## Off

#### Restrictions on production must mandate a decrease in the quantity produced

Anell 89

Chairman, WTO panel

"To examine, in the light of the relevant GATT provisions, the matter referred to the

CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda CANADA - IMPORT RESTRICTIONS ON ICE CREAM AND YOGHURT Report of the Panel adopted at the Forty-fifth Session of the CONTRACTING PARTIES on 5 December 1989 (L/6568 - 36S/68)

<http://www.wto.org/english/tratop_e/dispu_e/88icecrm.pdf>

The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so. 27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production. Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

#### This conflation ruins the topic:

#### 1. Including regulations is a limits disaster

Doub 76

Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

Vol. 1: 715-725 (Volume publication date November 1976)

DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036

http://0-www.annualreviews.org.library.lausys.georgetown.edu/doi/pdf/10.1146/annurev.eg.01.110176.003435

Mr. Doub is a principal in the law firm of Doub and Muntzing, which he formed in 1977. Previously he was a partner in the law firm of LeBoeuf, Lamb, Leiby and MacRae. He was a member of the U.S. Atomic Energy Commission in 1971 - 1974. He served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968 - 1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is a member of the American Bar Association, Maryland State Bar Association, and Federal Bar Association. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council. Mr. Doub graduated from Washington and Jefferson College (B.A., 1953) and the University of Maryland School of Law in 1956. He is married, has two children, and resides in Potomac, Md. He was born September 3, 1931, in Cumberland, Md.

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy selfsufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. More than 40 agencies were found to be involved with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could significantly affect the availability and/or cost of energy. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

#### 2. Precision: Only direct prohibition is a restriction – key to predictability

Sinha 6

<http://www.indiankanoon.org/doc/437310/>

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

#### 2. It promotes multidirectionality, destroying topic coherence

McKie 84

Professor James W. McKie, distinguished member of the economics department at The University of Texas at Austin for many years

McKie, J W

Annual Review of Environment and Resource , Volume 9 (1)

Annual Reviews – Nov 1, 1984

THE MULTIPLE PURPOSES OF ENERGY REGULATION AND PROMOTION Federal energy policy since World War II has developed into a vast and multidirectional program of controls, incentives, restraints, and promotions. This development accelerated greatly during the critical decade after 1973, and has become a pervasive and sometimes controlling influence in the energy economy. Its purposes, responding to a multitude of interests and aims in the economy, have frequently been inconsistent, if not obscure, and the results have often been confusing or disappointing.

#### Extra topical: NRC’s terrorism risk analysis requirement goes beyond nuclear power production and includes anything that the NRC regulates. Their interpretation massively expands the purview of the affirmative to include all NRC regulated facilities.

#### Extra topicality skews strategy: Any tangential non topical action the plan takes, preserves the ability for the 2AC to spike out of links or sandbag new advantages that stem from non topical action. Our strategic calculations have already been skewed. It’s too late to clarify or sever.

## Off

#### The Nuclear Regulatory Commission should issue a guidance document about the enforcement of nuclear energy. This guidance document will direct federal agencies to eliminate the Environmental Impact Statement requirement of an evaluation of terrorist attacks on nuclear facilities, including securing nuclear facilities from terrorist attack by water.

#### Guidance documents on energy issues are treated as binding and enforced

Nelson, 11 (3/23/2011, Gabriel, “Bush's Rulemaking Czar Blasts EPA's Use of 'Guidance'” <http://www.nytimes.com/gwire/2011/03/23/23greenwire-bushs-rulemaking-czar-blasts-epas-use-of-guida-47538.html?pagewanted=all>)

As businesses and states challenge U.S. EPA's new regulations on greenhouse gas emissions, coal mining and water pollution, they are putting increasing pressure on the agency's use of "guidance" to explain the rules of the road. Agencies have used guidance documents for decades to explain how they will interpret existing laws, often while they are working on new regulations. But some of the Obama administration's memos have been maligned by businesses, which say that the guidance documents are being used to change the rules without taking public comment or consulting with the rest of the administration. That argument got support yesterday from John Graham, an influential academic who was in charge of reviewing new regulations for the White House under President George W. Bush. Agencies have tried to argue that guidance documents are innocuous because they are not final rules, Graham said yesterday at a U.S. Chamber of Commerce event on "restoring balance to the regulatory process." But those memos have been used during both Republican and Democratic administrations to skirt public comment and avoid triggering review by the White House, he said. "The whole idea of guidance not being a rule -- there has to be an arrow shot right through the heart of that," Graham said, adding that Congress should pass legislation "to make sure that things that look like a duck and quack like a duck are a duck." Graham cited EPA's guidance for its new climate regulations, which tells state agencies how to decide whether new industrial plants are using the best available technology to cut down on emissions that are causing climate change.But other recent memos from EPA, mainly on water quality issues, have prompted lawsuits from the National Mining Association, Kentucky Coal Association and state of West Virginia. After the agency released new guidance on the acceptable impacts of mountaintop-removal mining on nearby streams, federal officials would not approve permits that were similar to ones that were given out before, the mining groups have argued in federal district court in Washington, D.C. The National Mining Association scored an early victory in January when District Judge Reggie Walton said he was likely to reject the guidance for the reasons outlined by Graham and other critics. Officials are using the 2009 and 2010 memos to make decisions on about 190 applications for coal-mining projects, and "it appears that the EPA is treating the guidance as binding," Walton wrote (E&ENews PM, Jan. 18).

