixed social identity. The problem with this image of the future is its resemblance to the capitalist present. Today, economic necessity forces many workers to be newspaper carriers in the morning, convenience store clerks in the afternoon, and janitors in the evening. Though this is a parody of what Marx imagines, it does suggest that the overcoming of fixed identity is not necessarily an anticapitalist development. Fixed identity is yet another limit that capitalism itself aims to overcome and does.

#### Their seemingly radical strikes just sustains the capitalist system by creating another obstacle that capitalist production gets to overcome.

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Capitalism, in contrast, can not only tolerate the refusal of its demands but relies on such refusals—outbursts of nonproductivity—in order to sustain itself. When subjects refuse to enter into the regime of productivity and actualize themselves, they inject new possibilities into the capitalist system and create new values. This doesn’t mean that resistance is futile and that nonproductivity changes nothing, only that capitalism can capitalize on it. Whereas the newness Socrates creates in Athenian society destroys that society, capitalism depends on such figures of refusal. Capitalism’s reliance on the outburst of nonproductivity that is politically opposed to the system is manifest in the response to the student movement of the 1960s. For many leftists, the 1960s—and especially May 1968—represent a highpoint in recent political history. In contrast with the apolitical years of the 1980s and 1990s when university students around the world seemed more focused on finding a place within the capitalist economy than on asserting themselves politically, the 1960s were a time of dissatisfaction with this economy, a time when many tried to “turn on, tune in, and drop out.” The student radicals took up a position of nonproductivity and refused to comply with capitalist society’s demand that they become productive members of this society. They were a group who preferred not to contribute to capitalist relations of production. The nonproductivity of the student movement became literal in the free speech movement at Berkeley. Led by Mario Savio, Berkeley students began by protesting against, as the name of the movement suggests, university restrictions on speech. When the police arrived to arrest students who occupied university buildings, the students responded in a unique way that indicated their commitment to nonproductivity. Rather than go quietly with the police or resist arrest—what seem to be the only two legitimate options for someone in this situation—they let their bodies go limp so that the police had to drag them from the buildings. When this happens, the resistance against capitalist society and the refusal to go along with the demands of that society confront every viewer of the scene. The development of this form of resistance represents a brilliant strategy on the part of the free speech movement precisely because it is not just a strategy. The form of the protest is the expression of its content. Fighting back against the police does not simply run the risk of escalating repressive violence. It also involves an assertion of productivity and testifies to an inherent complicity with the capitalist system against which one is struggling. The limp body, in contrast, does not just negate but rather affirms nonproductivity. Though the authority figures of capitalist society responded to the revolts with displays of force, capitalism as a system found revitalization in them. As Luc Boltanski and Eve Chiapello rightly note in their discussion of May 1968 in France, “it was by recuperating some of the oppositional themes articulated during the May events that capitalism was to disarm critique, regain the initiative, and discover a new dynamism.” Th is final point is the most significant. The assertion of nonproductivity within capitalism’s regime of productivity fuels the regime. Capitalism requires the assertion of nonproductivity in order to continue to survive, as nonproductivity renews capitalism by providing it with a limit that it must conquer. In response to the student revolts, it had to realign itself in accordance with the demands that they articulated. New products and professions followed in the wake of these revolts. The insistence on nonproductivity in the student revolts of the 1960s went beyond limp bodies. It manifested itself in the insistence on sexual liberty, in the refusal to fight in the Vietnam War, in demands for university reform, in advocacy for civil rights, and so on. Th e nonproductivity of the revolts was the source of new value for capitalist society. Th is is most clearly the case with the sexual revolution. The status of sexuality after the student revolts of the 1960s underwent a vast transformation. Th e idea that sex should be restricted to married life became outmoded and restricted to a nostalgic reaction to sexual liberation. Even if most people did not take up the practice of free love, the relaxation of sexual mores proliferated throughout capitalist society. Though some had the dream that sexual liberation would topple capitalism, the effect was quite the contrary. Th e movement opened a new market and allowed capitalism to expand into a previously unavailable domain. After sexual liberation, sex became a new source of value. Businesses began selling more sexy underwear, revealing clothes, and sex toys. Th e pornography industry began in earnest in the United States in the 1970s, and it opened up a vast field of production to meet an increasing demand. In fact, in 1972 the porn film Behind the Green Door (Artie Mitchell and Jim Mitchell) was the fourth highest grossing film of the year in the United States, beating out popular mainstream films such as Cabaret (Bob Fosse, 1972) and Th e Getaway (Sam Peckinpah, 1972). And in a more indirect manner, sex became fecund territory for advertisers, as innumerable companies began to appeal to consumers by associating their products with sex. One can now see sexually explicit advertisements that would have been unthinkable in the 1960s. Rather than harming capitalism, sexual liberation helped to save it.

**The 1AC’s demand to be recognized as a form of political dissent is an investment in the hegemonic order – the power of demand stems from the authority of the system. The 1nc is a no to the affirmative and disrupts the agential fantasy in favor of reinvesting desire in light of the death drive**

**Lundberg ’12** (Christian, Associate Prof. of Rhetoric @ UNC Chapel Hill, “On Being Bound to Equivalental Chains,” Cultural Studies, Volume 26, Issue 2-3, 2012)

