# Round 4—Aff vs Liberty AB

## 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

**Neocleous 13**—Department of Politics and History, Brunel University

(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.

## 2AC

### case

#### Sentimentality towards animals degrades their status and places them even farther below humans, as not even deserving our respect, justifying experimentation and destruction.

**Baudrillard in 81** [Jean, “Simulacra and Simulation” p. 134-136]

In particular, our sentimentality toward animals is a sure sign of the disdain in which we hold them. It is proportional to this disdain. It is in proportion to being relegated to irresponsibility, to the inhuman, that the animal becomes worthy of the human ritual of affection and protection, just as the child does in direct proportion to being relegated to a status of innocence and childishness. Sentimentality is nothing but the infinitely degraded form of bestiality, the racist commiseration, in which we ridiculously cloak animals to the point of rendering them sentimental themselves.¶ Those who used to sacrifice animals did not take them for beasts. And even the Middle Ages, which condemned and punished them in due form, was in this way much closer to them than we are, we who are filled with horror at this practice. They held them to be guilty: which was a way of honoring them. We take them for nothing, and it is on this basis that we are "human" with them. We no longer sacrifice them, we no longer punish them, and we are proud of it, but it is simply that we have domesticated them, worse: that we have made of them a racially inferior world, no longer even worthy of our justice, but only of our affection and social charity, no longer worthy of punishment and of death, but only of experimentation and extermination like meat from the butchery.¶ It is the reabsorption of all violence in regard to them that today forms the monstrosity of beasts. The violence of sacrifice, which is one of "intimacy" (Bataille), has been succeeded by the sentimental or experimental violence that is one of distance. Monstrosity has changed in meaning. The original monstrosity of the beast, object of terror and fascination, but never negative, always ambivalent, object of exchange also and of metaphor, in sacrifice, in mythology, in the heraldic bestiary, and even in our dreams and our phantasms-this monstrosity, rich in every threat and every metamorphosis, one that is secretly resolved in the living culture of men, and that is a form of alliance, has been exchanged for a spectacular monstrosity: that of King Kong wrenched from his jungle and transformed into a music-hall star. Formerly, the cultural hero annihilated the beast, the dragon, the monster-and from the spilt blood plants, men, culture were born; today, it is the beast King Kong who comes to sack our industrial metropolises, who comes to liberate us from our culture, a culture dead from having purged itself of all real monstrosity and from having broken its pact with it (which was expressed in the film by the primitive gift of the woman). The profound seduction of the film comes from this inversion of meaning: all inhumanity has gone over to the side of men, all humanity has gone over to the side of captive bestiality, and to the respective seduction of man and of beast, monstrous seduction of one order by the other, the human and the bestial. Kong dies for having renewed, through seduction, this possibility of the metamorphosis of one reign into another, this incestuous promiscuity between beasts and men (though one that is never realized, except in a symbolic and ritual mode).¶ In the end, the progression that the beast followed is not different form that of madness and childhood, of sex or negritude. A logic of exclusion, of reclusion, of discrimination and necessarily; in return, a logic of reversion, reversible violence that makes it so that all of society finally aligns itself on the axioms of madness, of childhood, of sexuality; and of inferior races (purged, it must be said, of the radical interrogation to which, from the¶ very heart of their exclusion, they lent importance). The convergence of processes of civilization is astounding. Animals, like the dead, and so many others, have followed this uninterrupted process of annexation through extermination, which consists of liquidation, then of making the extinct species speak, of making them present the confession of their disappearance. Making animals speak, as one has made the insane, children, sex (Foucault) speak. This is even deluded in regard to animals, whose principle of uncertainty; which they have caused to weigh on men since the rupture in their alliance with men, resides in the fact that they do not speak.