#### Politics is a net benefit --- counterplan generates less opposition and not until after the guidance document has been issued

Raso, 10 --- J.D., Yale Law (January 2010, Connor N., The Yale Law Journal, “Note: Strategic or Sincere? Analyzing Agency Use of Guidance Documents,” Lexis)

Congressional and Presidential Preferences Guidance documents generally attract less attention from Congress and the President, giving agency leaders greater latitude to impose their preferred policy choices. Guidance is not subject to the many procedural requirements devised to alert the political branches to agency rulemaking activity. n92 In addition, guidance documents arouse less attention and opposition. Agencies can generally issue a guidance document without attracting advance publicity. The agency therefore has the opportunity to set a new status quo before opponents mobilize. This status quo may generate self-reinforcing feedbacks that strengthen the agency's position. By contrast, agencies must solicit comments on legislative rules. This process generates political activity that may be noticed by Capitol Hill and the White House; some important legislative rulemakings gain political salience as interest group conflict escalates during [\*800] the notice and comment process. n93 This comparison is not intended to suggest that interest groups are unaware of guidance documents. Rather, at the margin, legislative rules arouse more interest group attention and opposition, which results in greater congressional interest. Guidance documents, therefore, are relatively more attractive in cases where Congress and the President are likely to intervene against the agency.

## Off

#### We’re on the edge of the fiscal cliff now – Obama’s got all the swagger to do it now but his focus is key, also key to the economy.

Sullivan 11/15 [Obama says tax hike has to come first in fiscal cliff deal | Reuters, http://goo.gl/Qoo4A, By Andy Sullivan WASHINGTON | Thu Nov 15, 2012 1:04am EST, IT//Pirate]

In his first news conference since winning re-election last week, Obama said he would be open to considering Republican priorities like entitlement reform and other ways to raise tax revenue as part of a broad-based deal to set the nation's finances on a sustainable course.¶ But he said Republicans in Congress would first have to agree to his top priority in the complex negotiations aimed at preventing $600 billion in tax increases and spending cuts from kicking in at the beginning of next year, a toxic combination known as the "fiscal cliff" that could strangle the weak economic recovery.¶ "What I'm not going to do is to extend further a tax cut for folks who don't need it," Obama said, shortly before meeting with a dozen corporate executives who are pushing for a quick resolution.¶ Despite all the post-election talk about cooperation between Democrats and Republicans, the two sides seemed to be hardening their positions and Washington girded for a round of brinkmanship that could cast a pall of uncertainty over the economy through the Christmas holidays.¶ Republican leaders said Obama's stance had little chance of becoming law, while Democrats said a bill that passed the Senate a few months ago that would raise taxes on the wealthy should serve as the starting point. "It's our bill or bust," a Democratic Senate aide said.¶ Both Republicans and Democrats want to keep low income tax rates in place for middle-income and low-income households, but Democrats say the wealthiest 2 percent should revert to the higher rates that were in place in the 1990s.¶ Obama made increased taxes on the wealthy a centerpiece of his re-election campaign, and polls show public opinion is on his side. Obama is reaching beyond Washington to ramp up pressure on Republicans and has already met with labor and liberal groups to build support.¶ Several of the chief executives who met with Obama on Wednesday support his stance that any budget deal must include tax hikes as well as spending cuts.¶ "There is a very good understanding that those of us who are more wealthy are going to have to pay more," Honeywell International Inc. Chief Executive Dave Cote told CNBC after the meeting.¶ Cote served on the Simpson Bowles presidential commission that called for a mix of tax increases and spending cuts in 2010 and, along with three other business leaders at the meeting, is involved with an ad-hoc lobbying campaign advocating that approach.¶ Wal-Mart Stores Inc. Chief Executive Mike Duke issued a statement after the meeting calling for a deal that includes additional revenue, although he did not mention tax increases.¶ But other business leaders say any tax increases could hurt job creation and small-business growth.¶ The U.S. Chamber of Commerce released a letter, signed by more than 200 business groups, calling on Obama to find budget savings by scaling back benefits rather than raising taxes.¶ Obama's relationship with the U.S. business community has been strained over much of his first term, and it is unclear how much support he will muster from executives who in many cases backed Mitt Romney, his Republican rival for the presidency.¶ Xerox Chief Executive Ursula Burns said the corporate executives did not get into specifics with Obama. "What we did from a business perspective is listen and try to give some constructive feedback as to where what side of the fences we would fall on," she told reporters.