On this diagnosis, the Mexican response typifies institutional attempts to downplay protest, a problem of misrecognition. The problem here is not that the protest is ineffective per se, but that the Mexican authorities do not recognize the danger that the protestors pose: the lack of recognition does not make the protest ineffective - the statement reaffirms that ‘ordinary citizens’ continue to represent the ‘biggest threat to the WTO’. Instead, the fact that the Mexican Government and the WTO misrecognize the power of ordinary citizens animates this critique. Not to be outdone, the Mexico Solidarity Network created an online form letter for self-identified ‘dangerous anti-globalization groups’: Dear Government Agents Bent on Restricting Civil Liberties,¶ I recently found out about the ‘watch list’ prepared by Mexican authorities, purportedly to quell the voice of civil society at the upcoming WTO Ministerial in Cancun . . . Please add my name to your ‘watch list’ immediately!! Nothing less is acceptable.¶ (Mexico Solidarity 2004)¶ How might we understand such demands for recognition by the Mexican authorities? One might read such demands as parodic critiques of globalization and security, as ironic calls for mobilization, as foregrounding the ideology of globalization, as a strategy of over-identification, or as any combination of these. Perhaps, **the purpose of the demands is simply inclusion, calling for the democratization of global governance. But these demands are not simply demands for inclusion: they are also demands to be recognized as dangerous and in solidarity with other similarly dangerous global citizens**. On the one hand, such demands often accompany calls for specific changes in processes of global governance, aiming at concrete change. But on the other hand, these demands also condense a more universal demand for recognition of the act of dissent. As Laclau might have it, demands are caught up in a formal logic of trope: metonymic connections between disparate demands are condensed in metaphors that figure a relation to and make claims on a political order. But it is also possible to detail the rhetorical functionality of such demands by taking them both as a set of tropologically animated connections, and simultaneously at their word in reading the affective implications of a literal call to be recognized as dangerous to and excluded from the processes of global governance. How is it possible to ground a literal reading of the rhetorical functionality of the demand to be recognized as dangerous in this case? This reading strategy involves identifying a supplemental split to the one between the universal and particular political content of a demand, between subjects who enjoy the mere fact of affinity with a group as a mode of (mis)identification and the set of identitarian equivalences inaugurated by entry into the particular. This strategy involves reading such utterances both as specific political demands, as containing a universal commitment that authorizes equivalential linkages, and simultaneously as practices of enjoyment, creating ritually repeated relationships to a hegemonic order. On this reading it is not the change that the demand anticipates that is significant, nor is in the political potential of forging equivalential links, **but rather the role demand plays for the one who utters it, and the modes of interpassive political affinity entailed**.¶ Working through the complexity of demands requires reading the demand for recognition as a practice of enjoyment **􏰑** as an affectively invested call for sanction and love by the governing order. Framing demands as a practice of enjoyment opens a conversation with and point of political critique for Laclau’s conception of the demand by marking the affective complexity of the politics of demands **􏰑** **demands also entail a perverse dialectic of political agency as resistance and simultaneous interpassive political constraint**. Demands empower forms of political agency by generating an oppositional relationship to hegemonic structures, and by providing the equivalential preconditions for identity. As Slavoj Zˇizˇek might have it, there is always the risk that the demands of protestors are the supplement that authorizes the functioning of capital(Zˇizˇek 2000).**∂** Laclau and the politics of the demand∂ Laclau’s On Populist Reason provides an elegant account of demand as the fundamental unit of the political, and by extension of politics as a field of antagonism. Laclau’s basic goal is to define the specificity of populist reason, or, to give an account of populism as ‘special emphasis on a political logic which, is a necessary ingredient of politics tout court’, of ‘Populism, quite simply, as a way of constructing the political’ (Laclau 2005, p. 18). Here, a focus on demands replaces a now prevalent approach focused on various taxonomies of populism (which Laclau diagnoses as hopelessly unsystematic) with a more formal account of the political based on the logic of demands, which in turn provides a way of thinking about the political as the space of demand and politics as a practice of working through specific demands.∂ Demands serve a number of functions that derive from the split between the universal and the particular that Laclau relies upon. Demands articulate a specific political claim at the level of the particular, and also imply a more generalized relationship to hegemony in the register of the universal. On this logic, demands represent the hegemonic order, creating an implicit picture of how it functions and might change. Simultaneously, demands create possible lines of equivalential affinity between others also making demands on the hegemonic order. Thus, the demand is more fundamental than the group, in that the operation of the split demand inaugurates all ‘the various forms of articulation between a logic of difference and a logic of equivalence’ that animate the social affinities that give groups their coherence (Laclau 2005, p. 20). The logic of the demand is in turn the logic of equivalence, and equivalence is as important for how it animates a group identity, as it is in positing claims on a hegemonic order.∂ Although Laclau owes a significant debt to Freud and Lacan, it is not clear that his theory of demand is explicitly crafted from psychoanalytic categories. For example, how central is enjoyment to Laclau’s relatively formal account of the demand? As Glynos and Stavrakakis have argued, there is a ‘complete and conspicuous absence in Laclau’s work of Lacanian categories such as fantasy, and, perhaps more importantly, jouissance’ (Glynos and Stavrakakis 2006, p. 202). Glynos and Stavrakakis claim that there is ‘to [their] knowledge no reference in Laclau’s work to the concept of jouissance’ (Glynos and Stavrakakis 2006, p. 209).∂ On Populist Reason contains a brief discussion of the concept of jouissance as worked out by Copjec, which Laclau summarizes by saying:∂ there is no achievable jouissance except through radical investment in an objet petit a. But the same discovery (not merely an analogous one) is made if we start from the angle of political theory. No social fullness except through hegemony; and hegemony is nothing more than the investment in a partial object, of a fullness which will always evade us. The logic of the objet petit a and the hegemonic logic are not just similar, they are simply identical. (Laclau 2005, p. 109)∂ There is an elegance to Laclau’s point about enjoyment, provided that enjoyment is reducible to a set of logical forms. This presupposition makes the lack of talk about jouissance in Laclau’s work understandable. If jouissance and hegemony are identical, one does not need Lacan to say something that might be said more elegantly with Gramsci. Jouissance is simply hegemonic investment, an elevation of an object or identity to the level of a thing or a universal.∂ Despite occasional caveats to the contrary, the greatest virtues of Laclau’s version of the political stem from his relentlessly persistent application of a formal, almost structural account of the political. And, as is the case with many well executed structuralist accounts, Laclau’s system can elegantly incorporate caveats, objections to and oversights in the original system by incorporating them into the functioning of the structure jouissance can easily be read as nothing more than hegemony in this account without changing the original coordinates of the system too drastically.∂ Yet, enjoyment provides one particularly difficult stumbling block for a dedicated formal account. To start with, enjoyment is never quite as ‘achievable’ as the preceding quotation might suggest. Far from being the consummation of a logic of structure and investment, enjoyment is a supplement to a failing in a structure: for example, Lacan frames jouissance as a useless enjoyment of one’s own subjectivity that supplements the fundamental failings of a subject in either finding a grounding or consummating an authoritative account of its coherence. This ‘uselessness’ defines the operation of jouissance. Thus, for example, when Lacan suggests that ‘language is not the speaking subject’ in the Seminar on Feminine Sexuality, lodging a critique of structural linguistics as a law governing speech, jouissance is understood as something excessive that is born of the failure of structures of signification (Lacan 1977). Language is not the speaking subject precisely because what is passed through the grist mill of the speech is the result of a misfiring of structure as much as it is prefigured by logics of structure, meaning and utility. Therefore the interpretive difficulty for a structuralist account of enjoyment: the moment that the fact of enjoyment is recoded in the language of structure, the moment that it is made useful in a logic of subjectivization is precisely the moment where it stops being jouissance.∂ Following Glynos and Stavrakakis’s suggestion, one might press the question of the relationship between the demand and jouissance as a way of highlighting the differences that a purely Lacanian reading of demand might make for Laclau’s understanding of politics. Framing enjoyment as equivalent with hegemony, Laclau identifies the fundamental ‘split’ in psychoanalytic theory between the universal and the particular demands of a group. Framing the split in this way, and as the privileged site of the political, Laclau occludes attention to another split: namely, the split within a subject, between the one who enters an equivalential relationship and the identitarian claim that sutures this subject into a set of linkages. This too is a site of enjoyment, where a subject identifies with an external image of itself for the sake of providing its practices of subjectivity with a kind of enjoyable retroactive coherence. The demand is relevant here, but not simply because it represents and anticipates a change in the social order or because it identifies a point of commonality. Here the demand is also a demand to be recognized as a subject among other subjects, and given the sanction and love of the symbolic order. The implication of this argument about the nature of enjoyment is that the perverse dialectic of misfirings, failure and surpluses in identity reveals something politically dangerous in not moving beyond demand. Put another way: not all equivalences are equally equivalent. Some equivalences become fetishes, becoming points of identification that eclipse the ostensible political goal of the demand. To extend the line of questioning to its logical conclusion, can we be bound to our equivalential chains?