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#### The subject is alienated when it articulates its desires – the failure of linguistic signifiers to describe the Real produces repetitive drives to fill the resulting lack that is the root cause of violence and destroys politics, ethics, and the value to life. Thus, the roll of the ballot is to analyze the libidinal investments of the 1AC’s politics and presentation.

**Ruti 14** [Mari, English, Toronto, Psychoanalysis, Culture & Society (2014) 19, 297–314]

Lauren Berlant characterizes this predicament as one of “cruel optimism”: the stubborn, irrational belief that social arrangements and ways of life that hurt us will eventually pay off and make us happy. Berlant specifies that “a relation of cruel optimism” exists when something we desire is in reality an obstacle to our flourishing (2011, p. 1). That is, cruel optimism entails the fantasy that our relentless efforts (say, our good performance) will bring us the love, intimacy, success, security, harmony, financial reward, or the so-called “good life” we crave even when they are extremely unlikely to do so. Berlant explains, for instance, that the economically disadvantaged may at times form optimistic attachments to the very power structures that oppress them, so that a poor person might support a conservative political agenda even when it is clear that this agenda will never help him or her overcome poverty. Or the daughter of working-class parents who has watched her parents toil without reward for two decades might still place a great deal of faith in the ideals of hard work and social mobility, hoping against hope that the American dream will one day rescue her even if it did not rescue her parents. As Butler has also suggested, such an optimistic attachment to potentially wounding modalities of life tends to arise from the desire to feel normal: we want to feel like we are a part of something familiar, like we “belong” to – and are recognized by – the world in which we live, with the result that we go along with the expectations that render this world comprehensible to us. In Berlant’s terms, our investment in the notion “a dependable life,” “a life that does not have to keep being reinvented” (p. 170), can be so strong that we remain wedded to specific fantasies of satisfaction even after they have repeatedly disappointed us. We, in short, endorse forms of life that are not in the least bit good for us, coming, as it were, “to misrecognize the bad life as a good one” (p. 174). Sara Ahmed makes a parallel point about our culture’s dominant “happiness scripts,” which, like Berlant’s cruel optimism, can render us overly patient with our plight. Because they present a specific version of happiness as the goal, or telos, of life, they induce us to chase this version even though we might be very unlikely to ever attain it (or even though it might not actually make us happy in the end). As Ahmed maintains, the ideal of happiness “might be how waiting for something can acquire a sense of meaning or purpose and can thus be endured, as it points toward something. The failure to achieve happiness in the present can even extend one’s investment in a certain path of action: if the more one waits, the more one gives up, then the more one waits, the harder it is to give up. The more one persists unhappily on a path of happiness, the harder it is to give up on that path. Unhappiness can thus be what makes happiness harder to give up” (2010, p. 236). Indeed, our commitment to dominant happiness scripts can be so strong that when a given script does not deliver what it promises, when it makes us unhappy rather than happy, we do not think of questioning the script itself but instead assume that somehow we have failed to live it out correctly. In other words, when we have been invested in the notion that a certain kind of life is the happy life, it can be very difficult for us to admit that this life has not made us happy, that it might have actually led us astray. As Ahmed concludes, “It is hard labor just to recognize sadness and disappointment, when you are living a life that is meant to be happy but just isn’t, which is meant to be full, but feels empty. It is difficult to give up an idea of one’s life, when one has lived a life according to that idea. To recognize loss can mean to be willing to experience an intensification of the sadness that hopefulness postpones” (p. 75). Marcuse’s argument about the performance principle is similar in the sense that he recognizes that workers often come to desire this principle even though it is predicated on a severe repression of their libidinal impulses: “The restrictions imposed upon the libido appear as the more rational, the more universal they become, the more they permeate the whole of society. They operate on the individual as external objective laws and as an internalized force: the societal authority is absorbed into the ‘conscience’ and into the unconscious of the individual and works as his own desire, morality, and fulfillment. In the ‘normal’ development, the individual lives his repression ‘freely’ as his own life: he desires what he is supposed to desire” (p. 46). Most important for our purposes, Marcuse emphasizes that the repression demanded by the performance principle far exceeds the parameters of the kind of repression that Freud saw as the foundation of civilization. While social existence always requires a degree of libidinal repression, what we are witnessing in modern Western society is what Marcuse calls “surplus-repression”: the kind of repression that meets the demands of a society organized by the unequal distribution of resources. “Within the total structure of the repressed personality,” Marcuse explains, “surplus-repression is that portion which is the result of specific societal conditions sustained in the specific interest of domination.... The distinction is equivalent to that between the biological and the historical sources of human suffering” (pp. 87–88). Surplus-repression is thus a historically specific form of suffering that is added, for the benefit of those who hold power, to the mutilation of the drives demanded by social life as such. And because our desires have become so neatly aligned with what Lacan calls the “order of powers” (or the “service of goods”), we willingly participate in this arrangement, earnestly believing that it serves our most fundamental needs. Lacan understood all of this perfectly well, which makes it all the more noteworthy that he conceptualized ethics in terms of the subject’s unwillingness to give ground on its desire. Lacan knew that it is extremely difficult to differentiate the subject’s desire from the desire of the big Other, yet his ethics demands precisely the capacity to do so. This is why Lacanian ethics offers such a powerful point of contrast to Butler’s conviction that there is no way to shatter the subject’s psychic attachment to hegemonic power. Lacan admits that such a rupture is hard to accomplish, but he insists that it is the task of psychoanalysis as a clinical practice – as a practice of ethics specifically – to produce the kind of subject who might be able to carry out such a feat of defiance. The ethical act that I have discussed is a radical example of this capacity, but we should not underestimate the importance of the moment when the analysand, perhaps after years of analysis, finally manages to say “Enough!” to whomever or whatever is causing her to suffer. If the goal of Lacanian analysis is to enable the analysand to dissociate herself from the desire of the big Other, or from the desire of those who, in her life, embody this desire, it is because this is the only way for her to destroy her (cruelly) optimistic allegiance to power structures that oppress her. There may still be an enormous distance between such tiny acts of individual defiance and revolutionary politics, yet there is arguably also a conceptual link between the analysand who is able to utter her “Enough!” with a degree of conviction and the politicized subject who utters the same “Enough!” in the context of collective social mobilization. That is, collective social mobilization relies on subjects who have the ability to stick to their desire in the face of the demand that they capitulate to the desire of the big Other. I will return to this connection between individual and collective acts of defiance toward the end of this essay. But first I want to explore in greater detail how, from a Lacanian perspective, it might be possible to talk about desire as something that can be dissociated from the master’s morality. Let me restate the problematic I outlined above in the form of a question: if subjectivity is a function of being interpellated into the symbolic order, then how can we even begin to conceptualize forms of desire that have not been completely overrun by the desire of the big Other? This is where I find Marcuse helpful, for his analysis of surplusrepression implies that if we were able to somehow peel off this excess of repression, we would be left with what Lacan calls the truth of desire: the kind of desire that has certainly come into existence as a result of repression, but not as a result of the expectations of the performance principle. Indeed, though Lacan does not share Marcuse’s neo-Marxist platform, he in many ways operates with a similar distinction between repression and surplus-repression: though he understands that there is no such thing as desire divorced from its social environment, he believes that there are degrees of freedom and unfreedom, that some of our desires are more primary than the desires driven by the performance principle. Such primary desires – desires that touch the subject’s fundamental fantasies – reach toward the rebellious real rather than the conformist symbolic, which is why the subject’s capacity to animate them is essential for its ability to defy the hegemonic decrees of the latter. On the one hand, Lacan – like Marcuse – believes that a degree of repression is necessary for the emergence of social subjectivity. This is how he arrives at his well-known story about subject formation: we all start out as presymbolic creatures, dwelling in the realm of the bodily real (jouissance); our first inkling of identity takes place during the mirror stage which gives rise to both narcissistic self-regard (the grandiose ego) and self-alienation (the misrecognition of the self as more coherent and omnipotent than it actually is); finally, the signifier interpolates us into the symbolic order, thereby producing subjectivity as a site of meaning production and intersubjective capacity. According to this model, we sacrifice jouissance for the signifier, unmediated pleasure for the capacity to desire. We will henceforth experience ourselves as fundamentally lacking. But, in return, we gain the ability to wield the signifier, sometimes even in highly creative and rewarding ways. And we also gain the capacity to be interested in the world around us, including the people who populate this world; we gain the ability to desire, and sometimes even love, others. So, all in all, we come off quite well in the sense that what we gain is arguably more valuable than what we lose, and this is all the more the case given that we have not actually lost anything to begin with, that our unconscious conviction that we were once whole and completely satisfied is a misleading fantasy that in no way reflects the rather terrifying realities of jouissance. On the other hand, Lacan – again like Marcuse – recognizes that the symbolic order is repressive beyond the demands of subject formation, that it includes forms of violence that exceed the ubiquitous violence of the signifier. Indeed, even the violence of the signifier is not equally distributed, so that some of us are much more vulnerable to its injurious effects than others (consider, for instance, hate speech). Lacan does not necessarily talk about the unequal distribution of resources in the manner Marcuse does, but there is no doubt that his analysis of symbolic law as the Law of the Father