#### Nuclear power costs political capital

Mariotte 6/5/12 (Michael Mariotte, Executive Director of Nuclear Information and Resource Service, “Nuclear Power and Public Opinion: What the polls say,” http://www.dailykos.com/story/2012/06/05/1097574/-Nuclear-Power-and-Public-Opinion-What-the-polls-say)

Americans are not exactly wild about the idea of building new nuclear reactors. Polls asking the question different ways arrive at different results; at the lowest common denominator it is safe to say the country is **divided on the issue**. But Americans clearly don’t want to pay for construction of new reactors. And the reality is that no utility wants to or even can spend its own money building new reactors—they’re just too expensive. Congress, State legislatures and Public Service Commissions would do well to heed that warning, especially since it crosses all party and political lines. It is also clear that the American public does not see nuclear power as a “clean energy” source (nor, for that matter, “clean” coal or natural gas fracking). Congressional or state efforts to include these technologies in a “clean energy standard” or a clean energy bank concept are **bound to fail.**

#### Multiple Scenarios for nuclear war

**Hunter** 9/30/12 U.S. Representative from Alaska

(Duncan, “SEQUESTRATION SENDS WRONG MESSAGE TO U.S. FRIENDS AND FOES ALIKE,” 2012, <http://www.utsandiego.com/news/2012/sep/30/tp-sequestration-sends-wrong-message-to-us/?page=1#article>)

Over the next 10 years, because of sequestration, the Pentagon will be forced to absorb $500 billion in budget cuts that will strike at the heart of America’s military. Making this even more dangerous is the fact that the legislation triggering sequestration, the Budget Control Act, also imposed an additional $450 billion in defense budget cuts for a total of nearly $1 trillion of reductions over the next decade. The next 10 years are sure to be no different from the last. In the Middle East, **Iran** is desperately searching to fill a regional power vacuum and enhance its weapons program, while threatening to **close the Strait of Hormuz** and targeting Israel with unapologetic provocation. Meanwhile, the United States still has an obligation to Iraq. There is a necessity for diplomatic support and engagement, even though the ground combat mission is over. **Africa** is also experiencing power struggles of its own. The situations in Libya and Egypt are evolving, while Yemen and Somalia are acting as staging grounds for **al-Qaeda.** There is also the threat of Somali pirates in international waters. Multiple high-profile hostage situations and combat rescues show just how serious of a threat that rogue bands of pirates are to naval and commercial shipping lanes. There is also the threat of **North Korea** with its aggressive pursuit of advanced aerial weaponry, **Russia** with its focus on arms modernization, and China with its large-scale and rapid military buildup. **China’s** display of hostility toward **Taiwan** — a friend and ally of the United States — also shows no sign of diminishing. With all of this, more than 70,000 American troops are in Afghanistan, facing down a dangerous enemy. For the United States and other nations, interest in Afghanistan and the region will continue long after the last of the coalition ground forces leave and the next phase of the mission begins. Ignoring America’s obligation as a world leader and the patchwork of threats that exist today won’t eliminate the risk posed by an Iran that one day acquires nuclear weapons or a North Korea that eventually acquires effective strike capability. More likely, these and other threats will develop more quickly and efficiently, putting the **global interests** of the U.S. directly in the cross hairs. Through a robust national defense, the United States has always sent a clear message around the world that American intentions are good and we stand by our allies. The strength of the U.S. military has **dissuaded conflict** and suggested to adversaries that challenging freedom is a losing proposition. It was this deterrent, in fact, that won the Cold War and turned the U.S. military into the world’s most effective fighting force. **Sequestration would change all of this**, for the worse. In the words of Defense Secretary Leon Panetta, sequestration is a “nutty formula, and it’s goofy to begin with, and it’s not something, frankly, that anybody responsible ought to put into effect.” He also said sequestration is the equivalent of “**shooting ourselves in the head**.” Tough words, but Secretary Panetta is right. Sequestration would produce the smallest ground force since 1940, the smallest Navy since 1915 and the smallest tactical fighter force in Air Force history. Ironically, the president’s defense policy shift to the Pacific increases reliance on the Navy, but with the smallest fleet in nearly a century, controlling the oceans and projecting force will become an even more difficult and selective process, requiring prioritization that would create vulnerabilities elsewhere. Resetting America’s armed forces after a decade-plus of combat action is another necessity that cannot be overlooked. There is also a guarantee of pink slips throughout the uniformed services and every industry that directly supports the U.S. military. In San Diego, the military sustains hundreds of thousands of jobs, and billions of dollars in economic productivity. San Diego — even for all of its strategic value — is not immune to job loss and other economic impacts accompanying deep budget cuts. Sequestration is a term Americans should get to know and understand, because it will have real and lasting consequences if left unchecked. The upside is that the risks and dangers can be avoided as long as Congress and the president act in the coming months. The clock is ticking to stave off sequestration — a move that would signal to our friends and enemies alike that we uphold our promises and stand ready to defend our interests against any threat.

## Off

#### The problem of our time is not the totalizing nature of politics, but rather that it has already been liberated – we have already engaged in an orgy of liberation, so what do we do now that the orgy is over?

