# Round 2—Aff vs MoState BR

## 1AC

### 1ac

#### THE TEXT TO OUR STABLE AND UNWAVERING PLAN\*: The United States federal government should repeal the Civil Peace and Preservation Act of 2015.

[\*With any luck for our heroes on the negative…]

The New York Times December 4, 2016. Caroll Herman, chief technological warfare research and development correspondent at the New York Times, [This is a work of FICTION written by Liam Lambert, the author of *Weaponized Architecture* and editor of the Funambulist] “SHORT DIGRESSION ABOUT THE FUTURE OF DRONES (AFTER SEEING ONE AT JFK),” *Legal Theory*, The Funambulist Pamphlets Vol 3, pg. 68

Since the vote of the Technological Security Act of 2014, drones are everywhere. Their implementation in the public space did not trigger much reaction. Most people were amazed by the multitude of flying objects that were intelligently avoiding them. With time, they barely saw them anymore and only tourists and children were still paying attention to these silent flying machines.

The first ones implemented were strictly dedicated to surveillance in accordance with the decision of the Congress, in order not to worry the population. However, the riots in November 2014 in Detroit, followed by what is now known as the Brooklyn insurrection of April 2015, pushed the legislative power to elaborate and vote the Civil Peace Preservation Act that allowed a new arsenal of various drones to appear in public space. The anti-riots ones, for example, are in two categories: dissuasive and lethal. That is how we recently took part in the well documented debate concerning the death of Melvin Jones in New Orleans, apparently killed by mistake by a lethal class Drone Epsilon. Nevertheless, as proven during the trial that opposed Jones’ family and the State of Louisiana, the very concept of mistake is inapplicable to a machine and thus cannot be claimed as the object of a judiciary procedure.

This embarrassing story cannot hide the reality: drones are here and they are now indivisible from our security strategy. The debate about them mostly concerns their field of action, and only few radical activists are still advocating for their absolute withdrawal from the public space. Among them, Professor Carolyn Youn argues that it might be too late, as drones already gathered enough artificial intelligence in order to revolt against their creators, if the latter would attempt to restrain them. Caroll Herman, The New York Times, December 04, 2016

#### The drone emperor has no clothes, cloaked in the language of the legal power/knowledge nexus. The 1ac is an affirmation of the potential reversibility of power relations, particularly those undergirding how we can conceive of drones.

Krasmann 12. Susanne Krasmann, prof. Dr, Institute for Criminological Research, University of Hamburg, “Targeted Killing and Its Law: On a Mutually Constitutive Relationship,” Leiden Journal of International Law (2012), 25, pg. 678

The legal debate on targeted killing, particularly that referring to the US practice, has increased immensely during the last decade and even more so very recently, obviously due to a ‘compulsion of legality’.87 Once this state practice of resorting to the use of lethal force has been recognized as systematically taking place, it needs to be dealt with in legal terms. Whether this is done in supportive or critical terms, the assertion of targeted killing as a legal practice commences at this point. This is due to the fact that the law, once invoked, launches its own claims.

To insist on disclosing ‘the full legal basis for targeted killings’; on criteria, legal procedures, and ‘access to reliable information’ in order to render governmental action controllable; or on legal principles to be applied in order to estimate the necessity and proportionality of a concrete intervention at stake,88 not only involves accepting targeted killing as a legitimate subject of debate in the first place. It requires distinctions to be made between, for example, a legitimate and an illegitimate target. It invokes the production of knowledge and the establishment of pertinent rules. Indeterminate categories are to be determined and thus established as a new reading of positive law. The introduction of international human rights standards into the debate, for example, clearly allows limits to be set in employing the pre-emptive tactic. As Wouter Werner has shown with regard to the Israeli High Court of Justice’s decision on the legality of targeted killing operations,89 this may well lead, for example, to recognizing the enemy as being not ‘outlaws’ but, instead, combatants who are to be granted basic human rights. Subsequently, procedural rules may be established that restrict the practice and provide criteria for assessing the legality of concrete operations.90 At the same time, however, targeted killing is recognized as a legitimate tactic in the fight against terrorism and is being determined and implemented legally.91

When framed within the ‘theatre of war’, targeted killing categorically seems to be justifiable under the legal principles of necessity, proportionality, discrimination, and the avoidance of unnecessary suffering. This is true as long as one presupposes in general terms, as the juridical discourse usually does, both a well-considered pro- ceeding along those principles92 and, accordingly, that targeted killing, by its very nature, is a ‘calculated, precise use of lethal force’.93 Procedural rules, like the ‘pro- portionality test’, that are essentially concerned with determination, namely with specifying criteria of intervention for the concrete case or constellation, certainly provide reliability by systematically inciting and provoking justifications. Their application therefore, we may say, contributes to clarifying a controversial norm- ative interpretation, but it will never predict or determine how deliberation and justification translate into operational action. The application of procedural rules does not only notoriously remain ‘indeterminate’,94 but also produces its own truth effects. The question of proportionality, for example, is intrinsically a relational one. The damage that targeting causes is to be related to the anticipated military ad- vantage and to the expected casualties of non-targeted operations. Even if there are ‘substantial grounds to believe’ that such an operation will ‘encounter significant armed resistance’,95 this is a presumption that, above all, entails a virtual dimension: the alternate option will never be realized. According to a Foucauldian perspective, decisions always articulate within an epistemic regime and thus ‘eventualize’ on the political stage.96 There is, in this sense, no mere decision and no mere meaning; and, conversely, there is no content of a norm, and no norm, independent of its enforcement.97 To relate this observation to our problem at hand means that, rather than the legal principles’ guiding a decision, it is the decision on how to proceed that constitutes the meaning of the legal principle in question. The legal reasoning, in turn, produces a normative reality of its own, as we are now able to imagine, comprehend, and assess a procedure and couch it in legal terms.

This is also noticeable in the case of the Osama bin Laden killing. As regards the initial strategy of justification, the question of resistance typically is difficult to establish ex post in legal terms. Such situations are fraught with so many possible instances of ambiguous behaviour and risk, and the identification of actual behav- iour as probably dangerous and suspicious may change the whole outcome of the event.98 But, once the public found itself with little alternative but to assume that the prospect of capturing the subject formed part of the initial order, it also had to assume that the intention was to use lethal force as a last resort. And, once the public accepts the general presumption that the United States is at war with the terrorist organization, legal reasoning about the operation itself follows and constitutes a rationale shaping the perception of similar future actions and the exercise of governmental force in general.99 Part of this rationale is the assumption, as the president immediately pointed out in his speech, that the threat of al Qaeda has not been extinguished with bin Laden. The identification of a threat that emanates from a network may give rise to the question of whether the killing of one particular target, forming part of a Hydra, makes any sense at all.100 Yet, it equally nourishes the idea that the fight against terrorism, precisely because of its elusiveness, is an enduring one, which is exactly the position the United States takes while considering itself in an armed conflict with the terrorist organization. Targeting and destroying parts of a network, then, do not destroy the entire network, but rather verify that it exists and is at work. The target, in this sense, is constituted by being targeted.101 Within the rationale of the security dispositif, there continue to be threats and new targets. Hence, at work is a transformation of laws through practice, rather than their amendment.

Giorgio Agamben maintains that a legal norm, because abstract, does not stipulate its application.102 ‘Just as between language and world . . . there is no internal nexus’ between them. The norm, in this sense, exists independent of ‘reality’. This, according to Agamben, allows for the norm in the ‘state of exception’ both to be applied with the effect of ‘ceasing to apply’103 – ‘the rule, suspending itself, gives rise to the exception’104 – and to be suspended without being abolished. Although forming part of and, in fact, being the effect of applying the law, the state of exception, in Agamben’s view, disconnects from the norm. Within a perspective on law as practice, by contrast, there is no such difference between norm and reality. Even to ignore a pertinent norm constitutes an act that has a meaning, namely that the norm is not being enforced. It affects the norm. Targeted killing operations, in this sense, can never be extra-legal.105 On the contrary, provided that illegal practices come up systematically, they eventually will effectuate the transformation of the law. Equally, the exception from the norm not only suspends the norm, transforming it, momentarily or permanently, into a mere symbol without meaning and force, but at the same time also impinges upon the validity of that norm. Moreover, focus on the exception within the present context falls short of capturing a rather gradual transitional process that both resists a binary deciphering of either legal or illegal and is not a matter of suspending a norm. As practices deploying particular forms of knowledge, targeted killing and its law mutually constitute each other, thus re-enforcing a new security dispositif. The appropriate research question therefore is how positive law changes its framework of reference. Targeted killing, once perceived as illegal, now appears to be a legal practice on the grounds of a new understanding of international law’s own elementary concepts. The crux of the ‘compulsion of legality’ is that legality itself is a shifting reference.

Seen this way, the United States does not establish targeted killing as a legal practice on the grounds of its internationally ‘possessing’ exceptional power. Rather the reverse; it is able to employ targeted killing as a military tactic, precisely because this is accepted by the legal discourse. As a practice, targeted killing, in turn, reshapes our understanding of basic concepts of international law. Any dissenting voice will now be heard with more difficulty, since targeted killing is a no longer an isolated practice but, within the now establishing security dispositif, appears to be appropriate and rational. To counter the legal discourse, then, would require to interrupt it, rather than to respond to it, and to move on to its political implications that are rather tacitly involved in the talk about threats and security, and in the dispute about targeted killing operations’ legality.

#### To speak of drones is to speak fiction—the question is what story.

Rothstein 13. Adam Rothstein, Insurgent Activist and Researcher, How to Write Drone Fiction, Jan 20 2013, [http://www.thestate.ae/how-to-write-drone-fiction/)](http://www.thestate.ae/how-to-write-drone-fiction/%29)

This is easy for me to respond to, because it is so completely and exactly wrong. Drones are already literary, and they might only be dealt with on a literary basis. One can easily and self-righteously claim the merits of writing non-fiction about drones by asserting a primacy of fact over “false fiction”. The problem is that one does not write non-fiction about drones.

Drones are not real–they are a cultural characterization of many different things, compiled into a single concept. One writes non-fiction about the RQ-4 Global Hawk, the RQ-14 Dragon Eye, or the iParrot Quadrocopter. These are all unmanned aerial vehicles, or UAVs, of which there are so many sizes, types, and ranges of purpose, as to make them impossible to conflate in a non-fiction manner. A iParrot quadrocopter has more to do with a model train than it does with a Global Hawk, and yet when we write about “drones” we are always referencing both of these together, and therefore, we are already out of the domain of non-fiction, even if we still surround ourselves in facts. And the distance between drones and non-fiction is larger than the simplified categorization of combining dissimilar technologies under a single name. Drones are singular, fantasized and commodified in the mind, to the point at which they are ahistorical. Non-fiction is always a historical project, not restricting itself to the face of a cultural characterization, like drones. One can write non-fiction about UAVs, the War in Afghanistan and Pakistan, the surveillance state, or the feasibility of border patrol. But all of these are different topics, with important non-fictional contexts. Each subject would generate a different piece of writing and a different point of view–none of which would be strictly about drones.

