# 1NC R6 Loyola

## 1

### T

#### Interp – If the 1AC specifies a intellectual property protection further than the resolution, they must have a solvency advocate specifically advocating for the actors isolated in the plan implementing the plan. To clarify, if the aff chooses to specify eliminating patents, they must have a card that specifically says that the WTO ought to eliminate patent protections.

#### I’ll pre-empt the “no brightline” debate here – a Solvency Advocate is constituted of three things – the words “eliminate, ”the actors of the plan, and “medicine”.

#### Violation – [They don’t]

#### Vote Negative:

#### A] Ground- If there is not Solvency Advocate defining the Plan, then there is no relevant Topic Lit to define Negative offense solely within the confines of the Plan. That wrecks our ability to Clash since if we read generics like the Innovation DA, the 1AR will always say “not unique to us”.

#### B] Limits- having a Solvency Advocate that specifically advocates the 1AC is the only way to limit an unlimited topic because under their model any 1AC that j says Marijuana IP bad is topical which makes super small Affs like Opioids, HIV/AIDs, Cancer, etc. topical but don’t have robust Neg Ground in the lit base.

#### Solvency Advocate theory isn’t frivolous or infinitely regressive – it’s a floor to ensure the Negative has an equal ability to access relevant topic literature as the Aff – it’s a central question towards the burden of rejoinder to prove that your specific proposal grounded in literature to ensure a stasis.

Paradigm issues

## 2

### K

#### The subject emerges through loss, constitutively unable to express it’s desires through language. That traps the subject in the symbolic, creating a constant desire towards the lost-object. Thus, the role of the ballot is to embrace loss.

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] Justin

The subject as such emerges through the experience of loss. It is the loss of a part of the subject — an initial act of sacrifi ce — that creates both subject and object, the object emerging through this act as what the subject has lost of itself. The subject takes an interest in the object world because it forms this world around its lost object. As Jacques Lacan notes, “Never, in our concrete experience of analytic theory, do we do without the notion of the lack of the object as central. It is not a negative, but the very spring for the relation of the subject to the world.”5 Th e loss of the object generates a world around this loss to which the subject can relate.

Obviously, no one literally creates objects through an initial act of sacrifi ce of an actual body part. Th is would be too much to ask. But the psychical act of sacrifi ce allows for a distinction to develop where none existed before and simultaneously directs the subject’s desire toward the object world. In his breakthrough essay “Negation,” Freud describes this process as follows: “Th e antithesis between subjective and objective does not exist from the fi rst. It only comes into being from the fact that thinking possesses the capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there. Th e fi rst and immediate aim, therefore, of reality-testing is, not to fi nd an object in real perception which corresponds to the one presented, but to refi nd such an object, to convince oneself that it is still there.”6 Th ough Freud doesn’t use terms from linguistics, it is clear that he is making reference to the subject’s alienation in language and that he sees this alienation as the key to the emergence of both the subject and the object

When the subject submits to the imperatives of language, it enters into an indirect relation with the object world. Th e speaking being does not relate to books, pencils, and paper but to “books,” “pencils,” and “paper.” Th e signifier intervenes between the subject and the object that the subject perceives. Th e subject’s alienation into language deprives it of immediate contact with the object world. And yet, in the above passage from “Negation,” Freud conceives of the subject’s entrance into language — its “capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there” — as the event that produces the very distinction between subject and object. Th is means that the indirectness or mediation introduced by language deprives the subject of a direct relation to the object world that it never had.

Prior to its immersion in the mediation of language, the subject had no object at all — not a privileged relation to objects but a complete absence of relationality as such due to its autoeroticism. In this sense, the subject’s willingness to accede to its alienation in language is the fi rst creative act, a sacrifice that produces the objects that the subject cannot directly access. Language is important not for its own sake but because it is the site of our founding sacrifi ce. We know that the subject has performed this act of sacrifi ce when we witness the subject functioning as a being of language, but the sacrifi ce is not an act that the subject takes up on its own.

Others always impose the entry into language on the subject. Th eir exhortations and incentives to speak prompt the emergence of the speaking subject. But the subject’s openness to alienation in language, its willingness to sacrifi ce a part of itself in order to become a speaking subject, suggests a lack in being itself prior to the entry into language. Th at is, the act through which the subject cedes the privileged object and becomes a subject coincides with language but is irreducible to it. Th e subject engages in the act of sacrifi ce because it does not fi nd its initial autoeroticism perfectly satisfying — the unity of the autoerotic being is not perfect — and this lack of complete satisfaction produces the opening through which language and society grab onto the subject through its alienating process. If the initial autoerotic state of the human animal were perfectly satisfying, no one would begin to speak, and subjectivity would never form. Speaking as such testifi es to an initial wound in our animal being and in being itself.

But subjectivity emerges only out of a self-wounding. Even though others encourage the infant to abandon its autoerotic state through a multitude of inducements, the initial loss that constitutes subjectivity is always and necessarily self-infl icted. Subjectivity has a fundamentally masochistic form, and it continually repeats the masochistic act that founds it. Th e act of sacrifi ce opens the door to the promise of a satisfaction that autoerotic isolation forecloses, which is why the incipient subject abandons the autoerotic state and accedes to the call of sociality. But the term “sacrifi ce” is misleading insofar as it suggests that the subject has given up a wholeness (with itself or with its parent) that exists prior to being lost.

In the act of sacrifi ce, the incipient subject gives up something that it doesn’t have. Th e initial loss that founds subjectivity is not at all substantial; it is the ceding of nothing. Th rough this defi ning gesture, the subject sacrifi ces its lost object into being. But if the subject cedes nothing, this initial act of sacrifi ce seems profoundly unnecessary. Why can’t the subject emerge without it? Why is the experience of loss necessary for the subject to constitute itself qua subject? Th e answer lies in the diff erence between need and desire. While the needs of the human animal are not dependent on the experience of loss, the subject’s desires are.

It is the initial act of sacrifi ce that gives birth to desire: the subject sacrifi ces nothing in order to create a lost object around which it can organize its desire. As Richard Boothby puts it in his unequaled explanation of the psychoanalytic conception of the emergence of desire, “Th e destruction and loss of the object . . . opens up a symbolic dimension in which what was lost might be recovered in a new form.”7 He adds: “Sacrifi ce serves to constitute the very matrix of desire. Th e essential function of sacrifi ce is less do ut des, I give so that you might give, than do ut desidero: I give in order that I might desire.”8 Th e subject’s desire is oriented around this lost object, but the object is nothing as a positive entity and only exists insofar as it is lost. Th is is why one can never att ain the lost object or the object that causes one to desire.9 Th e coming-into-being of this object originates the subject of desire, but, having no substance, the object can never become an empirical object of desire. We may see an object of desire as embodying the lost object, but whenever we obtain this object, we discover its emptiness. Th e lost object is constitutively rather than empirically lost

#### **The 1AC’s development discourse is the projection of repetitive desires of a capitalist system- the scapegoat is created to obscure the Real- necessitating the destruction of the third world.**

Kapoor 14 [Ilan; 10/2/14; Faculty of Environmental Studies, York University, Toronto, Canada; “*Psychoanalysis and development: contributions, examples, limits*,” Third World Quarterly, 35:7, 1120-1143, DOI: 10.1080/01436597.2014.926101] Justin recut SJKS