Baudrillard 93 [Jean Baudrillard Professor of Philosophy of Culture and Media Criticism at the European Graduate School, THE TRANSPARENCY OF EVIL ￼￼Essays on Extreme Phenomena, Translation Published 1993, by James Benedict IT//Pirate]

If I were asked to characterize the present state of affairs, I would describe it as 'after the orgy'. The orgy in question was the moment when modernity exploded upon us, the moment of liberation in every sphere. Political liberation, sexual liberation, liberation of the forces of production, liberation of the forces of destruction, women's liberation, children's liberation, liberation of unconscious drives, liberation of art. The assumption of all models of representation, as of all models of anti-representation. This was a total orgy ­ an orgy of the real, the rational, the sexual, of criticism as of anti-criticism, of development as of the crisis of development. We have pursued every avenue in the production and effective overproduction of objects, signs, messages, ideologies and satisfactions. Now everything has been liberated, the chips are down, and we find ourselves faced collectively with the big question: WHAT DO WE DO NOW THE ORGY IS OVER?

#### Their affirmation is an attempt to relive the orgy and carry on like we always were, we no longer reflect on the changes that have occurred and instead join the latest movement in order to feel that we are a part of the revolution once again. We have not changed our values, only how we engage in those values. The alternative is to advocate the 1AC sans the plantext.

Baudrillard 93 [Jean Baudrillard Professor of Philosophy of Culture and Media Criticism at the European Graduate School, THE TRANSPARENCY OF EVIL ￼￼Essays on Extreme Phenomena, Translation Published 1993, by James Benedict IT//Pirate]

Now all we can do is simulate the orgy, simulate liberation. We may pretend to carry on in the same direction, accelerating, but in reality we are accelerating in a void, because all the goals of liberation are already behind us,¶ and because what haunts and obsesses us is being thus ahead of all the results - the very availability of all the signs, all the forms, all the desires that we had been pursuing. But what can we do? This is the state of simulation, a state in which we are obliged to replay all scenarios precisely because they have all taken place already, whether actually or potentially. The state of utopia realized, of all utopias realized, wherein paradoxically we must continue to live as though they had not been. But since they have, and since we can no longer, therefore, nourish the hope of realizing them, we can only 'hyper-realize' them through interminable simulation. We live amid the interminable reproduction of ideals, phantasies, images and dreams which are now behind us, yet which we must continue to reproduce in a sort of inescapable indifference.¶ The fact is that the revolution has well and truly happened, but not in the way we expected. Everywhere what has been liberated has been liberated so that it can enter a state of pure circulation, so that it can go into orbit. With the benefit of a little hindsight, we may say that the unavoidable goal of all liberation is to foster and provision circulatory networks. The fate of the things liberated is an incessant commutation, and these things are thus subject to increasing indeterminacy, to the principle of uncertainty.¶ Nothing (not even God) now disappears by coming to an end, by dying. Instead, things disappear through proliferation or contamination, by becoming saturated or transparent, because of extenuation or extermination, or as a result of the epidemic of simulation, as a result of their transfer into the secondary existence of simulation. Rather than a mortal mode of disappearance, then, a fractal mode of dispersal.¶ Nothing is truly reflected any more - whether in a mirror or in the abyssal realm (which is merely the endless reduplication of consciousness). The logic of viral dispersal in networks is no longer a logic of value; neither, therefore,.is it a logic of equivalence. There is no longer any such thing as a revolution" of values - merely a circumvention or involution of values. A centripetal compul­ sion coexists with a decentredness of all systems, an internal metastasis or fevered endogenic virulence which creates a tendency for systems to explode beyond their own limits, to override their own logic - not in the sense of creating sheer redundancy, but in the sense of an increase in power, a fantastic potentialization whereby their own very existence is put at risk.

## Off

#### Counter-advocacy: we should embrace the trauma of a terror attack on the U.S.

# Case

#### The culture is saturated with trauma so one instance won’t solve

Schwartz 2

American Imago 59.3 (2002) 367-384

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We speak of trauma incessantly these days, so much so that when a recent story in The New York Times about troubles in the Catholic church casually refers to "the now familiar trauma of a sexual abuse scandal" (5/14/02), we may not pause to reflect on the many questions the phrase implies. In what sense can a trauma be "familiar"? Is the scandal itself traumatic, or the fact of its occurrence, or is it the sexual abuse alone? For whom is this abuse traumatic? To what extent has the scandal simply occurred and in what ways is it a media creation, defined for its political and economic uses? And is not "abuse," like trauma, another term incessantly used to refer to or evoke an enormous variety of experiences? Elastic uses of loaded terms seem symptomatic of our times, and the list could go on. Add "addiction," for example, or "victim." The events of September 11, 2001, have certainly exacerbated the stretch marks of linguistic usage, but the problem of locating sources and meanings of overwhelming experiences and psychic dangers was felt urgently long before that disruptive day.

#### Psychoanalysis can’t explain international politics

Sharpe, lecturer, philosophy and psychoanalytic studies, and Goucher, senior lecturer, literary and psychoanalytic studies – Deakin University, ‘10

(Matthew and Geoff, Žižek and Politics: An Introduction, p. 182 – 185, Figure 1.5 included)

Can we bring some order to this host of criticisms? It is remarkable that, for all the criticisms of Žižek’s political Romanticism, no one has argued that the ultra- extremism of Žižek’s political position might reflect his untenable attempt to shape his model for political action on the curative final moment in clinical psychoanalysis. The differences between these two realms, listed in Figure 5.1, are nearly too many and too great to restate – which has perhaps caused the theoretical oversight. The key thing is this. Lacan’s notion of traversing the fantasy involves the radical transformation of people’s subjective structure: a refounding of their most elementary beliefs about themselves, the world, and sexual difference. This is undertaken in the security of the clinic, on the basis of the analysands’ voluntary desire to overcome their inhibitions, symptoms and anxieties.