Drones are a cultural node–a collection of thoughts, feelings, isolated facts, and nebulous paranoias related to a future-weird environment filled with New-Aestheticish-resonating robot, GPS technologies, digital cameras, and instantaneous communication via micro-technology. There is no actual thing as a drone–and if there was, it would actually be something like the OQ-2 Radioplane target drone. It would not be a satellite controlled jet plane capable of carrying some of the most state-of-the-art surveillance packages in the world today, or enough ordinance to take out an entire city block. When we talk about our awestruck emotions about these vehicles, the fact that we can experience the same technological extension with a hobby kit controlled by our cell phone, and the uncanny mystique of robot warfare as we imagine it to be, crossed with the atrocities of fact we are delivered day after day in the news as if nothing was wrong, we are left with a single point by which we can describe all of this together: drones.

A drone is a literary character–it is an archetype of uncanny and deadly technology, spread out around us in the geopolitical world in such a way that they are nearly invisible to our non-fictional sense of fact, and yet around us all the time in fiction, invisibly hiding in the clouds, with as much reality as a paranoid delusion. And yet a drone is a literary character with the actual power to kill. They are related to the world of fact as surely as a bullet fired out of the pages of a novel, hitting the reader in the face. The substance that we use to create the fictional character of drones is drawn from a world where these are not speculations, but every day fact.

This strange one-way overlap between fact and fiction is due to the fact that we have yet to fully deal with our present concept drones as fiction, and therefore we are unable to deal with the present and future of UAVs in the world as fact. Think about the non-fiction of UAVs–it is boring, dry, and doesn’t relate at all to most people’s experience any more than a publication by Jane’s or a report by Amnesty International. And this is why we turn to science fiction to hear about drones–because this writing corresponds to our imaginary world, and the characterization we have formed around drones. We pull UAVs into our fantasies of the future and technology. To allow us a separate dimension of speculative investigation drawing upon the world of facts is science fiction’s purpose, at which it excels.

The problem, is that in other less speculative forms of fiction that are more related to our present day emotions–like, to take one example, the novel–we are completely unwilling to engage with drones. We read and write in a world divorced from the spectacle of drones, and even more so, beyond reach of the fact of UAVs. The problem with fiction like Zero Dark Thirty is not simply that it is historically inaccurate. It is that it is alone in the field. War movies, terrorism TV series, and major news outlets have a monopoly on the characters of drones. Drones, in our consciousness, are controlled not by soldiers in Nevada bunkers, but by producers with [US Department of Defense enhanced budgets](http://www.michaelbay.com/media/films/films/transformers.html), by attractive action stars masquerading as the long arm of the government, and by news anchors with commercials to sell. There is barely any art and literature that attempts work with the more surreal aspects of our understanding of drones, let alone in a way that might connect our attention back to the facts of UAVs.

#### All of their arguments will be fictions too—but at least we’ve got a defense of ours.

Simpson 12. Zachary Simpson, professor of philosophy at the University of Arts and Sciences of Oklahoma, Foucault Studies, No. 13, May 2012, pg. 105

**\*We reject the gendered language in this evidence.**

Foucault’s conception of fiction as an intentionally constructed “experiment/expe- rience” should not be read as authorizing irrealism, however. Rather, Foucault clearly con- ceives of fictions as having a fidelity to the present, while also attempting to illicit trans- formation in the future. As Timothy O’Leary makes clear, for Foucault, “fiction (in the broadest possible sense) relates to reality by opening up virtual spaces which allow us to engage in a potentially transformative relation with the world; to bring about that which does not exist and to transform that which does exist.”21 Fiction thus has both a diagnostic func- tion—it must be loyal to the present state of affairs—while also carrying a hermeneutic function—it is an alternative narrative interpretation of the present that has potential effects in the future. Thus, Foucault’s “fictions” intend to maintain a fit with reality itself while also prompting a change in that very reality. It is for this reason that the line between fiction and truth is easily blurred for Foucault: fiction produces the same effects as true discourse22 and stands on the same epistemological plane as that which is held to be true. Yet it also seeks to alter the conditions for truth through an intentional process of re-interpretation and recon- figuration. As Foucault states, “Now, the fact is, this experience [through a book] is neither true nor false. An experience is always a fiction: it’s something that one fabricates oneself, that doesn’t exist before and will exist afterward.”23

For Foucault, fiction effectively holds the same epistemic weight as truth. Both are produced and productive; both can actively frame discourse with respect to bodies and societies. Yet fiction holds a decisive advantage over “truth,” in that it constructively imagines an alternative interpretation of the present that exploits unexplored potentialities. In this way, fiction has a proleptic function, calling forth and enacting a new reality through its pro- nouncement. For Foucault, this means that his “fictional” work renders “an interpretation, a reading of a certain reality, which might be such that... this interpretation could produce some of the effects of truth; and on the other hand, these effects of truth could become implements within possible struggles.” This amounts to telling “the truth so that it might be acceptable.”24 As O’Leary recognizes, this means that, for Foucault, fiction is a “production, a creation,”25 and as such, “one that produces something previously unseen and unheard.”26 Like parrhesia, fiction is an enactment of a truth within a present reality. “Fictioning” is an active process of bringing about the same effects as truth, though they may not currently exist. Seen this way, “truth” is that which has effects in the present, while “fiction” is that which accurately reflects the present while having effects in the future.

I would argue that this conceptualization of fiction serves a critical function in Fou- cault’s later thought and can be formidably linked to his work with Hellenistic practices of parrhesia. Fictions serve the function of opening up an interference and dissonance within the present in order to instantiate an altered future. These fictions serve as “invitations” to change something about the world and are to bring about a “transformation of contemporary man with respect to the idea he has of himself.”27 As Timothy O’Leary notes in his work on Fou- cault’s concept of fiction, alternative truths for Foucault “allow us to engage in a potentially transformative relation with the world; to bring about that which does not exist and to transform that which does exist.”28

#### Power relations can always be strategically reversed. Those undergirding discussions of drones are no different. The 1ac’s act of historical fictioning makes possible new understandings of the potentiality of this technology.

Campbell 08. David, Prof. of International Politics @ the University of Newcastle, Writing Security: United States Foreign Policy and the Politics of Identity, Revised Edition, University of Minnesota Press, ISBN 0-8166-3144-1, Pg. 202-205

This is not to suggest that "the population" exists in a prediscursive domain; on the contrary, "one of the great innovations in the techniques of power in the eighteenth century was the emergence of 'population' as an economic and political problem."32Furthermore, Foucault argues that from the eighteenth century onward, **security becomes the central dynamic in governmental rationality, so that** (as discussed in chapter 6) **we live today, not in a narrowly defined and overtly repressive disciplinary society, but in a "society of security," in which practices of national security and practices of social security structure intensive and extensive power relations, and constitute the ethical boundaries and territorial borders of inside/ outside, normal/pathological, civilized/barbaric, and so on.**33 **The theory of police and the shift from a sovereign's war to a population's war thus not only changed the nature of "man" and war, it constituted the identity of "man" in the idea of the population, and articulated the dangers that might pose a threat to security. The major implication of this argument is that the state is understood as having no essence, no ontological status that exists prior to and is served by either police or war. Instead, "the state" is "the mobile effect of a multiple regime of governmentality," of which the practices of police, war, and foreign policy/Foreign Policy are all a part.**34**Rethinking security and government in these terms is** one of the preconditions **necessary** to suggest some of the political implications of this study. Specifically, it has been the purpose of this book to argue that we can interpret the cold war as an important moment in the production and reproduction of American identity in ways consonant with the logic of a "society of security." To this end, the analysis of the texts of Foreign Policy in chapter 1, the consideration of Eisenhower's security policies in chapter 6, and the examination of the interpretation of danger surrounding "the war on drugs" in chapter 7, demonstrated that **even when these issues are represented in terms of national security and territorial boundaries, and even when these issues are written in the depoliticizing mode of policy discourse, they all constitute "the ensemble of the population" in terms of social security and ethical borders.** Likewise, Foucault's argument underpins the fact that these developments are not peculiar to the post-World War II period.

**Given that the articulation of danger effects the articulation of "the political," the articulation of danger associated with foreign policy/ Foreign Policy instantiates "the political" as a sovereign community in an economy of violence (the state in an anarchical world), a community whose boundaries are tightly drawn, whose identity tends toward rigidity, and whose disposition toward difference can succumb to the temptation of otherness.** However, as discussed in chapter 4, **danger is not an external condition that can be either tempered or transcended; we cannot avoid danger and seek to move into a condition free of risk. On the contrary, danger is a part of all our relationships with the world and can be experienced positively as well as negatively: it can be a creative force, "a call to being," that can articulate "the political" in ways rich in new possibilities.** The issue, then (even when thinking in the narrow terms of Foreign Policy), is how do we orient ourselves to danger, particularly at a historical juncture in which many novel dangers seem to abound? **Do we have an alternative to the continued reproduction of sovereign communities in an economy of violence? Can we act in terms other than those associated with the predominant** (and gendered) **discourses of power?**