elucidates a historically specific, deeply heteropatriarchal and hierarchical organization of social life. In point of fact, one reason I have taken a detour through Marcuse is to illustrate the obvious ways in which Lacan’s portraiture of the symbolic mirrors that of Marcuse’s explicitly historical account: what Marcuse calls “the performance principle,” Lacan calls the “service of goods.” Both thinkers identify the underpinnings of a social order dominated by the ideal of productivity – an ideal that is, moreover, placed in direct opposition to the pleasure principle. Both emphasize that the dominant morality of this symbolic – what Lacan calls “the morality of the master” – measures the merit of lives based on largely pragmatic criteria. And both acknowledge that the model citizen of this symbolic is a subject who shows up at work reliably every morning, performs its duties with a degree of diligence, does not let its desires get the better of its productivity, and seeks satisfaction (“enjoys”) in moderate, socially sanctioned ways. “Part of the world has resolutely turned in the directions of the service of goods,” Lacan writes, “thereby rejecting everything that has to do with the relationship of man to desire” (318). This, he adds, “is what is known as the postrevolutionary perspective” (318). In other words, the service of goods reflects the mindset of the levelheaded utilitarian subject who has deemed revolutionary change to be unrealistic. Lacan is here referring to the kind of depoliticization that is arguably the hallmark of Western subjectivity under capitalism. Lacan’s point is by no means, as critics such as Butler have suggested, that a different kind of symbolic is intrinsically impossible but rather that the configuration of subjectivity that Western modernity has produced – a subjectivity that has been subjected to a particular form of surplus-repression (the performance principle, the service of goods) – makes it virtually impossible for us to entertain the idea that the symbolic could be organized differently, that it could be centered around a different version of the reality principle. As Marcuse remarks, one reason the performance principle is so powerful is that it has managed to convince us that all alternatives to it are either utopian or otherwise unpalatable. Yet, for Marcuse, the fact that this principle has been so successful also points to the possibility of transcending it. As he states, “The very progress of civilization under the performance principle has attained a level of productivity at which the social demands upon instinctual energy to be spent in alienated labor could be considerably reduced. Consequently, the continued repressive organization of the instincts seems to be necessitated less by the ‘struggle for existence’ than by the interest in prolonging this struggle – by the interest in domination” (pp. 129–130). This is to say that there is really nothing besides social power that keeps us invested in the notion that our welfare demands relentless toil. The performance principle has outlived its usefulness in the sense that our collective productivity these days surpasses what is necessary for the provision of food, clothing, housing, and other basic amenities. The fact that these amenities have not yet reached all corners of the world, or even all corners of our own society (the homeless, innercity dwellers, etc.), is a function of domination (the unequal distribution of resources) rather than of any deficiencies of productivity. As a result, in Marcuse’s view, all we would need to do to bring about a more “non-repressive civilization” (p. 134) would be to refuse the parameters of the current symbolic; even something as simple as reducing the length of the working day would immediately realign our priorities, perhaps even impacting the very organization of our psychic lives. Our standard of living might drop somewhat, but we might also learn to assess the value of our lives according to other, less performanceoriented, measurements. Psychoanalysis, particularly Lacanian analysis, does not have a normative goal; it does not seek to tell us how we should desire but merely to explore the idiosyncratic contours of our desire. But this does not change the fact that Lacan, at least as a theorist, was exasperated by people’s inability to make their way out of the maze of the master’s morality, including its performance principle; he was frustrated by individuals who were so out of touch with the truth of their desire that they were willing to sacrifice this desire for the sake of social conformity and that they were, furthermore, willing to do so to the point of self-betrayal. As he explains, “What I call ‘giving ground relative to one’s desire’ is always accompanied in the destiny of the subject by some betrayal – you will observe it in every case and should note its importance. Either the subject betrays his own way, betrays himself, and the result is significant for him, or, more simply, he tolerates the fact that someone with whom he has more or less vowed to do something betrays his hope and doesn’t do for him what their pact entailed” (p. 321). Such a betrayal invariably results in the reassertion of the status quo, sending the subject back to the service of goods, what Lacan in this context calls “the common path” (p. 321). And given that desire, for Lacan, is “the metonymy of our being” (p. 321), betraying it in this way leads to the kind of psychic death that extinguishes the subject’s sense of agency. To use Lacan’s wording, “Doing things in the name of the good, and even more in the name of the good of the other, is something that is far from protecting us not only from guilt but also from all kinds of inner catastrophes” (p. 319). It is precisely such inner catastrophes that Lacanian clinical practice was designed to counter, though it may be Julia Kristeva – rather than Lacan himself – who has most clearly developed this interpretation of analytic work. Kristeva depicts psychoanalysis as a means of restoring the subject’s psychic aliveness, as an explicit revolt against the numbing impact of what she calls “the society of the spectacle” (2002, p. 4). This society of the spectacle – of technology, image, and speed – shares many parallels with Adorno’s “culture industry”: a flattened surface of the life world, a constriction of psychic space, a dearth of critical thought, the worship of efficiency over intellectual curiosity, and the incapacity to revolt. Against this backdrop, psychoanalysis – along with art, writing, and some forms of religious experience – offers, for Kristeva, a gateway to revolt, a way of resurrecting “the life of the mind” (a phrase Kristeva borrows from Hannah Arendt) through ongoing questioning, interrogation, and psychic recreation. “Freud founded psychoanalysis as an invitation to anamnesis in the goal of a rebirth, that is, a psychical restructuring,” Kristeva writes: “Through a narrative of free association and in the regenerative revolt against the old law (familial taboos, superego, ideals, oedipal or narcissistic limits, etc.) comes the singular autonomy of each, as well as a renewed link with the other” (2002, p. 8). In the context of my overall argument in this essay, it is worth stressing that it is “the desire of the subject” that, in Kristeva’s view, reserves a place “for initiative, autonomy” (2002, p. 11). This is in part because the “Freudian journey into the night of desire was followed by attention to the capacity to think: never one without the other” (2010, p. 41). In other words, the exploration of desire, in psychoanalysis, is akin to the critical (or at least curious) movement of thought – the very movement that Arendt also saw as vital to the life of the mind. This is why psychoanalysis has, Kristeva asserts, “the (unique?) privilege today of accompanying the emergence of new capacities of thinking/representing/thinking, beyond the frequent and increasingly noticeable disasters of psychosomatic space – capacities that are so many new bodies and new lives” (2010, pp. 41–42). Kristeva therefore draws the same link between desire and autonomy (in this instance, the capacity for critical thought) as Lacan does. Furthermore, to translate Kristeva’s point into Marcuse’s terminology, one might say that psychoanalysis, at least the kind of analysis that refuses to uphold social adaptation as a therapeutic goal, presents the possibility of sidestepping, or at the very least diminishing, the effects of surplus-repression. This, in turn, creates space for the truth of the subject’s desire in the Lacanian sense. This does not mean that repression as such is defeated. Quite the contrary, as we will see shortly, the truth of the subject’s desire is inextricable from the primary (constitutive) repression that accompanies subject formation. But as I have already suggested, the lifting of surplus-repression renders the imprint of primary repression more clearly discernable, for when surplus-repression is removed, what remains are the always highly singular outlines of primary repression. And if Lacan – like Marcuse – sought to remove surplus-repression, it was because he understood that it was on the level of primary repression (fundamental fantasies) that one could find the most basic building blocks of the subject’s psychic destiny; primary repression was the layer of psychic life that expressed something essential about the distinctive ways in which the pleasure principle, in the subject’s life, had become bound up with the repetition compulsion. This is why Lacan states, “If analysis has a meaning, desire is nothing other than that which supports an unconscious theme, the very articulation of that which roots us in a particular destiny, and that destiny demands insistently that the debt be paid, and desire keeps coming back, keeps returning, and situates us once again in a given track, the track of something that is specifically our business” (p. 319). According to Lacan, analysis aims to enable us to understand something about the eccentric specificity (or truth) of our most fundamental desire as well as about the track of destiny that this desire carves out for us (and that is therefore “specifically our business”). If it is indeed the case, as I have conceded, that most of us tend to be alienated from our desire, Lacanian analysis strives to undo this alienation by familiarizing us with the truth of this desire. This process entails, among other things, recognizing that the destiny we owe to this desire can never be definitively overcome, that the debt of desire can never be fully redeemed (for how are we to compensate the signifier for having brought us into being as subjects of desire?). Our destiny – which might initially coincide quite seamlessly with our repetition compulsion – consists of recurring efforts to pay off this debt, which is why it keeps ushering us to the same track of desire, the same nexus of psychic conundrums, our unconscious hope being that if we wear out the track of our desire by incessant reiteration, one day we might be able to absolve ourselves of our debt. But since we cannot, the only thing to be done is to “own” our destiny even as we might seek to mitigate its more painful dimensions. That is, the only way to arrive at the kind of psychic rebirth Kristeva is talking about is to take full responsibility for our (unconsciously generated) destiny. In the ethical act, our impulse is to embrace this destiny wholesale regardless of consequences (this is one way to understand what it means to plunge into the jouissance of the real). In analysis, the exploration of our destiny is more gradual, more selfreflexive. But in both cases, the point is not to obliterate our foundational destiny (or fundamental fantasies) but merely to elaborate it in more satisfying directions, away from the incapacitating effects of the repetition compulsion and toward the rewards of subjective autonomy. And, if we are to achieve this goal, nothing is more important than staying faithful to the truth of desire that, on the most elementary level, determines our destiny.