As a clinical and existential process, it has its own independent importance and authenticity. The analysands, in transforming their subjective world, change the way they regard the objective, shared social reality outside the clinic. But they do not transform the world. The political relevance of the clinic can only be (a) as a supporting moment in ideology critique or (b) as a fully- fl edged model of politics, provided that the political subject and its social object are ultimately identical. Option (*b*), Žižek’s option, rests on the idea, not only of a subject who becomes who he is only through his (mis) recognition of the objective sociopolitical order, but whose ‘traversal of the fantasy’ is immediately identical with his transformation of the socio- political system or Other. Hence, according to Žižek, we can analyse the institutional embodiments of this Other using psychoanalytic categories. In Chapter 4, we saw Žižek’s resulting elision of the distinction between the (subjective) Ego Ideal and the (objective) Symbolic Order. This leads him to analyse our entire culture as a single subject–object, whose perverse (or perhaps even psychotic) structure is expressed in every manifestation of contemporary life. Žižek’s decisive political- theoretic errors, one substantive and the other methodological, are different (see Figure 5.1)

The *substantive problem* is to equate any political change worth the name with the total change of the subject–object that is, today, global capitalism. This is a type of change that can only mean equating politics with violent regime change, and ultimately embracing dictatorial government, as Žižek now frankly avows (*IDLC* 412–19). We have seen that the ultra- political form of Žižek’s criticism of everyone else, the theoretical Left and the wider politics, is that no one is sufficiently radical for him – even, we will discover, Chairman Mao. We now see that this is because Žižek’s model of politics proper is modelled on a pre- critical analogy with the total transformation of a subject’s entire subjective structure, at the end of the talking cure. For what could the concrete consequences of this governing analogy be?

We have seen that Žižek equates the individual fantasy with the collective identity of an entire people. The social fantasy, he says, structures the regime’s ‘inherent transgressions’: at once subjects’ habitual ways of living the letter of the law, and the regime’s myths of origin and of identity. If political action is modelled on the Lacanian cure, it must involve the complete ‘traversal’ – in Hegel’s terms, the abstract versus the determinate negation – of all these lived myths, practices and habits. Politics must involve the periodic founding of entire new subject–objects. Providing the model for this set of ideas, the fi rst Žižekian political subject was Schelling’s divided God, who gave birth to the entire Symbolic Order before the beginning of time (*IDLC* 153; *OB* 144–8).

But can the political theorist reasonably hope or expect that subjects will simply give up on all their inherited ways, myths and beliefs, all in one world- creating moment? And can they be legitimately asked or expected to, on the basis of a set of ideals whose legitimacy they will only retrospectively see, after they have acceded to the Great Leap Forward? And if they do not – for Žižek laments that today subjects are politically disengaged in unprecedented ways – what means can the theorist and his allies use to move them to do so?

#### No impact

Havi Carel 6, Senior Lecturer in Philosophy at the University of the West of England, “Life and Death in Freud and Heidegger”, googlebooks

Freud introduces the death drive in order to explain all behaviour that is not in accordance with the pleasure principle. He does so by offering a theoretical construct in the form of an aggressive drive but also posits the Nirvana principle as the aim of all organic systems to rid themselves of excitation and strive towards complete rest. This leads to contradictory formulations of the death drive. Part of the function of the death drive is to unify a variety of aggressive phenomena such as destructiveness, sadism, masochism and hate. But Freud is also proposing a more general metaphysical speculation about life as a conflict between life and death drives. This position raises serious problems: 1. Positing the death drive reduces all forms of aggression to one source. Could a single drive explain all types of aggression and destructiveness? Or are there vital details in the individual origins and characteristics of each aggressive phenomenon that are subsumed by the reductive hypothesis of the death drive? 2. Even if we were to accept such a reductive concept, its explanatory value is not clear. What does the notion of the death drive add to the already unifying concept of aggression? Assembling various forces under the auspices of the death drive makes it an unstable category whose meaning can only be derived from the specific context of its application. The death drive has no autonomous meaning. Since the death drive derives its meaning from the concrete situation, it does not contribute to an understanding of the given phenomenon (aggression or destructiveness). Rather, it is the death drive that gets explained by its instances, but it ultimately lacks autonomous content. Freud subsumes under the concept of the death drive two essentially contradictory tendencies: the Nirvana principle striving to eliminate all tension, and aggression creating tension. How can the death drive explain both the tendency towards elimination of tension and aggression that increases tension? A more specific problem is that of masochism (discussed in The Economic Problem of Masochism). If masochism is a manifestation of the death drive as self-directed aggression aiming at unpleasure, how does that square with Freud's view that the death drive is equivalent to the Nirvana principle, which aims to discharge all tension? Freud's attempts to posit a two-drive model arc unsuccessful both theoretically and empirically. Is there really a difference between Eros and Thanatos? If so, why do they keep collapsing into one another?