#### The kritik is anthropocentric – it assumes knowledge for nature

**Bobertz ’97** Assistant Professor of Law, University of Nebraska College of Law (Bradley, Columbia Journal of Environmental Law, “Of Nature and Nazis,” http://web.lexis-nexis.com/universe/document?\_m=e8055033a175dd7329d20e30d27fb055&\_docnum=25&wchp=dGLzVzz-zSkVA&\_md5=06cbb76773a28b7aa216181aec1a0a01, lexis-nexis)
At this point, we should recall Ferry's initial trisection of environmental philosophy. First we have the unreconstituted Cartesians who believe that all of nature exists solely for use and exploitation by mankind. Next we have the animal liberationists who, on the basis of applied utilitarianism, would extend legal protection to sentient animals. Finally we have the deep ecologists who, in Ferry's view, believe in "the rights of trees, which is to say of nature in and of itself ...." n95 Ferry argues that deep ecology threatens the intellectual foundations of Western democracy by promoting a worldview that negates or greatly diminishes the role of individual rights. The term "deep ecology" derives from Arne Naess's 1973 essay on the differences between "shallow" and "deep" approaches to environmental protection. n96 Essentially, the shallow approach centers on human needs and seeks incremental reform without significantly altering patterns of resource consumption, whereas the deep approach takes a biocentric view of man's relationship with nature and encourages basic changes in lifestyle. n97 Never very well-defined in the first place, n98 and also never holding itself out as a "move- 8540\*378 ment" in the political sense, deep ecology has evolved into a wide range of concerns that most scholars would group under the subject of "environmental ethics." n99 Apart from the political dangers Ferry associates with deep ecology, he believes the philosophy suffers from a fundamental self-contradiction. The argument that natural objects can possess their own interests strikes Ferry as "one of the most absurd forms of anthropomorphism." n100 We cannot "think like a mountain," to use Aldo Leopold's famous phrase, n101 because, quite obviously, we are not mountains. Recalling Sierra Club v. Morton, n102 the famous standing case involving a proposal to construct a ski resort in California's Mineral King valley, Ferry claims that environmentalists "always suppose that the interests of objects (mountains, lakes and other natural things) are opposed to development. But how do we know? After all, isn't it possible that Mineral King would be inclined to welcome a ski slope after having remained idle for millions of years?" n103 Yet few people, including the writers Ferry labels as deep ecologists, would disagree with the fact that recognizing value in natural objects is an act of human cognition. Perhaps a person suffering from profound psychosis might claim the ability to understand how a mountain "thinks," but the writers Ferry criticizes do not advance 8540\*379 such bizarre claims. n104 For deep ecologists and environmental ethicists, phrases such as "think like a mountain" are metaphorical and heuristic, not literal and agenda-setting.

#### 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.

### queer theory

**What is queer about queering the resolution? What is queer about queer theory generally? What about performance? The answer is that in today’s academic environment queer has become a stagnant concept. In focusing on opposition to heteronormative, queer theory has created itself largely based around the binary dyad of queer/heteronormative – this position is limiting and prevents us from truly challenging dominant power structures**

**Ruffolo** adjunct Professorships at the Ontario Institute for Studies in Education, University of Toronto (Department of Theory and Policy Studies in Education) and Ryerson University  **2k9** (David, Post Queer Politics. Pg 1-5)