**The answer to that question is an unequivocal yes.** I suggested above in a tentative way how we might think differently about some of the issues pertinent to United States Foreign Policy. **Were those possibilities explored, the boundaries of American identity and the realm of "the political" would be very different from that which currently predominates, for the distinction between what counts as "normal" and what is thus "pathological" would have been refigured. Besides, the evident differences in emergent discourses of danger demonstrate how even those articulations with the most affinity do not mechanically reproduce a monolithic identity. Of course, the pursuit of new possibilities through different interpretations is often strongly contested. Even recommendations to redirect political practices so as to confront new challenges sometimes do not escape old logics.** For example, the effort to address environmental issues within the parameters of international relations and national security often involves simply extending the old register of security to cover this new domain. **Usually signified by the appropriation of the metaphor of "war" to a new problem, this is evident in some of the literature that advocates the importance of global cooperation and management to counter environmental degradation, where ecological danger often replaces fading military threats as the basis of an interpretation designed to sustain sovereignty.**35 Yet, as I noted in chapter 7, environmental danger can also be figured in a manner that challenges traditional forms of American and Western identity. **As a danger that can be articulated in terms of security strategies that are de-territorialized, involve communal cooperation, and refigure economic relationships, the environment can serve to enframe a different rendering of "the political." Recognizing the possibility of rearticulating danger leads us to a final question: what modes of being and forms of life could we or should we adopt?**To be sure, a comprehensive attempt to answer such a question is beyond the ambit of this book. But it is important to note that **asking the question in this way mistakenly implies that such possibilities exist only in the future. Indeed, the extensive and intensive nature of the relations of power associated with the society of security means that there has been and remains a not inconsiderable freedom to explore alternative possibilities. While traditional analyses of power are often economistic and negative, Foucault's understanding of power emphasizes its productive and enabling nature.**36 Even more important, **his understanding of power emphasizes the ontology of freedom presupposed by the existence of disciplinary and normalizing practices. Put simply there cannot be relations of power unless subjects are in the first instance free: the need to institute negative and constraining power practices comes about only because without them freedom would abound. Were there no possibility of freedom, subjects would not act in ways that required containment so as to effect order.**37 **Freedom, though, is not the absence of power. On the contrary, because it is only through power that subjects exercise their agency, freedom and power cannot be separated.** As Foucault maintains:**At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of an "agonism" — of a relationship which is at the same time reciprocal incitation and struggle; less of a face-to-face confrontation which paralyzes both sides than a permanent provocation.38 The political possibilities enabled by this permanent provocation of power and freedom can be specified in more detail by thinking in terms of the predominance of** the **"bio-power"** discussed above. In this sense, **because the governmental practices of biopolitics in Western nations have been increasingly directed toward modes of being and forms of life**—such that sexual conduct has become an object of concern, individual health has been figured as a domain of discipline, and the family has been transformed into an instrument of government— **the ongoing agonism between those practices and the freedom they seek to contain means that individuals have articulated a series of counterdemands drawn from those new fields of concern.** For example, as the state continues to prosecute people according to sexual orientation, human rights activists have proclaimed the right of gays to enter into formal marriages, adopt children, and receive the same health and insurance benefits granted to their straight counterparts.**These claims are a consequence of the permanent provocation of power and freedom in biopolitics, and stand as testament to the "strategic reversibility" of power relations: if the terms of governmental practices can be made into focal points for resistances, then the "history of government as the 'conduct of conduct' is interwoven with the history of dissenting 'counterconducts.'** "39 Indeed, **the emergence of the state as the major articulation of "the political" has involved an unceasing agonism between those in office and those they rule. State intervention in everyday life has long incited popular collective action, the result of which has been both resistance to the state and new claims upon the state. In particular, "the core of what we now call 'citizenship'... consists of multiple bargains hammered out by rulers and ruled in the course of their struggles over the means of state action, especially the making of war."**40 In more recent times, constituencies associated with women's, youth, ecological, and peace movements (among others) have also issued claims on society.41**These resistances are evidence that the break with the discursive/nondiscursive dichotomy central to the logic of interpretation undergirding this analysis is** (to put it in conventional terms) **not only theoretically licensed; it is empirically warranted. Indeed, expanding the interpretive imagination so as to enlarge the categories through which we understand the constitution of "the political" has been a necessary precondition for making sense of Foreign Policy's concern for the ethical borders of identity in America. Accordingly, there are manifest political implications that flow from theorizing identity.** As Judith Butler concluded: "**The deconstruction of identity is not the deconstruction of politics; rather, it establishes as political the very terms through which identity is articulated.**"42

**The story of aerial warfare is unlimited destruction. The unseeing eye of the drone is everywhere. Total war is the here and now,** There are no more innocent civilians

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(Mark, “Air power and police power”, Environment and Planning D: Society and Space 2013, volume 31, pages 578 – 593, dml)

Moreover, and more pressingly, we need to understand that from the wider historical perspective of air power **there are no civilian areas and there are no civilians**; the only logic is a police logic. As soon as air power was created the issue was: **what does this do to civilian space?** And, essentially, the answer has been: ‘it destroys it’. Air power thus likewise destroys the concept of the civilian. This was the major theme of the air power literature of the 1920s, found in the work of Mitchell, Seversky, Fuller, and all the others, but the analysis provided in The Command of the Air by Giulio Douhet, first published in 1921, expanded in 1927, and perhaps the first definitive account of the influence of air power on world history, is representative: the art of aerial warfare, notes Douhet, **is the art of** destroying cities**, of** attacking civilians**, of** terrorising the population. In the future, war “will be waged essentially **against the unarmed populations of the cities and great industrial centres**”. There are no longer soldiers and citizens, or combatants and noncombatants: “war is no longer a clash between armies, but **is a clash between nations,** between whole populations.” Aerial bombing means war is now “total war” (Douhet, 2003, pages 11; 158; 223). The major powers fought against accepting this for some time. (Or at least, fought against accepting it in their classic doctrine of war as a battle between militarily industrialised nation-states; the police bombing of colonies was entirely acceptable to them, as we have seen). But eventually, in the course of World War 2 they conceded, and by July 1945 a US Army assessment of strategic air power could openly state that “there are no civilians in Japan” (cited in Sherry, 1987, page 311). **This view has been maintained ever since**: “There are no innocent civilians”, says US General Curtis LeMay (cited in Sherry, 1987, page 287). Recent air power literature on ‘the enemy as a system’ continues this very line.(4) Hence, and contrary to claims made at both ends of the political spectrum that the recent air attacks in Beirut and Gaza reveal “the increasing meaninglessness of the word ‘civilian’ ” (Dershowitz, 2006) or mean that we might be “witnessing … the death of the idea of the civilian” (Gregory, 2006, page 633), it has to be said that **any meaningful concept of ‘the civilian’** **was destroyed** with the very invention of air power (Hartigan, 1982, page 119).(5)

The point is that seen from the perspective of air power as police power, **the use of drone technology over what some would still like to call ‘civilian spaces’** was highly predictable. **This allows us to make a** far more compelling **argument about drones**. For like air power technology in general, **the drone serves as both plane and possibility** (Pandya, 2010, page 143). And what becomes possible with the drone **is permanent police presence across the territory**. “~~Unmanned~~ [unstaffed] aircraft have just revolutionized our ability to provide a constant stare against our enemy”, said a senior US military official. “Using the all-seeing eye, you will find out **who is important in a network, where they live, where they get their support from, where their friends are**” (cited in Barnes, 2009). Much as this might be important geopolitically, with drones being capable of maintaining nonstop surveillance of vast swathes of land and sea for so long as the technology and fuel supplies allow, it is also **nothing less than** the state’s dream ofa perpetual police presence across the territory (Neocleous, 2000). And it is a police presence encapsulated by the process of colonisation, captured in the army document “StrikeStar 2025” which speaks of **the permanent presence of UAVs in the sky as a form of “air occupation”** (Carmichael et al, 1996, page viii).

Drones have been described as the perfect technology for democratic warfare, combining as they do a certain utilitarian character with an appealing ‘risk-transfer’ (Sauer and Schoring, 2012), but perhaps **we need to think of them equally** **as** the perfect technology of liberal police. When in 1943 Disney sought to popularise the idea of ‘victory through air power’, the company probably had little idea just quite what this victory might mean, beyond the defeat of Japan. But if there is a victory through air power to be had on the part of the state it is surely not merely the defeat of a military enemy but the victory of perpetual police.

#### To question the power/knowledge nexus through fictioning renders alternative solutions to the problem of drones not only conceivable, but possible. Consider these examples.

Lambert 12. Liam Lambert, architect, dissident, editor of the Funambulist, author of Weaponized Architecture, “National Security Drones vs. Liam Young’s Counter-Surveillance Measures,” THE FUNAMBULIST PAMPHLETS VOLUME 05, pg. 60

Many of us are afraid of the development of drone technology that regularly allows the US and Israeli Army to assassinate people in violation of various national and international legis- lations. During the last ten years, the limits between Western police forces and their national armies have increasingly be- come blurred, both in terms of methods and equipment. It is relatively clear that it is simply a matter of time before national security drones would be implemented in Western cities. Some experiments are known to have been made already. On July 14, 2006, for example, a drone was seen in the sky of Paris’s Northern suburbs, in what was probably a first real scale test of surveillance.

A form of resistance against what appears as an unavoid- able movement towards a robotic management of national security uses the same technology. In December 2010, some Iraqi insurgents managed to hack the video transmis- sion of an American drone. More recently, British architect Liam Young created now forms of drones, entitled Electronic Counter-Measures, in the context of his research with Tomor- row Thoughts Today (with Darryl Chen) and with the Unknown Fields Division (with Kate Davies). These small drones were created in collaboration with Eleanor Saitta, Oliviu Lugojan- Ghenciu, and Superflux. Their drones are inspired by the national internet blackout triggered by Hosni Mubarak in January 2011 in order to prevent the Egyptian revolution from organizing itself. They provide a wireless internet signal to whoever is in their radius of action. The idea is to be able for a crowd to coordinate its action via the internet provided by these autonomous drones, even though the dominant power would have shut the network down.1

I maintain a certain skepticism when one addresses the re- lationship between revolution and technology. Fast assump- tions lead many people to naively attribute the success of the various Arab Spring revolutions to tools like facebook or twitter. The very fact that the Egyptian revolution occurred de- spite the fact that the internet had been shut down is a good argument in favor of such skepticism. Another argument con- sists in recognizing that the same technology is rarely own ed and used by the lowest social classes, who should be at the heart of revolutionary movements.

However, one has to recognize that vast numbers of peo- ple own a mobile phone, a fact that would have probably seemed completely illusory two decades ago. Liam’s project may be possible in a near future when the access to internet on a mobile apparatus would be more generalized than now. The fact that his team managed to build these four drones and to make them operative in November 2011 forces us to be optimistic about the proliferation of resistive drones.

Around the same time, in Warsaw on Polish Independence Day (Nov, 11), a talented handyman managed to film the anti- riot police movements from the air by setting up a camera on a RoboKopter drone, providing useful footage for protesters in the streets. I can certainly see the use we could have made of it during the December 17, 2011, Occupy march, when we escaped the control of the police for about twenty minutes (see Chapter 12) before they caught up with us.2

#### The space separating policy and legal debates is smaller than you think. Subjectivity cannot escape power. Therefore adopt a critical attitude and use the ballot to preserve the right to question. Legalistic assumptions regarding drones and debate conciliations to power, not guarantees.

Cadman 10. Louisa Cadman, professor of geography at the University of Glasgow, “How (not) to be governed: Foucault, critique, and the political,” Environment and Planning D: Society and Space 2010, volume 28, pg. 550

Transactional realities provide the opening that makes subjectivity possible; they enable the governmental technologies that shape and direct the way individuals conduct themselves (Foucault, 2000). As a condition of existence for the governed, those who engage in counter-conducts have no recourse to an eschatological or orig- inal freedom but rather to a modification in the ``game'' through which the truth (of the governed subject) is produced (Foucault, 1997b, page 281; Tully, 1999). As Tully explains:

––[A]ny game will involve, first, the analysis of the rules in accordance with which the game is routinely played and the techniques of government or relations of power that hold them in place [ie modes of objectification and modes of subjectification]. Second, it will involve the `strategies of freedom' in which some participants refuse to be governed in this way, dispute and seek to modify the rules, and thus think and act differently to some extent [ie governmental counter conducts]'' (Tully, 1999, page 167, my emphasis).