#### Even if they’re right about drives, the repression-lashout link has been disproven

Havi Carel 6, Senior Lecturer in Philosophy at the University of the West of England, “Life and Death in Freud and Heidegger”, googlebooks

Secondly, the constancy principle on which these ideas are based is incompatible with observational data. Once the passive model of the nervous system has been discarded, there was no need for external excitation in order for discharge to take place, and more generally, "the behavioural picture seemed to negate the notion of drive, as a separate energizer of behaviour" {Hcbb. 1982. p.35). According to Holt, the nervous system is not passive; it does not take in and conduct out energy from the environment, and it shows no tendency to discharge its impulses. 'The principle of constancy is quite without any biological basis" (1965, p. 109). He goes on to present the difficulties that arise from the pleasure principle as linked to a tension-reduction theory. The notion of tension is "conveniently ambiguous": it has phenomenological, physiological and abstract meaning. But empirical evidence against the theory of tension reduction has been "mounting steadily" and any further attempts to link pleasure with a reduction of physiological tension are "decisively refuted" (1965, pp. 1102). Additionally, the organism and the mental system are no longer considered closed systems. So the main arguments for the economic view collapse, as does the entropic argument for the death drive (1965, p. 114). A final, more general criticism of Freud's economic theory is sounded by Compton, who argues, "Freud fills in psychological discontinuities with neurological hypotheses" (1981, p. 195). The Nirvana principle is part and parcel of the economic view and the incomplete and erroneous assumptions about the nervous system (Hobson, 1988, p.277). It is an extension ad extremis of the pleasure principle, and as such is vulnerable to all the above criticisms. The overall contemporary view provides strong support for discarding the Nirvana principle and reconstructing the death drive as aggression.

#### Threat construction isn’t sufficient to cause wars

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(Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs **only if these factors are harnessed.** Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. **A virtue of** this **symbolist theory is that symbolist logic explains why** ethnic **peace is more common than ethnonationalist war.** Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

#### Debate has value outside of psychoanalysis—all of their framework arguments presume they win their impact framing. Simulation should involve contestastion of competing policy options

Eijkman 12

The role of simulations in the authentic learning for national security policy development: Implications for Practice / Dr. Henk Simon Eijkman. [electronic resource] <http://nsc.anu.edu.au/test/documents/Sims_in_authentic_learning_report.pdf>. Dr Henk Eijkman is currently an independent consultant as well as visiting fellow at the University of New South Wales at the Australian Defence Force Academy and is Visiting Professor of Academic Development, Annasaheb Dange College of Engineering and Technology in India. As a sociologist he developed an active interest in tertiary learning and teaching with a focus on socially inclusive innovation and culture change. He has taught at various institutions in the social sciences and his work as an adult learning specialist has taken him to South Africa, Malaysia, Palestine, and India. He publishes widely in international journals, serves on Conference Committees and editorial boards of edited books and international journal

Policy simulations stimulate Creativity Participation in policy games has proved to be a highly effective way of developing new combinations of experience and creativity, which is precisely what innovation requires (Geurts et al. 2007: 548). Gaming, whether in analog or digital mode, has the power to stimulate creativity, and is one of the most engaging and liberating ways for making group work productive, challenging and enjoyable. Geurts et al. (2007) cite one instance where, in a National Health Care policy change environment, ‘the many parties involved accepted the invitation to participate in what was a revolutionary and politically very sensitive experiment precisely because it was a game’ (Geurts et al. 2007: 547). Data from other policy simulations also indicate the uncovering of issues of which participants were not aware, the emergence of new ideas not anticipated, and a perception that policy simulations are also an enjoyable way to formulate strategy (Geurts et al. 2007). Gaming puts the players in an ‘experiential learning’ situation, where they discover a concrete, realistic and complex initial situation, and the gaming process of going through multiple learning cycles helps them work through the situation as it unfolds. Policy gaming stimulates ‘learning how to learn’, as in a game, and learning by doing alternates with reflection and discussion. The progression through learning cycles can also be much faster than in real-life (Geurts et al. 2007: 548). The bottom line is that problem solving in policy development processes requires creative experimentation. This cannot be primarily taught via ‘camp-fire’ story telling learning mode but demands hands-on ‘veld learning’ that allow for safe creative and productive experimentation. This is exactly what good policy simulations provide (De Geus, 1997; Ringland, 2006). In simulations participants cannot view issues solely from either their own perspective or that of one dominant stakeholder (Geurts et al. 2007). Policy simulations enable the seeking of Consensus Games are popular because historically people seek and enjoy the tension of competition, positive rivalry and the procedural justice of impartiality in safe and regulated environments. As in games, simulations temporarily remove the participants from their daily routines, political pressures, and the restrictions of real-life protocols. In consensus building, participants engage in extensive debate and need to act on a shared set of meanings and beliefs to guide the policy process in the desired direction