∂ Freud, Lacan and the demand∂ Demand plays a central role in Freud’s tripartite scheme for the human psyche specifically in the formation of the ego. Although this scheme does not exercise the same hold over psychoanalytic thinking that it once did, the question of the ego still functions as an important point of departure for psychoanalytic thinking as a representative case of the production of the subject and identity. Even for critics of ‘ego psychology’, the idea of the ego as a representation of the ‘I’ of the human subject is still significant the main question is what kind of analytical dispositions one takes towards the ego, the contingencies of its emergence and its continuing function.∂ Despite the tendency of some commentators to naturalize Freud’s tripartite schema of the human psyche, Freud’s account of the ego does not characterize the ego as pre-existent or automatically given. Although present in virtually every human subject, the ego is not inevitably present: the ego is a compensatory formation that arises in the usual course of human development as a subject negotiates the articulation and refusal of its needs as filtered through demand. Hypothetically a ‘subject’ whose every need is fulfilled by another is never quite a subject: this entity would never find occasion to differentiate itself from the other who fulfils its every need.∂ As a mode of individuation and subjectification, egos are economies of frustration and compensation. This economy relies on a split in the Freudian demand, which is both a demand to satiate a specific need and a demand for addressee to provide automatic fulfilment of need generally. The generative power of the demand relies on this split and on fact that some demands will be refused. This economy of need and frustration works because refusal of a specific need articulated as a demand on another is also a refusal of the idea that the addressee of the demand can fulfil all the subject’s needs, requiring a set of individuation compensatory economic functions to negotiate the refusal of specific demands.∂ ‘Ego’ is nothing more than the name for the contingent economy of compensatory subjectification driven by the repetition and refusal of demands - the nascent subject presents wants and needs in the form of the demand, but the role of the demand is not the simple fulfilment of these wants and needs. The demand and its refusal are the fulcrum on which the identity and insularity of the subject are produced: an unformed amalgam of needs and articulated demands is transformed into a subject that negotiates the vicissitudes of life with others. Put in the metaphor of developmental psychology, an infant lodges the instinctual demands of the id on others but these demands cannot be, and for the sake of development, must not be fulfilled. Thus the logic of the pop-psychology observation that the incessant demands of children for impermissible objects (‘may I have a fourth helping of dessert’) or meanings that culminate in ungroundable authoritative pronounce- ments (the game of asking a never-ending ‘whys’) are less about satisfaction of a request than the identity producing effects of the distanciating parental ‘no’. In ‘The Question of Lay Analysis’, Freud argues:∂ If . . . demands meet with no satisfaction, intolerable conditions arise . . . At that point . . . the ego begins to function. If all the driving force that sets the vehicle in motion is derived from the id, the ego . . . undertakes the steering, without which no goal can be reached. The instincts in the id press for immediate satisfaction at all costs, and in that way they achieve nothing or even bring about appreciable damage. It is the task of the ego to guard against such mishaps, to mediate between the claims of the id and the objections of the external world. (Freud 1986, p. 22)∂ Later works move this theory from the narrow bounds of the parent/child relationship to a broader social relationship which was continually constituting and shaping the function of the ego this is a theme of works such as Group Psychology and the Analysis of the Ego, as well as Civilization and its Discontents. The latter repeats the same general dynamics of ego formation as ‘The Question of Lay Analysis’, but moves the question beyond individual development towards the entirety of social relations. For Freud, the inevitability of conflicts between an individual and the social whole is simply one of the facts of life among other people. Life with others inevitably produces blockages in the individual’s attempts to fulfil certain desires some demands for the fulfilment of desires must be frustrated. This blockage produces feelings of guilt, which in turn are sublimated as a general social morality. Here frustration of demand is both productive in that it authorizes social moral codes, and civilization as mode of functioning, though it does so at the cost of imposing a constitutively contested relationship with social mores (Freud 1989).∂ Though there are many places to begin thinking the Freudian demand in Lacan, one of the best places to start is an almost accidental Lacanian rumination on demands. Confronted by student calls to join the movement of 1968 Lacan famously quipped: ‘as hysterics you demand a new master: you will get it!’ Framing the meaning of his response requires a treatment of Lacan’s theory of the demand and its relationship to hysteria as an enabling and constraining political subject position.∂ Lacan’s theory of the demand picks up at Freud’s movement outward from the paradigmatic relationships between the parent/child and individual/ civilization towards a more general account of the subjects, sociality and signification. The infrastructure supporting this theoretical movement transposes Freud’s comparatively natural and genetic account of development to a set of metaphors for dealing with the subject’s entry into signification. Lacan’s goal is to rearticulate Freudian development processes as metaphors for a theory of the subject’s production within signification. In Lacanian terms, what is at stake in this transposition is a less naturalized account of the subject by privileging supplementary practices of enjoyment that give a subject coherence as an agent, not in the sense of an ultimate ontological grounding, but rather as a mode of enjoying the repetition of retroactive totalities that name and produce subjects.∂ This process is most famously worked out in Lacan’s famous ‘Mirror Stage’ which details the trauma of the subject’s insertion into the symbolic order, and the way that this constitutive dislocation generates the jouissance that sustains the production of subjectivity (Lacan 1982a). Looking in the mirror, Lacan’s hypothetical infant does not yet have a concept of a unified self, puzzled by the fact that when it moves the image of the child in the mirror also moves. From the child in the mirror, Lacan infers the existence of two ‘I’s underwriting processes of subjectivization: an ‘ideal I’, a statuesque projection of what it means to be an ‘I’ (in this case the image of the child) and a phenomenological experience of ‘I-ness’.∂ Lacan treats the dialectic of misidentification in the mirror as a constant and constitutive performance of subjectivity as opposed to a specific developmental stage (Wilden 1982). In this interpretation, the child in the mirror stage is a metaphor for the constant production of the subject as a performance of the self in relation to a constitutive gap between the Symbolic and the subject, and the articulation of subjectivity as a category serves to repress the trauma produced in the margin between a nascent subject, its alienation from a projected external identity, and within the structure of signification.∂ The paradoxical effect of this mode of subject formation is that not only does the child ‘discover’ that she is the child in the mirror, it also experiences a disorienting distance between itself and its image. Despite this fact, the child requires the an external image such as the one in the mirror to impose a kind of unity on its experience the image of the other child provides an imaginary framing, a retroactive totality or a kind of narrative about what it means to be a self. The paradox of subjectivity lies in the simultaneity of identifying with an image of one’s self that is given by a specific location within the symbolic order and the simultaneous alienation produced by the image’s externality. Thus, the assumption of a frame for identity cannot ever completely effective, or, a subject is never completely comfortable inhabiting subjectivity there is always an impossible gap between an experience of alienated subjectivity, a prefigured given image of one’s subjectivity and the experience of being produced by the Symbolic.∂ There is a famous Lacanian aphorism that holds that ‘the signifier represents a subject for another signifier’ (Lacan 1977, p. 142). This formulation of the subject’s relation to language inverts the conventional wisdom that ontologically pre-given subjects use language as an instrument to communicate their subjective intentions. Signifiers are constituted by their difference, and subjects come into being in negotiating their entry into this realm of difference. Instead of articulating subjective states through language, subjects are articulated through language, within the differential space of signification. The paradoxical implication of this reversal is that the subject is simultaneously produced and disfigured by its unavoidable insertion into the space of the Symbolic. The mirror stage marks the excess of the demand as a mode of subject formation. Subjects assume the identity as subjects as a way of accommodating to the demand placed on them by the symbolic, and as a node for producing demands on the symbolic, or, of being recognized as a subject (Lacan 1982a, p. 4).