This furthers Foucault's understanding of the critical attitude ``as the movement by which the subject gives [it]self the right to question'' (1997a, page 32, my emphasis). Counter-conducts, through their very action, bring into relief the regime of truth through which they are known and acted upon. Concurrently, by problematising the conduct of their conduct, they also problematise their subjective ``identities as players'' (Tully, 1999, page 168; see also Butler, 2002).

Whilst it could be said that games of truth permeate all relations of governmental- ity, the actions of counter-conducts are `qualitatively' different from the actions of those who simply seek to influence governments or question the efficiency or accuracy of forms of governing (qua liberalism). Counter-conducts practice freedom, the freedom to think (and act) otherwise (Foucault, 1988b, page 330) by bringing forth and ques- tioning the regime of truth through which they are engaged as objects and subjects of government. They are risky and transfigurative because, by questioning the conduct of their conduct, they simultaneously question the relationship of the self to itself, risking the self in the process (for a similar point, see Butler, 2002). It is for this reason that Foucault questions contemporary sexual liberation movementsönot because it is radical, anarchic, or transgressive to berate what seemingly falls under the guise of identity politics but because discourses of personal liberation are in fact premised on individualised modes of subjectivation (or subjection), which are born from pastoral biopower.(17) Foucault's overall concern then is with governmental regimes of truth which have become fixed or blocked to such an extent that there can be no strategic movement or game playing at the level of ethics and subjectivation (Foucault, 1982).

Foucault's understanding of games of truth and practices of freedom explains his own response to the relationship between the critical attitude and liberal governmen- tality. He writes of the current ``paradox of relations of capacity and power'' (1997a, page 128), which is to say that, whilst governmental technologies have taken on the task of ``maximising our capacities for free action, ... we are simultaneously governed through [this] very freedom'' (Valverde, 1999, page 666; see also Rose, 1996; 1999). Still, he goes on to ask: ``how can the growth of capabilities be disconnected from the intensification of power relations'' (Foucault, 1997a, page 129). Although it appears that Foucault is merely critiquing the form of freedom akin to liberal governmen- tality, he is instead critiquing liberalism if it seeks to fix freedom at certain frontiers (Foucault, 1988a). Freedom, for Foucault, is a practice; it certainly isn't guaranteed, but neither is it necessarily stifled by liberal governmentality.

#### Any other approach to the topic effaces ones own subject position within power—this means they cannot know anything tangible about war powers.

Salter 85. M.G. Salter, lecturer in criminal law at the University of Birmingham, “The Rule of Power in the Language of Law,” The Liverpool Law Review Vol.VII(1) [1985] pg. 36

Through such codes of discipline language itself lays down the forms of discourse which are judged appropriate and inappropriate. For their continued vigour, these codes actually depend upon the multiplicity of points of resistance by those - including the staff - who are subject to them. Resistances actively serve as footholds, targets, supports and adversaries for power. Power relations here are not then attributable to, or owned by a single group or class, but arise in an apparently anonymous manner from interactions within the local situations in which they first appear.

Now if this is true, it has real consequences for the common sense of legal culture. It suggests that its truth- claims concerning the power/truth relation are themselves possible and comprehensible only because power operates within their own discourse, productively excluding some interpretations, attitudes and actions as "inappropriate" and therefore creating a possible common ground for their intelligibility as such. (4) This productivity of power appears in the mutual implication of positive and negative determinations of all legal meaning over time and through productive disowning. For example, during a contract law tutorial the tedious determination of what an "offer" is for Contract law, involves the progressive unfolding of all that it does not mean, i.e. invitation to treat, continuing negotiations etc. Thus the limiting process of disowning - the self-exercise of the power of exclusion in meaning- determination - presents itself to be ultimately productive of truth.

Further we can see that all claims to a truthful critique - including those of this text - are "positive" and productive of truth only through their power of disowning the overall position that is successfully criticised. The experience of a continually disowned/re-owned world of law is then the pre-condition for the production of insight and truth-claims about its workings - including common sense views about the unproductivity of power. Thus at both the level of particular explication of meanings and that of the overall development within the "discipline" of law, the juxta-position of truth and power now appears no longer to be sustainable. Our discursive knowledge of the power/truth connection is, by virtue of its discursive character, implicated in that which it examines. This appears when we consider the derivation of much of the "knowledge" imparted by "criminology" courses from languages of punishment. Here not only does such "academic knowledge" emanate from the exercise of this form of state power, but by largely treating crime as about the explanation of criminal behaviour, this "knowledge" returns to support and legitimate the institutional exercise of criminalising powe**r**. It does this partly by reducing intellectual and theoretical problems to social policy ones. This leaves the whole exercise quite untroubled by critical thought. Therefore the implication of power, knowledge and legal discourse goes far deeper than simple encouragement or application. Instead legal discourse and power relations mutually imply one another to the extent that they cannot be conceived of without each other. For example, the power relations at work in the court room between the judge, jury, public, media, court officers, advocates, witnesses and accused give rise to a distinctive "knowledge" available for "Legal Methods" courses. It becomes available through a hierarchy of relations between and among law- reporters, publishers, lecturers, students, college traditions and government administrators. Here power demarcates what is sayable, to whom, in what manner, about what and when; yet the consequences of this demarcation is to open up and temporalise a common historical world of law and "legal education". We shall examine later how it produces a domain of legal subjects, objects and rituals for determining their truth through an ever-proliferating discourse on law.

#### The ballot ought to speak truth to power—if your first reaction is to demand strategies you have fundamentally missed the point

**Steele 10**—Associate Professor of Political Science at the University of Kansas [gender/ableist language modified with brackets]

(Brent, *Defacing Power: The Aesthetics of Insecurity in Global Politics* pg 130-132, dml)

When facing these dire warnings regarding the manner in which academic-intellectuals are seduced by power, what prospects exist for parrhesia? How can academic-intellectuals speak “truth to power”? It should be noted, first, that the academic-intellectual’s primary purpose should not be to re-create a program to replace power or even to develop a “research program that could be employed by students of world politics,” as Robert Keohane (1989: 173) once advised the legions of the International Studies Association. Because academics are denied the “full truth” from the powerful, Foucault states,

we must avoid a trap into which governments would want intellectuals to fall (and often they do): “Put yourself in our place and tell us what you would do.” This is not a question in which one has to answer. To make a decision on any matter requires a knowledge of the facts refused us, an analysis of the situation we aren’t allowed to make. There’s the trap. (2001: 453) 27

This means that any alternative order we might provide, this hypothetical “research program of our own,” will also become imbued with authority and used for mechanisms of control, a matter I return to in the concluding chapter of this book.

When linked to a theme of counterpower, academic-intellectual parrhesia suggests, instead, that the academic should use his or her pulpit, their position in society, to be a “friend” “who plays the role of a parrhesiastes, of a truth-teller” (2001: 134). 28 When speaking of then-president Lyndon Johnson, Morgenthau gave a bit more dramatic and less amiable take that contained the same sense of urgency.

What the President needs, then, is an intellectual ~~father~~-confessor, who dares to remind him[/her] of the brittleness of power, of its arrogance and ~~blindness~~ [ignorance], of its limits and pitfalls; who tells him[/her] how empires rise, decline and fall, how power turns to folly, empires to ashes. He[/she] ought to listen to that voice and tremble. (1970: 28)

The primary purpose of the academic-intellectual is therefore not to just effect a moment of counterpower through parrhesia, let alone stimulate that heroic process whereby power realizes the error of its ways. So those who are skeptical that academics ever really, regarding the social sciences, make “that big of a difference” are missing the point. As we bear witness to what unfolds in front of us and collectively analyze the testimony of that which happened before us, the purpose of the academic is to “tell the story” of what actually happens, to document and faithfully capture both history’s events and context. “The intellectuals of America,” Morgenthau wrote, “can do only one thing: live by the standard of truth that is their peculiar responsibility as intellectuals and by which men of power will ultimately be judged as well” (1970: 28). This will take time, 29 but if this happens, if we seek to uncover and practice telling the truth free from the “tact,” “rules,” and seduction that constrain its telling, then, as Arendt notes, “humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation” ([1964] 2006: 233).

#### They’re the disorderly ones—complexity defines politics; the political arena is messy. And facts—those paltry constructions of reality—are used to bully intellectuals into accepting the here and now.

Rothenberg, ’13. Daniel Rothenberg is a professor of practice at the School of Politics and Global Studies, ASU and the Lincoln fellow for Ethics and International Human Rights Law. He is editing a book with Peter Bergen on drones to be published later this year. "What the Drone Debate Is Really About"; May 6, 2013;<http://www.slate.com/articles/technology/future_tense/2013/05/drones_in_the_united_states_what_the_debate_is_really_about.html>

The term drone draws attention, elicits passions, and sparks heated discussions. Often the debate about drones flattens the complexity of real policy issues as the questions asked demand impossible answers, “Are drones good or bad?” or “Are you for or against drones?” Not surprisingly, this approach heightens the tensions attached to debate about drones, turning conversations into arguments and echoing the polarization that characterizes so much of contemporary political discourse.

The intensity of interest in drones arose some years after they became a key element of U.S. military operations abroad. Interestingly, after more than a decade at war, drones remain the only military system within an extraordinarily advanced arsenal to have captivated popular attention. And they have done so at a time when the public has grown weary of war and the deep confusions surrounding the objectives, value, and purpose of these conflicts.

For many within the military, the intensity of the debate about drones in combat has been perplexing. As they often point out, drones are simply one of a number of military platforms upon which information-gathering technology or weapons are deployed. For tactical purposes, it may make little difference whether a Hellfire missile is launched from a fighter jet or a drone. And, as military experts and knowledgeable observers emphasize, drones do not operate independently—rather, they are part of a complex, multilayered system in which particular technologies, drones and others, are useful only as integrated within a larger strategic vision.

That said, much of the discussion of drones focuses not on their use by the military within defined war zones, where domestic and international law applies, but rather to their use by the CIA and other organizations in places where the legality of their deployment is under question, where data are minimal and where secrecy prevails. In this way, covert drone strikes are the latest in a series of interrelated issues—including torture, black sites, and extraordinary rendition—that reflect directly on the meaning, impact, and ethics of U.S. strategy (once called the global war on terror). Yet, even as drones are linked to existing questions of the appropriateness, legitimacy, and potential illegality of U.S. action, they are the only element of this critique linked to advanced technology, with its complex evocation of promise and danger. Drones have become the iconic public image of the U.S. government’s international projection of military force, during a complex and uncertain time when support is waning and there is great confusion as to the purpose of these ongoing conflicts.

More recently, public debate on drones has turned to their current and potential use within our country. And, in this context as well, drones have produced tense discussions about multiple issues including protecting privacy, respecting core constitutional rights, and enabling potential abuses of state power. In response, there are demands for increased regulation as well as concerns that new rules will have a profoundly negative effect on our society. Many worry that the use of drones in our country will usher in a new era of intrusive state surveillance and may even be used as a means of attacking and killing American citizens here at home.

