### FW

#### Interpretation: The affirmative has to defend instrumental implementation of a topical plan.

**USFG is a federal republic which consists of three branches**

Britannica 2006 (Encyclopedia Britannica Online, Inchttp://www.britannica.com)

The government of the United States, established by the Constitution, **is a federal republic of 50 states, a few territories and some protectorates. The national government consists of the executive, legislative, and judicial branches.** The head of the executive branch is the President of the United States. The legislative branch consists of the United States Congress, while the Supreme Court of the United States is the head of the judicial branch. The federal legal system is based on statutory law, while most state and territorial law is based on English common law, with the exception of Louisiana and Puerto Rico. The United States accepts compulsory ICJ jurisdiction, with reservations of the federal republic.

**Restriction is a limitation on activity by statute, regulation, or provision**

People’s Law Dictionary 2013. (by Gerald and Kathleen Hill: Gerald has practiced law for more than four decades in San Francisco, has an A.B. from Stanford and Juris Doctor from University of California. dictionary.law.com)

*Restriction*

n. any limitation on activity, by statute, regulation or contract provision. In multi-unit real estate developments, condominium and cooperative housing projects managed by homeowners' associations or similar organizations, such organizations are usually required by state law to impose restrictions on use. Thus, the restrictions are part of the "covenants, conditions and restrictions" intended to enhance the use of common facilities and property which are recorded and incorporated into the title of each owner.

#### Violation: The aff’s advocacy statement is not topical and they do not defend instrumental implementation.

#### Key to stable ground and education.

#### Voting issue for fairness, and jurisdiction

### Zizek K - Shell

#### The incorporation of identity into politics is not resistance – rather it strengthens the symbolic fiction of the political by keeping up appearances

**Zizek 99** [Slavoj, Senior Researcher at the Institute for Social Studies, Ljubljana, Slovenia, The Ticklish Subject, pgs. 195-96, 1999]

The distinction between *appearance* and the postmodern notion of *simulacrum* as no longer clearly distinguishable from the Real is crucial here.27 The political as the domain of appearance (opposed to the social reality of class and other distinctions, that is, of society as the articulated social body) has nothing in common with the postmodern notion that we are entering the era of universalized simulacra in which reality itself becomes indistinguishable from its simulated double. The nostalgic long­ing for the authentic experience of being lost in the deluge of simulacra (detectable in Virilio), as well as the postmodern assertion of the Brave New World of universalized simulacra as the sign that we are finally getting rid of the metaphysical obsession with authentic Being (detectable in Vattimo), both miss the distinction between simulacrum and appear­ance: what gets lost in today's 'plague of simulations' is not the firm, true, non-simulated Real, but *appearance itself*. To put it in Lacanian terms: simulacrum is imaginary (illusion), while appearance is symbolic (fiction); when the specific dimension of symbolic appearance starts to disintegrate, the Imaginary and the Real become more and more indistinguishable. The key to today's universe of simulacra, in which the Real is less and less distinguishable from its imaginary simulation, lies in the retreat of ‘symbolic efficiency'. In sociopolitical terms, this domain of appearance (of symbolic fiction) is none other than that of politics as distinct from the social body subdivided into parts. There is 'appearance' in so far as a part not included in the Whole of the Social Body (or included/ excluded in a way against which it protests) symbolizes its position as that of a Wrong, claiming, against other parts, that it stands for the universality of *egaliberte* here we are dealing with appearance in contrast to the 'reality' of the structured social body. The old conservative motto of 'keeping up appearances' thus takes a new twist today: it no longer stands for the 'wisdom' according- to which it is better not to disturb the rules of social etiquette too much, since social chaos might ensue. Today, the effort to 'keep up appearances' stands, rather, for the effort to maintain the properly political space against the onslaught of the postmodern all-embracing social body with its multitude of particular identities.28

#### The aff depoliticizes the economy – this form of politics constantly calls on subjects to *do something*, suspending the fundamental fantasy of capital and ensuring that the status quo remains the same

**Zizek 99** [Slavoj, Senior Researcher at the Institute for Social Studies, Ljubljana, Slovenia, The Ticklish Subject, pgs. 352-55, 1999]