**Queer has reached a political peak**. Its theoretical movements have become limited by its incessant investment in identity politics and its political outlook has in many ways attained dormant status due to its narrowed interest in heteronormativite. This is, of course, not to suggest the end of queer but instead a potential deterritorialization of queer as we know it today. Over the past two decades, a significant body of work has contributed to what is referred to as queer studies. Queer theorizations are at the heart of this anti-canonical genre where the intersection of bodies, identities, and cultures continue to be a central focus.1 Although queer theory informs much of this work vis-à-vis the queering of theory and the theories of queer, important feminist, postcolonial, and ability theorizations have more recently informed the body of queer studies. So while I consider queer studies and theories to be interconnected (and at times interchangeable), the theoretical and philosophical movements of queer studies are certainly not restricted to or by queer theories. What remains consistent amongst these various theorizations, however, is a shared politics embedded in significations, representations, and identifications where language has become somewhat of a unified trajectory for thinking through experience. These important works without question continue to offer many insightful ways to account for the intersection of bodies, institutions, cultural practices, social traditions, political movements, and economic initiatives. Michael Warner’s introduction of heteronormativiy in the early 1990s monumentally framed the ways in which we think about how subjects are subjected to the normative discourses of heterosexuality and in doing so created the important spaces to challenge and reimagine these productivities.2 As a result of this and many other significant contributions, **queer theory has become almost exclusively interested in challenging heteronormative ideologies** by examining and exposing how subjects come into being through discursive interactions. It offers a critical politics for thinking about how subjects are constituted through heteronormative discourses. Most notable, perhaps, is bringing to light how subjects become intelligible through binary identity categories such as male/ female, masculine/feminine, and straight/gay.3 It queers—disturbs, disrupts, and centers—what is considered “normal” in order to explore possibilities outside of patriarchal, hierarchical, and heteronormative discursive practices. We see this, for instance, in the works of Butler (1990), Fuss (1995), and Mufloz (1999) as they explore a shift from identities to (dis)identifications. I outline elsewhere (Ruffolo 2006a) how such readings confront binary identities so as to appreciate third spaces: fixed and stable identities are reconfigured as mobile and fluid identifications, where the “I” is no longer determined by the Other but is discursively negotiated through others. Queer theory critically redefines the relationships amongst bodies, identities, and culture through a particular commitment to subjectivity as seen through significations, representations, and identifications. The vigor of queer is its commitment to disrupt ideologies, practices, concepts, values, and assumptions that are essentially normal in order to expose what is normatively essentialized. **Having said this,** what, you might ask, are my post-queer intentions? In the Fall-Winter 2005 issue of Social Text, David Eng, Judith Halberstam, and José Esteban Munoz ask a necessary question of queer studies today: “**What’s queer about queer studies now?”**4 In the introduction, Eng, Halberstam, and Munoz provide an overview of queer that sets a foundation for my critique of queer: Around 1990 queer emerged into public consciousness. It was a term that challenged the normalizing mechanisms of state power to name its sexual subjects: male or female, married or single, heterosexual or homosexual, natural or perverse. Given its commitment to interrogating the social processes that not only produced and recognized but also normalized and sustained identity, the political promise of the term resided specifically in its broad critique of multiple social antagonisms, including race, gender, class, nationality, and religion, in addition to sexuality. (1) By asking the question “what’s queer about queer studies no” this edition explores the purpose and value of queer in a time of global economics marked