#### Psychoanalysis has ignored every study against it

Boudry 11

The Epistemic Predicament of a Pseudoscience: Social Constructivism Confronts Freudian Psychoanalysis, This was peer-reviewed unlike your articles, and written by Maarten Boudry, Professor in the Department of Philosophy and Moral Sciences. Accessed Via Wiley Interscience

The Freudian unconscious is an entity that actively resists interpretation, and that will always try to deceive us in unexpected and cunning ways (Gellner, 1985).8 Thus, when Freud was unable to find traces of a pathological complex or unconscious desire to account for a patient's behaviour, he was undeterred and treated this as a token of unconscious resistance. The more the material offered by a patient resisted interpretation, the more it counted in favour of the theory. This characteristic pattern of reasoning in psychoanalysis bears a striking resemblance to conspiracy theorizing (Farrell, 1996). For example, consistent with his account of the unconscious, Freud believed that his patients (and his critics) harboured a secret and unconscious wish to see his theories and interpretations proven wrong, and so never to see their own unconscious desires exposed. For instance, one of Freud's patients dreamt that she had to spend her holidays with her despised mother-in-law. This seemed to belie Freud's claim that every dream is an unconscious wish-fulfilment, but within the framework of psychoanalytic thinking it could be turned into a confirmation of the theory. As Freud himself explained, The dream showed that I was wrong. Thus it was her wish that I might be wrong, and her dream showed that wish fulfilled. (Freud, 1953a, p. 151; original emphasis) Freud argued that “these dreams appear regularly in the course of my treatments when a patient is in a state of resistance to me” and he predicted that the same would happen to his readers (Freud, 1953a, pp. 157–158).9 Indeed, Freud and his followers became infamous for explaining away criticism from their opponents as tokens of unconscious resistance to the theory, thus further attesting to the truth of psychoanalysis: They [the critics] are therefore bound to call up the same resistance in him as in our patients; and that resistance finds it easy to disguise itself as an intellectual rejection and to bring up arguments like those which we ward off in our patients by means of the fundamental rule of psycho-analysis. (Freud, 1957, p. 39) What is important for our purposes is that such moves are not merely immunizing gambits which can be neatly disentangled from the theory, but are instead perfectly legitimate, explanatory moves within the psychoanalytic framework, and instantly recognizable as genuine psychoanalytic interpretations (Boudry and Braeckman, 2010). This pattern of reasoning, which bears a striking resemblance to conspiracy thinking, is pervasive throughout psychoanalytic literature, and it follows directly from the characterization of the unconscious as an intentional and deceitful mental entity.

#### No empirical basis for applying psychology to state action

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(Charlotte, “Who speaks? Discourse, the subject and the study of identity in international politics,” European Journal of International Relations XX(X) 1–24)

One key advantage of the Wendtian move, granted even by his critics (see Flockhart, 2006), is that it simply does away with the level-of-analysis problem altogether. If states really are persons, then we can apply everything we know about people to understand how they behave. The study of individual identity is not only theoretically justified but it is warranted. This cohesive self borrowed from social psychology is what allows Wendt to bridge the different levels of analysis and travel between the self of the individual and that of the state, by way of a third term, ‘group self’, which is simply an aggregate of individual selves. Thus for Wendt (1999: 225) ‘the state is simply a “group Self” capable of group level cognition’. Yet that the individual possesses a self does not logically entail that the state possesses one too. It is in this leap, from the individual to the state, that IR’s fallacy of composition surfaces most clearly.

Moving beyond Wendt but maintaining the psychological self as the basis for theorizing the state

Wendt’s bold ontological claim is far from having attracted unanimous support (see nota­bly, Flockhart, 2006; Jackson, 2004; Neumann, 2004; Schiff, 2008; Wight, 2004). One line of critique of the states-as-persons thesis has taken shape around the resort to psy­chological theories, specifically, around the respective merits of Identity Theory (Wendt) and SIT (Flockhart, 2006; Greenhill, 2008; Mercer, 2005) for understanding state behav­iour.9 Importantly for my argument, that the state has a self, and that this self is pre-social, remains unquestioned in this further entrenching of the psychological turn. Instead questions have revolved around how this pre-social self (Wendt’s ‘Ego’) behaves once it encounters the other (Alter): whether, at that point (and not before), it takes on roles prescribed by pre-existing cultures (whether Hobbessian, Lockean or Kantian) or whether instead other, less culturally specific, dynamics rooted in more universally human char­acteristics better explain state interactions. SIT in particular emphasizes the individual’s basic need to belong, and it highlights the dynamics of in-/out-group categorizations as a key determinant of behaviour (Billig, 2004). SIT seems to have attracted increasing interest from IR scholars, interestingly, for both critiquing (Greenhill, 2008; Mercer, 1995) and rescuing constructivism (Flockhart, 2006).