The blind spot on which I would like to dwell a little, however, is the continuing neglect of colonialism in mainstream development discourse. This neglect coincides with the very ‘invention’ of international development in the post-Second World War period: aid to ‘underdeveloped’ areas became vital to containing what the USA and other Western powers saw as Soviet expansionism. No wonder that modernisation theory – which pioneered development as an academic field and has anchored Western foreign policy and development institutions ever since – bears the strong imprint of such cold war politics. As several analysts have argued,26 modernisation tends to take a decidedly postSecond World War view of history, thus avoiding the history of Western colonialism. For instance, Walt Rostow’s The Stages of Economic Growth – so influential in economic and foreign policy circles – fails to deal with colonial rule in any meaningful way. It’s not that Rostow doesn’t mention colonialism at all; he does, but its significance is notably downplayed. In a short section on ‘Colonialism’, he goes so far as to state that colonies were founded for ‘oblique reasons’ and colonial subjects ‘looked kindly’ on the colonizer’s efforts to organise ‘suitable political frameworks’. 27 But such disavowal continues in various guises even today. It is visible in World Bank and International Monetary Fund structural adjustment programmes, 1126 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 which make no mention of, or allowances for, the fact that the West’s colonial plunder might have something to do with the recipient’s current socioeconomic conditions. And it is evident in World Trade Organization trade deals, which so often assume a global economic level playing field in their pursuit of ‘free’ trade, amounting to trade ‘freed’ of any past colonial entanglements. Robert Fletcher calls such persistent sanitisation of colonialism ‘imperialist amnesia’. He analyses the work of several development and globalisation pundits to drive home the point: New York Times columnist Thomas Freidman, former World Bank economist Paul Collier and economist and UN advisor Jeffrey Sachs, all of whom treat wealth accumulation in the global North or poverty in the global South by omitting consideration of the imperialist extraction of Third World resources.28 In The End of Poverty, for example, Sachs claims that ‘the combination of Africa’s adverse geography and its extreme poverty creates the worst poverty trap in the world’. 29 Vandana Shiva, struck by the glaring blind spot, takes Sachs to task, declaring: This is a totally false history of poverty...The wealth accumulated by Europe and North America is largely based on riches taken from Asia, Africa and Latin America. Without the destruction of India’s rich textile industry, without the takeover of the spice trade, without the genocide of the Native American tribes [sic], without African slavery, the Industrial Revolution would not have resulted in new riches for Europe or North America. It was this violent takeover of Third World resources and markets that created wealth in the North and poverty in the South.30 What this recurring blind spot reveals is the tendency to deny the West’s complicity (and one’s own complicity as Westerner) in the plight of the Third World. It is a tendency that, as many postcolonial critics have suggested,31 is rife within the history of Western thought, which so often represses the barbarism (colonialism, racism, violence against the subaltern and women) that founds modernity. And it is a tendency, as underlined above, which equally inaugurates the field of Development Studies, since cold war politics demanded the construction of a strong and irreproachable West, cleansed of any suggestion of complicity in Third World ‘underdevelopment’. Thus, the discourse of modernisation (in its postwar and contemporary forms) can be seen as receiving back its own message to the Third World in inverted form: it is as if it is saying ‘you need to be backward, irrational, poor, terroristic, weak, exotic, fundamentalist, passive, etc since that is my way of reassuring myself that I am civilised, rational, scientific, rich, strong, secular, active, etc’. What psychoanalysis adds to the postmodern understanding of binary construction is the dimension of the Real, which shows up here in the form of the blind spot – the element of selflimitation that one cannot really come to terms with, so one averts [selflimitation] by (unconsciously) projecting it onto the Other. To conclude this section, let me underline again how psychoanalysis can help uncover the unconscious of development discourse, pointing to the latter’s desires and traumas, which so often ‘speak’ when things go wrong (eg in the form of slips and blind spots). Thus, in the examples discussed above, the mastery, credibility and neutrality of the World Bank are tripped up by the ‘Summers memo’, revealing the Bank’s desire for free market economics, even if this means First World domination of the Third World, while the traumatic Third World Quarterly 1127 Downloaded by [York University Libraries] at 10:45 02 October 2014 inability of modernisation to face its limitations and complicities shows up in its disavowal of Western colonialism. Note that both these illustrations exemplify what is known in psychoanalysis as the ‘return of the repressed’: mainstream development’s construction of itself as rational, scientific and authoritative implies precisely the evacuation of certain desires and traumas, which ‘speak’ nonetheless, sometimes at the most inopportune moments. Note as well that, even though development’s slips and stumbles may appear ‘irrational’ (eg the ‘irrational’ implications of free market economic logic), such irrationality is the product of the excess of reason (eg development’s prioritisation of positivist economics and science), that is, its inability to come to terms with its conflicting desires (eg its desire to appear pure, yet its past yearnings for colonial plunder). Irrationality, in this sense, is integral to the very construction of a rational and scientific development discourse (in the same way that, for Lacan, the unconscious is integral to the very construction of language). Finally, note the emphasis on surface rather than depth when it comes to the unconscious: Lacanian psychoanalysis is not a ‘depth psychology’ meant to excavate unconscious desires from the recesses of the individual mind; rather than going below the surface, the point is to glean the unconscious hidden in plain view. The unconscious is thus immanent to language/discourse, visible topologically. This is why the way the Summers memo is presented (its secretive form) is more important, psychoanalytically speaking, than what is uttered in it. This is also why the slips contained in ‘population control’ and ‘sustainable development’ are outwardly visible from the start, although, as pointed out earlier, they are only gleaned retroactively, in light of the institutional machinations that stem from each. Enjoying development: understanding why development discourse endures The Lacanian concept of jouissance (enjoyment) refers not to the pleasure we derive from things but, rather, to the excessive satisfaction or kick we get from doing something transgressive, irrational or even wrong. It has been called ‘the thrill of the [R]eal’, 32 and helps explain, for example, such self-destructive pursuits as smoking and binge drinking, or such ‘extreme sports’ as bungee jumping and free diving: people do them not despite the fact that they are dangerous, but because they are. Jouissance thus involves the intense pleasure taken from pain, a kind of idiotic stupor that often makes us ask for more even though we well know the risks. According to Lacan, jouissance is the outcome of the child’s separation from the primordial (m)Other and entry into the symbolic order. This is a traumatic separation that results in deep loss (of enjoyment), a loss that we are never able to forget. The tragedy is that the loss is actually a fiction (no real primordial fullness ever existed in the first place), yet it always remains with us. We repeatedly assume fullness exists but constantly remain dissatisfied, thus turning ‘nothing into something’. 33 The promise of enjoyment is always deferred, with the result that we continuously miss our goal, yet keep coming back for more. One of Žižek’s significant contributions to political theory has been to make the notion of jouissance a political factor, showing how it is a crucial ingredient 1128 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 in the formation of political community and identity.34 For example, the deep comfort people may get from following rituals (bureaucratic or religious), or the enjoyment and thrill that may binds us together against an external enemy, help explain why institutions, nations, or groups often do ‘irrational’ things – in this case, obstinately defending bureaucratic red tape or religious identity, or engaging in aggressive racism or nationalism. Jouissance elucidates why people become so attached to cultural values and socio-political systems, and why power can turn out to be so intractable, persistent and enduring. One has trouble giving up such things as racism, materialism, sexism or religious fundamentalism because one enjoys them; they give one a certain sense of stability and fulfilment, despite the fact that (and sometimes because) one may well know they can be pernicious and cruel. As Stavrakakis points out, ‘by taking into account emotion, affect [and enjoyment]...one may be able to reach a more thorough understanding of “what sticks”: both what fuels identification processes and what creates fixity’. 35 Let me provide the following three illustrations. The first concerns the emphatically capitalist orientation of development: despite the fact that capitalism has been severely criticised – it results in socioeconomic inequality, global unevenness and ecological destruction – it is very much in the ascendancy; arguably, it constitutes the only available economic horizon today, whether in the global North or the South. From a Žižekian perspective, one of the key reasons for such tremendous success is jouissance. That is to say, people enjoy capitalism. We are libidinally bound to it because we get so much from it – cars TVs, houses, nice clothes, cheap fast-food, iPhones, etc. And capitalism, especially in its latest neoliberal phase, has been very effective in appealing to our passions. It is able to exploit what Lacanians see as our deep-seated sense of lack/loss, enabling us to fill such lack through consumerism and materialism. This means that we cannot easily postpone capitalism, since it promises to heal our ontological wound. Late capitalism’s productive engine thus depends on enjoyment-as-excess; its strength and success hinge on the extent to which it can elevate jouissance ‘into the very principle of social life’. 