#### The 1AC’s call for public transparency through repealing property rights is an operation within the fantasy that endlessly strives toward the known, the material, calculable – the acquisition of knowledge is inseparable from an unconscious paranoia that destroys all value to life.

**Mills** [Mills, Jon. “Lacan on Paranoiac Knowledge.” Dr. Jon Mills Psychoanalyst Philosopher Psychotherapy Psychologist, Process Psychology, [www.processpsychology.com/new-articles/Lacan-PP-revised.htm](http://www.processpsychology.com/new-articles/Lacan-PP-revised.htm)]

When these aspects of human life are broadly considered, it becomes easier to see how our linguistic-epistemological dependency has paranoiac *a priori* conditions. From Freud to Klein and Lacan, **knowledge is a dialectical enterprise** that stands **in relation to fear--to the horror of possibility**--the possibility of the *not*: **negation**, conflict, **and suffering saturate our very beings, beings whose self-identities are linguistically constructed. The relation between knowledge and paranoia is** a **fundamental** one, and perhaps no where do we see this dynamic so poignantly realized than in childhood. From the 'psychotic-like' universe of the newborn infant (e.g. see Klein, 1946), to the relational deficiencies and selfobject failures that impede the process of human attachment, to the primal scene and/or subsequent anxieties that characterize the Oedipal period, leading to the inherent rivalry, competition, and overt aggression of even our most sublimated object relations, -- fear, trepidation, and dread hover over the very process of knowing itself. **What is paranoid is that which stands in relation to opposition**, hence that which is **alien to the self. Paranoia is** not simply that which is beyond the rational mind, but it is **a generic process of *nosis***--**'I take thought, I perceive,** I intellectually **grasp,** I **apprehend'**--hence have ***apprehension* for what I encounter in consciousness**. With qualitative degrees of difference, we are all paranoid simply because others hurt us, a lesson we learn in early childhood. **Others hurt us with their knowledge**, with what they say, as do we. **And we hurt knowing. 'What will the Other do next?' We are both pacified yet cower in extreme trembling over what we may and may not know**--what we may and may not find out; and this is why **our relation to knowledge is fundamentally paranoiac**. For Aristotle (1958), "all men by nature desire to know" (p. 108). **This philosophic attitude is kindled by our educational systems** perhaps informing the popular adage, **'knowledge is power.' But whose?** There is no doubt that the acquisition of knowledge involves a power differential, but what if **knowledge itself is seen as too powerful because it threatens our psychic integrity**? In the gathering of **knowledge** there **is** simultaneously **a covering-over**, a blinding **to what one is exposed to**; moreover, **an erasure**. I ~~know~~ (No)! Unequivocally, **there are things we desire to know nothing about at all; hence the psychoanalytic attitude places unconscious defense--negation**/denial and repression--**in the foreground of human knowledge, the desire not to know. When we engage epistemology**--the question and meaning of knowledge--**we are intimately confronted with paranoia**. For example, there is nothing more disturbing when after a lifetime of successful inquiry into a particular field of study it may be entirely debunked by the simple, arrogant question: 'How do you know?' **Uncertainty, doubt, ambiguity, hesitation, insecurity--anxiety!: the process of knowing exposes us** all **to immense discomfort. And any epistemological claim is equally a metaphysical one**. Metaphysics deals with first principles, the fundamental, ultimate questions that preoccupy our collective humanity: 'What is real? Why do I exist? Will I *really* die?' Metaphysics is paranoia--and we are all terrified by its questions: 'Is there God, freedom, agency, immortality?' *Is? Why? Why not? Yes but why?!* **When the potential meaning and quality of one's personal existence hinge on the response to** these **questions, it is no wonder** why most **theists say only God is omniscient**. And although Freud (1927) tells us that the very concept of **God is an illusory derivative** of the Oedipal situation--a wish to be rescued and comforted from the anxieties of childhood helplessness, He--our exalted Father in the sky--is ***always* watching**, judging. Knowing this, the true believer has every reason to be petrified. For those in prayer or in the madhouse, **I can think of no greater paranoia**.