For those who currently use drones or advocate for their expanded deployment—whether for military or civilian applications—these debates are deeply frustrating. They point out that drones are simply machines, neither good nor bad, not the sort of issue for which one should seek either support or rejection. They point to drones’ capacity to safely, effectively and inexpensively fight fires, monitor weather patterns, spray crops, and provide ongoing real-time information on hundreds of issues.

This is why there is an ongoing effort to shift the language of the debate by replacing the popular term drone with one of a number of arguably more accurate—and less politically loaded—alternatives including unmanned aerial vehicle (UAV), remotely piloted vehicle (RPV), or remotely piloted aircraft (RPA). Still, drone remains the default term and will be for the foreseeable future.

In fact, the lure and power of the word drone provides insight into the true nature and intensity of the debate. Drones have come to us from foreign battlefields and migrated to the domestic policy environment. While drones may be simple and varied machines, the ones we know best bear names that suggest both danger and brutality, the Predator (MQ-1) and the Reaper (MQ-9). Drones embody the glory of American technological superiority and innovation (at least for now) and appear to many as an ideal tool for facing a difficult, distant, and elusive enemy. Yet, woven into their usefulness abroad is a sense that they are the first expressions of a new reality defined by multiple related technologies whose transformative capacities are as dangerous here as they have been proved to be abroad.

Drones captivate us. Their sleekly disturbing look, an odd combination of the fragile and the deadly, produces both fascination and fear. The word drone highlights these qualities, depicting a machine that is solitary, potentially autonomous, ever present, and quietly menacing. The truth is that those who suggest that public debate needs to focus clearly on what drones really are and really do, are missing the point. Facts alone will not resolve the heated discussions. Rather the idea of drones and the resulting questions, complex and varied as they are, are enmeshed in powerful narratives of fear and mistrust as drones have become a central element of the contemporary American political imagination.

The drone debate is not only about targeted killings abroad or potential invasions of privacy at home; it is about how this emerging technology has come to symbolize the disorder, threat, uncertainty, and fear of our rapidly changing world. The challenge we face as a society is not simply how to regulate drones (which is clearly necessary) but rather how to learn from the passions they inspire such that we connect serious policy debate on emerging technologies with a respect and acknowledgement for the very real fears of so many.

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#### Zizek likes us, not you.

Him 01. (Slavoj Zizek, senior researcher at the Institute of Sociology, University of Ljubljana, Slovenia, and a professor at the European Graduate School, also a film critic, “The Fright of Real Tears: Krzystof Kieslowski between Theory and Post-theory”, pg. 71-78)

The ultimate gap that gives rise to suture is ontological, a crack that cuts through reality itself: the whole' of reality cannot be perceived/accepted as reality, so the price we have to pay for 'normally' situating ourselves within reality is that something should be foreclosed from it: this void of primordial repression has to be filled in - 'sutured' - by the spectral fantasy And this gap runs through the very core of Kieslowski's work.1 It was precisely a fidelity to the Real that compelled Kieslowski to abandon documentary realism - at some point, one encounters something more Real than reality itself. Kieslowski's starting point was the same as that of all cineasts in the socialist countries: the conspicuous gap between the drab social reality and the optimistic, bright image which pervaded the heavily censored official media. The first reaction to the fact that, in Poland, social reality was 'unrepresented', as Kieslowski put it, was, of course, the move towards a more adequate representation of real life in all its drabness and ambiguity - in short, an authentic documentary approach: There was a necessity, a need - which was very exciting for us - to describe the world. The Communist world had described how it should be and not how it really was. ... If something hasn't been described, then it doesn't officially exist. So that if we start describing it, we bring it to life.2 Suffice it to mention Hospital, Kieslowski's documentary from 1977, in which the camera follows orthopaedic surgeons on a 32-hour shift. Instruments fall apart in their hands, there are frequent power-cuts and shortages of the most basic materials, but the doctors persevere hour after hour, and with humour ... Then, however, the obverse experience sets in, best captured by the slogan used recently to publicise a Hollywood movie: 'It's so real, it must be a fiction!' - at the most radical level, one can render the Real of subjective experience only in the guise of a fiction. Towards the end of the documentary First Love ( 1974), in which the camera follows a young unmarried couple during the girl's pregnancy, through their wedding and the delivery of the baby, the father is shown holding the newly born baby in his hands and crying. Kieslowski reacted to the obscenity of such unwarranted probing into the other's intimacy by referring to the 'fright of real tears'. His decision to pass from documentaries to fiction films was thus, at its most radical, an ethical one: Not everything can be described. That's the documentary's great problem. It catches itself as if in its own trap. ... If I'm making a film about love, I can't go into a bedroom if real people are making love there. ... I noticed, when making documentaries, that the closer I wanted to get to an individual, the more objects which interested me shut themselves off. That's probably why I changed to features. There's no problem there. I need a couple to make love in bed, that's fine. Of course, it might be difficult to find an actress who's willing to take off her bra, but then you just find one who is. ... I can even buy some glycerine, put some drops in her eyes and the actress will cry. I managed to photograph some real tears several times. It's something completely different. But now I've got glycerine. I'm frightened of real tears. In fact, I don't even know whether I've got the right to photograph them. At such times I feel like somebody who's found himself in a realm which is, in fact, out of bounds. That's the main reason why I escaped from documentaries.3 The crucial intermediary in this passage from documentary to fiction is Camera Buff (1979), the portrait of a man who, because of his passion for the camera, loses his wife, child, and job - a fiction film about a documentary film-maker. So there is a domain of fantasmatic intimacy which is marked by a 'No trespass!' sign and should be approached only via fiction, if one is to avoid pornographic obscenity. This is the reason why the French Véronique in The Double Life of Véronique rejects the puppeteer: he wants to penetrate her too much, which is why, towards the film's end, after he tells her the story of her double life, she is deeply hurt and escapes to her father. And is not the figure of the Judge in Red, Kieslowski's last film, a kind of mega-puppeteer? The Judge's 'sin' (secretly listening to the private phone-conversations of his neighbours) involves precisely the unpardonable act of anonymously penetrating others' intimacy, of 'trespass'. So is it not as if the Judge is making documentaries which 'go all the way' and violate the barrier of intimacy? And, insofar as the Judge is, up to a point, Kieslowski's rather obvious self-portrait, does he not stand for a temptation of Kieslowski himself? In Heiner Mùller's short play Der Mauser, his reply to Brecht's learning play' The Measures Taken, the Chorus (which speaks from the exclusive position of revolutionary class struggle) asks the question: Was ist Mensch? ', 'What Is Man?', and its answer is: we do not know who or what man is, we know only who the enemy is, who has to be beaten and crushed so that a new man will emerge. Although Kieslowski is the ideological opposite of Muller, this is ultimately also his answer: all pathetic humanist celebrations of man are just so many obscene violations of the 'No trespass!' sign; the only proper thing to do is to maintain a distance towards the intimate, idiosyncratic, fantasy domain - one can only circumscribe, hint at, these fragile elements that bear witness to a human personality. In this encroaching upon the Other's intimacy, we encounter the function of shame at its purest. Of course, one can feel ashamed for oneself (when one is caught in public doing something indecent). However, much more mysterious is the phenomenon of feeling ashamed for what another did - this is 'interpassivity' at its purest, where I am passive for (instead of) the other, assuming the feeling of shame for him or her.4 It is clearly insufficient to account for this phenomenon in terms of empathy with the Other's embarrassment, or of transference (I am ashamed because I am secretly aware that the Other realised my unacknowledged desire; I am ashamed to see the Other, the subject supposed to know, humiliated, his impotence rendered public). What makes me feel ashamed is not so much what the Other did, but, rather, the very fact that the Other is not ashamed of what he or she did.5 It is against this background that the threat of the human genome project becomes palpable: it opens up the prospect of the total 'transparency' of the human being: there will be nothing to hide, which means that the very notion of shame will be rendered irrelevant, as well as the notion of justice. As was pointed out by John Rawls, our most elementary notion of justice involves the reference to the 'veil of ignorance': justice has to be blind, it has to ignore the full specific context of those who demand justice and reduce them to 'abstract', equal subjects. How, then, is Kieslowski's ban on real tears related to the Old Testament ban on images? A reference to Arnold Schoenberg's Moses und Aaron, the opera concerning the prohibition on making images (or its equivalent, musica ficta6 - since Schoenberg's effort is precisely to tear music out of the imagistic-depicting frame), might be of some help here. In Schoenberg, the song approaches more and more the non-melodic Sprechgesang; as such, Moses und Aaron is to be set against the melodramatic excesses of someone like Puccini, in whose pathetic finales (from La Bohème onwards) the music overflows the stage. However, as Adorno remarked, Moses und Aaron gets caught here in a self-referential contradiction: 'The ban on images goes further than even Schoenberg himself was prepared to imagine ... To give great ideas immediate thematic expression in a work of art nowadays means depicting their after-image/7 In short, the prohibition on images affects the very musical medium, so the opera itself has to remain unfinished after its most 'efficient' scene (the Golden Calf), which is precisely, musica ficta - operatic spectacle. Significantly, Moses und Aaron ends with Moses' desperate cry, 'O Word, thou Word, that I lack!' What breaks down here is not Aaron's exuberant singing, but precisely its opposite, Moses' purity of Word. In a kind of Hegelian 'negation of negation', the negation of the image on behalf of the Word leads to the self-negation of the Word itself.8 Kieslowski seems to share the Old Testament injunction to withdraw the domain of what really matters from degrading visibility. However, in a spirit which runs counter to Old Testament iconoclasm, he supplements the prohibition to depict the intimate moments of 'real' life with, precisely, fiction, with 'false' images. While one should not show 'real' sex or intimate emotional moments, actors can feign them, even in a very 'realistic' way (as they definitely do in Kieslowski's films).9 Is, then, Kieslowski's point simply that wearing a mask should serve as a kind of protective shield, as the sign of respect for what should remain concealed? Or is it rather that Kieslowski is fully aware of the dialectic of 'wearing a mask'? Our social identity, the person we assume to be in our intersubjective exchanges, is already a 'mask', it already involves the repression of our inadmissible impulses, and it is precisely in the conditions of 'just gaming', when the rules regulating our 'real-life' exchanges are temporarily suspended, that we can permit ourselves to display these repressed attitudes. Think of the stereotypical computer nerd who, while playing an interactive game, adopts the screen identity of a sadistic murderer and irresistible seducer. It is all too simple to say that this identity is just an imaginary supplement, a temporary escape from real-life impotence. The point is rather that, since he knows that the interactive game is 'just a game', he can 'show his true self, do things he would never have done in real-life interactions. In the guise of a fiction, the truth about himself is articulated. As a proof of this dimension, one should evoke the uncanny feeling one gets when watching Kieslowski's documentaries: it is as if (real-life) persons play themselves, generating an uncanny overlapping of documentary and fiction; in Bentham's terms, they function as their own icons. When, in From a Night Porter's Point of View ( 1977), the factory porter - a fanatic of strict discipline, who extends his power even into his personal life as he tries to control everybody and everything - insists that 'rules are more important than people', he does not immediately display his innermost stance; it is rather that, in a reflective attitude, he 'plays himself by way of imitating what he perceives as his own ideal image. It is to avoid this impasse that Kieslowski had to move to fiction: since, when we film 'reallife' scenes in a documentary way, we get people playing themselves (or, if not this, then obscenity, the pornographic trespass into intimacy), the only way to depict people beneath their protective mask of playing is, paradoxically, to make them directly play a role, i.e. to move into fiction. Fiction is more real than the social reality of playing roles?)0 If, in Kieslowski's documentaries, the protagonists seem to play themselves, then his late fiction films cannot but appear as documentaries about the brilliant and seductive performance of the beautiful actress (Binoche, Jacob).11 Today, however, this 'No trespass!' is increasingly undermined: our culture is one in which there is a pressure to 'tell everything', to probe into or publicly confess fantasies and intimate details of sexual lives, including the shape of the President's penis. The paradox, of course, is that this globalisation of discourse is the mode of appearance of its very opposite: the price we pay for the fact that 'everything is discourse' is that discourse becomes impotent in the face of the most common idiotic reality (recall the impotence of tolerant discourse in the face of meaningless raw violence).12 The price we pay for the individual's unconstrained public confession/disclosure is that individuality itself is threatened. No wonder, then, that this utter 'subjectivisation' overlaps with utter 'objectivisation': unconstrained public confessions are supplemented by the obsession with genome, with the prospect of establishing what a human being 'objectively is\ We confront these paradoxes in their purest form in what appears to be the anti-Kieslowski gesture par excellence, the recent endeavours to circumvent one of the fundamental prohibitions of narrative cinema by combining the 'hardcore' depiction of sex with the narrative, i.e. to include in it sex scenes which are played for real (we see the erect penis, actual penetration). Until recently, hardcore pornography itself respected the Kieslowskian ban: although it did show 'everything', real sex, the narrative which provided the frame for repeated sexual encounters was as a rule ridiculously non-realistic, stereotypical, stupidly comical, staging a kind of return to the eighteenth-century commedia deVarte in which actors do not play 'real individuals, but one-dimensional types - the Miser, the Cuckolded Husband, the Promiscuous Wife. Is not this strange compulsion to make the narrative ridiculous a kind of negative gesture of respect: yes, we do show everything, but precisely for that reason we want to make it clear that it's all a big joke, that the actors are not really engaged? Kieslowski's recourse to the theme of alternative realities is propelled by the same tension between documentary and fiction: since documentary shooting results in an overabundance of unco-ordinated material, in large part generated by unforeseeable contingencies, no single narrative line can organise it into a consistent whole, so the only way to bring about the necessary sense of unity is through organising the material along the lines of formal rhythmic patterns - documentary film-making and formalism are strictly correlative. The subterranean pattern of links and reverberations of visual and other motifs which underlies the narrative of Kieslowski's fiction films has nothing to do with any spiritualist mysticism: it is, on the contrary, the ultimate proof of his materialism. Even in his fiction films, Kieslowski treats the footage as documentary material which, consequently, should be decimated, so that all that remains are fragments which are never fully comprehensible, i.e. in whose final cut something - the element that would provide the crucial clarification - is always missing. Far from relying on anti-documentary ethereal spirituality, Kieslowski's openness to contingent encounters, coincidences and unexpected mysterious links, this much-celebrated 'mysterious' effect of his late feature films, is thus paradoxically grounded in the persistence of the documentary approach to the very end of his film-making.13 The very notion of alternative realities is also grounded in the excess of documentary material which resists incorporation into a single narrative: it can only be organised as the texture of multiple narrative lines. Therein, perhaps, resides the ultimate lesson of the dialectical tension between documentary reality and fiction: if our social reality itself is sustained by a symbolic fiction or fantasy, then the ultimate achievement of film art is not to recreate reality within the narrative fiction, to seduce us into (mis)taking a fiction for reality, but, on the contrary, to make us discern the fictional aspect of reality itself, to experience reality itself as a fiction. We are watching on screen a simple documentary shot in which, all of a sudden, the entire fantasmatic depth reverberates. We are shown what 'really happened', and suddenly, we perceive this reality in all its fragility, as one of the contingent outcomes, forever haunted by its shadowy doubles. This is what documentaries at their best can render. And should we not interpret Kieslowski's final retreat into peaceful private life, his renunciation of film-making, as the third stage, which, in accordance with the inexorable inherent logic of his artistic development (the same logic responsible also for the silence of authors as different as Rimbaud and Dashiel Hammett), had to follow his 'documentary' and his 'fictional' stage?14 If the passage from documentaries to fiction movies was caused by the 'fright of real tears', by the insight into the obscenity of directly rendering 'real-life' intimate experiences, was the abandonment of even the fiction movies not caused by an insight into how fictions are in a way even more vulnerable than reality? If documentaries intrude into and hurt the personal reality of the protagonists, fiction intrudes into and hurts dreams themselves, secret fantasies that form the unavowed kernel of our lives.