∂ Here jouissance is nothing more than the useless enjoyment of one’s own subjectivity, surplus produced in negotiating a difficult gap between the phenomenological and ideal ‘I’s, produced by a failure in relation between Lacan’s phenomenological I and the Symbolic. Both the site of subject production and the site where this subject fills out an identity by investing in equivalential linkages and common demands are sites of enjoyment. In this sense, perhaps there is an excess of jouissance that remains even after the reduction of jouissance to hegemony. This remainder may even be logically prior to hegemony, in that it is a useless but ritually repeated retroactive act of naming the self that produces the conditions of possibility for investment, the defining point for Laclau’s reduction of jouissance to hegemony.∂ This specific site of excess, where the subject negotiates the terms on a non-relationship with the symbolic is the primary site splitting need, demand and desire. Need approximates the position of the Freudian id, in that it is a precursor to demand. Demand is the filtering of the need through signification, but as Sheridan notes ‘there is no adequation between need and demand’ (Sheridan 1982). The same type of split that inheres in the Freudian demand inheres in the Lacanian demand, though in this case the split does not derive from the empirical impossibility of fulfilling demands as much as it stems from the impossibility of ever fully articulating needs to or receiving a satisfactory response from the Other. Since there is no adequation, the specificity of the demand becomes less relevant than the structural fact that demand presupposes the ability of the addressee to fulfil the demand. This impossibility points to the paradoxical nature of demand: namely that the demand is less a way of addressing need than a call for love and recognition by this other. ‘In this way’, writes Lacan, ‘demand annuls (aufheht) the particularity of everything that can be granted by transmuting it into a proof of love, and the very satisfactions that it obtains for need are reduced (sich erniedrigt) to the level of being no more than the crushing of the demand for love’ (Lacan 1982b, p. 286). The difficulty is that the Other cannot, by definition, ever give this gift: the starting presupposition of the mirror stage is the constitutive impossibility of comfortably inhabiting the symbolic – the mirror stage marks the constitutive split between the subject and the Symbolic. This paradoxical split, namely the structural impossibility of fulfilling demands, resonates with the logic of the Freudian demand in that the frustration of demand produces the articulation of desire. Thus, Lacan argues that ‘desire is neither the appetite for satisfaction, nor the demand for love, but the difference that results from the subtraction of the first from the second’ (Lacan 1982b, p. 287). How might this subtraction occur? The answer to this question requires an account of the Other as seemingly omnipotent, and as simultaneously unable to fulfil demands. This sentiment animates the crucial Lacanian claim for the impossibility of the other giving a gift which it does not have, namely the gift of love: It will seem odd, no doubt, that in opening up the immeasurable space that all demand implies, namely, that of being a request for love …. Desire begins to take shape in the margin in which demand becomes separated from need: this margin being that which is opened up by demand, the appeal of which can be unconditional only in regards to the Other … having no universal satisfaction … It is this whim that introduces the phantom of omnipotence, not of the subject, but of the other in which his demand is installed. (Lacan 1982c, p. 311) Transposed to the realm of political demands, this framing of demand reverses the classically liberal presupposition regarding demand and agency. In the classical iteration and contemporary critical theories that inherit its spirit, there is a presupposition that a demand is a way of exerting agency, and that the more firmly that the demand is lodged, the greater the production of an agential effect. The Lacanian framing of the demand sees the relationship as exactly the opposite: the more firmly one lodges a demand the more desperately one clings to the legitimate ability of an institution to fulfil it. Thus, demands ought to reach a kind of breaking point where the inability of an institution or order to proffer a response should produce a re-evaluation of the economy of demand and desire. In analytic terms, this is the moment of subtraction, where the manifest content of the demand is stripped away and the desire that underwrites it is laid bare. The result of this ‘subtraction’ is that the subject is in a position to relate to its desire, not as a set of deferrals, avoidances or transposition, but rather as an owned political disposition. As Lacan frames it, this is a dialectical process, where at each moment the subject is either learning to reassert the centrality of its demands, or where it is coming to terms with the impotence of the other as a satisfier of demands: But it is in the dialectic of the demand for love and the test of desire that development is ordered …. Clinical experience has shown us that this test of the desire of the Other is decisive not in the sense that the subject learns by it whether or not he has a real phallus, but in the sense that he learns that the mother does not have it. (Lacan 1982b, p. 311) Thus, desire both has general status and a specific status for each subject. In other words, it is not just the mirror that produces the subject and its investments, but the desire and sets of proxy objects that cover over this original gap. As Easthope puts it: Lacan is sure that everyone's desire is somehow different and their own – lack is nevertheless my lack. How can this be if each of us is just lost in language … passing through demand into desire, something from the real, from the individual's being before language, is retained as a trace enough to determine that I desire here and there, not anywhere and everywhere. Lacan terms this objet petit a … petit a is different for everyone; and it can never be in substitutes for it in which I try to refind it. (Easthope 2000, pp. 94–95) The point of this disposition is to bring the subject to a point where they might ‘recognize and name’ their own desire, and as a result to become a political subject in the sense of being able to truly argue for something without being dependent on the other as a support for or organizing principle for political identity. This naming is not about discovering a latently held but hidden interiority, rather it is about naming a practice of political subjectivization that is not solely oriented towards or determined by the locus of the demand, determined by the contingent sets of coping strategies that orient a subject towards others and a political order. As Lacan argues, this is the point where a subject becomes a kind of new presence, or in the register of this essay, a new political possibility: ‘That the subject should come to recognize and to name his desire; that is the efficacious action of analysis. But it isn't a question of recognizing something which would be entirely given …. In naming it, the subject creates, brings forth, a new presence in the world’ (Lacan 1988, pp. 228–229). Alternatively, subjects can stay fixated on the demand, but in doing so they forfeit the possibility of desire, or as Fink argues: ‘later, however, Lacan comes to see that an analysis … that… does not go far enough in constituting the subject as desire leaves him or her stranded at the level of demand … unable to truly desire’ (Fink 1996, p. 90). What does this have to do with hysteria? A politics defined by and exhausted in demands is definitionally a hysterical politics. The hysteric is defined by incessant demands on the other at the expense of ever articulating a desire which is theirs. In the Seminar on the Ethics of Psychoanalysis, for example, Lacan argues that the hysteric's demand that the Other produce an object is the support of an aversion towards one's desire: ‘the behavior of the hysteric, for example, has as its aim to recreate a state centred on the object, in so far as this object, das Ding, is, as Freud wrote somewhere, the support of an aversion’ (Lacan 1997, p. 53). This economy of aversion explains the ambivalent relationship between hysterics and their demands. On one hand, the hysteric asserts their agency, even authority over the Other. Yet, what appears as unfettered agency from the perspective of a discourse of authority is also simultaneously a surrender of desire by enjoying the act of figuring the other as the one with the exclusive capability to satisfy the demand. Thus the logic of ‘as hysterics you demand a new master: you will get it!’ At the register of manifest content, demands are claims for action and seemingly powerful, but at the level of the rhetorical form of the demand or in the register of enjoyment, demand is a kind of surrender. As a relation of address hysterical demand is more a demand for recognition and love from an ostensibly repressive order than a claim for change. The limitation of the students’ call on Lacan does not lie in the end they sought, but in the fact that the hysterical address never quite breaks free from its framing of the master. Here the fundamental problem of democracy is not in articulating resistance over and against hegemony, but rather the practices of enjoyment that sustain an addiction to mastery and a deferral of desire. The difficulty in thinking hysteria is that it is both a politically effective subject position in some ways, but that it is politically constraining from the perspective of organized political dissent. If not a unidirectional practice of resistance, hysteria is at least a politics of interruption: imagine a world where the state was the perfect and complete embodiment of a hegemonic order, without interruption or remainder, and the discursive system was hermetically closed. Politics would be an impossibility, with no site for contest or reappropriation and everything simply the working out of a structure. Hysteria is a site of interruption, in that hysteria represents a challenge to our hypothetical system, refusing straightforward incorporation by its symbolic logic. But, stepping outside this hypothetical non-polity, hysteria is net politically constraining because the form of the demand, as a way of organizing the field of political enjoyment requires that the system continue to act in certain ways to sustain its logic. Thus, though on the surface it is an act of symbolic dissent, hysteria represents an affective affirmation of a hegemonic order, and therefore a particularly fraught form of political subjectivization.