**Their forwarding of the resolution is a call for recognition – WTO ‘activists’ share a perverse investment in the continuation of the hegemonic order.**

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**In the run up to the 2003 World Trade Organization (WTO) talks in Cancun, the Mexican Government composed a list of the sixty most “globalophobic” leaders of antiglobalization groups**. The document, subsequently leaked to the Mexican newspaper La Reforma, was met with predictable criticisms regarding the relationship between state security apparatuses, the institutions of global economic governance, and democratic protest. But there were less predictable responses: in addition to criticisms that the list chilled democratic dissent, some antiglobalization groups criticized the list for not being comprehensive enough, demanding its expansion. Activist Josef Schneider wrote: “**What do we have to do to get a little credit**? . . . In a not-very secret document . . . the Mexican government compiled a list of ‘globalophobic leaders’ who will be singled out for special scrutiny by the Mexican police. **Despite the role that Portland activists played in the collapse of the WTO Ministerial meeting in Seattle, none of us made the list**!”24 More than a passing lament, the remainder of the article analyzes the reasons why the Mexican government neglected to include any Portlanders, arguing that the Mexican state’s class bias prompted them to ignore the true threat that ordi- nary citizens posed to the WTO: “They can’t accept that a bunch of ordinary citizens are the ones who are the biggest threat to shut down the WTO. . . . How typical.”25 By this diagnosis, **the Mexican response typifies institutional attempts to downplay protest. Here, the lack of recognition does not make the protest ineffective, instead the fact that the Mexican government and the WTO underestimate the danger posed by ordinary citizens animates this critique**. Not to be outdone, the Mexico Solidarity Network created an online form letter for self-identified “dangerous antiglobalization 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.26 One might read such demands as parodic critiques of globalization and security, as ironic calls for mobilization, as a strategy of overidentification, or as any combination of these. Even though these **demands represent a call for inclusion as a means of democratizing global governance, these demands are not simply for inclusion: they are also demands to be recognized as dangerous and in solidarity with other similarly dangerous global citizens**.

How is it possible to ground a reading of the rhetorical functions of the demand to be recognized as dangerous? For Laclau, such demands ought be read through their potential to activate relations of solidarity: the individual call to be recognized as dangerous and excluded opens the possibility for equivalential linkages between the subjects who lodge such demands and others who are similarly situated in relation to the hegemonic order. Here, all demands entail a split between the concrete particular conditions of their articulation and the more universal political possibility that they potentially ground. This split implies that 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 in a Lacanian reading another split is at work in and underwrites the split identified by Laclau between the particular content and universal possibilities for affinity implied in the demand. This supplementary split inheres between the subject who enjoys the mere fact of affinity with a group as a mode of (mis)identification and the set of identitarian equivalences inaugurated by investing in the specific content of the demand. Specific **political demands contain a universal commitment that authorizes equivalential linkages and are simultaneously sites of enjoyment that create ritually repeated relationships to a hegemonic order.** Based on this Lacanian reading, it is not the change that the demand anticipates, nor the political potential of forging equivalential links that is significant, but the role demand plays for the one who utters it and the modes of interpassive political affinity entailed that are of primary analytical importance. 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. 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 Žižek might have it, there is always the risk that the demands of protestors are the supplement that authorizes the functioning of capital.27 Enjoyment provides one particularly difficult stumbling block for a dedicated formal account, a dynamic that stands out in particularly stark relief in Laclau’s work.

Although Laclau owes a significant debt to Freud and Lacan, his theory of demand is not explicitly crafted from psychoanalytic categories. 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.”28 Glynos and Stavrakakis claim that there is “to [their] knowledge no reference in Laclau’s work to the concept of jouissance.”29 On Populist Reason contains a brief discussion of the concept of jouissance in Copjec’s work, 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.”30 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. But with Laclau’s insight on the formal similarities of enjoyment and hegemony come certain ~~blind~~ [blank] spots. 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 grounding or consummating an authoritative account of its coherence. This “uselessness” defines the operation of jouissance. 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. Language is not the speaking subject precisely because what is passed through the gristmill of 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. Framing enjoyment as equivalent with hegemony, Laclau identifies the fundamental “split” in psychoanalytic theory between the universal and the particular demands of a group. Posing 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. The demand is also a demand to be recognized as a subject among other subjects and to be 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 or 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? 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 preexistent or automatically given. The ego is not inevitably present in every human subject: 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 fulfills its every need. As a mode of individuation and subjectivization, 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 the addressee to provide an automatic fulfillment of a need. The generative power of the demand relies on two things: the split between the demand and the need that it attempts to redress, and the fact that some demands will be refused. This economy of need and frustration works because the 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 fulfill all the subject’s needs, requiring a set of compensatory economic functions to negotiate the refusal of specific demands. “Ego,” then, names the economy of compensatory subjectivization 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 fulfillment 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, pop psychology observations that the incessant demands of children for impermissible objects (“may I have a fourth helping of dessert”) or meanings that culminate in ungroundable authoritative pronouncements (the game of asking never ending “whys”) are less about satisfaction of a request than the identity-producing effects of the parental “no.” In “The Question of Lay Analysis,” Freud argues that “if . . . demands meet with no satisfaction, intolerable conditions arise . . . [and] . . . the ego begins to function.... [T]he driving force that sets the vehicle in motion is derived from the id, the ego . . . undertakes the steering. . . . The task of the ego [is] . . . to mediate between the claims of the id and the objections of the external world.”31 Later, in Group Psychology and the Analysis of the Ego, and Civilization and Its Discontents, Freud relocates the site of the ego’s genesis beyond the parent/child relationship and in the broader social relationships that animate it. **Life with others inevitably produces blockages in the individual’s attempts to fulfill certain desires, since some demands for the fulfillment of desires must be frustrated. This blockage produces feelings of guilt, which in turn are sublimated as a general social morality**. The frustration of demand is both productive in that it authorizes social moral codes and, by extension, civilization writ large, although it does so at the cost of imposing a contested relationship between desire and social mores.32 Confronted by student calls to join the movement of 1968 Lacan famously quipped: “as hysterics you demand a new master: you will get it!” Understanding 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 toward a more general account of the subject, 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. As already noted, the Lacanian aphorism that “the signifier represents a subject for another signifier inverts the conventional wisdom that a pre-given subject uses language as an instrument to communicate its subjective intentions.”33 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. An Es assumes an identity as a subject as a way of accommodating to the Symbolic’s demands and as a node for producing demands on its others or of being recognized as a subject.34 As I have already argued, the demand demonstrates that the enjoyment of one’s own subjectivity is useless surplus produced in the gap between the Es (or it) and the ideal I. As a result, there is excess jouissance that remains even after its reduction 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 subject and therefore conditions possibility for investment in an identitarian configuration. The site of this excess, where the subject negotiates the terms of a nonrelationship with the Symbolic, is also the primary site differentiating 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.”35 The same type of split that inheres in the Freudian demand inheres in the Lacanian demand, although in Lacan’s case it is crucial to notice that the split does not derive from the empirical impossibility of fulfilling demands as much as it stems from the impossibility of articulating needs to or receiving a satisfactory response from the Other. Thus, the specificity of the demand becomes less relevant than the structural fact that **demand presupposes the ability of the addressee to fulfill the demand. This impossibility points to the paradoxical nature of demand: the demand is less a way of addressing need to the other than a call for love** and recognition by it. “In this way,” writes Lacan, “demand annuls 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 to the level of being no more than the crushing of the demand for love.”36 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 structural impossibility of fulfilling demands resonates with 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.”37 This sentiment animates the crucial Lacanian claim for the impossibility of the other giving a gift that it does not have, namely the gift of love: “all demand implies . . . 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.”38 This framing of demand reverses the classically liberal presupposition regarding demand and agency. Contemporary and classical liberal democratic theories presume that the demand is a way of exerting agency and, further, that the more firmly 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 fulfill it. Hypothetically, demands ought reach a kind of breaking point where the inability of an institution** or order to proffer a response should produce a reevaluation 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, demanding subjects are either learning to reassert the centrality of their demand or 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. . . . [T]his 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 phallus, but in the sense that he learns that the mother does not have it.”39 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, 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. Thus, desire has both a general status and a specific status for each subject. 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.”40 Though individuated, this naming is not about discovering a latently held but hidden interiority, rather it is about naming a practice of thinking the uniqueness of individual subjects as a product of discourses that produce them. Thus, this is an account of political subjectivization that is not solely oriented toward or determined by the locus of the demand but that is also determined by the contingent sets of coping strategies that orient a subject toward others and a political order and serve as the condition of possibility for demands. As Lacan argues, **this is the point where a subject becomes a kind of new presence or a new political possibility: “That the subject should come to recognize and to name ~~his~~ [their] 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.”41 Alternatively, subjects can stay fixated on the demand, but in doing so they forfeit their desire, or as Fink argues, “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.”42 A politics defined by and exhausted in demands is by definition a hysterical politics. The hysteric is defined by incessant demands on the other at the expense of ever articulating a desire that is theirs.