36 This is why late capitalist societies (whether in the West or Third World) are characterised by the normalisation of excess – the desire for the best, biggest, tallest, richest, most original; the pervasiveness of ‘super-sized’ everything, from dams and buildings to coffee and art; the orgiastic show of wealth; the rise of sexual promiscuity and ‘extreme’ sports; or the over-abundance of ‘choice’, whether in TV channels, music, restaurants or university programmes. The problem, however, is that, although capitalist development promises enjoyment, it never quite delivers: a Coke doesn’t quite quench, more wealth is still never enough and super-sized fast-food sickens rather than satisfies. But such failure is written into the very logic of capitalism. For, if an end to dissatisfaction were possible, that would spell the end of the global capitalist system. Instead, the aim of the system is always to solicit and activate desire, but never to allow it to be satiated; this is what enables ever-increasing growth, profit or market share. Capitalist development, in this sense, is driven by insatiable lack, so that, try as we may to satisfy our enjoyment, we always miss our mark. As Todd McGowan states, ‘the problem with the society of enjoyment is not that we suffer from too much enjoyment, but that we don’t have enough’. 37 Third World Quarterly 1129 Downloaded by [York University Libraries] at 10:45 02 October 2014 A second illustration of jouissance involves nationalism. Indeed, little else has been more enduring than national identifications in the development context. Appeals to national bonds were of course crucial during independence struggles across the former colonies, but they have also been a key ingredient in postindependence national politics to help unify the nation on key political issues (land reform, industrialisation or liberalisation strategies, pet or prestige development projects, emergencies, humanitarian disasters, wars, etc). What is notable is that these appeals have invariably relied, not so much on rational arguments as social passions. Nationalism operates at the libidinal level (ie at the level of our ‘guts’, hearts, affect), engaging our sense of belonging, community and pride. It relies on the (fantasmatic) promise of full enjoyment, which once again helps to explain the secret of its persistence. The problem is that, while nationalism may be able to deliver on a few of its development goals, it often leads to irrationalities and excesses. We are all too aware of stories about excessive government spending on the military or costly prestige projects (mega-dams, space programmes, state-of-the-art hospitals, etc), at the expense of, say, basic health care and education. It is precisely this that Frantz Fanon warned about in his scathing critique of the national bourgeoisie, which he famously accused of pandering to nationalist sentiment as a pretext for continuing elite wealth accumulation and ‘racket’. 38 But there is also a more sinister dimension to nationalism: its tendency to scapegoat. This is a tendency that arises as part of the very formation of national identity. To construct the nation is to appeal to what makes ‘us’ unique (our customs, culture, landscapes, food, dress, festivals, etc). It is this uniqueness that provides people with an ecstatic sense of unity and togetherness (ie jouissance). Yet, as Lacanians are quick to point out, such togetherness is a fiction, masking the lack and instability at the heart of any identity. And so, usually when things go wrong and this sense of national togetherness is threatened (eg by economic crises, recessions or internal political instability), a scapegoat is constructed – fundamentalists who terrorise us, the poor who threaten our security or environment, immigrants who steal our jobs or menace our women, the Jews/Indians/Chinese who plot to rule the world. Žižek underlines how such scapegoating allows the nation to avoid confronting its own inadequacies or contradictions by projecting them onto a stereotypical Other.39 My third, related example is about racism. Since colonial times not only has Western domination of the Third World been exercised in the socioeconomic and political spheres, but also when it comes to race. As Fanon claims, the ‘White man’ has become the universal subject or master signifier, so that being Black (or a person of colour) is only meaningful in relation to whiteness.40 From the Lacanian standpoint this implies that whiteness has been constructed as the promise of being less lacking, that is, more human and more whole.41 There is thus, as Kalpana Seshadri-Crooks argues, a kernel of jouissance in the construction of race and racism, with people of colour (and white people themselves) desiring whiteness,42 something which, it must be noted, fits neatly with the preponderant idealisation of the West in development discourse. No wonder once again that, despite the fact that people decry racism, it so obstinately remains with us. Skin bleaching (‘lactification’), the denigration of local culture in favour of all things Euro-North American, racial profiling (in policing, 1130 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 immigration), the resurgence of white supremacist movements – all speak to the jouissance inherent in racism and to persistent forms of ‘internalized whiteness’, whether in the global South or North. Žižek often associates racist enjoyment with envy, claiming that our enjoyment is always imbricated with the Other’s enjoyment, so that we can never enjoy on our own; we most often enjoy by envying the Other’s enjoyment, too.43 The creation of a scapegoat, according to him, is accompanied by anxiety about the ‘theft of enjoyment’: we cannot enjoy because the Other – terrorists who are threatening our security, foreigners who are taking our jobs – has stolen our enjoyment or is enjoying more than us. Hence, only by eliminating the Other can we recover our lost enjoyment and really enjoy (of course, no such real enjoyment exists). Such a perspective would help explain why extreme forms of racism result in the Other’s extermination (eg in the Rwandan and Armenian genocides, Bosnian ethnic cleansing, the massacre of indigenous peoples in Guatemala, Nazi concentration camps, etc). But it also helps explain more subtle or everyday forms of racism. For example, the neighbour declaring she likes family X living next door, but there’s something about them that bothers her (their noisy music, their entrepreneurialism, their body odour, their cooking smells, etc). What bothers her is (her construction of) their excess, their particular mode of enjoyment. An illustration of this in the development context is the recent discourse on HIV/AIDS. As Kalpana Wilson contends, despite the fact that the AIDS pandemic has much to do with political economy, the crisis is most often explained or rationalised (eg by Western aid agencies) in terms of ‘risk behaviours’ among ‘Africans’. 44 Wilson shows that weakened immune systems are the result not merely of the spread of a virus, but of people living in poverty, and the lack of access to cheap generic retroviral drugs (blocked by the big pharmaceuticals with the support of Western governments). That people live in poverty is the product of neoliberal structural adjustment policies across sub-Saharan Africa, which has seen reduced access to educational and health services for the poorest (especially women), and high unemployment, particularly among the ranks of former civil servants, teachers and health workers (several of whom live with HIV/AIDS). Yet the HIV/AIDS discourse tends towards a racialised stereotype on sexual behaviour: Africans lack sexual control, or African men and women are promiscuous. The consequence, according to Wilson, is a tendency on the part of Western aid agencies to target not the socioeconomic causes of the pandemic, but ‘African culture’ (behavioural modification, changes in values, etc). The stereotype of the hypersexual African is an old colonial one that Fanon famously seized upon.45 He claimed, from a psychoanalytic point of view, that it displayed a certain paranoid anxiety on the part of the coloniser about ‘African’ sexual prowess. That is, white racist repulsion was accompanied by its opposite – desire for, or sexual attraction to, Black people. And the same applies to the contemporary AIDS-related stereotype about the over-sexed African. To put it in Lacanian terms, it betrays a Western racist envy of the Other’s excess or enjoyment. The ‘African’ is constructed as possessing something we lack, which is what bothers us. But of course, what such racist constructions do is blind us to our own contradictions and deficiencies, which in this case have to do, as Wilson underlines, with Western complicities in the HIV/AIDS pandemic (support Third World Quarterly 1131 Downloaded by [York University Libraries] at 10:45 02 October 2014 for the big pharmaceuticals on restricting cheaper generic drugs, imposition of structural adjustment programmes, etc). Consequently Lacanian psychoanalysis helps us glean how such an unconscious social passion as enjoyment is so intertwined with development. Enjoyment provides for a (false) sense of satisfaction, stability and togetherness (as illustrated in the examples of neoliberal capitalism, nationalism and racism), but the excess it represents can also give way to irrational conduct (overindulgent materialism, scapegoating, and so on). Yet, whether in its positive or negative form (and often in both forms simultaneously), the notion of jouissance helps explain why things stick, why people hold on to sociocultural identifications, why such social ills as racism or rabid nationalism so obdurately persist. One last important argument: I want to suggest that it is the neglect of the passions, particularly jouissance, that bedevils the likes of post-development (hence it is not just mainstream development that has tended to disavow its psychoanalytic underpinnings, but even such non-mainstream thinking as postdevelopment). Indeed, Foucault, on whose work post-development relies, is quite critical of psychoanalysis (at least in his later work), seeing desire not as some extra-discursive passion that is repressed, but as something positively produced by discourse.46 Psychoanalysis, for him, is thus a normalising technology in the service of our disciplinary modern societies. Lacanian psychoanalysis is quite consistent with Foucault’s conception of power and discourse and how these discipline bodies, produce subjects, and shape such modern institutions as asylums, prisons, hospitals, schools, and indeed psychoanalysis.47 The problem, however, is that Foucault assumes that power produces the body without any mediation, that is, without any process of interiorisation. As Copjec argues, in ‘Foucault’s work the techniques of disciplinary power (of the construction of the subject) are conceived as capable of “materially penetrat[ing] the body in depth without depending even on the mediation of the subject’s own representations. If power takes hold on the body, this isn’t through its having first to be interiorized into people’s consciousness”.’ 