What one should bear in mind, however, is that both acts, that of Brassed Off and that of The Full Monty, are the acts of losers - that is to say, two modes of coming to terms with the catastrophic loss: insisting on the empty form as fidelity to the lost content ('When there's no hope, only principles remain'); heroically renouncing the last vestiges of false narcis­sistic dignity and accomplishing the act for which one is grotesquely inadequate. And the sad thing is that, in a way, this is our situation today: today, after the breakdown of the Marxist notion that capitalism itself generates the force that will destroy it in the guise of the proletariat, none of the critics of capitalism, none of those who describe so convincingly the deadly vortex into which the so-called process of globalization is drawing us, has any well-defined notion of how we can get rid of capitalism. In short, I am not preaching a simple return to the old notions of class struggle and socialist revolution: the question of how it is really possible to undermine the global capitalist system is not a rhetorical one - maybe it is *not* really possible, at least not in the foreseeable future. So there are two attitudes: either today’s Left Nostalgically engages in the ritualistic incantation of old formulas, be it those of revolutionary Communism of those of welfare state reformist Social Democracy, dismissing all the new postmodern society as empty fashionable prattle that obfuscates the harsh reality of today’s capitalism; or it accepts global capitalism as ‘the only game in town’, and follows the double tactics of promising the employees that the maximum possible welfare state will be maintained, and the employers that the rules of the (global capitalist) game will be fully respected and the employees’ ‘irrational’ demands firmly censored. So, in today’s leftist politics, we seem in effect to be reduced to the choice between the ‘solid’ orthodox attitude of proudly out of principle, sticking to the old (Communist or Social Democratic) tune, although we know its time has passed, and the New Labour ‘radical centre’ attitude of going the full Monty in stripping, getting rid of, the last vestiges of proper leftist discourse … Paradoxically, the ultimate victim of the demise of Really Existing Socialism was thus its great historical opponent throughout most of our century, reformist Social Democracy itself. The big news of today’s post-political age of the ‘end of ideology’ is thus the radical depoliticization of the sphere of the economy: the way the economy functions (the need to cut social welfare, etc.) is accepted as a simple insight into the objective state of things. However, as long as this fundamental depoliticization of the economic sphere is accepted, all the talk about active citizenship, about public discussion leading to responsible collective decisions, and so on, will remain limited to the ‘cultural’ issues of religious, sexual, ethnic and other way-of-life differences, without actually encroaching upon the level at which long-term decisions that affect us all are made. In short, the only way effectively to bring about a society in which risky long-term decisions would ensue from public debate involving all concerned is some kind of radical limitation of Capital’s freedom, the subordinated of the process of production to social control – the radical *repoliticization of the economy*. That is to say: if the problem with today’s post-politics (‘administration of social affairs’) is that it increasingly undermines the possibility of a proper political act, this undermining is directly due to the depoliticization of economics, to the common acceptance of Capital and market mechanisms as neutral tools/ procedures to be exploited. We can now see why today’s post-politics cannot attain the properly political dimension of universality; because it silently precludes the sphere of economy from politicization. The domain of global capitalist market relations in the Other Scene of the so-called repoliticization of civil society advocated by the partisans of ‘identity politics’ and other postmodern forms of politicization: all the talk about new forms of politics bursting out all over, focused on particular issues (gay rights, ecology, ethnic minorities…), all this incessant activity of fluid, shifting identities, of building multiple *ad hoc* coalitions, and so on, has something inauthentic about it, and ultimately resembles the obsessional neurotic who talks all the time and is otherwise frantically active precisely in order to ensure that something – what *really matters* – will *not* be disturbed, that it will remain immobilized. 35 So, instead of celebrating the new freedoms and responsibilities brought about by the ‘second modernity’, it is much more crucial to focus on what *remains the same* in this global fluidity and reflexivity, on what serves as the very motor of this fluidity: the inexorable logic of Capital. The spectral presence of Capital is the figure of the bit Other which not only remains operative when all the traditional embodiments of the symbolic big Other disintegrate, but even directly causes this disintegration: far from being confronted with the abyss of their freedom – that is, laden with the burden of responsibility that cannot be alleviated by the helping hand of Tradition or Nature – today’s subject is perhaps more than ever caught in an inexorable compulsion that effectively runs his life. The irony of history is that, in the Eastern European ex-Communist countries, the ‘reformed’ Communists were the first to learn this lesson. Why did many of them return to power via free elections in the mid 1990s? This very return offers the ultimate proof that these states have in fact entered capitalism. That is to say: what do ex-Communists stand for today? Due to their privileged links with the newly emerging capitalists (mostly members of the old nomenklatura ‘privatizing’ the companies they once ran), they are first and foremost the party of big Capital; furthermore, to erase the traces of their brief but none the less rather

traumatic experience with politically active civil society, they as a rule ferociously advocate a quick deideologization, a retreat from active civil society engagement into passive, apolitical consumerism – the very two features which characterize contemporary capitalism. So dissidents are astonished to discover that they played the role of ‘vanishing mediators’ on the way from socialism to capitalism, in which the same class as before rules under a new guise. It is therefore wrong to claim that the ex-Communists’ return to power shows how people are disappointed by capitalism and long for the old socialist security – in a kind of Hegelian ‘negation of negation’, it is only with the ex-Communists’ return to power that socialism was effectively negated - that is to say, what the political analysts (mis)perceive as 'disappointment with capitalism' is in fact disappointment with the ethico-political enthusiasm for which there is no place in 'normal' capital­ism.36 We should thus reassert the old Marxist critique of 'reification': today, emphasizing the depoliticized 'objective' economic logic against allegedly 'outdated' forms of ideological passions is the predominant ideological form, since ideology is always self-referential, that is, it always defines itself through a distance towards an Other dismissed and denounced as 'ideological'.37 For that precise reason - because *the depolit­icized economy is the disavowed 'fundamental fantasy of postmodern politics* – a properly political act would necessarily entail the repoliticization f the economy: within a given situation, a gesture counts as an *act* only in so far as it disturbs ('traverses') its fundamental fantasy.