#### Marxism – what could possibly go wrong?

Lyotard 74. The Postmodern Condition. P. 12-3

"Traditional" theory is always in danger of being incorporated into the programming of the social whole as a simple tool for the optimization of its performance; this is because its desire for a unitary and totalizing truth lends itself to the unitary and totalizing practice of the system's managers. ''Critical'' theory’s principle of dualism and wary of syntheses and reconciliations, should be in a position to avoid this fate. What guides Marxism, then, is a different model of society, and a different conception of the function of the knowledge that can be produced by society and acquired from it. This model was born of the struggles accompanying the process of capitalism's encroachment upon traditional civil societies. There is insufficient space here to chart the vicissitudes of these struggles, which fill more than a century of social, political, and ideological history. We will have to content ourselves with a glance at the balance sheet, which is possible for us to tally today now that their fate is known: in countries with liberal or advanced liberal management, the struggles and their instruments have been trans- formed into regulators of the system; in communist countries, the totalizing model and its totalitarian effect have made a comeback in the name of Marxism itselt. and the struggles in question have simply

11been deprived of the right to exist. Everywhere, the Critique of political economy (the subtitle of Marx's Capital) and its correlate, the critique of alienated society, are used in way or another to aid in programming the system.

Of course, certain minorities, such as the Frankfurt School or the group Socialisme ou barbarie46 preserved and refined the critical model in opposition to this process. But the social foundation of the principle of division, or class struggle, was blurred to the point of losing all of its radicality; we cannot conceal the fact that the critical model in the end lost its theoretical standing and was reduced to the 47status of a "utopia" or "hope," a token protest is raised in the name of man or reason or creativity, or again of some social category — such as the Third World or the students48 —on which is conferred in extremis the henceforth improbable function of critical subject.

#### They call capitalism into existence.

**Manuel DeLanda, 1997**, Adjunct Associate Professor – Graduate School of Architecture, Planning and Preservation – Columbia University, A Thousand Years of Nonlinear History, p. 46-8

Even in this age of huge multinational corporations, the command element in the commercial mixture is far from 100 percent. The economist John Kenneth Galbraith, who sharply differentiates between spontaneous economic activity (markets) and planned economic processes (big business), calculates that today roughly half of the Western economy has been taken over by capitalist hierarchies. The other half comprises the low-profit regions, which those hierarchies willingly abandon to the market. According to Galbraith, what gives capitalism this freedom of motion is economy of scale, which is why since the Middle Ages commercial capitalism has been associated with wholesale and not retail. A large firm is better able to absorb shocks and fluctuations and create the plans and strategies that may win it a degree of independence from market forces, indeed the ability to control and manipulate those forces to a certain degree. Such considerations led Braudel to the startling conclusion that "we should not be too quick to assume that capitalism embraces the whole of western society, that it accounts for every stitch in the social fabric...that our societies are organized from top to bottom in a 'capitalist system.' On the contrary...there is a dialectic still very much alive between capitalism on one hand, and its antithesis, the 'non-capitalism' of the lower level on the other."56 And he adds that, indeed, capitalism was carried upward and onward on the shoulders of small shops and "the enormous creative powers of the market, of the lower story of exchange.... [This] lowest level, not being paralysed by the size of its plant or organization, is the one readiest to adapt; it is the seedbed of inspiration, improvisation and even innovation, although its most brilliant discoveries sooner or later fall into the hands of the holders of capital. It was not the capitalists who brought about the fast cotton revolution; all the new ideas came from enterprising small businesses."57 There is a misconception, widely shared by economists and philosophers on either side of the political spectrum, that capitalism developed in several stages, being at first competitive and subservient to market forces and only later, in the twentieth century, becoming monopolistic. However, starting in the thirteenth century, capitalists engaged in various noncompetitive practices, in order to create the large accumulations of money that have always characterized the upper levels of the trade pyramid. As we discussed, the early medieval fairs, the meeting points of rich merchants from all over Europe, were veritable hierarchies of meshworks, in which the luxury and money markets dominated the upper echelons. Neither in the long-distance trade of prestige goods nor in the worlds of precious metals and credit did supply and demand reign supreme. On the contrary, most fortunes in these areas were made by the manipulation of these market forces through a variety of noncompetitive practices. There was, of course, intense competition among rich merchants and families, much as today large corporations compote with one another, but these rivalries among oligopolies are fundamentally different from the kind of "anonymous competition" in which small producers and traders engage.58 From the Middle Ages to the nineteenth century, not only did individual businesses engage in monopolistic practices, entire cities did too, even groups of cities. By means of noncompetitive practices, a town could greatly aid its merchants and financiers, protecting them from foreign rivals, and stimulating the accumulation of money within its walls. The medieval cities that controlled the Mediterranean and the Baltic and North Seas financed much of their growth from manipulation of markets and by acquiring exclusive control of certain flows, such as spices and silks from the Levant in the case of Venice, or salt in the case of Lübeck. With a monopoly on luxury goods, won and maintained by military force, fourteenth-century Venice dominated the cities around it, not only the small towns constituting its supply regions but other giant towns, such as Florence and Milan. In the north, between the thirteenth and fifteenth centuries, cities like Lübeck and Bruges formed a meshwork of cities known as the Hanseatic League, which was capable of collective action without a centralized organization behind it. The league also engaged in monopolistic practices to trap the towns within its zone of economic influence in a web of supervision and dependence.59 We will return shortly to other forms of market manipulation which, according to Braudel, have always characterized certain commercial institutions since the Middle Ages. This will make clear how wrong it is to assume (as many economists to the right and center of the political spectrum tend to do) that market power is something that may be dismissed or that needs to be studied only in relation to some aberrant institutional forms such as overt monopolies. But certain conceptions from the left (particularly the Marxist left) also need to be corrected, in particular, a teleological conception of economic history in terms of a linear progression of modes of production. In this Braudel explicitly agrees with Gilles Deleuze and Felix Guattari: capitalism could have arisen anywhere and long before it did in Europe.60 Its emergence must be pictured as a bifurcation, a phase transition that might have taken place somewhere else had the conditions been right (for instance, in the huge camel caravans along the Salk Road in the thirteenth century).61 Moreover, the institutions that emerged after this bifurcation must be viewed not as replacing previous institutions (i.e., markets) but as fully coexisting with them without forming a societywide "system." It is true that prices across Europe were pulsating to the same rhythm from medieval times and this gave the entire continent a certain economic coherence (sometimes referred to as a "world-economy"), but it would be a mistake to confuse world-economies with the "capitalist system," since India, China, and Islam also formed coherent economic areas (as powerful as those of Europe) without giving rise to capitalism.62 The conceptual confusion engendered by all the different uses of the word "capitalism" (as "free enterprise" or as "industrial mode of production" or, more recently, as "world-economy") is so entrenched that it makes an objective analysis of economic power almost impossible. One could, of course, simply redefine the term "capitalism" to include "power to manipulate markets" as a constitutive part of its meaning and to rid it of some of its teleological connotations. But as philosophers of science know well, when a theory begins redefining its terms in an ad hoc way to fit the latest round of negative evidence, it shows by this very act that it has reached the limits of its usefulness. In view of this, it would seem that the only solution is to replace this tired word with a neologism, perhaps the one Braudel suggested, "antimarkets," and to use it exclusively to refer to a certain segment of the population of commercial and industrial institutions.63