48 For Lacanians it is precisely desire (growing out of enjoyment) that fixes the subject (however precariously and contingently), explaining how we both (mis) perceive power and become libidinally invested in it. And such desire/enjoyment is not discursively produced, as Foucault would have it, but as noted above is an inherent excess or an extimate core (the Real) to any discourse; it is the result of the insubstantial loss that arises the moment we enter language. Thus, the problem with Foucault, according to Copjec, is his refusal of any type of transcendence (not even the internally external transcendence envisaged by Lacan): his historicist discursivism ends up reducing society to power–knowledge relationships. But because power is always immanent for Foucault, his is a historicism which can neither account for itself (how does one apprehend power/discourse if one is always within it?) nor explain how social orders persist (or can be changed).49 Post-development shares several of the same problems. Drawing primarily on Foucault, post-development analysts such as Arturo Escobar and James Ferguson have focused on the construction of discourses about the Third World and their attendant disciplinary mechanisms. Escobar, for example, examines how development discourse is produced through the problematisation of issues 1132 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 (eg ‘poverty’) and the consequent professionalisation and institutionalisation of knowledge, which end up controlling and regulating people and communities.50 Ferguson, for his part, underlines how knowledge is simplified and depoliticised as a way of aggrandising institutional authority, so much so that, even when development projects fail, they can help expand bureaucratic power.51 But the problem with such analyses is that they inadequately grapple with human/social passions, failing to confront the psychic inclinations that support development discourses. In Escobar’s case there is no explanation of how power is mediated at the level of the subject, or why people so often acquiesce in, say, neoliberal discourse (as highlighted earlier). In fact, Escobar has been criticised precisely for a facile anti-development stance, with critics pointing out that many communities (including opposition groups) often fight for development (eg more jobs, even if they are low-paid, and better access to health, education, etc).52 Jonathan Rigg contends, for example, that in Southeast Asia many groups have ‘climbed aboard the modernization bandwagon, whether they be for or against it’. 53 Similarly, while Ferguson’s is a fascinating analysis of institutional power, he reduces the bureaucratic space to the power–knowledge relationships within it. There is no consideration of institutional desire – the ways in which, for instance, development administrators may obtain a certain reassurance and stability from following bureaucratic procedures and rules, or enjoy the prestige (and in the development context, benevolence) of their bureaucratic position and the discretionary power that comes with it. This would certainly explain more adequately why institutional power is able to sustain itself: it is not only produced discursively in an almost impersonal and anonymous way (ie an anti-politics machine), but is able to take hold and expand through libidinal attachments.54 Development as fantasy: doing ideology critique It is Žižek who has almost single-handedly renewed current interest in ideology. Given the Lacanian position that reality is always ruptured by gaps and contradictions (ie the Real), ideology, according to Žižek, is that which attempts to cover up these contradictions, to obscure the Real.55 In this sense reality is thoroughly ideological, with ideology serving as a way for it to escape its traumatic core and ideology critique constantly trying to focus attention back on this escape/trauma. Thus, in the case of (the ideology of) nationalist racism discussed above, we saw how a scapegoat was produced to cover up, and divert attention away from, the nation’s internal troubles (the Real). Here, the underlying ideological fantasy is that, once the scapegoat is removed or eliminated, the nation will recover its (impossible) harmony. Note that Žižek’s position on ideology differs from the Marxist one, which implies a privileged, neutral point from which one can distinguish between ‘objective reality’ and ‘false consciousness’. For Žižek we are all ideologically produced, so there is no question of being outside ideology. Rather, what we can do in terms of ideology critique is to try and detect, in the manner of the psychoanalyst, the gaps in ideologically constructed reality, gaps which, as we have seen, show up as slips, blind spots, symptoms, irrationalities. Ideology critique is therefore possible only from within the belly of the beast, so to speak. Third World Quarterly 1133 Downloaded by [York University Libraries] at 10:45 02 October 2014 Note as well that ideological fantasies secure our consent and compliance through desire (and enjoyment).56 In fact, as Žižek points out, fantasy is the mise-en-scène for desire: it helps make reality smooth, coherent and harmonious, protecting us from trauma or lack, gentrifying turbulence or negativity, and promising a world that is more bearable, attractive and enjoyable. Fantasy thus animates and manages desire; it teaches us how to desire.57 But just as fantasy can never live up to its promises (because no fullness exists), so desire is never satiated; it is condemned to repetition and failure in search of the missing object. Let me illustrate by examining a couple of development’s ideological fantasies. To begin, the very discourse of ‘poverty’, upon which development centres, is ideological. Indeed, poverty discourse typically constructs the Third World as underdeveloped and backward, as though such ‘underdevelopment’ is a fait accompli. By so isolating underdevelopment and poverty, the discourse mystifies the close relationship between surplus extraction and impoverishment, wherein wealth in some parts of the world (ie the affluent centres of the global North and South) is the historical result of the pauperisation of others.58 Hence poverty discourse simplifies and de-historicises inequality by privileging the ‘now’ of poverty, thus eliding the Real – in this case, continuing forms of elite domination, particularly the West’s (neo)colonial immiseration of the Third World. (Note that this is the same traumatic Real that, as pointed out earlier, modernisation tries to escape by disavowing Western colonial history.) It is worth reflecting on the desires elicited by such an ideological fantasy. A typical response to the mis-en-scène of (Third World) poverty is to blame this ‘backwardness’ on individuals and values – rogue civil servants, corrupt leaders, uneducated or irresponsible mothers, ‘ethnic’ or ‘traditional’ practices – so that the solution becomes the need/desire for better (ie modern, Western-style) leadership, norms and codes of conduct. A distinct moral righteousness pervades such a discourse, with experts and elites standing as arbiters of the ‘right’ values and ‘good’ governance. Ideologies and moralising discourses such as that of poverty are most successful when they are able to depoliticise desires, precisely in order to avoid coming too close to the Real. It would be much too risky – and traumatic – for the discourse of poverty to be staged in terms of inequality, for this would doutbless animate the desire to problematise (if not eliminate) the relationship between wealth accumulation and pauperisation. This is no doubt why it is the discourse of poverty, not inequality, that is so hegemonic in development, reflecting elites’ desires to maintain the status quo. A second prevalent ideological fantasy is neoliberalism, with which, for all intents and purposes, mainstream capitalist development is closely associated these days. Neoliberalism proposes that market mechanisms maximise human well-being and are ideal for addressing social and political problems. It promises that everyone wins, and anyone can ‘make it’. 59 We have already seen how such an ideological system binds people to it by seducing them (through jouissance); it creates a series of lacks, and through a cycle of satisfaction–disappointment (and hence postponement) is able to endlessly stimulate and redirect our desires (for consumption, wealth, jobs, etc). But in pledging to eliminate our ontological loss, in vowing to make us whole, the neoliberal fantasy conceals a lot. It hides the rapaciousness of 1134 I. Kapoor Downloaded by [York University Libraries] at 10:45 02 October 2014 markets, which have led to global ecological crisis and growing inequalities and unevenness.60 It disavows the large reserve army of (sweatshop) labour upon which the smooth functioning of global capital depends. And it ignores how the neoliberal gutting of state social programmes has hit hardest those most in need (women, the unemployed, migrants, racialised minorities). Neoliberal capitalism is founded on the gentrification of, and inability to acknowledge, its contradictions and deficiencies. What can be gleaned from the above is that Žižekian ideology critique involves two complementary steps.61 The first is about examining how an ideological fantasy is constructed and what it is trying to hide or disavow. Often this means identifying the fantasy’s master signifiers, taken-for-granteds or ‘sublime objects’ (in the above two examples: ‘poverty’, ‘corruption’, ‘free market’, ‘growth’). Moreover, this means locating the ideology’s Real, that is, what it is trying to render invisible or unutterable (eg inequality, the relationship between poverty and wealth accumulation, sweatshop labour). But detecting the holes and traumas within our knowledge systems is not nearly enough. This is because of what Žižek calls the ‘fetishistic disavowal’, according to which we can know, but still continue to do.62 The problem is evident in, say, global hedge fund managers guiltily regretting the industrial layoffs caused by their own financial speculation, yet continuing their business as usual; or critical TV audience members decrying product advertising but still engaging in consumerism and shopping. The strength of ideology, according to Žižek, lies in allowing us a certain ironic distance, which makes us think we know better and can rise above ideology. In contrast to those who maintain that having the information and ‘exposing the facts’ are sufficient to undermine power, Žižek argues emphatically that, most often, it is not a lack of knowledge that is the problem, but our unconscious commands and passions that bind us to ideology despite critical distance. Acknowledging and tracking the desires and enjoyment we invest in ideology, then, is a crucial second procedure for ideology critique. It means ‘articulating the way in which...an ideology implies, manipulates, produces a pre-ideological enjoyment structured in fantasy’. 63 This is precisely why I have been arguing for the importance of psychoanalysis in development: to better identify and come to terms with our libidinal attachments and the lure of development’s many sublime objects and fantasies. Psychoanalysis tells those of us who work in this field that we do not necessarily know our interests. Our libidinal attachments so often circumscribe our thinking and actions. This is why, despite the fact that we may be critical of or despondent about development, we buy into such development fantasies as ‘doing good’ or ‘free markets’, which often screen our lacks and anxieties (about social injustice, inequality, or our own complicities as Westernised elites) and set off our desires (eg to help, to save the Other, to donate money to charity, or to call for the privatisation of public services).