## Case

#### Ballot isn’t a currency, you are neither changing the state nor the state of debate – debates are insulated, makes judges the authorities to decide the validity of struggle and acceptableness of their deviance which’s oppressive, and excludes those who don’t win by assuming their grievances are illegitimate sans ballots – turns case.

Bankey 13 (BRENDON BANKEY – A Thesis Submitted to the Graduate Faculty of WAKE FOREST UNIVERSITY GRADUATE SCHOOL OF ARTS AND SCIENCES in Partial Fulfillment of the Requirements for the Degree of MASTER OF ARTS Communication August 2013 – Bankey holds an BA from Trinity and now holds an MA from Wake Forest. This thesis was approved by: Michael J. Hyde, Ph.D., Advisor; Mary M. Dalton, Ph.D., Chair; R. Jarrod Atchison, Ph.D. THE “FACT OF BLACKNESS” DOES NOT EXIST: AN EVOCATIVE CRITICISM OF RESISTANCE RHETORIC IN ACADEMIC POLICY DEBATE AND ITS (MIS)USE OF FRANTZ FANON’S BLACK SKIN, WHITE MASKS – From Chapter Two – footnoting Atchison and Panetta and consistent with Bankey’s defense of an aspect of their position – http://wakespace.lib.wfu.edu/bitstream/handle/10339/39020/Bankey\_wfu\_0248M\_10473.pdf)

For Atchison and Panetta , “the ballot” a judge casts at the conclusion of a debate should signify nothing more or less than that person’s decision “to vote for the team that does the best debating.” This understanding encourages judges to limit their analysis of a debate to the arguments presented within each team’ s allotted times to speak. It would exclude decisions focused on resolving external abuses such as: determining the appropriateness of statements or events between a team or program that occurred outside of the immediate debate; challenging a school’s succ ess at “recruiting minority participants”; criticizing the civil rights legacy of participants’ academic institutions; or increasing the presence of underrepresented bodies in elimination debates. By contrast, some non - traditional teams interested in challenging the marginalizing effects of policy debate formats have begun to advocate what I call a “ballot as currency” model for judges to evaluate debates. While the specific terminology is not universally employed, the “ballot as currency” approach establis hes that a judge’s ballot signifies what bodies and practices she deems appropriate for policy debate. Within this model, a non - traditional team’s ability to accumulate wins is a referendum on the perceived acceptableness of their bodies for academic spaces. Beyond the structural factors that limit the visibility of any individual debate, Atchison and Panetta identify two problems with the “ballot as currency” method for evaluating debates. First, the “ballot as currency” approach presents the dilemma of “ asking a judge to vote to solve a community problem ” with very “few participants ” (generally the other people in the room) allowed to take a stake in the process. This places the course of community change on the shoulders of those who judge debates between traditional and non - traditional teams and excludes those “coaches and directors who are not preferred judges and, therefore, do not have access to many debates.” Furthermore, it excludes those “who might want to contribute to community conversation, but are not directly involved in competition.” Prioritizing the “ballot as currency” approach fails to recognize that “debate community is broader than the individual participants” of a given debate and risks the creation of “an insulated community that has a ll the answers” without ever engaging those concerned individuals who do not attend every competition. The result is that a very narrow set of judges, usually those that often judge Framework debates, are granted the authority to determine the outcome of communal change. 21

#### Vote neg to vote aff - their call for a ballot is to breathe life into the system that consumes all beings for dead labor which is turned on its head for more and more production

Bifo 11 – (Franco “Bifo” Berardi, *After the Future* pg 106-108)

\*\*\*We don’t endorse the author’s use of suicide metaphors

Nothing, not even the system, can avoid the symbolic obligation, and it is in this trap that the only chance of a catastrophe for capital remains. The system turns on itself, as a scorpion does when encircled by the challenge of death. For it is summoned to answer, if it is not to lose face, to what can only be death. The system must itself commit suicide in response to the multiplied challenge of death and suicide. So hostages are taken. On the symbolic or sacrificial plane, from which every moral consideration of the innocence of the victims is ruled out the hostage is the substitute, the alter-ego of the terrorist, the hostage’s death for the terrorist. Hostage and terrorist may thereafter become confused in the same sacrificial act. (Baudrillard 1993a: 37) In these impressive pages Baudrillard outlines the end of the modern dialectics of revolution against power, of the labor movement against capitalist domination, and predicts the advent of a new form of action which will be marked by the sacrificial gift of death (and self-annihilation). After the destruction of the World Trade Center in the most important terrorist act ever, Baudrillard wrote a short text titled The Spirit of Terrorism where he goes back to his own predictions and recognizes the emergence of a catastrophic age. When the code becomes the enemy the only strategy can be catastrophic: all the counterphobic ravings about exorcizing evil: it is because it is there, everywhere, like an obscure object of desire. Without this deep-seated complicity, the event would not have had the resonance it has, and in their symbolic strategy the terrorists doubtless know that they can count on this unavowable complicity. (Baudrillard 2003: 6) This goes much further than hatred for the dominant global power by the disinherited and the exploited, those who fell on the wrong side of global order. This malignant desire is in the very heart of those who share this order’s benefits. An allergy to all definitive order, to all definitive power is happily universal, and the two towers of the World Trade Center embodied perfectly, in their very double-ness (literally twin-ness), this definitive order: No need, then, for a death drive or a destructive instinct, or even for perverse, unintended effects. Very logically – inexorably – the increase in the power heightens the will to destroy it. And it was party to its own destruction. When the two towers collapsed, you had the impression that they were responding to the suicide of the suicide-planes with their own suicides. It has been said that “Even God cannot declare war on Himself.” Well, He can. The West, in position of God (divine omnipotence and absolute moral legitimacy), has become suicidal, and declared war on itself. (Baudrillard 2003: 6-7) In Baudrillard’s catastrophic vision I see a new way of thinking subjectivity: a reversal of the energetic subjectivation that animates the revolutionary theories of the 20th century, and the opening of an implosive theory of subversion, based on depression and exhaustion. In the activist view exhaustion is seen as the inability of the social body to escape the vicious destiny that capitalism has prepared: deactivation of the social energies that once upon a time animated democracy and political struggle. But exhaustion could also become the beginning of a slow movement towards a “wu wei” civilization, based on the withdrawal, and frugal expectations of life and consumption. Radicalism could abandon the mode of activism, and adopt the mode of passivity. A radical passivity would definitely threaten the ethos of relentless productivity that neoliberal politics has imposed. The mother of all the bubbles, the work bubble, would finally deflate. We have been working too much during the last three or four centuries, and outrageously too much during the last thirty years. The current depression could be the beginning of a massive abandonment of competition, consumerist drive, and of dependence on work. Actually, if we think of the geopolitical struggle of the first decade – the struggle between Western domination and jihadist Islam – we recognize that the most powerful weapon has been suicide. 9/11 is the most impressive act of this suicidal war, but thousands of people have killed themselves in order to destroy American military hegemony. And they won, forcing the western world into the bunker of paranoid security, and defeating the hyper-technological armies of the West both in Iraq, and in Afghanistan. The suicidal implosion has not been confined to the Islamists. Suicide has became a form of political action everywhere. Against neoliberal politics, Indian farmers have killed themselves. Against exploitation hundreds of workers and employees have killed themselves in the French factories of Peugeot, and in the offices of France Telecom. In Italy, when the 2009 recession destroyed one million jobs, many workers, haunted by the fear of unemployment, climbed on the roofs of the factories, threatening to kill themselves. Is it possible to divert this implosive trend from the direction of death, murder, and suicide, towards a new kind of autonomy, social creativity and of life? I think that it is possible only if we start from exhaustion, if we emphasize the creative side of withdrawal. The exchange between life and money could be deserted, and exhaustion could give way to a huge wave of withdrawal from the sphere of economic exchange. A new refrain could emerge in that moment, and wipe out the law of economic growth. The self-organization of the general intellect could abandon the law of accumulation and growth, and start a new concatenation, where collective intelligence is only subjected to the common good.

#### The affirmative is stuck in the argument room – their belief that prescription is political tradeoffs with material change. This preoccupation with rhetorical ploys traps them in a self-referential cycle of prescription.