by a post-9/ 11 politics embedded in war and terror. It offers a critical comparison between the “broad social concerns” of queer studies in the past with the more intensely interconnected focus of queer studies in the present—work interested in “theories of race, on problems of transnationalism, on conflicts between global capital and labor, on issues of diaspora and immigration, and on questions of citizenship, national belonging, and necropolitics” (2). Post- Queer Politics engages Eng, Halberstam, and Munoz’s call for a “renewed queer studies” by taking into consideration the various interconnections amongst the wide range of contributors of this edition. **It is well known that queer theory is interested in challenging binaries through an interrogation of heteronormative practices using queer as a verb** (a radical process of disruption) rather than a noun (an umbrella term encompassing multiple identities). My introductory comments on the peaking of queer are situated in this relationship between queer and heteronormativity. I make the argument here and throughout this book that **the queer/heteronormativity dualism is unproductive considering the contemporary complexities of neoliberal capitalism and globalizatio**n. PostQueer Politics is primarily interested in challenging the queer/heteronormative dyad that has informed much of the theorizations of queer and the queering of theories over the past few decades. I consider the “peaking” of queer as a plateau that negotiates contemporary queer theories and post-queer theorizations. Post-Queer Politics is interested in examining the current politics of queer and the queering of politics through a renewed sense of queer that is differentiated from queer’s current implications in subjecdvity Its vision is twofold: to consider what something post might do for queer and what queer might do for something post. I am interested in the doings of post-queer rather than the beings of it so as to avoid unnecessary binaries that have resulted in the current desire for something post. This project is about the politics around “post-” and “queer” rather than a post-identitarian landscape that would situate “post-” and “queer” as binaries. Despite my explicit intention to avoid a reading of “post-” as a definitive time and space that come after something, I must draw a somewhat stark delineation here: the “post-” of post-queer is in many respects post-subjectivity. I say this not because queer is subjectivity and post-queer is not. This, of course, would produce an unnecessary binary. Rather, as I will argue in the plateaus that follow, notions of becoming (Deleuze and Guattari) and dialogism (Bakhtin) can speak to the creativities and potentialities of contemporary politics that can not be accounted for in the representations, significations, and identifications inherent to subjectivity. I am therefore not suggesting that post-queer comes after subjectivity but that it functions within a creative terrain of potentialities that functions quite differently from subjectivity of which the queer/ heteronormative dyad is a part of. In other words, the current politics of queer, as seen through its relations to subjectivity, **are limiting for the future of queer studies because of its unequivocal commitment to the queer/heteronormative binary** **where the politics of such discourses are restricted by the endless cycle of significations** that reposition subjects on fixed planes—bodies that are either resituated in predetermined significations (moving from one identity category/ norm to another) or are represented through differentiated significations (new representations that differ from already emerged significations). My use of bodies extends beyond the ways in which queer theories think about “the body,” embodiment, corporeality, and flesh in terms of subjectivity where, for instance, movement is often accounted for through resignifications. These readings more often than not limit bodies to physical or abstract binary representations. Consequently, my use of “bodies” reaches the virtualities of politics through a consideration of bodies of theoretical work, bodies of knowledge, institutional bodies, bodies of thought, systemic bodies, and cultural bodies. I am not so much arguing for the desire to maintain or favor the terms “body” and “bodies,” but instead to challenge how these terms are read through significations, representations, and identifications and therefore the overall privileging of subjectivity.