In the Ethics of Psychoanalysis, Lacan argues that the hysteric’s demand that the Other produce an object is the support of an aversion toward one’s desire: “the behavior of the hysteric, for example, has as its aim to recreate a state centered on the object, insofar as this object . . . is . . . the support of an aversion.”43 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, “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 the 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. The fundamental problem of democracy is not articulating resistance over and against hegemony but rather the practices of enjoyment that sustain an addiction to mastery and a deferral of desire. Hysteria is a politically effective subject position in some ways, but it is politically constraining from the perspective of organized political dissent. If not a unidirectional practice of resistance, hysteria is at best 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, politics would simply be the automatic extension of 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, on balance, hysteria is 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. Though on the surface it is an act of symbolic dissent, hysteria represents an affirmation of a hegemonic order and is therefore a particularly fraught form of political subjectivization. The case of the hysteric produces an additional problem in defining jouissance as equivalent with hegemony. One way of defining hysteria is to say that it is a form of enjoyment that is defined by its very disorganization. As Gérard Wajcman frames it, the fundamental analytical problem in defining hysteria is precisely that it is a paradoxical refusal of organized enjoyment by a constant act of deferral. This deferral functions by asserting a form of agency over the Other while simultaneously demanding that the Other provide an organizing principle for hysterical enjoyment, something the Other cannot provide. Hysteria never moves beyond the question or the riddle, as Wajcman argues: the “hysteric . . . cannot be mastered by knowledge and therefore remains outside of history, even outside its own. . . . [I]f hysteria is a set of statements about the hysteric, then the hysteric is what eludes those statements, escapes this knowledge. . . . [T]he history of hysteria bears witness to something fundamental in the human condition—being put under pressure to answer a question.”44 Thus, a difficulty for a relatively formal/ structural account of hegemony as a substitute for jouissance without reduction: where is the place for a practice of enjoyment that by its nature eludes naming in the order of knowledge? This account of hysteria provides a significant test case for the equation between jouissance and hegemony, for the political promise and peril of demands and ultimately for the efficacy of a hysterical politics. But the results of such a test can only be born out in the realm of everyday politics.

#### Vote negative to embrace the lack – this requires being open to the anxiety that occurs from an encounter with the real of the other and breaks down fantasy and drives.

McGowan 13 – Todd; Associate Professor of Film Studies at the UVermont; “Enjoying What We Don't Have: The Political Project of Psychoanalysis,” Pg. 26-29; 2013; University of Nebraska Press / Lincoln and London

The alternative — the ethical path that psychoanalysis identifies — demands an embrace of the anxiety that stems from the encounter with the enjoying other. If there is a certain ethical dimension to anxiety, it lies in the rela- tionship that exists between anxiety and enjoyment. Contra Heidegger, the ethics of anxiety does not stem from anxiety’s relation to absence but from its relation to presence — to the overwhelming presence of the other’s enjoyment. In some sense, the encounter with absence or nothing is easier than the encounter with presence. Even though it traumatizes us, absence allows us to constitute ourselves as desiring subjects. Rather than producing anxiety, absence leads the subject out of anxiety into desire. Confronted with the lost object as a structuring absence, the subject is able to embark on the pursuit of the enjoyment embodied by this object, and this pursuit provides the subject with a clear sense of direction and even meaning. This is precisely what the subject lacks when it does not encounter a lack in the symbolic structure. When the subject encounters enjoyment at the point where it should encounter the absence of enjoyment, anxiety overwhelms the subject.

In this situation, the subject cannot constitute itself along the path of desire. It lacks the lack — the absence — that would provide the space through which desire could develop. Consequently, this subject confronts the enjoying other and experiences anxiety. Unlike the subject of desire — or the subject of Heideggerean anxiety — the subject who suffers this sort of anxiety actually experiences the other in its real dimension.¶

The real other is the other caught up in its obscene enjoyment, caught up in this enjoyment in a way that intrudes on the subject. There is no safe distance from this enjoyment, and one cannot simply avoid it. There is nowhere in the contemporary world to hide from it. As a result, the contem- porary subject is necessarily a subject haunted by anxiety triggered by the omnipresent enjoyment of the other. And yet, this enjoyment offers us an ethical possibility. As Slavoj Žižek puts it, “It is this excessive and intrusive jouissance that we should learn to tolerate.”27 When we tolerate the other’s “excessive and intrusive jouissance” and when we endure the anxiety that it produces, we acknowledge and sustain the other in its real dimension.¶

Tolerance is the ethical watchword of our epoch. However, the problem with contemporary tolerance is its insistence on tolerating the other only insofar as the other cedes its enjoyment and accepts the prevailing symbolic structure. That is to say, we readily tolerate the other in its symbolic dimen- sion, the other that plays by the rules of our game. This type of tolerance allows the subject to feel good about itself and to sustain its symbolic identity. The problem is that, at the same time, it destroys what is in the other more than the other — the particular way that the other enjoys.¶

It is only the encounter with the other in its real dimension — the encounter that produces anxiety in the subject — that sustains that which defines the other as such. Authentic tolerance tolerates the real other, not simply the other as mediated through a symbolic structure. In this sense, it involves the experience of anxiety on the part of the subject. This is a difficult posi- tion to sustain, as it involves enduring the “whole opaque weight of alien enjoyment on your chest.”The obscene enjoyment of the other bombards the authentically tolerant subject, but this subject does not retreat from the anxiety that this enjoyment produces.