Schlag ‘3 (Pierre, Distinguished Prof. @ U. of Colorado and Byron R. White Professor @ Colorado Law School, 57 U. Miami L. Rev. 1029)

The presumption is that the words of the judge (if they are well crafted) will **effectively produce** a social reality that corresponds roughly with the words uttered. But what reason is there to believe this? False Empowerment (No. 2) The endlessly repeated question in first year, "What should the court do?" leads law students to believe that **courts respond** to the force of the better argument. This would be tolerable if one added two provisos:1. The better argument often means little more than the one the courts are predisposed to believe; and 2. In the phrase "force of better argument" it's important to attend not just to the "better" part, but to the other term as well. False Empowerment (No. 3) Law students first learn of many complex social and economic realities through the medium of case law. What they learn is thus the law's vision of these economic and social realities. Not surprisingly, there is an almost magical correspondence between legal categories and social or economic practices. This magical fit leads law students (later to become law professors) to have an extremely confident view of the efficacy of law. Many law students are cured of this belief-structure by a stay in the legal clinic or by law practice. n4 There is one group of people, however, who are generally not cured of this belief-structure at all, but whose faith is actually intensified. These are the people who hold prestigious judicial clerkships where an emotional proximity to and identification with their judge ("my judge") leads to an even greater confidence in the efficacy of law. These people are frequently chosen to teach in law schools. False empowerment can be disempowering. It can also lead to pessimism and despair. Many people react to a loss of faith in law or legal studies with despair or pessimism. But this is the despair and pessimism that comes from giving up a naieve or a romantic vision of law and/or legal studies. The onslaught of this despair and pessimism is a good thing. It is like the thirty-something who realizes that he is mortal and that life is brief. Generally, this is not welcome news. At the same time, it may help prevent a life spent in Heideggerian dread, tanning salons, or the interstices of footnote 357.When the academic loses faith in law or legal studies, typically that person is most troubled because she has lost the framework that makes her academic project possible. But so what? Isn't the demand that law conform to an academic project arguably a selfish one? The Con, The Joke, and The Ironic Truth The Con: In the courtroom, the appellate judge is typically seated behind an elevated bench. On the classroom blackboard the appellate judge is chalked in above the plaintiff and the defendant. This is both a reflection and a reinforcement of the belief that the appellate judge is an intellectually and politically privileged legal actor. The Joke: In actuality, the appellate judge is a person who operates in conditions of severe information deficits and whose outlook is thoroughly manipulated by professional rhetoricians. Very often he has little or no understanding of the configurations of the social field to which his rulings will apply. What's more, this is a person who is prohibited from talking about the social field, except with a highly restricted number of people. The Ironic Truth: On the other hand, because we believe the appellate judge is a particularly privileged intellectual and political actor, we contribute to making him so. Legal intellectuals like to believe that law is an intelligent enterprise. They like to believe that the law offers an interesting vocabulary, grammar, and rhetoric through which to think about the world and law itself. This is naive. The political demand that law be efficacious means that law must track, must indeed incorporate popular beliefs about social and economic identities, causation, linguistic meaning, and so forth. (Those beliefs are often intellectually bereft.)The Argument Room The argument room is a place where **academic advocates go to argue passionately** about law and politics. (Apologies to Monty Python.) Within the room, arguments are won and lost; triumphs and defeats are had. But generally, no one outside the room pays much attention to what goes on inside the room. Sometimes there is seepage and fragments of the conversations are heard outside the room. Participants most often **spend their time arguing about what should happen outside the room**. This they call “knowledge” or "understanding" or "jurisprudence" or “scholarship” or “politics.” The one thing that generally cannot be talked about inside the room is the construction of the room itself. Politics (No. 1) For progressive legal thinkers, politics is a "theoretical unmentionable": The concept "politics" does a **great deal of theoretical work** and yet its identity remains generally immune from scrutiny. The categories (right, left) and the fundamental grammar of politics (progress, reaction, and so forth) generally go unquestioned. Oddly, while everything else seems to be contingent, conditional, contextual, and so on, the categories of politics seem to be oddly stable, nearly transcendent. Strangely, this occurs at a time when the categories, left and right (and even politics itself), seem increasingly fragile and non-referential. Still, this is an intensely political time - political not in the sense of significant social contestation (not much of that) nor in the sense of ideological struggle (not happening much either). Rather, political in the sense of very significant reorganizations and reallocations of power, wealth, and so on. Capital (for lack of a better term) is in a period of rapid self-reorganization in which it increasingly regiments precincts of life previously offering some resistance to its grammar - to wit: time, family, media, public space, wilderness, and so forth. The point is not that these precincts were immune to capital before, but rather that capital is advancing at such an intense rate to bring about a significant disruption and a qualitative change in these precincts. This change is manifest not only in the colonization of new precincts, but in the self-organization of capital [\*1034] (new financial vehicles) and, of course, in new literary and intellectual forms (postmodernism as both symptom and diagnosis). Meanwhile, the old categories, the old grammar, the old answers, seem to have lost some of their hold. The right is intellectually stagnant. And the left is, as a social presence, ontologically challenged. Indeed, in the United States, we seem at present to have several right wings and no left wing. This does not mean that "politics" as a social category is necessarily dead. It might mean simply that we (and others) have not understood, have not grasped, have not articulated its new configurations. What would be required on the intellectual level is a re-evaluation not only of the conventionally articulated categories, but of the social and economic ontology. At its best, postmodernism (and there has been a lot of bad reactionary and nostalgic postmodernism) is an attempt to trigger such a re-evaluation. Progressives, understandably, strive to protect their categories, grammar, and self-image from these challenges. But this is not without cost. To argue in favor of political positions is sometimes political. But it is not always political. Sometimes taking up a political argument is political and sometimes it has no consequences whatsoever. One cannot know beforehand. But it is a serious mistake to suppose that arguing in favor of a **political position** is in and of itself political. Very often in the legal academy, to argue for a political (or normative) position is not political at all. It simply triggers a scholastic, highly stereotyped meta-discourse about whether the arguments advanced are sound, accurate, should be adopted, or the like. Traditionally, the left has defended the victims of capitalism, imperialism, and racism. Indeed, this is an important part of what it means to be "on the left." Meanwhile, in the university, **scholarly attention depends upon the production of new** **exciting ideas** and research agendas. This poses a problem for the left: the victims of capitalism, imperialism, and racism remain the same. The political-intellectual defenses advanced on behalf of victims remain the same. This leads to a certain sense of weariness and deja vu - stereotyped arguments, standard rhetorical moves. A tendency to fight the same old fights. Machines. This is a problem. A Problem for Progressive Legal Thinkers As the author of Laying Down the Law, it just isn't clear to me that law is the sort of thing that is endlessly perfectible. At times it seems to me that law is a lot like military strategy. You can try making military strategy the best it can be (maybe you should). But when you get done it's still going to be military strategy. In that context it would be a good thing to have a few people (I volunteer) to be less than completely enthralled by military strategy. The same would go for law. It could be that law is objectionable in important respects because, well ... it's law. From this standpoint it seems odd that someone should feel authorized to say: "You should do X." Legal Thought as Arrogance The belief is that the future of the free world, the maintenance of the rule of law, the welfare of the republic, the liberation of oppressed peoples, the direction of the Court, the legitimacy of the Florida election, hangs on a law professor's next article. This is the esprit serieux gone nuts. The most significant effect of this belief is to arrest thought and end the **play of ideas necessary for creativity**. Yes, legal interpretation sometimes takes place in a field of pain and death. n9 But that hardly means that legal studies takes place in a field of pain and death. It is a residual objectivism that enables legal academics to believe that when they write about law - what it is or what it should be - they are somehow engaged in the same enterprise as judges. They're not. It is not that legal scholarship is without consequence. It's just that the institutional and rhetorical contexts are sufficiently different that the consequences are different as well. There is an important, indeed foundational, category mistake that sustains American legal thought - it is the supposition that because academics and judges deploy the same vocabulary and the same grammar, they are involved in largely the same enterprise. I just don't think that's true. My own view is that legal academics are but one social group (among many) competing for the articulation of what law is. Judges are another. Social movements, corporations, public interest groups, administrative officials, criminals, etc., are some of the others. For most of the history of the American law school, academics have anointed judges as privileged speakers of law. In turn, legal academics have adopted the habits, forms of thought, and rhetoric of judges - thereby accruing to themselves the authority to say what the law is. Legal academics **legitimate their claim** to say what the law is by fashioning law as an academic discipline requiring expertise. Legal academics then hold themselves out as possessing this expertise. Among those critical theorists who seek to contest this expertise, one can distinguish two approaches. One approach is to try to reveal the emptiness of the claims to expertise among the legal intelligentsia and to reveal how these claims nonetheless gain power. Another approach is to try to relocate the authority to say what the law is among those who have been excluded. I do not see these approaches as antithetical, but rather as complementary. Furthermore, both approaches will in fact reinscribe, will performatively reinforce, precisely the sort of rhetorics and hierarchies they contest. No way around that. I think critical thinkers all do this - though in different ways. And it's certainly worthwhile pointing out how it is being done. At the same time, no one is safe or immune from this sort of criticism. To learn to laugh at what is taken seriously, but is not serious, is a serious thing to do. To take seriously what is not, is a drag. A Problem for Progressives  Progressives wish to pursue a politics that is efficacious. This means keeping track both of the social context in which progressivism articulates itself (on the side of the subject), and the social context in [\*1038] which progressivism seeks to register its results (on the side of the object). But this work of reconnaissance - a work that is necessary - may bring unwelcome news: namely that progressivism unmodified is no longer a terribly cogent project. Choices will have to be made: to defend progressive thought against this unwelcome news or to put the identity of progressive projects at risk by encountering this unwelcome news. Formalism is virtually an inexorable condition of legal scholarship in the following sense: a legal academic generally writes scholarship outside the social pressures of what a lawyer would call real stakes, real clients, or real consequences. The failure of an argument in the pages of the Stanford Law Review is generally very different from the failure of an argument in a brief or an opinion. The difference in context changes the character and consequences of the acts - even if the authors use exactly the same words. Binary and Not (Insider/Outsider, Immanent/Transcendent, Mind/Body etc. etc. etc.)It's one thing to deploy oppositional binarism to describe the broad structures of a text. It's quite another to adopt binarism as an intellectual lifestyle choice. Oppositional binarism has a special hold/appeal in American law precisely because: 1) law is often identified with what appellate courts say it is; and 2) by the time a case gets to an appellate court, the reductionism of litigation and the binary structure of the adversarial orientation has reduced the dispute to an either/or (e.g., liberty vs. equality or formal equality vs. substantive equality, and so on).But ... .Oppositional binarism flounders because law does not have fixed, uncontroversial grids. Hence, for instance, the notion that a person is an insider or an outsider just doesn't track with much of anything (except perhaps the author's own formalism).If one thinks about it, a person is an insider in this respect (he's white) but an outsider in that respect (he's working class) and then an insider with respect to his pedigree (he went to Columbia) but really an outsider within his insider Columbia status because he was profoundly [\*1039] alienated from the Columbia social scene and blah blah blah. After a while (very soon, actually) the insider/outsider distinction loses its hold. The point is, unless you happen to have a well-formed, non-overlapping fixed grid (and this would be a very strange thing for a critical theorist to have!), oppositional binarism (like everything else) ultimately collapses.Interestingly, there was a moment of slippage in the history of critical legal studies (or perhaps the fem-crits) when binary oppositionalism slid from a heuristic into (of all things) a metaphysic!The Machines In Keith Aoki's comic strip, the agents of R.E.A.S.O.N. and P.I.E.R.R.E. fight each other in a comically cliched fashion. It is Nick Fury jurisprudence. And there is something strikingly right about that (however humbling it may be for me and others).One of the things that happens in the Nick Fury comic strips (as in Keith Aoki's contribution) is that the antagonists deploy machines against each other. In legal thought, we have a lot of machines in operation. n13 By this I mean that a great deal of so-called legal thought is not really thought at all - but the **deployment of a series of rhetorical operations** over and over again to perform actions (usually destructive in character) on other peoples' texts or persons. Every argument tends to become a machine. Over time, legal academics tend to become their own arguments. Then, of course, they become their own machines. At that point, it's time to move on.