#### And, Resisting this reliance on economic evaluation is the ultimate ethical responsibility – the current social order guarantees social exclusion on a global scale

**Zizek and Daly 4** (Slavoj and Glyn, Conversations with Zizek pgs. 14-16, 2004)

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place.Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent **global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale** and, in consequence, **social exclusion remains mystified and nameless** (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

#### Capitalism is an economy of death which produces war, militarism, nuclearism and structural poverty and requires unethical exploitation of surplus labor value

**Marsh 95**

(James L., Professor of Philosophy at Fordham University, Critique, Action, and Liberation p. 271-272 GAL)

At the stage of relative surplus value, **capitalism**, **because the investment in human beings decreases proportionally to that in technology and science**, **tends to produce a surplus population**. **Marx states the general law of capitalist accumulation** as follows: "**the greater the social wealth**, functioning capital, the extent and energy of its growth, **and therefore also the greater mass of the proletariat and productivity of its labor, the greater is the industrial reserve army.**" **Capitalism structurally produces unemployment, poverty, homelessness. hunger, and so on**. **These are the effects of the original relationship of domination** in the workplace, in which the worker is hired not for her own self-satisfaction and profit, but for the capitalist's. **From this relationship all bad things follow**. **Capital is a Moloch on whose altar the poor and oppressed are sacrificed**.

**Capitalism**, then, **structurally produces poverty**. In a certain structural sense, capitalism intends to produce poverty. **When the laborer is confronting the capitalist face-to-face with only her own labor power to sell, she is already denuded of wealth, divorced from land and means of production, not having the wherewithal to buy means of subsistence. During the process of further capitalist accumulation and circulation, she is further impoverished by being deprived of the surplus value she has produced** and by being de-skilled as the mental control and direction of the work passes to the capitalist manager and machine. **Finally,** as we have seen, because of the relatively greater investment in means of production compared to labor, **the industrial reserve army forms**. **Poverty of the worker is prior to. contemporaneous with, and consequent to the labor-capital encounter. Such marginalization. in which people are dropped by the wayside of the system as useless or superfluous, is** perhaps **a** fourth, **distinct kind of injustice, in addition to exploitation, tyranny and colonization.**

Contrary to what Habermas says, therefore, **the face-to-face confrontation of the laborer with the capitalist is an ethical one in the life-world, grounding or founding the systemic aspects of capitalism and the colonization of life-world by system**. Prior to colonization and founding it are exploitation and domination. **When Marx refers to the rate of surplus value, the proportion of unpaid to paid labor time, as the rate of exploitation, he is referring to this ethical relationship.** When he speaks of the movement from formal to real subsumption culminating in the process of extracting relative surplus value, he is speaking of the same relation. Formal subsumption. in which the laborer is gathered in the capitalist workplace to produce surplus value in a situation allowing the worker some control and direction of the work, is replaced by real subsumption. in which the worker is subordinated to a scientifically and technologically regimented workplace.

**The worker becomes an appendage of the machine.** As capitalism develops more and comes more into its own. **labor is devalued more and more, deprived, de-skilled. and impoverished**. **The increasing life and wealth of capital is the increasing death and poverty of the worker. Capitalism is an economy of death, of which militarism, nuclearism. and the warfare-welfare state are only the most recent examples.**

#### And, as an alternative, the negative asks you to resist the affirmative’s call to do something in regards to an identity-based struggle. Doing nothing in the face of the affirmative has a better chance of opening a space for resistance to the ideology of capital, since the aff can only replicate it

**Zizek 4** [Slavoj, Senior Researcher at the Institute for Social Studies, Ljubljan, Slovenia, Iraq: The Borrowed Kettle, pgs. 71-72, 2004]

The stance of simply condemning the postmodern Left for its accommodation, however, is also false, since one should ask the obvious difficult question: *what, in fact, was the alternative?* If today’s ‘post-politics’ is opportunistic pragmatism with no principles, then the predominant leftist reaction to it can be aptly characterized as ‘principle opportunism’: one simply sticks to old formulae (defence of the welfare state, and so on) and calls them ‘principles’, dispensing with the detailed analysis of how the situation has changed – and thus retaining one’s position of Beautiful Soul. The inherent stupidity of the ‘principled’ Left is clearly discernable in it standard criticism of any analysis which proposes a more complex picture of the situation, renouncing any simple prescriptions on how to act: ‘there is no clear political stance involved in your theory’ – and this from people with no stance but their ‘principled opportunism’. Against such a stance, one should have the courage to affirm that, in a situation like today’s, the only way really to remain open to a revolutionary opportunity is to **renounce facile calls to direct action**, which necessarily involve us in an activity where things change so that the totality remains the same. Today’s predicament is that, if we succumb to the urge of directly ‘doing something’ (engaging in the anti-globalist struggle, helping the poor…) we will certainly and undoubtedly contribute to the reproduction of the existing order. The only way to lay the foundations for a true, radical change is to withdraw from the compulsion to act, to ‘do nothing’ – thus opening up the space for a different kind of activity.