If the embrace of the anxiety that accompanies the other’s proximate enjoyment represents the ethical position today, this does not necessarily provide us with an incentive for occupying it. Who wants to be ethical when it involves enduring anxiety rather than finding a way — a drug, a new authority, or something — to alleviate it? What good does it do to sustain oneself in anxiety? In fact, anxiety does the subject no good at all, which is why it offers the subject the possibility of enjoyment. When the subject encounters the other’s enjoyment, this is the form that its own enjoyment takes as well. To endure the anxiety caused by the other’s enjoyment is to experience one’s own simultaneously. As Lacan points out, when it comes to the enjoyment of the other and my own enjoyment, “nothing indicates they are distinct.” Thus, not only is anxiety an ethical position, it is also the key to embracing the experience of enjoyment. To reject the experience of anxiety is to flee one’s own enjoyment.¶

The notion that the other’s enjoyment is also our own enjoyment seems at first glance difficult to accept. Few people enjoy themselves when they hear someone else screaming profanities in the workplace or when they see a couple passionately kissing in public, to take just two examples. In these instances, we tend to recoil at the inappropriateness of the activity rather than enjoy it, and this reaction seems completely justified. The public display of enjoyment violates the social pact with its intrusiveness; it doesn’t let us alone but assaults our senses. It violates the implicit agreement of the public sphere constituted as an enjoyment-free zone. And yet, recoiling from the other’s enjoyment deprives us of our own.¶

How we comport ourselves in relation to the other’s enjoyment indi- cates our relationship to our own. What bothers us about the other — the disturbance that the other’s enjoyment creates in our existence — is our own mode of enjoying. If we did not derive enjoyment from the other’s enjoyment, witnessing it would not bother us psychically. We would sim- ply be indifferent to it and focused on our own concerns. Of course, we might ask an offending car radio listener to turn the radio down so that we wouldn’t have to hear the unwanted music, but we would not experience the mere exhibition of alien enjoyment through the playing of that music as an affront. The very fact that the other’s enjoyment captures our attention demonstrates our intimate — or extimate — relation to it.

This relation becomes even clearer when we consider the epistemo- logical status of the enjoying other. Because the real or enjoying other is irreducible to any observable identity, we have no way of knowing whether or not the other really is enjoying. A stream of profanity may be the result of someone hurting a toe. The person playing the car radio too loud while sitting at the traffic light may have simply forgotten to turn down the radio after driving on the highway. Or the person may have difficulty hearing. The couple’s amorous behavior in public may reflect an absence of enjoyment in their relationship that they are trying to hide from both themselves and the public.¶

Considering the enjoyment of the other, we never know whether it is there or not. If we experience it, we do so through the lens of our own fantasy. We fantasize that the person blasting the radio is caught up in the enjoyment of the music to the exclusion of everything else; we fantasize that the public kisses of the couple suggest an enjoyment that has no concern for the outside world. Without the fantasy frame, the enjoying other would never appear within our experience.¶

The role of the fantasy frame for accessing the enjoying other becomes apparent within Fascist ideology. Fascism posits an internal enemy — the figure of the Jew or some analogue — that enjoys illicitly at the expense of the social body as a whole. By attempting to eliminate the enjoying other, Fascism hopes to create a pure social body bereft of any stain of enjoy- ment. This purity would allow for the ultimate enjoyment, but it would be completely licit. This hope for a future society free of any stain is not where Fascism’s true enjoyment lies, however. Fascists experience their own enjoyment through the enjoying other that they persecute. The enjoy- ment that the figure of the Jew embodies is the Fascists’ own enjoyment, though they cannot avow it as their own. More than any other social form, Fascism is founded on the disavowal of enjoyment — the attempt to enjoy while keeping enjoyment at arm’s length. But this effort is not confined to Fascism; it predominates everywhere, because no subjects anywhere can simply feel comfortable with their own mode of enjoying.¶

The very structure of enjoyment is such that we cannot experience it directly: when we experience enjoyment, we don’t have it; it has us. We experience our own enjoyment as an assault coming from the outside that dominates our conscious intentions. This is why we must fantasize our own enjoyment through the enjoying other. Compelled by our enjoyment, we can’t do otherwise; we act against our self-interest and against our own good. Enjoyment overwhelms the subject, even though the subject’s mode of enjoying marks what is most singular about the subject.¶

Even though the encounter with the enjoying other apprehends the real other through the apparatus of fantasy, this encounter is nonetheless genuine and has an ethical status. Unlike the experience of the nonexistent symbolic identity, which closes down the space in which the real other might appear, the fantasized encounter with the enjoying other leaves this space open. By allowing itself to be disturbed by the other on the level of fantasy, the subject acknowledges the singularity of the real other — its mode of enjoying — without confining this singularity to a prescribed identity.¶

The implications of privileging the encounter with the disturbing enjoy- ment of the real other over the assimilable symbolic identity are themselves disturbing. The tolerant attitude that never allows itself to be jarred by the enjoying other becomes, according to this way of seeing things, further from really encountering the real other than the attitude of hate and mis- trust. The liberal subject who welcomes illegal immigrants as fellow citizens completely shuts down the space for the other in the real. The immigrant as fellow citizen is not the real other. The xenophobic conservative, on the other hand, constructs a fantasy that envisions the illegal immigrant awash in a linguistic and cultural enjoyment that excludes natives. This fantasy, paradoxically, permits an encounter with the real other that liberal tolerance forecloses. Of course, xenophobes retreat from this encounter and from their own enjoyment, but they do have an experience of it that liberals do not. The tolerant liberal is open to the other but eliminates the otherness, while the xenophobic conservative.