#### The 1AC’s attempt to change public belief based on the injection of new knowledge into the debate economy allows contrary beliefs to frame themselves as a “radical” rebellion against authority—this turns the case

McGowan, 2013 (Todd, Associate Professor in the College of Arts and Sciences at the University of Vermont, Enjoying What We Don’t Have, pg. 247-250)

Dawkins proceeds in his assault on belief in the precise manner that Noam Chomsky proceeds in his critique of contemporary capitalism. Underlying the arguments of both is the belief that if people simply had all the facts, they would abandon either their religious belief or their investment in the capitalist mode of production. But religious belief and ideological commitment are not reducible to knowledge. Both represent libidinal investments that provide adherents with a reward that no amount of knowledge can replace. What Dawkins’s argument against belief leaves intact – and what every argument against belief leaves intact – is the enjoyment that derives from believing. In fact, arguments that make clear the inutility of belief augment this enjoyment rather than detracting from it. Enjoyment has an inverse relationship to utility: we enjoy in proportion to the uselessness of our actions. If an activity such as belief is useful, we gain something from it. It might, for instance, provide us healing during a time of illness or bring a good harvest during a drought. When an activity is not useful, however, it results in no tangible or even immaterial benefit; pursuing it involves pure expenditure without any return and thus wastes time, energy, resources, and life itself. Religious belief is essentially waste and pointless sacrifice, which for critics augurs its eventual elimination. But when one examines religion from the perspective of human enjoyment, its wastefulness becomes the chief source of its attraction. Looked at from one side, the sacrifice that religion demands is not wasteful but productive: the believer gives up something in this life (sensual pleasures, free time on the weekend, and so on) in order to gain a blissful life in the afterworld. Belief, in this sense, operates according to the logic of exchange, and the exchange accrues to the benefit of the believer, since almost everyone would sacrifice some immediate pleasure for the assurance of eternity in heaven. Even religions without a clear conception of the afterlife (life Judaism) nonetheless offer the believer tangible rewards – a sense of membership in a community, transcendent justification for one’s actions, and so on. If this account of belief were sufficient to explain the phenomenon, the arguments against belief would have a cogency that they in fact lack. As Dawkins shows from the perspective of evolutionary biology and as Stenger shows from the perspective of physics, the probability that there is a God and that there is an afterlife is almost zero. 11 Given the odds, belief represents a poor investment and should attract very few adherents. But if the driving force behind belief is not eternal bliss but the very act of sacrifice itself – a wasteful rather than a productive act – the arguments against belief would lose all of their force. Wasteful sacrifice appeals to us because we emerge as subjects through an initial act of ceding something without gaining anything in return. The creative power of the human subject stems from its ability to sacrifice. Through sacrificing some part of ourselves, we create a privileged object that will constitute us as desiring subjects, but this object exists only as lost or absent and has no existence prior to the sacrificial act that creates it. There is a fundamental dissatisfaction written into the very structure of subjectivity that no one can ever escape. But at the same time, the act of sacrifice itself allows us to create anew our lost object. Through religious belief, the subject repeats the original act of sacrifice that constitutes its desire. Belief thus provides a foundational enjoyment for the believer, who, through the act of believing, wastes without recompense. The promise of a future reward in the afterlife is nothing but the alibi that religion provides in order to seduce the subject on the conscious level. But this is not where the real libidinal appeal of religion lies. The proliferation of religious belief is inextricable from its failure to deliver on its promises and from its status as a bad investment for the devout. Especially in the contemporary world, religious belief provides respite – an oasis of enjoyment – for the subject caught up in the capitalist drive to render everything useful and banish whatever remains unproductive. 12 The more that the demands of capitalist relations of production imprint themselves on a social order, the more that subjects – or at least a subset of them – within that order will turn toward religious belief or some other form of pure sacrifice (such as sports fandom). Capitalism installs a regime of utility that demands productive accumulation and leaves little space for useless expenditure. As Marx points out in the *Grundrisse*, Just as production founded on capital creates universal industriousness on one side – i.e., surplus-labour, value-creating labour – so it does create on the other side a system of general exploitation of the natural and human qualities, a system of general utility, utilizing science itself just as much as all the physical and mental qualities, while there appears nothing *higher in itself*, nothing legitimate for itself, outside this circle of social production and exchange. Thus capital creates the bourgeois society, and the universal appropriation of nature as well as of the social bond itself by the members of society. 13 The social bond within capitalist society is one that unites all subjects and all objects in a general calculus of utility. In the midst of this system, subjects increasingly carve out the space for useless acts, and religion provides a ready arena for them. Though the Protestant ethic may have initially paved the way for the development of capitalism, today it is capitalism and its ethos of general utility that provides the ground, albeit negatively, for religious belief. 14 Consequently, displaying the uselessness of religious belief or its wastefulness can only have the effect of highlighting its ultimate value for the believer. Demonstrating the improbability of God’s existence – one of the goals of *The God Delusion* and the other attacks on belief – allows believers who sustain belief in spite of this improbability to experience themselves as radicals. This is a great problem in contemporary society because the prevailing ideological modes of subjectivity is that of the rebel or outsider. Though religious belief involves bowing to authority, the contemporary believer also experiences the enjoyment that comes from defiance of earthly authority. In most societies today, there is simply no earthly authority inveighing against faith or even prohibiting it; there is no one to defy. But Richard Dawkins, Sam Harris, Christopher Hitchens, and the other contemporary critics of religion help to erect just such an authority. One might even imagine that their books were undertaken with the unconscious aim of allowing believers to enjoy their belief.