### CASE

#### The Iraq war and Afghanistan are hardly invisible to the American public—especially in this space on this topic—this makes their aff non-unique—their warrant says the problem is that citizens do not experience war—they don’t solve for this, even with their performance, all citizens can’t be soldiers and if they were this would only be an increase in militaristic mindsets.

#### Elite few control the war—non-unique, especially for this space. They need reason why this space is key.

#### Their dissociation is non-unique—all you need to do is watch a half hour of TV and there will be some sort of “support the troops” commercial.

#### Understanding why wars are fought can’t come to be understood through affirming the individual soldier.

#### Young people are already conditioned to value the military.

#### The affirmatives attempt at a dissociative pedagogy cannot be progressive because it simply re-inscribes unconscious passionate attachment to oppressive power structures created through their pedagogy. By failing to account for lack politics, the aff will fail to reach the level of an ethical act because it will remain constrained by the ideology of Capital.

**Cho and Lewis, 2005 (**Daniel Cho, Doctoral Candidate in the school of Education specializing in Psychoanalysis and Critical Theory at the University of California, Los Angeles, Tyson Lewis**,** Doctoral Candidate in the school of Education specializing in Cultural Studies and Critical Theory at the University of California, Los Angeles, september 2005**, “**The Persistent Life of Oppression: the Unconscious, Power, and Subjectivity”, *Interchange,* Vol. 36/3, 313-329, accessed via Springerlink [AJT])

Because he conceives of the student as an object of oppression, throughout *Pedagogy of the Oppressed,* Freire (1970) mis-recognizes the productivity of banking pedagogy, which works on and through the body to form a particular passionate attachment that is dependent upon and constituted within relations of power and domination. When transforming education from banking to problem-posing, the obstacle that the critical educator faces is not so much that the oppressed want to become the oppressors, as Freire speculates, but rather that they instead desire to remain the *object*4. Simply put, if subjectivity is a passionate attachment formed through power relations, then the subject will have a vested unconscious and irrational bond with the relations of power that support his or her identity even if this identity is seemingly counter intuitive to the interests of social justice or economic emancipation. As Butler (1997) articulates: In order to be, we might say, we must become recognizable, but to challenge the norms by which recognition is conferred is, in some ways, to risk one’s very being, to become questionable in one’s ontology, to risk one’s very recognizability as a subject. (p. 18) ¶ Thus, to abandon a certain set of power relations would be to desubjectivize or abandon the self – a prospect that generates the anxiety of mis-recognition.¶ When Freire argues that the oppressed have a fear of freedom, he is only partially correct. More precisely, the oppressed, tethered to their object status, have a fear of radical loss – a sense of psychic loss even if they materially have nothing to lose. Stated differently, the oppressed may have an irrational fear of freedom from their lack – a lack predicated on the continued existence of the object/subject dialectic prevalent within a capitalist society and replicated through the banking model of education. And this is why power, once it has been internalized on an unconscious level, is so problematic. As Foucault (1990):¶ What makes power hold good, what makes it accepted, is simply the fact that is doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. (p. 119) ¶ Because disciplinary power does not simply repress but rather constructs subjects through their subjugation, the ties that bind the oppressed to their state of oppression cannot easily be cast aside. In sum, the internalization and identification with the oppressive power relations constituted in a banking pedagogy may very well block the efforts of the critical educator to raise the consciousness of the oppressed to a level of revolutionary action. Thus the psychic life of power introduces a tension or contradiction between unconscious irrational investments and conscious objective interests.¶ Through attachments, power has a psychic life, begging the question of resistance. This is to say, if even a direct opposition to power can be co-opted by its taking up of residence in the psyche as an attachment to the forms of power that lead to its very existence, then, how can one properly resist powerful institutions? In his commentary on Butler, Slavoj Zizek (1999) writes, “She is well aware, of course, that the site of this resistance cannot be simply and directly identified as the Unconscious: the existing order of Power is also supported by unconscious ‘passionate attachments’ ” (p. 260). In other words, Zizek articulates Butler’s notion of a passionate attachment to the Lacanian concept of the fundamental fantasy, which structures our conscious and unconscious faculties. For Zizek, ¶ the act of resistance cannot simply reside in the play of signifiers within the normalized parameters of this fantasy; such acts amount to hysterical activity and can not, ultimately, be considered an Act proper. Rather, the Act proper disrupts the fundamental fantasy itself and hence restructures the entire field of possibilities. Zizek (1999) writes,¶ An ethical act is not only ‘beyond the reality principle’ (in the sense of ‘running against the current,’ of insisting on its Cause – Thing without regard to reality); rather, it designates an intervention that changes the very co-ordinates of the ‘reality principle.’ (p. 167)

#### And, the aff’s form of identity politics is in fact depoliticizing because it locks in power structures – A police apparatus is required in order to account for each identity

**Zizek 99** [Slavoj, Senior Researcher at the Institute for Social Studies, Ljubljana, Slovenia, The Ticklish Subject, pgs. 208-09, 1999]