## 2

#### CP text: The member nations of the world trade organization should:

#### 1 – Eliminate patent protections except for indigenous patents.

#### 2 – Establish an international legal instrument to protect indigenous intellectual property.

#### That is in line with indigenous demands.

**WIPO** – WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU>

The current international system for protecting intellectual property was fashioned during the age of industrialization in the West and developed subsequently in line with the perceived needs of technologically advanced societies. However**, in recent years, indigenous peoples, local communities, and governments, mainly in developing countries, have demanded equivalent protection for traditional knowledge systems. In 2000, WIPO members established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and in 2009 they agreed to develop an international legal instrument (or instruments) that would give traditional knowledge, genetic resources and traditional cultural expressions (folklore) effective protection. Such an instrument could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.** Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. As such, it is not easily protected by the current intellectual property system, which typically grants protection for a limited period to inventions and original works by named individuals or companies. Its living nature also means that “traditional” knowledge is not easy to define. **Recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.** This would make it possible, for example, to protect traditional remedies and indigenous art and music against misappropriation, and enable communities to control and benefit collectively from their commercial exploitation. Although the negotiations underway in WIPO have been initiated and propelled mainly by developing countries, the discussions are not neatly divided along “North-South” lines. Communities and governments do not necessarily share the same views, and some developed country governments, especially those with indigenous populations, are also active. Two types of intellectual property protection are being sought: **Defensive protection aims to stop people outside the community from acquiring intellectual property rights over traditional knowledge. India, for example, has compiled a searchable database of traditional medicine that can be used as evidence of prior art by patent examiners when assessing patent applications. This followed a well-known case in which the US Patent and Trademark Office granted a patent (later revoked) for the use of turmeric to treat wounds, a property well known to traditional communities in India and documented in ancient Sanskrit texts. Defensive strategies might also be used to protect sacred cultural manifestations, such as sacred symbols or words from being registered as trademarks.** Positive protection is the granting of rights that empower communities to promote their traditional knowledge, control its uses and benefit from its commercial exploitation. Some uses of traditional knowledge can be protected through the existing intellectual property system, and a number of countries have also developed specific legislation. However, any specific protection afforded under national law may not hold for other countries, one reason why many indigenous and local communities as well as governments are pressing for an international legal instrument. WIPO’s work on traditional knowledge addresses three distinct yet related areas: traditional knowledge in the strict sense (technical know-how, practices, skills, and innovations related to, say, biodiversity, agriculture or health); traditional cultural expressions/expressions of folklore (cultural manifestations such as music, art, designs, symbols and performances); and genetic resources (genetic material of actual or potential value found in plants, animals and micro-organisms). Although for many communities traditional knowledge, genetic resources and traditional cultural expressions form part of a single integrated heritage, from an intellectual property standpoint they raise different issues and may require different sets of solutions. In all three areas, in addition to work on an international legal instrument, WIPO is responding to requests from communities and governments for practical assistance and technical advice to enable communities to make more effective use of existing intellectual property systems and participate more effectively in the IGC’s negotiations. WIPO’s work includes assistance to develop and strengthen national and regional systems for the protection of traditional knowledge (policies, laws, information systems and practical tools) and the Creative Heritage Project which provides hands-on training for managing intellectual property rights and interests when documenting cultural heritage. Traditional knowledge When community members innovate within the traditional knowledge framework, they may use the patent system to protect their innovations. However, traditional knowledge as such - knowledge that has ancient roots and is often informal and oral - is not protected by conventional intellectual property systems. This has prompted some countries to develop their own sui generis (specific, special) systems for protecting traditional knowledge. There are also many initiatives underway to document traditional knowledge. In most cases the motive is to preserve or disseminate it, or to use it, for example, in environmental management, rather than for the purpose of legal protection. There are nevertheless concerns that if documentation makes traditional knowledge more widely available to the general public, especially if it can be accessed on the Internet, this could lead to misappropriation and use in ways that were not anticipated or intended by traditional knowledge holders. At the same time, documentation can help protect traditional knowledge, for example, by providing a confidential or secret record of traditional knowledge reserved for the relevant community only. **Some formal documentation and registries of traditional knowledge support sui generis protection systems, while traditional knowledge databases - such as India’s database on traditional medicine - play a role in defensive protection within the existing IP system. These examples demonstrate the importance of ensuring that documentation of traditional knowledge is linked to an intellectual property strategy and does not take place in a policy or legal vacuum.** In the WIPO talks, many argue that use of traditional knowledge ought to be subject to free, prior and informed consent, especially for sacred and secret materials. However, others fear that granting exclusive control over traditional cultures could stifle innovation, diminish the public domain and be difficult to implement in practice. Genetic resources Genetic resources themselves are not intellectual property (they are not creations of the human mind) and thus cannot be directly protected as intellectual property. However, inventions based on or developed using genetic resources (associated with traditional knowledge or not) may be patentable or protected by plant breeders’ rights. In considering intellectual property aspects of use of genetic resources, WIPO’s work complements the international legal and policy framework defined by the Convention on Biological Diversity (CBD), and its Nagoya Protocol, and the International Treaty on Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization. Issues under discussion at WIPO include: Defensive protection of genetic resources: This strand of the work aims at preventing patents being granted over genetic resources (and associated traditional knowledge) which do not fulfil the existing requirements of novelty and inventiveness. In this context, to help patent examiners find relevant prior art, proposals have been made that genetic resources and traditional knowledge databases could help patent examiners avoid erroneous patents and WIPO has improved its own search tools and patent classification systems. The other, more controversial, strand concerns the possible disqualification of patent applications that do not comply with CBD obligations on prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and disclosure of origin. “Biopiracy” is a term sometimes used loosely to describe biodiversity-related patents that do not meet patentability criteria or that do not comply with the CBD’s obligations – but this term has no precise or agreed meaning. Disclosure requirements: A number of countries have enacted domestic legislation putting into effect the CBD obligations that access to a country’s genetic resources should depend on securing that country’s prior informed consent and agreeing to fair and equitable benefit sharing. WIPO members are considering whether, and to what extent, the intellectual property system should be used to support and implement these obligations. Many, but not all, WIPO members want to make it mandatory for patent applications to show the source or origin of genetic resources, as well as evidence of prior informed consent and a benefit sharing agreement. Parallel discussions are also taking place in the World Trade Organization’s Council on Trade Related Aspects of Intellectual Property (TRIPS). WIPO also deals with the intellectual property aspects of mutually agreed terms for fair and equitable benefit-sharing. It has developed, and regularly updates, an online database of relevant contractual practices, and has prepared draft guidelines on intellectual property clauses in access and benefit-sharing agreements. Traditional cultural expressions Traditional cultural expressions (folklore) are seen as integral to the cultural and social identities of indigenous and local communities, embodying know-how and skills, and transmitting core values and beliefs. Protecting folklore contributes to economic development, encourages cultural diversity and helps preserve cultural heritage. Traditional cultural expressions can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin, trademarks and certification marks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty. Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore. Panama has established a registration system for traditional cultural expressions, while the Pacific Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture gives “traditional owners” the right to authorize or prevent use of protected folklore and receive a share of the benefits from any commercial exploitation. Developing an international legal instrument Because the existing international intellectual property system does not fully protect traditional knowledge and traditional cultural expressions, many communities and governments have called for an international legal instrument providing sui generis protection. **An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.** On genetic resources, countries agree that intellectual property protection and the conservation of biodiversity should be mutually supportive, but differ on how this should be achieved and whether any changes to current intellectual property rules are necessary. **Representatives of indigenous and local communities are assisted by the WIPO Voluntary Fund to attend the WIPO talks, and their active participation will continue to be crucial for a successful outcome**. WIPO members have agreed to expedite their work so as to decide in late 2012 whether to convene a diplomatic conference for final adoption of one or more international instruments.