#### The forwarding of the resolution is a call for recognition---instead of changing violent policies, the 1AC becomes obsessed and dependent on them.

Lundberg 12 – Dr. Christian Lundberg, Co-Director of the University Program in Cultural Studies and Professor of Rhetoric at the University of North Carolina, PhD in Communication Studies from Northwestern University, MA in Divinity from Emory University, BA from the University of Redlands, Lacan in Public: Psychoanalysis and the Science of Rhetoric, p. 174-177 // Re-Cut Justin

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 Gerard 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.T'" 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 nanling in the order of knowledge? This account of hysteria provides a significant test case for the equation betweenjouissance 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.

*On Resistance: The Dangers of Enjoying One's Demands*

The demands of student revolutionaries and antiglobalization protestors provide a set of opportunities for interrogating hysteria as a political practice. For the antiglobalization protestors cited earlier, demands to be added to a list of dangerous globophobes uncannily condense a dynamic inherent to all demands for recognition. But the demands of the Mexico Solidarity Network and the Seattle Independent Media project demand more than recognition: they also demand danger as a specific mode of representation. "Danger" functions as a sign of something more than inclusion, a way of reaffirming the protestors' imaginary agency over processes of globalization. If danger represents an assertion of agency, and the assertion of agency is proportional to the deferral of desire to the master upon whom the demand is placed, then demands to be recognized as dangerous are doubly hysterical. Such demands are also demands for a certain kind of love, namely, the state might extend its love by recognizing the dangerousness of the one who makes the demand. At the level the demand's rhetorical function, dangerousness is metonymically connected with the idea that average citizens can effect change in the prevailing order, or that they might be recognized as agents who, in the instance of the list of globalophobic leaders, can command the Mexican state to reaffirm their agency by recognizing their dangerousness. The rhetorical structure of danger implies the continuing existence of the state or governing apparatus's interests, and these interests become a nodal point at which the hysterical demand is discharged. This structure generates enjoyment of the existence of oppressive state policies as a point for the articulation of identity. The addiction to the state and the demands for the state's love is also bound up with a fundamental dependency on the oppression of the state: otherwise the identity would collapse. Such demands constitute a reaffirmation of a hysterical subject position: they reaffirm not only the subject's marginality in the global system but the danger that protestors present to the global system. There are three practical implications for this formation.

First, for the hysteric the simple discharge of the demand is both the beginning and satisfaction of the political project. Although there is always a nascent political potential in performance, in this case the performance of demand comes to fully eclipse the desires that animate content of the demand. Second, demand allows institutions that stand in for the global order to dictate the direction of politics. This is not to say that engaging such institutions is a bad thing; rather, it is to say that when antagonistic engagement with certain institutions is read as the end point of politics, the field of political options is relatively constrained. Demands to be recognized as dangerous by the Mexican government or as a powerful antiglobalization force by the WTO often function at the cost of addressing how practices of globalization are reaffirmed at the level of consumption, of identity, and so on or in thinking through alternative political strategies for engaging globalization that do not hinge on the state and the state's actions.