For Trine Flockart (2006: 89–91), SIT can provide constructivism with a different basis for developing a theory of agency that steers clear of the states-as-persons thesis while filling an important gap in the socialization literature, which has tended to focus on norms rather than the actors adopting them. She shows that a state’s adherence to a new norm is best understood as the act of joining a group that shares a set of norms and val­ues, for example the North Atlantic Treaty Organization (NATO). What SIT draws out are the benefits that accrue to the actor from belonging to a group, namely increased self-esteem and a clear cognitive map for categorizing other states as ‘in-’ or ‘out-group’ members and, from there, for orientating states’ self–other relationships.

Whilst coming at it from a stance explicitly critical of constructivism, for Jonathan Mercer (2005: 1995) the use of psychology remains key to correcting the systematic evacuation of the role of emotion and other ‘non-rational’ phenomena in rational choice and behaviourist analyses, which has significantly impaired the understanding of inter­national politics. SIT serves to draw out the emotional component of some of the key drivers of international politics, such as trust, reputation and even choice (Mercer, 2005: 90–95; see also Mercer, 1995). Brian Greenhill (2008) for his part uses SIT amongst a broader array of psychological theories to analyse the phenomenon of self–other recog­nition and, from there, to take issue with the late Wendtian assumption that mutual recognition can provide an adequate basis for the formation of a collective identity amongst states.

The main problem with this psychological turn is the very utilitarian, almost mecha­nistic, approach to non-rational phenomena it proposes, which tends to evacuate the role of meaning. In other words, it further shores up the pre-social dimension of the concept of self that is at issue here. Indeed norms (Flockhart, 2006), emotions (Mercer, 2005) and recognition (Greenhill, 2008) are hardly appraised as symbolic phenomena. In fact, in the dynamics of in- versus out-group categorization emphasized by SIT, language counts for very little. Significantly, in the design of the original experiments upon which this approach was founded (Tajfel, 1978), whether two group members communicate at all, let alone share the same language, is non-pertinent. It is enough that two individuals should know (say because they have been told so in their respec­tive languages for the purposes of the experiment) that they belong to the same group for them to favour one another over a third individual. The primary determinant of individual behaviour thus emphasized is a pre-verbal, primordial desire to belong, which seems closer to pack animal behaviour than to anything distinctly human. What the group stands for, what specific set of meanings and values binds it together, is unimportant. What matters primarily is that the group is valued positively, since posi­tive valuation is what returns accrued self-esteem to the individual. In IR Jonathan Mercer’s (2005) account of the relationship between identity, emotion and behaviour reads more like a series of buttons mechanically pushed in a sequence of the sort: posi­tive identification produces emotion (such as trust), which in turn generates specific patterns of in-/out-group discrimination.

Similarly, Trine Flockhart (2006: 96) approaches the socializee’s ‘desire to belong’ in terms of the psychological (and ultimately social) benefits and the feel-good factor that accrues from increased self-esteem. At the far opposite of Lacan, the concept of desire here is reduced to a Benthamite type of pleasure- or utility-maximization where mean­ing is nowhere to be seen. More telling still is the need to downplay the role of the Other in justifying her initial resort to SIT. For Flockhart (2006: 94), in a post-Cold War con­text, ‘identities cannot be constructed purely in relation to the “Other”’. Perhaps so; but not if what ‘the other’ refers to is the generic, dynamic scheme undergirding the very concept of identity. At issue here is the confusion between the reference to a specific other, for which Lacan coined the concept of *le petit autre*, and the reference to *l’Autre*, or Other, which is that symbolic instance that is essential to the making of *all* selves. As such it is not clear what meaning Flockhart’s (2006: 94) capitalization of the ‘Other’ actually holds.

The individual self as a proxy for the state’s self

Another way in which the concept of self has been centrally involved in circumventing the level-of-analysis problem in IR has been to treat the self of the individual as a proxy for the self of the state. The literature on norms in particular has highlighted the role of individuals in orchestrating norm shifts, in both the positions of socializer (norm entre­preneurs) and socializee. It has shown for example how some state leaders are more sus­ceptible than others to concerns about reputation and legitimacy and thus more amenable to being convinced of the need to adopt a new norm, of human rights or democratization, for example (Finnemore and Sikkink, 1998; Keck and Sikkink, 1998; Risse, 2001). It is these specific psychological qualities pertaining to their selves (for example, those of Gorbachev; Risse, 2001) that ultimately enable the norm shift to occur. Once again the individual self ultimately remains the basis for explaining the change in state behaviour.

To summarize the points made so far, whether the state is literally considered as a person by ontological overreach, whether so only by analogy, or whether the person stands as a proxy for the state, the ‘self’ of that person has been consistently taken as the reference point for studying state identities. Both in Wendt’s states-as-persons thesis, and in the broader psychological turn within constructivism and beyond, the debate has con­sistently revolved around the need to evaluate which of the essentialist assumptions about human nature are the most useful for explaining state behaviour. It has never ques­tioned the validity of starting from these assumptions in the first place. That is, what is left unexamined is this assumption is that what works for individuals will work for states too. This is IR’s central fallacy of composition, by which it has persistently eschewed rather than resolved the level-of-analysis problem. Indeed, in the absence of a clear dem­onstration of a logical identity (of the type A=A) between states and individuals, the assumption that individual interactions will explain what states do rests on little more than a leap of faith, or indeed an analogy.