#### Their formulation of resistance is problematic—there is no “great refusal” we can join, but rather specific and local instances like the aff

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(Louise, “‘There is No Great Refusal’”: The Ambivalent Politics of Resistance”, *International Political Economy and Poststructural Politics* pg 259-260, dml)

This chapter makes a number of interventions in what I observe to be a curious and politically problematic search for a great refusal. I work through some of the strands of poststructural and cultural theory that problematize our sense of what it is to resist within a global political context, in order to open up some of the possibilities of dissent that we may be less attuned to. In Michel Foucault’s (1976: 96) famous formulation: Points of resistance are present everywhere in the power network. Hence there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case: resistances that are possible, necessary, improbable; others that are spontaneous, savage, solitary, concerted, rampant, or violent; still others that are quick to compromise, interested, or sacriﬁcial… The points, knots, or focuses of resistance are spread over time and space at varying densities, at times mobilizing groups or individuals in a deﬁnitive way, inﬂaming certain points of the body, certain moments in life, certain types of behavior. It is not the case, then, that there can be no resistance within Foucault’s envisaged network of power relations (see for example, Davies this volume), but that there can be no categorical and unequivocal Refusal. Understood as both an instrument of power and a point of resistance or opposition, discourse ‘transmits and produces power’ while it also renders it fragile and ‘makes it possible to thwart it’ (1976: 101). Read in these terms, the search for a great refusal overlooks the very site where the fragility and vulnerability of power relations may lie – in the discursive articulation between power and knowledge (Keenan 1997: 153). To assert a great refusal implies a stepping outside of relations of power when, at least from Foucault’s standpoint, this may be precisely the location of points of resistance. Yet, and particularly in Foucault’s later writings, the possibility of a kind of refusal is not entirely ruled out. ‘Maybe the target nowadays is not to discover what we are,’ he writes, ‘but to refuse what we are’ (1983: 216). Understood in these terms, though we may not be able to think of refusing ‘it’ in a clear and unambiguous way (whether it is war, globalization, poverty…), we can think of refusing what it makes of us. Our double standpoint within the exercise of power and the instances of resistance implies that we may be both vehicles of discourse and the means by which that discourse is undermined (see also the introduction to this volume). As a discussion conceived as an intervention in contemporary debates on the possibilities of a politics of resistance, this chapter cannot claim to fully ﬂesh out, or indeed resolve, the many emerging dilemmas. Nonetheless, it can begin to work through some of the alternatives to the politics of a single locus of great refusal. First, I explore the problematic assumptions of agents as sources of either power or resistance. This has led, I argue, to a tendency to deny, or to seek to resolve, the contradictory subject positions that might otherwise become points of politicization. It is precisely the ambivalence of subject positions, I argue, that contains the potential for a recognition of the intimate connections between ‘our’ world and ‘theirs.’ Second, in response to the prevailing desire to settle and secure the identities of the powerful/powerless or the perpetrator/resistor, I suggest that it is, in fact, the insecure and incomplete nature of identity that contains the potential interstitial spaces for dissent. Contrary to the drive to identify and delineate the political interests of the ‘migrant,’ or ‘women,’ or ‘workers,’ for example, I argue that these identities can never be singularly located and realized. Drawing on examples of the struggles to identify and to disidentify the ‘migrant’ at the US-Mexico border, I argue that the state, the social movements and the migrants occupy ambiguous positions, and that this ambiguity has promise from the point of view of a politics of dissent. Finally, I argue that where we are tempted to look for an openly declared refusal, we should consider that the most marginalized and displaced peoples of the world have the most to risk in making such declarations. Moreover, the insistence on a great refusal consigns the prosaic and everyday struggles and contests, the carnivalesque or simply coping strategies, the world of art and the aesthetic, to a realm that is seen as subordinate to the ‘real’ world of the global political economy. Following Homi Bhabha, Stuart Hall and others, art and literature are capable of making extraordinary intrinsically ordinary experiences. I will argue that it is often the least obtrusive moments of dissent, hidden away in the seams of the global political economy (at the borders and boundaries), that most effectively disrupt our sense of normalization, our almost tacit sense of what has a place and what is ‘out of place’ in the normal run of our daily lives – in the commute, the journey, the border crossing, the ﬁnancial transaction.

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#### Permutation: do both. We don’t have a model for how every debate should be, but this debate is valuable.

Simpson 12. Zachary Simpson, professor of philosophy at the University of Arts and Sciences of Oklahoma, Foucault Studies, No. 13, May 2012, pg. 102

When the preceding analysis of resistance is taken alongside Foucault’s constructivist conception of truth, it clearly leads to the notion, pursued by Foucault in the late 1970s, that the production of truth, and therefore the instantiation of resistance, can be a creative and intentional process.16 While Foucault consistently describes the presence of such resistances- through-truth, he also normatively advocates the production of truths to modify power relations. This more imaginative and creative dimension is often revealed in Foucault’s reflec- tions on the role of the author, which is:

...to see how far the liberation of thought can make... transformations urgent enough for people to want to carry them out and difficult enough to carry out for them to be profoundly rooted in reality. It is a question of making conflicts more visible... Out of these conflicts, these confrontations, a new power relation must emerge, whose first, temporary expression will be a reform.17

However, the project of “making conflicts more visible” is one which need not be based on present conditions or their limited range of options. Instead, one must constructively pro- blematize the epistemic relations which give rise to the present and question the truths which undergird existing power relations and creatively imagine strategic alternatives. Foucault in- dicates both this diagnostic and strategic procedure in another interview:

Why the truth rather than myth? Why the truth rather than illusion? And I think that, instead of trying to find out what truth, as opposed to error, is, it might be more interesting to take up the problem posed by Nietzsche: how is it that, in our societies, “the truth” has been given this value, thus placing us absolutely under its thrall?18

#### Counter-interpretation discussion of the topic rather than topical discussion solves their offense—their complaint is with the form rather than the content of the 1AC—this plays into sovereign hands which turns decisionmaking and guts solvency

**Steele 10**—Associate Professor of Political Science at the University of Kansas

(Brent, *Defacing Power: The Aesthetics of Insecurity in Global Politics* pg 109-111, dml)

The rules of language and speaking can themselves serve to conceal truth in world politics. I begin here with the work of Nicholas Onuf (1989), which has inspired constructivists to engage how “language is a rule-governed activity” (Wilmer 2003: 221). Rules help construct patterns and structures of language exchanges, and “without these rules, language becomes meaningless” (Gould 2003: 61). From the work of Onuf, we recognize that rules do more than set appropriate boundaries for language, as the

paradigm of political society is aptly named because it links irrevocably the sine qua non of society— the availability, no, the unavoidability of rules— and of politics— the persistence of asymmetric social relations, known otherwise as the condition of rule. (1989: 22)

Rules lead to rule— what Onuf (1989) titles the “rule-rules coupling.” Thus, linguistic rules demarcate relations of power and serve to perpetuate the asymmetry of social relations. The structure of language games is valued because it provides order and continuity. But because those rules are obeyed so frequently and effortlessly, they are hard to recognize as forms of authority.

Where does the need for such continuity arise? As mentioned in previous chapters, Giddensian sociology suggests that the drive for ontological security, for the securing of self-identity through time, can only be satisfied by the screening out of chaotic everyday events through routines, which are a “central element of the autonomy of the developing individual” (Giddens 1991: 40). Without routines, individuals face chaos, and what Giddens calls the “protective cocoon” of basic trust evaporates (ibid.). Yet, as I have discussed in my other work (2005, 2008a) and as Jennifer Mitzen notes (2006: 364), rigid routines can constrain agents in their ability to learn new information. This is what the rhythmic strata of aesthetic power satisfies. In the context it creates for parrhesia, these routines, connected to an agent’s sense of Self, shield that agent from the truth.4 “The shallowness of our routinized daily existence,” Weber once stated, “consists indeed in the fact that the persons who are caught up in it do not become aware, and above all do not wish to become aware, of this partly psychologically, part pragmatically conditioned motley of irreconcilably antagonistic values” (1974: 18). The need for such rhythmic continuity spans all social organizations, including scholarly communities (thus we refer to such communities as “disciplines”).

The function of these rules creates a similar problematic faced by the parrhesiastes who is attempting to “shock” these structured rules and habits of the targeted agent. Because the parrhesiastes may find the linguistic rules or at least “styles” or language used by the targeted power to be part of the problem (the notion that one must be “tactful,” for instance), she or he must perform a balancing act between two goals. First, the parrhesiastes must challenge the conventions that serve to simplify and even conceal the truth the parrhesiastes is speaking. Second, the parrhesiastes must observe some of these speaking rules, part of which may themselves be responsible for or derivate toward the style of the Self that needs to be challenged by the parrhesiastes. Favoring the first, the parrhesiastes is prone to being ignored as irrational, as someone “on the fringe” or even unintelligible or, in the words of Harry Gould already noted, “meaningless.” Favoring the second moves the parrhesiastes away from the truth attempting to be told or at least obscures the truth with the language of nicety. As developed by Epicurean philosopher Philodemus, parrhesia existed within this spectrum: at times, it bordered on “harsh frankness” that was “not mixed with praise”; at other times, the frankness was more subdued (Glad 1996: 41). 5 As the examples of Cynic and academic-intellectual parrhesia provided later in this chapter illustrate, different manifestations of truth-telling as a form of counterpower occupy different spaces along this spectrum— balancing between abiding by these conventions of decorum and style; the need to provide forceful, decloaked truth; or, in the case of Cynic parrhesia, flauntingly contradicting the conventions altogether.