#### Their demands in discursive arenas are all demands for recognition which becomes a deferral of desire to the masters in which the subjects desire the state recognize their demands as a dangerous one which creates a paralyzed disposition towards the institution in which subjects desire affirmation of their agency from the state

Lundberg 12

(Christian Lundberg, P.H.D in communications from northwestern and Co-Director of UNC cultural studies and associate professor, “Lacan in Public: Psychoanalysis and the Science of Rhetoric”, November 26, 2012, DMW)

*On Resistance: The Dangers of Enjoying One’s Demands* The demands of student revolutionaries and antiglobalization protestors pro- vide a set of opportunities for interrogating hysteria as a political practice. for the antiglobalization protestors cited earlier, demands to be added to a list of dangerous globophobes uncannily condense a dynamic inherent to all demands for recognition. But the demands of the Mexico Solidarity net- work and the Seattle independent Media project demand more than recogni- tion: they also demand danger as a specific mode of representation. “Danger” functions as a sign of something more than inclusion, a way of reaffirming the protestors’ imaginary agency over processes of globalization. if danger represents an assertion of agency, and the assertion of agency is proportional to the deferral of desire to the master upon whom the demand is placed, then demands to be recognized as dangerous are doubly hysterical. Such demands are also demands for a certain kind of love, namely, the state might extend its love by recognizing the dangerousness of the one who makes the demand.At the level the demand’s rhetorical function, dangerousness is metonymically connected with the idea that average citizens can effect change in the pre- vailing order, or that they might be recognized as agents who, in the instance of the list of globalophobic leaders, can command the Mexican state to re- affirm their agency by recognizing their dangerousness.The rhetorical struc- ture of danger implies the continuing existence of the state or governing apparatus’s interests, and these interests become a nodal point at which the hysterical demand is discharged. This structure generates enjoyment of the existence of oppressive state policies as a point for the articulation of identity. The addiction to the state and the demands for the state’s love is also bound up with a fundamental dependency on the oppression of the state:otherwise the identity would collapse. Such demands constitute a reaffirmation of a hysterical subject position:they reaffirm not only the subject’s marginality in the global system but the danger that protestors present to the global system. There are three practical implications for this formation. first, for the hysteric the simple discharge of the demand is both the be- ginning and satisfaction of the political project. Although there is always a nascent political potential in performance, in this case the performance of demand comes to fully eclipse the desires that animate content of the de- mand. Second, demand allows institutions that stand in for the global order to dictate the direction of politics. This is not to say that engaging such in- stitutions is a bad thing; rather, it is to say that when antagonistic engage- ment with certain institutions is read as the end point of politics, the field of political options is relatively constrained. Demands to be recognized as dan- gerous by the Mexican government or as a powerful antiglobalization force by the WTo often function at the cost of addressing how practices of glob- alization are reaffirmed at the level of consumption, of identity, and so on or in thinking through alternative political strategies for engaging globalization that do not hinge on the state and the state’s actions. Paradoxically, the third danger is that an addiction to the refusal of de- mands creates a paralyzing disposition toward institutional politics. Gross- berg has identified a tendency in left politics to retreat from the “politics of policy and public debate.”45 Although Grossberg identifies the problem as a specific coordination of “theory” and its relation to left politics, perhaps a hysterical commitment to marginality informs the impulse in some sectors to eschew engagements with institutions and institutional debate. An addic- tion to the state’s refusal often makes the perfect the enemy of the good, im- plying a stifling commitment to political purity as a pretext for sustaining a structure of enjoyment dependent on refusal, dependent on a kind of pater- nal “no.” instead of seeing institutions and policy making as one part of the political field that might be pressured for contingent or relative goods, a hys- terical politics is in the incredibly difficult position of taking an addressee (such as the state) that it assumes represents the totality of the political field; simultaneously it understands its addressee as constitutively and necessarily only a locus of prohibition. These paradoxes become nearly insufferable when one makes an analyti- cal cut between the content of a demand and its rhetorical functionality. At the level of the content of the demand, the state or institutions that repre- sent globalization are figured as illegitimate, as morally and politically com- promised because of their misdeeds. Here there is an assertion of agency, but because the assertion of agency is simultaneously a deferral of desire, the identity produced in the hysterical demand is not only intimately tied to but is ultimately dependent on the continuing existence of the state, hege- monic order, or institution. At the level of affective investment, the state or institution is automatically figured as the legitimate authority over its do- main. As Lacan puts it: “demand in itself . . . is demand of a presence or of an absence . . . pregnant with that other to be situated *within* the needs that it can satisfy. Demand constitutes the other as already possessing the ‘privi- lege’ of satisfying needs, that it is to say, the power of depriving them of that alone by which they are satisfied.”46 one outcome of framing demand as an affective and symbolic process tied to a set of determinate rhetorical functions enjoins against the simple celebration of demands as either exclusively liberatory, as unproblematic modes of resistance, as exhausting the political, or as nodes for the production of political identity along the lines of equivalence. Alternatively, a politics of desire requires that the place of the demand in a political toolbox ought to be relativized: demands are useful as a precursor to articulating desire; they are important when moored to a broader political strategy;but they are dan- gerous if seen as the summum bonum of political life. A politics of desire thus functions simply as a negative constraint on the efficacy of a politics of demand, and as a practice a politics of desire asks that political subjects con- stantly test their demands against the measure of desire or against an explic- itly owned set of political investments that envision an alternative world. it is the presence of this alternative, explicitly owned as a desired end state of the political, that might become the prerequisite for desire-based solidarities in- stead of demand-driven affinities, and as such, a politics of desire recognizes the inevitability and productivity of frustrated demand as part and parcel of antagonistic democratic struggle