This is politics proper: the moment in which a particular demand is not simply part of the negotiation of interests but aims at some thing more, and starts to function as the metaphoric condensation of the global ­restructuring of the entire social space. There is a clear contrast between this subjectivization and today's proliferation of postmodern 'identity politics' whose goal is the exact opposite, that is, precisely the assertion of one's particular identity, **of one's proper place within the social structure**. The postmodern identity politics of particular (ethnic, sexual, etc.) life­styles perfectly fits the depoliticized notion of society, in which ever particular group is 'accounted for', has its specific status (of victim) acknowledged through affirmative action or other measures destined to guarantee social justice. The fact that this kind of justice meted out to victimized minorities requires an intricate police apparatus (for identify­ing the group in question, for punishing offenders against its rights – how legally to define sexual harassment or racial inquiry?, and so on – for providing the preferential treatment which should compensate for the wrong this group has suffered) is deeply significant: what is usually praised as ‘postmodern politics’ (the pursuit of particular issues whose resolution must be negotiated within the ‘rational’ global order allocating its particular component its proper place) is thus effectively the end of politics proper.

**Their attachment to the ballot invokes the ballot as a text full or promise which is important for the extension of their identity in the demos—this attachment is cruelly optimistic and self-defeating—turns case.**

**Berlant 2006** (Lauren, Professor of Literature at the University of Chicago, “Cruel Optimism” in *differences* 17.3)

When we talk about an object of desire, we are really talk- ing about a cluster of promises we want someone or something to make to us and make possible for us. This cluster of promises could be embed- ded in a person, a thing, an institution, a text, a norm, a bunch of cells, smells, a good idea—whatever. To phrase “the object of desire” as a cluster of promises is to allow us to encounter what is incoherent or enigmatic in our attachments, not as confirmation of our irrationality, but as an explanation for our sense of our endurance in the object, insofar as prox- imity to the object means proximity to the cluster of things that the object promises, some of which may be clear to us while others not so much. In other words, all attachments are optimistic. That does not mean that they all feel optimistic: one might dread, for example, returning to a scene of hunger or longing or the slapstick reiteration of a lover or parent’s typi- cal misrecognition. But the surrender to the return to the scene where the object hovers in its potentialities is the operation of optimism as an affective form (see Ghent). “Cruel optimism” names a relation of attachment to compro- mised conditions of possibility. What is cruel about these attachments, and not merely inconvenient or tragic, is that the **subjects who have x in their lives might not well endure the loss of their object or scene of desire, even though its presence threatens their well-being**, because whatever the content of the attachment, the continuity of the form of it provides something of the continuity of the subject’s sense of what it means to keep on living on and to look forward to being in the world. This phrase points to a condition different than that of melancholia, which is enacted in the subject’s desire to temporize an experience of the loss of an object/scene with which she has identified her ego continuity. **Cruel optimism is the condition of maintaining an attachment to a problematic object in advance of its loss**.¶ One might point out that all objects/scenes of desire are prob- lematic, in that investments in them and projections onto them are less about them than about the cluster of desires and affects we manage to keep magnetized to them. I have indeed wondered whether all optimism is cruel, because the experience of loss of the conditions of its reproduction can be so breathtakingly bad. But some scenes of optimism are crueler than others: where cruel optimism operates, the very vitalizing or ani- mating potency of an object/scene of desire contributes to the attrition of the very thriving that is supposed to be made possible in the work of attachment in the first place. This might point to something as banal as a scouring love, but it also opens out to obsessive appetites, patriotism, a career, all kinds of things. One makes affective bargains about the costliness of one’s attachments, usually unconscious ones, most of which keep one in proximity to the scene of desire/attrition.¶ To understand cruel optimism as an aesthetic of attachment requires embarking on an analysis of the modes of rhetorical indirection that manage the strange activity of projection into an enabling object that is also disabling. I learned how to do this from reading Barbara Johnson’s work on apostrophe and free indirect discourse. In her poetics of indi- rection, each of these rhetorical modes is shaped by the ways a writing subjectivity conjures other ones so that, in a performance of phantasmatic intersubjectivity, the writer gains superhuman observational authority, enabling a performance of being made possible by the proximity of the object. Because the dynamics of this scene are something like what I am describing in the optimism of attachment, I will describe the shape of my transference with her thought.

**Performance is not a mode of resistance – the performer is structurally blocked from controlling the (re)presentation of their representations. Appealing to the ballot is a way of turning over one’s identity to the same reproductive economy that underwrites liberalism**