Paradoxically, the third danger is that an addiction to the refusal of demands creates a paralyzing disposition toward institutional politics. Grossberg has identified a tendency in left politics to retreat from the "politics of policy and public debate.":" Although Grossberg identifies the problem as a specific coordination of "theory" and its relation to left politics, perhaps a hysterical commitment to marginality informs the impulse in some sectors to eschew engagements with institutions and institutional debate. An addiction to the state's refusal often makes the perfect the enemy of the good, implying a stifling commitment to political purity as a pretext for sustaining a structure of enjoyment dependent on refusal, dependent on a kind of paternal "no." Instead of seeing institutions and policy making as one part of the political field that might be pressured for contingent or relative goods, a hysterical politics is in the incredibly difficult position of taking an addressee (such as the state) that it assumes represents the totality of the political field; simultaneously it understands its addressee as constitutively and necessarily only a locus of prohibition.

These paradoxes become nearly insufferable when one makes an analytical cut between the content of a demand and its rhetorical functionality. At the level of the content of the demand, the state or institutions that represent globalization are figured as illegitimate, as morally and politically compromised because of their misdeeds, Here there is an assertion of agency, but because the assertion of agency is simultaneously a deferral of desire, the identity produced in the hysterical demand is not only intimately tied to but is ultimately dependent on the continuing existence of the state, hegemonic order, or institution. At the level of affective investment, the state or institution is automatically figured as the legitimate authority over its domain. As Lacan puts it: "demand in itself ... is demand of a presence or of an absence ... pregnant with that Other to be situated within the needs that it can satisfy. Demand constitutes the Other as already possessing the 'privilege' of satisfying needs, that it is to say, the power of depriving them of that alone by which they are satisfied."46

#### Their form of politics sustains a bad relationship to the death drive, ensuring extinction.

Themi 8 [Tim; Professor in Philosophy Camp; Psychoanalysis from the School of Humanities &amp; Social Sciences at Deakin University, “HOW LACAN’S ETHICS MIGHT IMPROVE OUR UNDERSTANDING OF NIETZSCHE’S CRITIQUE OF PLATONISM: THE NEUROSIS &amp; NIHILSM OF A ‘LIFE’ AGAINST LIFE,” Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2; 2008; http://www.cosmosandhistory.org/index.php/journal/article/view/96/192] EG // Re-Cut Justin

But with our advancements in technological power outmatching by far any correlative advance in the awareness gained as a whole of our prehistoric Thing within: the great 21st century ecological disaster that too many academics and activists now increasingly predict, seems more than just a little possible. But to this increasingly macabre scenario, we must also add the renewed proliferation of nuclear weapons which occurs, no less, amidst a world where vital resources for energy and democracy are wearing thin[50]. For just such reasons, wilful ignorance of the Thing now bares results which Lacan’s Ethics reveals as far too terrifyingly possible to rationally accept; given that we have the Thing armed to the teeth now from that primitive id-like part of the brain, with no Sovereign Good, and all the way into a nuclear age.

CONCLUSION: THE NEUROSIS &amp; NIHILISM OF A ‘LIFE’ AGAINST LIFE.

This is why Lacan proposes that his enquiry into ethics must be one to go “more deeply into the notion of the real”(LE:11). Further into what he would rather call the real, given that previous notions of ‘nature’ have been too far ‘different’––from being far too Platonic––than his own; and because it’s the very exclusions in these previous notions which upon return, as return of excess, are yielding our most tragic problems.

Today when faced with problems of the magnitude of global warming––a special but by no means solo case of adverse environment change at present due to our physical treatment of the planet––we often think the answer is to be more moral, more good, and we are thankful when exponents of the Good in some way bring attention to the problem. However, the idea of the Good as introduced by Plato, and nigh all of its descendants whether secular, rationalist, religious or not, continue to predicate themselves on a radically false picture of the human-condition: if not still of the entire cosmos––which only then lines itself up aside of an age- old repression, a repression of das Ding, that Freudian Thing in our inner real which, when it returns after being disavowed and denied in the name of the Good too long, is even more devastating.

Presently we are accelerating along the path of what Lacan discloses as our civilisation’s “race towards destruction”, a “massive destruction”, “a resurgence of savagery”, snaking the paths traced out before us by the centuries long dominion of Western morality [51]; and the nihilism detected by Nietzsche before the turn of the 20th has never threatened to reach such the grand finale. But what I would have us take from this enquiry here is that this is not because we aren’t in accordance enough with a moral ideal of the Sovereign good, but rather, it’s because we aren’t in accordance enough with a proper understanding of the real. It’s because we still at some level think that being more moral, in accordance with the Good’s inherited repressive structures towards our drives, desire, and truthfulness about the real, is actually the answer to––rather than the source of––our most tragic problems.

The goal here is by no means then to encourage all to let their Things run wild––which would probably be nothing short of an instant conflagration––but this is why and precisely why we must desist from deluding ourselves under the tightening grip of a Sovereign Good, for this is precisely the move which cuts the Thing loose after pressing down for far too long, a slippery hand’s palming on the coils of a spring, forever readying the subsequent explosion. For when that which is really real––as opposed to what Christian-Platonism falsely called the ‘real’––is forced from mind, it can’t really disappear because it is real, and it tends to end up only in our gun-sights as an imaginary overlaying of an external other, when the signifier ‘enmity’ appears. The earth itself can even seem like the enemy after while, one which like Plato in his Phaedo, we might think then to escape from “as if from a prison”, and especially from “the bonds of the body”, in the hope that we may live one day without the earthly altogether[52]. Following such negations to their logical conclusion, life itself becomes enemy too, for as being made up of the earthly and organic, life could never be free of what it is in essence. And what is the death-drive Freud tells from the start, if not to return us sundry to that dust-bowl of the inorganic; as per that “second death”[53] fantasm Lacan salvages from the Monstre de Sade, which wills to go beyond the destruction of mere beings, by destroying too the principle from which fresh sets could emerge. Such negative devaluations of our earthly, organic life though are really of our own construction: as de Sade, like any pervert, is only the mirror which shows expressed what Platonic- neurotics are but hide inside––a cess-pit of loathing contempt for life, built up from the unconscious and disowned, distorted and damned up, built up, instinctual-ideational elements of their own subjective psyches, phobically ferocious of that Thingly real lying not so dormant, and readying within…

But is it now still possible as Nietzsche teaches to say ‘Yes’ to the real of nature both without and within––to return to it!––even though it is more frightful and we are less guaranteed protection of it than the Platonic history of metaphysicians taught? For with the further disclosures of The Ethics of Psychoanalysis––Lacan’s following up and extension of the meta-ethical implications of Freud: perhaps even Nietzsche, our great intellectual übermensch, may too have bitten off more snake- head than he could chew? From certain moments in Nietzsche’s texts we can perhaps interpret that he may have had this Thing in his sights, but saw nothing much to come of it, so instead, elected to turn away, though not without some perhaps hinted at self- amusement.[54]