The parrhesiastes will most likely face charges of the first order (ignoring convention) regardless of the manner in which parrhesia is delivered. If, indeed, “the truth hurts” and if the target of such truth cannot deny the facts being delivered, the most convenient option for the victim is to blame “the way” in which the parrhesiastes said something, knowing full well that it was the substance of what that person said that was, for the victim, inappropriate or, more to the point, inconvenient.

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#### Be a specific intellectual

Owen 97. David Owen, professor of social sciences at Southampton University, 1997, “Maturity and Modernity: Nietszche, Weber, Foucault and the ambivalence of reason,” Routledge publishers, published July 22, 1997

In our reflections on Foucault’s methodology, it was noted that, like Nietszche and Weber, he commits himself to a stance of value-freedom as an engaged refusal to legislate for others. Foucault’s critical activity is oriented to human autonomy yet his formal account of the idea of autonomy as the activity of self-transformation entails that the content of this activity is specific to the struggles of particular groups and individuals. Thus, while the struggle against humanist forms of power/knowledge relations denotes the formal archiectonic interest of genealogy as critique, the determination of the ‘main danger’ which denotes the ‘filling in’ of this interest is contingent upon the dominant systems of constraint confronted by specific groups and individuals. For example, the constitution of women as ‘hysterical,’ of blacks as ‘criminal,’ of homosexuals as ‘perverted’ all operate through humanist forms of power/knowledge relations, yet the specificity of the social practices and discourses engaged in producing these ‘identities’ entails that while these struggles share a general formal interest in resisting the biopolitics of humanism, their substantive interests are distinct. It is against this context that Foucault’s stance of value-freedom can be read as embodying a respect for alterity. The implications of this stance for intellectual practice became apparent in Foucault’s distinction between the figures of the ‘universal’ and ‘specific’ intellectual. Consider the following comments: In a general way, I think that intellectuals-if this category exists, which is not certain or perhaps even desirable- are abandoning their old prophetic function. And by that I don’t mean only their claim to predict what will happen, but also the legislative function that they so long aspired for: ‘See what must be done, see what is good, follow me. In the turmoil that engulfs you all, here is the pivotal point, here is where I am.’ The greek wise man, the jewish prophet, the roman legislators are still models that haunt those who, today, practice the profession of speaking and writing. The universal intellectual, on Foucault’s account, is that figure who maintains a commitment to critique as a legislative activity in which the pivotal positing of universal norms (or universal procedures for generating norms) grounds politics in the ‘truth; of our being (e.g. our ‘real’ interests). The problematic form of this type of intellectual practice is a central concern of Foucault’s critique of humanist politics in so far as humanism simultaneously asserts and undermines autonomy. *If*, however, this is the case, what alternative conceptions of the role of the intellectual and the activity of critique can Foucault present to us? Foucault’s elaboration of the figure of the ‘specific’ inellectual provides the beginnings of an answer to this question: I dream of the intellectual who destroys evidence and generalities, the one who, in the inertias and constraints of the present time, locates and marks the weak points, the openings, the lines of force, who is incessantly on the move, doesn’t know exactly where he is heading nor what he will think tomorrow for he is too attentive to the present. The historicity of thought, the impossibility of locating an Archimedean point outside of time, **leads Foucault to locate intellectual activity as an ongoing** attentiveness to the present **in terms of what is singular** and arbitrary **in what we take to be universal** and necessary. Following from this, **the intellectual does not seek to offer** grand theories **but** specific analyses**,** not global but local criticism. We should be clear on the latter point for it is necessary to acknowledge that Foucault’s position does not entail the impossibility of ‘acceding to a point of view that could give us access to any complete and definitive knowledge of what may constitute our historical limits’ and, consequently, ‘ we are always in the position of beginning again’ (FR p. 47). The upshot of this recognition of the partial character of criticism is not, however, to produce an ethos of fatal resignation but, in far as it involves a recognition that everything is dangerous, ‘a hyper-and pessimistic activism’ (FR p. 343). In other words, it is the very historicity and partiality of criticism which bestows on the activity of critique its dignity and urgency. What of this activity then? We can sketch the Foucault account of the activity of critique by coming to grips with the opposition he draws between ‘ideal’ critique and ‘real’ transformation. Foucault suggests that the activity of critique ‘is not a matter of saying that things are not right as they are’ but rather ‘of pointing out what kinds of assumptions, what kinds of familiar, unchallenged, uncontested modes of thought and practices we accept rest’ (PPC p. 154). This distinction is perhaps slightly disingenuous, yet Foucault’s point is unintelligible if we recognize his concern to disclose the epistemological grammar which informs our social practices as the starting point of critique. This emerges in his recognition that ‘criticism (and radical criticism) is absolutely indispensable for any transformation’: A transformation that remains within the same mode of thought, a transformation that is only a way of adjusting the same thought more closely to the reality of things can merely be a superficial transformation. (PPC p. 155) The genealogical thrust of this critical activity is ‘to show that things are not as self-evident as one believed, to see that what is accepted as self-evident is no longer accepted as such’ for ‘as soon as one can no longer think things as one formerly thought them, transformation becomes both very urgent, very difficult, and quite possible’ (PPC p. 155). The urgency of transformation derives from the contestation of thought (and the social practices in which it is embedded) as the form of our autonomy, although this urgency is given its specific character for modern culture by the recognition that the humanist grammar of this thought ties us into the technical matrix of biopolitics. The ‘specificity’ of intellectual practice and this account of the activity of critique come together in the refusal to legislate a universal determination of ‘what is right’ in favour of the perpetual problematisation of the present. It is not a question, for Foucault, of invoking a determination of who we are as a basis for critique but of locating what we are now as the basis for a reposing of the question, “who are we?” the role of the intellectual is thus not to speak on behalf of others (the dispossessed, the downtrodden) **but to** create the space **within which** their struggles become visible **such that these others** can speak for themselves. The question remains, however, as to the capacity of Foucault’s work to perform this critical activity through an entrenchment of the ethics of creativity as the structures of recognition through which we recognize our autonomy in the contestation of determinations of who we are.

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#### This argument should frame the debate—hierarchical analysis that places power at the top fails to recognize the embeddedness of market relations and turns capitalism into a nebulous specter that we can’t fight, that’s Lyotard—capitalism doesn’t exist

**Bryant 13—**Professor of Philosophy at Collin College

(Levi, “Onto-Cartography, Marx, and Abstraction”, <http://larvalsubjects.wordpress.com/2013/01/10/onto-cartography-marx-and-abstraction/>, dml)

So we ask “why is society organized as it is?” The m’aitre answers “because of capitalism!” You ask “what is capitalism?” The m’aitre responds, “the way society is organized!” It’s the same loop. You appear to be explaining something and, of course, everyone gets upset because, well, capitalism is bad. But you haven’t really explained anything at all. You’ve named the place where a ground should be, but have not yet provided that ground. So why is this problematic? First and foremost, it’s problematic because it transforms “capitalism” into what Derrida called a spectre. Capitalism is somehow the cause of everything, but it is also this elusive phlogiston that is everywhere and nowhere. Capitalism causes everything, without itself being a material or real agency. The whole problem with ghosts and spectres is that you can’t fight them. We thus end up in a position of theoretical and practical pessimism. We adopt the moral high-ground because we know that there’s this terrible thing called capitalism that we recognize and that is unjust, but because it is a purely formal ground we have no idea how to intervene in it.¶ The whole point of tracing the networks or onto-cartography is to examine how things are actually put together. Capitalism does not explain, but is what to be explained. Capitalism is the out-come explained by onto-cartographical explanation (as are many other things), but not the explanatory principle. In Hegelian terms, we are seeking real, not formal ground. And we only find real ground by tracing the networks, tracing the assemblages, investigating how machines actually interact in this historical setting and context. We investigate the work that is involved in producing this social structure– and all the entities or machines involved in that –rather than assuming it at the outset. “Society” explains nothing, but is what we’re supposed to explain. Of course, much of this goes unexplored in the humanities and social sciences because the concept of entropy is completely absent from their thought and there is almost no concept of work or energy at work in these theoretical frameworks. There are either concepts or brute material things, but no work to maintain them. No, the only agency is ideas. This is why Marx had to turn Hegel on his head– he understood fatigue –but us academics all forgot that. We forgot that everything is perpetually disintegrating, subject to entropy, precisely because things require energy and work. Who among us has written about fatigue save some spare pages in Deleuze’s Difference and Repetition that no one ever notices? Everything quickly became the crystalline idea once again. We worked, the “Marxists” first and foremost, to turn Marx on his head and forget all the things he said about production, energy, work, and so on. We forgot “the working day”.¶ The second point is that this multiplies our points of intervention at the level of practice. This is not a surprise, of course, because those of us in the humanities would like to think that everything is an idea, a text, a meaning. Then we would be important and masters of all! We could say “everything is Shakespeare!” It’s curious how we so seldom explore our own conditions of production, our own sociological conditions for our enunciations, our own “secondary correlations”. We dream of a world, instead, where our interpretive and conceptual skills are the most important things of all. However, knowing how things or machines are linked in such a way as to produce a particular negentropic social organization, knowing what actants are involved, we are now in a position to intervene in those interconnections and feedback loops. Where, hauntological thought leads us to behave like apes who believe an intervention consists in saying “capitalism sucks!” (which really accomplishes nothing beyond the delights of a beautiful soul that can feel superior to the way in which everyone else is a dupe), we now know how things are actually linked, why they hold together as they do, why people accept them (Reich/Spinoza’s question) while knowing they’re bullshit, and we can engage in interventions that blow these things up. We might be surprised as to what leads people to tolerate this bullshit and what organizes things. We might find that the clock– yes, I literally mean clocks –plays a crucial role or that the length of the working day plays a crucial role or something else besides. But we would know nothing about this because we already know what we’re going to find at the end of analysis. We already know the answer. As a result we see without seeing.¶ Yet if we bothered to actually trace networks and get out of our master-signifiers, we would discover that there are sites of resistance that we never before imagined because we bothered to trace the network. Sometimes a student in the first grade doesn’t learn not because he’s stupid but because he didn’t have glasses, for example. Sometimes it’s a clock that organizes people’s lives, not a belief. Sometimes it makes more sense to intervene in clocks or glasses, but you can only know that if you actually trace the networks or the concrete. Occupy Wall Street got the idea with rolling jubilee. They realized that maybe debt plays a bigger role in perpetuating capitalism than mistaken ideology or failing to have the right moral values. They then decided to start buying up that debt and then forgiving it. How many of you 101st keyboard revolutionary commandos have participated in that?