**Phelan 96**—chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005, 146-9)

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Performance’s only life is in the present. Performance cannot be saved, recorded, documented, or otherwise participate in the circulation of representations of representations: once it does so, it becomes something other than performance. To the degree that performance attempts to enter the economy of reproduction it betrays and lessens the promise of its own ontology. Performance’s being, like the ontology of subjectivityproposed here, becomes itself through disappearance. The pressures brought to bear on performance to succumb to thelaws of the reproductive economy are enormous. For only rarely in this culture is the “now” to which performance addresses its deepest questions valued. (This is why the now is supplemented and buttressedby the documenting camera, the video archive.) Performance occursover a time which will not be repeated. It can be performed again, butthis repetition itself marks it as “different.” The document of a performance then is only a spur to memory, an encouragement of memory to become present**.** The other arts, especially painting and photography, are drawnincreasingly toward performance. The French-born artist Sophie Calle,for example, has photographed the galleries of the Isabella StewartGardner Museum in Boston. Several valuable paintings were stolen fromthe museum in 1990. Calle interviewed various visitors and membersof the muse um staff, asking them to describe the stolen paintings. She then transcribed these texts and placed them next to the photographs of the galleries. Her work suggests that the descriptions and memories of the paintings constitute their continuing “presence,” despite the absence of the paintings themselves. Calle gestures toward a notion of the interactive exchange betweentheart object and the viewer. While such exchanges are often recorded as the stated goals of museums and galleries, the institutional effect of the gallery often seems to put the masterpiece under house arrest, controlling all conflicting and unprofessional commentary about it. The speech act of memory and description (Austin’s constative utterance) becomes a performative expression when Calle places these commentaries within the 147 representation of the museum. The descriptions fill in, and thus supplement (add to, defer, and displace) the stolen paintings. The factthat these descriptions vary considerably—even at times wildly—onlylends credence to the fact that the interaction between the art objectand the spectator is, essentially, performative—and therefore resistantto the claims of validity and accuracy endemic to the discourse of reproduction. While the art historian of painting must ask if thereproduction is accurate and clear, Calle asks where seeing and memoryforget the object itself and enter the subject’s own set of personalmeanings and associations. Further her work suggests that the forgetting(or stealing) of the object is a fundamental energy of its descriptiverecovering. The description itself does not reproduce the object, it ratherhelps us to restage and restate the effort to remember what is lost. Thedescriptions remind us how loss acquires meaning and generatesrecovery—not only of and for the object, but for the one who remembers.The disappearance of the object is fundamental to performance; itrehearses and repeats the disappearance of the subject who longs alwaysto be remembered. For her contribution to the Dislocations show at the Museum of Modern Art in New York in 1991, Calle used the same idea but this time she asked curators, guards, and restorers to describe paintings that were on loan from the permanent collection. She also asked them to draw small pictures of their memories of the paintings. She then arranged the texts and pictures according to the exact dimensions of the circulating paintings and placed them on the wall where the actual paintings usually hang. Calle calls her piece Ghosts, and as the visitor discovers Calle’s work spread throughout the museum, it is as if Calle’s own eye is following and tracking the viewer as she makes her way through the museum.1 Moreover, Calle’s work seems to disappear because it is dispersed throughout the “permanent collection”—a collection which circulates despite its “permanence.” Calle’s artistic contribution is a kind of self-concealment in which she offers the words of others about other works of art under her own artistic signature. By making visible her attempt to offer what she does not have, what cannot be seen, Calle subverts the goal of museum display. She exposes what the museum does not have and cannot offer and uses that absence to generate her own work. By placing memories in the place of paintings, Calle asks that the ghosts of memory be seen as equivalent to “the permanent collection” of “great works.” One senses that if she asked the same people over and over about the same paintings, each time they would describe a slightly different painting. In this sense, Calle demonstrates the performative quality of all seeing. 148 I Performance in a strict ontological sense is nonreproductive. It is this quality which makes performance the runt of the litter of contemporary art. Performance clogs the smooth machinery of reproductive representation necessary to the circulation of capital. Perhaps nowhere was the affinity between the ideology of capitalism and art made more manifest than in the debates about the funding policies for the National Endowment for the Arts (NEA).2 Targeting both photography and performance art, conservative politicians sought to prevent endorsing the “real” bodies implicated and made visible by these art forms. Performance implicates the real through the presence of living bodies. In performance art spectatorship there is an element of consumption: there are no left-overs, the gazing spectator must try to take everything in. Without a copy, live performance plunges into visibility—in a maniacally charged present—and disappears into memory, into the realm of invisibility and the unconscious where it eludes regulation and control. Performance resists the balanced circulations of finance. It saves nothing; it only spends. While photography is vulnerable to charges of counterfeiting and copying, performance art is vulnerable to charges of valuelessness and emptiness. Performance indicates the possibility of revaluing that emptiness; this potential revaluation gives performance art its distinctive oppositional edge.3 To attempt to write about the undocumentable event of performance is to invoke the rules of the written document and thereby alter the event itself. Just as quantum physics discovered that macro-instruments cannot measure microscopic particles without transforming those particles, so too must performance critics realize that the labor to write about performance (and thus to “preserve” it) is also a labor that fundamentally alters the event. It does no good, however, to simply refuse to write about performance because of this inescapable transformation. The challenge raised by the ontological claims of performance for writing is to re-mark again the performative possibilities of writing itself. The act of writing toward disappearance, rather than the act of writing toward preservation, must remember that the after-effect of disappearance is the experience of subjectivity itself. This is the project of Roland Barthes in both Camera Lucida and Roland Barthes by Roland Barthes. It is also his project in Empire of Signs, but in this book he takes the memory of a city in which he no longer is, a city from which he disappears, as the motivation for the search for a disappearing performative writing. The trace left by that script is the meeting-point of a mutual disappearance; shared subjectivity is possible for Barthes because two people can recognize the same Impossible. To live for a love whose goal is to share the Impossible is both a humbling project and an exceedingly ambitious one, for it seeks to find connection only in that which is no longer there. Memory. Sight. Love. It must involve a full seeing of the Other’s absence (the ambitious part), a seeing which also entails the acknowledgment of the Other’s presence (the humbling part). For to acknowledge the Other’s (always partial) presence is to acknowledge one’s own (always partial) absence. In the field of linguistics, the performative speech act shares with the ontology of performance the inability to be reproduced or repeated. “Being an individual and historical act, a performative utterance cannot be repeated. Each reproduction is a new act performed by someone who is qualified. Otherwise, the reproduction of the performative utterance by someone else necessarily transforms it into a constative utterance.”4 149 Writing, an activity which relies on the reproduction of the Same(the three letters cat will repeatedly signify the four-legged furry animalwith whiskers) for the production of meaning, can broach the frame of performance but cannot mimic an art that is nonreproductive. Themimicry of speech and writing, the strange process by which we put words in each other’s mouths and others’ words in our own, relies on a substitutional economy in which equivalencies are assumed and re-established. Performance refuses this system of exchange and resists the circulatory economy fundamental to it. Performance honors the idea that a limited number of people in a specific time/space frame can have an experience of value which leaves no visible trace afterward. Writing about it necessarily cancels the “tracelessness” inaugurated within this performative promise. Performance’s independence from mass reproduction, technologically, economically, and linguistically, is its greatest strength**.** But buffeted by the encroaching ideologies of capitaland reproduction, it frequently devalues this strength. Writing aboutperformance often, unwittingly, encourages this weakness and falls inbehind the drive of the document/ary. Performance’s challenge to writingis to discover a way for repeated words to become performative utterances, rather than**,** as Benveniste warned, constative utterances.