But with psychoanalysis, rightly or wrongly, such truths are out. It doesn’t seem all positive at first, and perhaps it never entirely will. But we must not let this deeper disclosure desist us now from the core Nietzschean project of locating and overcoming the nihilism which begs us to take cover in idealising fictions, as if life as life is not worth living. Not because nihilism and the annihilation of the species is wrong in the sense of being immoral, but rather because it is bad art, mediocre art, and the ‘knowledge’ claims it trumpets on should only make us flare. If we are at our full intellectual and creative will to power, we can only consider such cultural-civil regressions as we saw on display with that whole propaganda comedy that surrounded the war for more oil in Iraq as infantile; the hapless results of sibling rivalries gone too far astray. But we must also resist being caught up in the imaginary of those who would only re-preach to us now of a return to the Good, who would only redeploy such versions of nihilism’s precursory defensive fictions, the pernicious ones, which would only then re-falsify our data, and leave us disappointed when the truth then re-emerges. Doing more harm than good does Platonism in the end by leaving us untrained for the real, with the habit instead to take some truth as ‘error’, and error as ‘truth’––as ‘real’––to the point even of epistemic dysfunction. Take the grotesque intellectual poverty of that whole Christian middle-ages for example, whence put into relation with the heights of Aristotle and his fellow Greeks, as Augustine and Aquinas amplified some of the worst bits of Platonism, and threw the rest into abyss.

The overcoming of the moralising good of Christian-Platonism though does by no means imply then a subsequent affirmation of all that brutal Roman like greed, slavery, decadence, circus-bread corruption and mindless colonial expansion that we’ve heard all about, and are hardly so free of with our corporate today––just ask a Latin-American for instance![55] For it is possible within the perspectives opened up by Nietzsche, Freud, Lacan, as Silvia Ons puts it, to view a social-historical or individual neurosis of any kind: including the expressed acted-out, perverse-sadistic form that escapes when the Good is temporarily loosed of its repressive grip––and say to the would be Platonist: ‘No, not that, that’s not a cure, that’s a mirage; that’s sheer fantasy, resentment, spite; that’s not a cure it will only make things worse; worse in a different way, but worse nonetheless!’

By greater mindfulness then, with guided affirmation towards even that fearsome Freudian Thing that The Ethics of Psychoanalysis has us find now in our inner natures: we can eventually again say ‘Yes’-to-life in such the way that it overcomes the nihilism of not caring too much whether we as individuals or species live or die, whether we as culture or civilisation advance or decline. But we can only do this with fullest efficacy by freeing ourselves of all that wasted neurosis sickness that feels it must deny our Thing like aspect of the real: because from all those Christian-Platonic prejudices of the Good, it has been taught that such ‘things’ are too far beneath it. We must continue instead to train ourselves to stare the real directly in the face, without flinching, and that’s all we can do at least to start. For unless we can continue to utilise, sublimate, enjoy and get a positive, well-guided jouissance out of all aspects of life––including that Freudian Ding in our real––then the chances are we’re going to be at least in part, happy enough in no longer living it: offering not even a puff of genuine political praxis! We either face up to the death-drive snaking long beneath the dank, hidden history of the un-real, anti-real Good of Platonism––or let the disowned, un-understood drive resurge of its own volition **until it accidentally finishes us**!s Ethics, May 1960.

#### 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] SJBE Re-Highlighted Justin

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 is closed to the other but allows for the otherness. The ethical position thus involves sustaining the liberal’s toler- ance within the conservative’s encounter with the real other.

#### Best brain studies verify psychoanalysis!

Guterl 2 [Fred; “What Freud Got Right,” Newsweek; 11/10/02; <https://www.newsweek.com/what-freud-got-right-142575>] Justin

But a funny thing happened to Freud on the way to becoming a trivia question: as researchers looked deeper into the physical structure of the brain, they began to find support for some of his theories. Now a small but influential group of researchers are using his insights as a guide to future research; they even have a journal, Neuropsychoanalysis, founded three years ago. "Freud's insights on the nature of consciousness are consonant with the most advanced contemporary neuroscience views," wrote Antonio Damasio, head of neurology at the University of Iowa College of Medicine. Note that Damasio did not refer to psychoanalysis or the Oedipus complex. Instead the work is going on at the fundamental level where emotions are born and primitive passions lurk in the shadows of dreams.

Beyond the basic animal instincts to seek food and avoid pain, Freud identified two sources of psychic energy, which he called "drives": aggression and libido (the latter encompasses sexuality but also had a more expansive meaning, involving the desire for stimulation and achievement). The key to his theory is that these were unconscious drives, shaping our behavior without the mediation of our waking minds; they surface, heavily disguised, only in our dreams. The work of the past half-century in psychology and neuroscience has been to downplay the role of unconscious universal drives, focusing instead on rational processes in conscious life. Meanwhile, dreams were downgraded to a kind of mental static, random scraps of memory flickering through the sleeping brain. But researchers have found evidence that Freud's drives really do exist, and they have their roots in the limbic system, a primitive part of the brain that operates mostly below the horizon of consciousness. Now more commonly referred to as emotions, the modern suite of drives comprises five: rage, panic, separation distress, lust and a variation on libido sometimes called seeking. Freud presaged this finding in 1915, when he wrote that drives originate "from within the organism" in response to demands placed on the mind "in consequence of its connection with the body." Drives, in other words, are primitive brain circuits that control how we respond to our environment--foraging when we're hungry, running when we're scared and lusting for a mate.

The seeking drive is proving a particularly fruitful subject for researchers. Although like the others it originates in the limbic system, it also involves parts of the forebrain, the seat of higher mental functions. In the 1980s, Jaak Panksepp, a neurobiologist at Bowling Green State University in Ohio, became interested in a place near the cortex known as the ventraltegmental area, which in humans lies just above the hairline. When Panksepp stimulated the corresponding region in a mouse, the animal would sniff the air and walk around, as though it were looking for something. Was it hunger? No. The mouse would walk right by a plate of food, or for that matter any other object Panksepp could think of. This brain tissue seemed to cause a general desire for something new. "What I was seeing," he says, "was the urge to do stuff." Panksepp called this seeking.

To neuropsychologist Mark Solms of University College in London, that sounds very much like libido. "Freud needed some sort of general, appetitive desire to seek pleasure in the world of objects," says Solms. "Panksepp discovered as a neuroscientist what Freud discovered psychologically." Solms studied the same region of the brain for his work on dreams. Since the 1970s, neurologists have known that dreaming takes place during a particular form of sleep known as REM--rapid eye movement--which is associated with a primitive part of the brain known as the pons. Accordingly, they regarded dreaming as a low-level phenomenon of no great psychological interest. When Solms looked into it, though, it turned out that the key structure involved in dreaming was actually the ventral tegmental, the same structure that Panksepp had identified as the seat of the "seeking" emotion. Dreams, it seemed, originate with the libido--which is just what Freud had believed.

Freud's psychological map may have been flawed in many ways, but it also happens to be the most coherent and, from the standpoint of individual experience, meaningful theory of the mind there is. "Freud should be placed in the same category as Darwin, who lived before the discovery of genes," says Panksepp. "Freud gave us a vision of a mental apparatus. We need to talk about it, develop it, test it." Perhaps it's not a matter of proving Freud wrong or right, but of finishing the job.

## 3

### CP

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

#### ---eliminate patent protections except for indigenous patents.

#### ---establish an international legal instrument to protect indigenous intellectual property

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

**WIPO no date** WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," No Publication, <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU> SJ//DA

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 93 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)//Elmer

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)//Elmer

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.

## 4

### Framing

#### The neg burden is to prove the aff is not a logical consequence of the resolution. To clarify, this doesn’t contest the aff FW but is just a prerequisite.