#### Preserving native sovereignty is key to cultural diversity and preserves global survival.

Barsh – Russel Lawrence Barsh 1993 “Native American Sovereignty” University of Michigan Journal of Law Reform, Winter, 1993, 25 U. MICH. J. L. REF. 671 (Professor of Native American Studies at the University of Lethbridge

There no longer seems to be much difference in the Westernization of the Third World and of the indigenous world. Indigenous societies are usually more isolated geographically, so the process of convergence is understandably slower. But they are catching up. While world leaders lament the loss of biological diversity, which holds the key to the renewal and survival of ecosystems, our planet rapidly is losing its **cultural diversity**, which holds the key to the renewal and survival of human societies. Scientists and scholars search for an alternative in their theories while real alternative cultures disappear. It will be a real struggle to reassert an **indigenous perspective** on social justice, democracy, and environmental security. The hardest part of the struggle will be converting words to action, going beyond the familiar, empty rhetoric of sovereignty and cultural superiority. The struggle will be hardest here in the United States, where the gaps between rhetoric and reality have grown greater than anywhere on earth. This is the best place to begin, however, because this is the illusory "demonstration" that is studied by the rest of the world, including the indigenous peoples of other regions. Are American Indians ready to accept this global responsibility? The current generation of tribal leadership appears unwilling to try. It is firmly committed by its actions to the materialist path, and it is neutralized by its dependence on a continuing financial relationship with the national government and developers. The next generation of American Indians may be another matter. Disillusioned and critical, they may yet find a voice of their own that is both modern and truly indigenous, and they may have the courage to practice the ideals that their parents merely sloganize. Let us hope so. There is no alternative for Indian survival or for global survival.

#### Solves multiple scenarios for extinction.

Stavenhagen 90 – Rodolfo. The ethnic question: Conflicts, development, and human rights. Vol. 90. United Nations University Press, 1990. (Professor at the United Nations University)

The struggle for the preservation of the collective identity of culturally distinct peoples has further implications as well. The cultural diversity of the world’s peoples is a universal resource for all humankind. The diversity of the worlds cultural pool is like the diversity of the world’s biological gene pool. A culture that disappears due to ethnocide or cultural genocide represents a loss for all humankind. At a time when the classic development models of the post war era have failed to solve the major problems of mankind, people are again looking at so called traditional cultures for at least some of the answers. This is very clear, for example, as regards to agricultural and food production, traditional medicine, environmental management in rural areas, construction techniques, social solidarity in times of crises, etc. The world’s diverse cultures have much to offer our imperiled planet. Thus the defense of the collective rights of ethnic groups and indigenous peoples cannot be separated from the collective human rights of all human beings.

## 3

### CP

#### Text: The member nations of the World Trade Organization should enter into a prior and binding consultation with the World Health Organization over whether to  reduce intellectual property protections for medicines by eliminating them in the case of Global Public Health Emergencies. Member nations should support the proposal and adopt the results of consultation.

#### WHO says yes – it supports increasing the availability of generics and limiting TRIPS.

Hoen 03 [(Ellen T., researcher at the University Medical Centre at the University of Groningen, The Netherlands who has been listed as one of the 50 most influential people in intellectual property by the journal Managing Intellectual Property, PhD from the University of Groningen) “TRIPS, Pharmaceutical Patents and Access to Essential Medicines: Seattle, Doha and Beyond,” Chicago Journal of International Law, 2003] JL

However, subsequent resolutions of the World Health Assembly have strengthened the WHO’s mandate in the trade arena. In 2001, the World Health Assembly adopted two resolutions in particular that had a bearing on the debate over TRIPS [30]. The resolutions addressed:

– the need to strengthen policies to increase the availability of generic drugs;

– and the need to evaluate the impact of TRIPS on access to drugs, local manufacturing capacity, and the development of new drugs

#### Consultation boosts strong leadership, authority, and cohesion among member states – key to WHO legitimacy.

Gostin et al 15 [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University) “The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### WHO is critical to disease prevention – it is the only international institution that can disperse information, standardize global public health, and facilitate public-private cooperation.

Murtugudde 20 [(Raghu, professor of atmospheric and oceanic science at the University of Maryland, PhD in mechanical engineering from Columbia University) “Why We Need the World Health Organization Now More Than Ever,” Science, 4/19/2020] JL

WHO continues to play an indispensable role during the current COVID-19 outbreak itself. In November 2018, the US National Academies of Sciences, Engineering and Medicine organised a workshop to explore lessons from past influenza outbreaks and so develop recommendations for pandemic preparedness for 2030. The salient findings serve well to underscore the critical role of WHO for humankind.

The world’s influenza burden has only increased in the last two decades, a period in which there have also been 30 new zoonotic diseases. A warming world with increasing humidity, lost habitats and industrial livestock/poultry farming has many opportunities for pathogens to move from animals and birds to humans. Increasing global connectivity simply catalyses this process, as much as it catalyses economic growth.

WHO coordinates health research, clinical trials, drug safety, vaccine development, surveillance, virus sharing, etc. The importance of WHO’s work on immunisation across the globe, especially with HIV, can hardly be overstated. It has a rich track record of collaborating with private-sector organisations to advance research and development of health solutions and improving their access in the global south.

It discharges its duties while maintaining a dynamic equilibrium between such diverse and powerful forces as national securities, economic interests, human rights and ethics. COVID-19 has highlighted how political calculations can hamper data-sharing and mitigation efforts within and across national borders, and WHO often simply becomes a convenient political scapegoat in such situations.

International Health Regulations, a 2005 agreement between 196 countries to work together for global health security, focuses on detection, assessment and reporting of public health events, and also includes non-pharmaceutical interventions such as travel and trade restrictions. WHO coordinates and helps build capacity to implement IHR.

#### WHO diplomacy solves great power conflict

Murphy 20 [(Chris, U.S. senator from Connecticut serving on the U.S. Senate Foreign Relations Committee) “The Answer is to Empower, Not Attack, the World Health Organization,” War on the Rocks, 4/21/2020] JL

The World Health Organization is critical to stopping disease outbreaks and strengthening public health systems in developing countries, where COVID-19 is starting to appear. Yemen announced its first infection earlier this month, and other countries in Africa, Asia and the Middle East are at severe risk. Millions of refugees rely on the World Health Organization for their health care, and millions of children rely on the WHO and UNICEF to access vaccines.

The World Health Organization is not perfect, but its team of doctors and public health experts have had major successes. Their most impressive claim to fame is the eradication of smallpox – no small feat. More recently, the World Health Organization has led an effort to rid the world of two of the three strains of polio, and they are close to completing the trifecta.

These investments are not just the right thing to do; they benefit the United States. Improving health outcomes abroad provides greater political and economic stability, increasing demand for U.S. exports. And, as we are all learning now, it is in America’s national security interest for countries to effectively detect and respond to potential pandemics before they reach our shores.

As the United States looks to develop a new global system of pandemic prevention, there is absolutely no way to do that job without the World Health Organization. Uniquely, it puts traditional adversaries – like Russia and the United States, India and Pakistan, or Iran and Saudi Arabia – all around the same big table to take on global health challenges. It has relationships with the public health leaders of every nation, decades of experience in tackling viruses and diseases, and the ability to bring countries together to tackle big projects. This ability to bridge divides and work across borders cannot be torn down and recreated – not in today’s environment of major power competition – and so there is simply no way to build an effective international anti-pandemic infrastructure without the World Health Organization at the center.

## 4

#### Paradigm for 1AR shells and IVs:

#### 1 – Reasonability – 1AR theory is crazy aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing crazy abusive 1NCs while still giving the 2N a chance. Evaluate theory after the 2NR – key to check back against infinite prep.

#### 2 – DTA – They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### 3 – RVIs – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – outweighs on quantifiability