**The affirmative naturalizes hegemonic masculinity as natural—this reifies traditional gender binaries**

**Appelrouth and Edles 11** (Scott Appelrouth and Laura Desfor Edles, Editors: Sociological Theory in the Contemporary Era”, ch.7: Feminist and Gender Theories, “Connell’s Theoretical Orientation”, DA: 17 October 2013, mjb)

As illustrated in Figure 7.5, in terms of the theoretical model used in this book, “patriarchal dividend” and “hegemonic masculinity” might be conceptualized as twin terms, the former highlighting the costs and benefits of the gender order as played out at the level of the indi- vidual; the latter highlighting, as indicated previously, dominant patterns of masculinity, at both the cultural and social structural levels. As Connell (2000, p. 11) states, “Masculinities are defined collectively in culture, and are sustained in institutions.” In other words, in terms of the question of order, Connell’s work is thoroughly multidimensional. As a sociologist and historian, Connell is most interested in “collective masculinities,” which she defines as¶ ￼¶ “the patterns of conduct our society defines as masculine” (ibid.). She emphasizes not only that there are different types of masculinities in different cultures and periods of history, but also “multiple masculinities” in any particular place and time (ibid.). At the same time, however, Connell goes to great lengths to explain “the active construction” of masculinity at the level of the individual (ibid.). Connell asserts that “the hegemonic form need not be the most common form of masculinity,” that masculinities are not fixed, and that significant contradictions exist not only at the level of the collective, but at the level of the individual— for instance, in contradictory desires (ibid.:11–13).¶ In terms of the question of action, as indicated previously, Connell explicitly accounts for both the more “rational” and “nonrational” dimensions of dominance at the level of the col- lective (for instance, institutionalized bureaucracies, and sports and war imagery), as well as both the conscious and the relatively unconscious costs and benefits that accrue from the patriarchal dividend at the level of the individual (for instance, intricate maneuvering in peer groups and competitive sports). Most importantly, Connell’s theoretical multidimensionality is rooted not only in her comprehensive analysis of distinct sorts of variables (e.g., the economy, the body, media), but also in her comprehensive analysis of a single variable across space and time. Thus, in the essay you will read below, she maintains that the disad- vantages to men that accrue in the current gender order are “the conditions of the advan- tages. For instance, men cannot be the beneficiaries of women’s domestic labor and ‘emotion work’ without many of them losing intimate connections, for instance, with young children” (Connell 2005:1809).

**AND they refer to the idea of the individual soldier as “He” this turns the K and perpetuates Heteronormativity.**

**Heteronormativity manifests in unending violence against the other**

**Yep 3** (Gust A. Yep PhD—Gust A. Yep (Ph.D., University of Southern California) is Professor of Communication Studies, Core Graduate Faculty of Sexuality Studies, and Faculty of the Ed. D. Program in Educational Leadership at San Francisco State University. Although firmly grounded in communication, his teaching and research is interdisciplinary. As such, his work has ties with ethnic studies, sexuality studies, and women and gender studies. In 2006-08, he served as the Editor of the National Communication Association (NCA) Non-Serial Publications (NSP) Program, a book series published by NCA—(2003) The Violence of Heteronormativity in Communication Studies, Journal of Homosexuality, 45:2-4, <http://dx.doi.org/10.1300/J082v45n02_02>, DA: 22 October 2013, mjb)