#### 1. Text – Oxford Dictionary defines ought as “used to indicate something that is probable.”

<https://en.oxforddictionaries.com/definition/ought> //Massa

#### Ought is “used to express logical consequence” as defined by Merriam-Webster

(<http://www.merriam-webster.com/dictionary/ought>) //Massa

#### 2. Debatability – a) my interp means debates focus on empirics about squo trends rather than irresolvable abstract principles that’ve been argued for years b) Moral oughts cannot guide action since the is-ought gap makes prescribing action impossible

#### 3. Neg definition choice – allows the negative to garner specific links to the affirmative to ensure no 1ar shiftiness.

### Offense

#### 1] Inherency – either a) the aff is non-inherent and you vote neg on presumption or b) it is and it isn’t going to happen.

#### 2] Zeno’s Paradox – to go anywhere, you must go halfway first, and then you must go half of the remaining distance, and half of the remaining distance, and so forth to infinity – thus, motion is impossible because it necessitates traversing an infinite number of spaces in a finite amount of time. If movement is impossible, reducing IP isn’t a logical consequence of the rez.

#### 3] Intellectual is defined as “possessing or showing intellect or mental compacity” (Dictionary.com) but property cant possess intellect so the resolutions incoherent

# Case

## 1NC – Framing

### 1NC – Ext OW

#### Extinction outweighs: A] Reversibility- it forecloses the alternative because we can’t improve society if we are all dead B] Structural violence- death causes suffering because people can’t get access to resources and basic necessities C] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical D] Uncertainty- if we’re unsure about which interpretation of the world is true, we should preserve the world to keep debating about it

## 1NC – Solvency

### 1NC – Circumvention

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### TRIPs waiver doesn’t solve- it doesn’t obligate countries to do anything, just makes it legal.

Mercurio 21 [Bryan; Professor of Law, The Chinese University of Hong Kong; "The IP Waiver for COVID-19: Bad Policy, Bad Precedent," 2021; 1-6. International Review of Intellectual Property and Competition Law.] Justin

It is not only the length of time which is an issue but also the ultimate impact of the waiver. A waiver simply means that a WTO Member would not be in violation of its WTO obligations if it does not protect and enforce the COVID-19-related IPRs for the duration of the waiver. The waiver would thus allow Members to deviate from their international obligations but not obligate Members to suspend protection and enforcement of the IPRs. Members like the US who support the waiver may not implement the necessary domestic legislation to waive IPRs within the jurisdiction. It is questionable whether the US could even legally implement the waiver given that IPRs are a matter of constitutional law.17

### 1NC – AT: Patents

#### Patents can’t solve the vaccine problem- they don’t have enough info and manufacturers shield key replication information

Santos Rutschman 21 Santos Rutschman, Ana (Professor of Law, St. Louis University) and Julia Barnes-Weise (Executive Director of the Global Healthcare Innovation Alliances Accelerator a non-profit organization spun out of a program in Public Policy at Duke University, and a Senior Consultant to the Coalition for Epidemic Preparedness Innovations. She is a lawyer, global health policy consultant, entrepreneur and Certified Licensing Professional). "The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal." Bill of Health (2021) (2021)./SJKS

In order to understand the practical limitations of a waiver of intellectual property rights when a vaccine is involved, it may be useful to think of patents as informational mechanisms akin to the information and tools needed to turn a recipe into an edible product. One or more patents will provide a recipe for a process or a component needed to produce a vaccine. But, just as with a culinary recipe, the informational power of a patent does not cover any tips or instructions that have not been memorialized in writing, nor does it provide any access to the raw materials needed to put a vaccine together. Waivers, therefore, temporarily remove exclusionary rights, but do not address two fundamental sources of the current vaccine scarcity problem. First, we are still left with a significant informational problem: as many [commentators](https://science.sciencemag.org/content/369/6506/912) have remarked, knowledge disclosed through patents alone is often insufficient for a third party to actually be able to replicate a vaccine. From a scientific perspective, vaccines are biological products, and, as such, their relative complexity makes them highly dependent on specific manufacturing processes and practices, many of which are not disclosed in a patent — think of it as the unwritten tips or instructions for a particular recipe. Some of this information may be kept secret by a company for competitive reasons; in these cases, lifting patent rights will not result in increased informational disclosure, unless the patent holders themselves are willing to collaborate. A waiver thus solves the exclusivity problem, but not the information problem that undergirds competition in vaccine manufacturing. To revisit the analogy introduced above, a waiver allows third parties to freely use the recipe. It does not, however, provide all the information that may be needed to manufacture the desired good, nor does it provide manufacturers with the tacit knowledge that only the original manufacturer possesses and is not disclosed elsewhere.

### 1NC – Infrastructure

#### List of supply shortages – there is no way the aff solves, but they decrease available vaccines.

[Laurie Garrett 21, (Columnist at Foreign Policy and former senior fellow for global health at the Council on Foreign Relations). 5/7/21, Stopping Drug Patents Has Stopped Pandemics Before, Foreign Policy, <https://foreignpolicy.com/2021/05/07/stopping-drug-patents-pandemics-coronavirus-hiv-aids/>] Justin

The vaccines aren’t easy to make. Manufacturing errors in a Maryland Emergent BioSolutions factory caused an 86 percent plummet in Johnson & Johnson vaccine supplies in early April. Complex steps in the process of isolating, purifying, preserving, storing, and delivering COVID-19 immunizations are each error-prone and require long lists of specialized chemicals and machinery.

The world is in the grips now of pipette tips shortages—used to suck out chemicals and viral samples from test tubes in key steps of vaccine making. Syringes are in short supply, prompting vaccinators to toss vaccine supplies for lack of means to administer them. The sterile containers used to hold vaccines are running out. From the earliest days of the 2020 pandemic, the sorts of protective gear and machinery vaccine researchers and makers require have been in short supply, exacerbated by trade tensions between the United States and China. Swabs used for COVID-19 testing and all aspects of equipment cleaning in sterile conditions are held up in a grotesque family dispute in Maine. There aren’t enough centrifuge tubes made worldwide to spin down cell samples. Moderna and Pfizer are constantly scrambling to find the ingredients used to make the microscopic fatty balls, called liposomes, that house the mRNA molecules and carry them safely into the bloodstream. Even the nucleic acids used to construct mRNA and a long list of special enzymes used to purify those samples are in horribly short supply, largely because their use overlaps with the manufacture of COVID-19 tests. Because such delicate chemicals and proteins must be handled at deep-freeze temperatures and transported swiftly for immediate use, the entire supply chain is vulnerable to the simplest of catastrophes: weather at an airport, a car crash that blocks truck traffic, power outages, or competition for cargo space.

Although waiving TRIPS requirements on COVID-19 vaccines is a spectacular, historic gesture, would-be generic makers worldwide will soon discover their efforts are stymied not by patents but for want of Avanti Polar Lipids’ liposome ingredients, Flexsafe RM special bags to hold liquid vaccines in bulk, phosphate-buffered saline solution, Distearoylphosphatidylcholine for liposome-making, 5’ cap for mRNA made by TriLink BioTechnologies, RNA polymerases—the list goes on, and on, and on. As the number of would-be vaccine makers grows, so will demand for thousands of such items, putting pressure on companies that are, in many cases, mom-and-pop operations. Worse, pressure on supplies critical for COVID-19 vaccine making is already resulting in a production loss of vital medicines for other diseases.