These are injuries inflicted on others. Fuelled by heteronormativity, ex- ternalized homophobia is commonplace. It can be directed to any person who is perceived or assumed to be a sexual other and can be manifested in multi- ple ways: harassment, avoidance, verbal abuse, differential treatment and dis- criminatory behavior, and physical violence. The use of name-calling toward individuals who are perceived to be outside the boundaries of hetero- normativity (e.g., lesbian, gay, or transgender) is common in everyday inter- action. In U.S. middle and high schools, for example, verbal harassment is a pervasive problem:¶ One-third of eleventh grade students who responded to a 1999 CBS poll said that they knew of incidents of harassment of gay and lesbian stu- dents. Twenty-eight percent admitted to making antigay remarks them- selves. The average high school student in Des Moines, Iowa, public¶ schools hears an antigay comment every seven minutes, according to data gathered by students in a year-long study; teachers intervened only 3 percent of the time. (Human Rights Watch, 2001, p. 31)¶ When administrators and fellow students overlook and disregard these situa- tions, they provide a clear message that it is permissible to hate those who are perceived to be sexual others; thus, the cycle of homophobia gets perpetuated in society. In addition, verbal harassment, if allowed to persist, can lead to an overall hostile environment and other forms of violence, including physical vi- olence and sexual assault.¶ Hate crimes are the most extreme expression of externalized homophobia. Antigay violence is increasing (Berrill, 1992; Fone, 2000) and victims are still being blamed for bringing it on to themselves (Herek & Berrill, 1992). Homo- phobic murder is, as Donna Minkowitz (2000) put it, “still open season on gays” (p. 293). Reports on gay bashing appear regularly in the media and¶ Every such incident carries a message to the victim and the entire commu- nity of which he or she is part. Each anti-gay attack is, in effect, a punish- ment for stepping outside culturally accepted norms [of heteronormativity] and a warning to all gay and lesbian people to stay in “their place,” the invis- ibility and self-hatred of the closet. (Herek & Berrill, 1992, p. 3)¶ Externalized homophobia, whether in the form of verbal or physical assault, is a potent, and at times deadly, mode of enforcement of the heteronormative order.

#### Narratives are generated through normatively structured performances and interactions, because of their conventionalized character our narratives are likely to reproduce ideological effects and hegemonic assumptions. We are too often shackled by the stories we tell.

Jane B. **Baron** and Julia **Epstein** ( Peter j. Liacouras Professor of Law, Temple University school of law, Barbara Riley Levin, Professor of comparative literature, Haverford College.Buffalo Law Review, 45 Buffalo L. Rev. 141, Winter) **1997**

Again, nothing guarantees that any particular story or set of stories will create doubts about what can be known. As Patrick Ewick and Susan Silbey have explained: Narratives are cultural productions. Narratives are generated interactively through normatively structured performances and interactions[.] Because of the conventionalized character of narrative, . . our stories [\*182] are likely to express ideological effects and hegemonic assumptions. We are as likely to be shackled by the stories we tell (or that are culturally available for our telling) as we are by the form of oppression they might seek to reveal. n137 Notwithstanding some of the more exaggerated claims that have been made on behalf of storytelling, it is not the case that a story will cause a rethinking of assumptions or a recognition of perspectivism merely because it is a story. n138 Some stories may be "subversive" and "liberatory" n139; others may--advertently or inadvertently--reinforce the status quo. n140 To the extent that [\*183] narrative scholarship aims to raise questions about what is usually taken for granted, or to create insight about the inevitably partial (incomplete, biased) nature of any particular point of view, stories of the latter sort may reasonably be deemed unsuccessful.

#### Narratives reinforce the current notion of liberalist ideology within the law.

**Coughlin ’95** [Anne M. Coughlin, Associate Professor of Law, Vanderbilt Law School. “Regulating the Self: Autobiographical Performances in Outsider Scholarship.” Virginia Law Review. August 1995.

Far from being discomforting, let alone subversive, the story these ostensibly resistant texts tell about the relationship between the self and law is surprisingly consistent with the guiding tenets of liberalism. These texts describe the individual self, its material needs, and psychological desires as central concerns of law. At the same time, the texts provide evidence of the satisfactions the self achieves by earning its way independently of the various forms of social assistance law might afford. Since this story is difficult to distinguish from the stock legal narratives the outsiders oppose, n77 we must consider whether narrative conventions, like those of legal discourse, have a tendency to manipulate the storyteller into affirming the status quo.

#### Narratives are manipulated by interest groups and the truth is compromised when anyone decides that the ends are good.

David a. **Hyman** (Associate Professor, University of Maryland School of Law. B.A. 1983, J.D. 1989, M.D. 1991, University of Chicago Indiana law Journal, “Lies, Damned lies, and Narrative” 73 Ind. L.J. 797, Summer) **1998**

In addition, the narratives which emerge in the public sphere do not surface by accident, but are packaged and presented by policy entrepreneurs, who use them to further their legislative agenda. n213 Advocacy groups expend considerable effort [\*838] in finding good narratives. n214 What they are looking for is "[t]he perfect victim-someone who is genuine, articulate, and sympathetic." n215 If the "spin" sometimes overtakes the facts, most advocacy groups can doubtless convince themselves that they have committed no great sin, since they know they are on the side of the angels. n216