**The aff’s conception of queerness defines itself solely as that which is outside the norm – IE something is queer because it is *not* heteronormative. This definition makes it impossible to escape from dominant power structures**

**Ruffolo** adjunct Professorships at the Ontario Institute for Studies in Education, University of Toronto (Department of Theory and Policy Studies in Education) and Ryerson University  **2k9** (David, Post Queer Politics. Pg 50-54)

Post-queer rhizomatic politics is one that is directed outwards rather than inwards. The continuous flows of dialogical-becomings--\_-the indefinite breaks and connections—are always moving forward where something new is always created out of something given. Unlike the arborescent-subject that is directed inwards, rhizomatic dialogical-becomings are always deterritorialized as they maintain an ongoing state of becoming a body without organs (BwO). The complex flows of desiring-machines described above persistently strive to become a BwO as their connections try to reach pure deterritorialization. In this section, I want to consider how the BwO is a virtual affect of dialogical-becomings. It does not encapsulate desiring-machines but is an additional (anti-)production together with desiring-machines. The BwO is a fundamental aspect of post- queer politics because it speaks to the production of intensities that emerge when the flows of desiring-machines stop. Deterritorializations are not finalized states or binary oppositions. They offer an important strategy for contemporary politics because they do not directly oppose a structure (such as the queer/ heteronormative dyad) but instead remap a system through creative lines of flight (the plateauing of queer and post-queer). We can think of the BwO as a limit that continuously seeks to deterritorialize without ever reterritorializing (even though, as you will see belo reterritorializations are often coupled with deterritorializations). As Brian Massumi writes: Think of the body without organs as the body outside any determinate state, poised for any action in its repertory; this is the body from the point of view of its potential, or virtuality. Now freeze it as it passes through a threshold state on the way from one determinate state to another. This is a degree of intensity of the body without organs. It is still the body as virmality but a lower level of virtuality, because only the potential states involved in the bifurification from the preceding state to the next are effectively superposed in the threshold state. (1992, 70) The BwO is therefore not opposed to desiring-machines but is instead in a constant tension with them. The term itself—Body without Organs—is not in opposition to the organism. It is against what the organism stands for: organization. We can think of the subject as such an organization where all meaning refers back to a central core and all movement corresponds with a central tendency. The BwO not only challenges the arboreal structures of life but also works within a different realm as that of the rhizome where it does not break flows (rhizomatic breaks and connections) but desires continuous flows. Unlike the subject that requires external agencies for meaning such as language structures or discursive realms, the BwO is pure intensity: The body without organs is nonproductive; nonetheless it is produced, at a certain place and a certain time in the connective synthesis, as the identity of producing and the product: the schizophrenic table is a body without organs. The body without organs is not the proof of an original nothingness, nor is it what remains of a lost totality. Above all, it is not a projection; it has nothing whatsoever to do with the body itself, or with an image of the body. It is the body without an image. This imageless, organless body, the nonproductive, exists right there where it is produced, in the third stage of the binary-linear series. It is perpetually reinserted into the process of production. (Deleuze and Guattari 1983, 8) We can think of the BwO as a plane of immanence rather than stratification.’3 It may seem as if desiring-machines and BwO are a part of two different systems. They are in fact two forms of the same principle: desiring-machines and BwO are both a part of the productions of productions of life. It is through the tension that they share that every production becomes an anti-production because dialogical-becomings, for instance, can not maintain a multiplicity of desiring-machines and are unable to fully become a BwO. Dialogical-becomings are schizo. Capital is perhaps the most widely referenced example of a BwO. It is the becoming-BwO of capitalism that creates the illusion that everything is produced through it. Although capital can be transformed into something concrete (i.e., money can purchase goods) it can not do anything on its own. Capital is a miraculating machine that creates the desire for a BwO to overcome the flows of desiring-machines: the BwO deterritorializes the organization of capitalism by opting for flows and smooth spaces. The capitalist machine transforms desiring- machines into BwO by creating the ultimate schizophrenic that “plunges further and further into the realm of deterritorialization, reaching the furthest limits of the decomposition of the socius on the surface of his own body without organs” (35). The capitalist-schizo becomes the surplus product of capitalism as it seeks the limits of capitalism itself. Although the BwO is unachievable, it becomes a seemingly preferred state: “You never reach the Body without Organs, you can’t reach it, you are forever attaining it, it is a limit” (Deleuze and Guattari 1987, 150). It is not a heightened awareness of the self, nor is it a fully embodied self. Unlike in significations, representations, and identifications, the BwO is no self at all. In fact, the BwO is prior to such a subjective capacity The tension between desiring-machines (reterritorializations) and BwO (deterritorializations) works within a different realm than, say, the subjective limits of identities categories where subjects become intelligible through their associations with identity norms. Everything for desiring-machines and BwO is pure difference. The intensities involved in such a relationship are before the coding structures of subjectivity that stratify subjects. It is the abovementioned intensities that make post-queer politics so creative because they challenge the structured organization of organs and biologically defined bodies. Desiring-machines and BwO offer a new language for thinking about life itself without reducing the experiences of such relationships to the stratification of language. The creativity of post-queer dialogical-becomings rests in the potential to deterritorialize stratified structures that limit life to predetermined organizations. Despite the BwO existing prior to the subjective capacities of, say, psychoanalysis and discursive norms, this certainly does not imply that deterritorializations can not offer strategies for rethinking life as it is accounted for through representations, significations, and identifications. We can, for example, think of the various codings of subjectivity that have permeated identity politics and subsequently the queer/heteronormative dyad as territorialized stratifications that are in concert with BwO. Stratifications, or strata, take hold of intensities by territorializing them. For instance, they appropriate the BwO’s flows of pure difference by organizing dialogical-becomings as subjects of reiterative norms. The strata codes and territorializes such becomings but the BwO constantly attempts to deterritorialize these territorializations. **Despite queer’s interest in a politics of identity that seeks to consider bodies as mobile and fluid, these movements can never escape the territorializations of identity norms because they are always in relation to heteronormative coding and the overall arboreal organization of bodies that are directed inwards**. Deleuze and Guattari describe three types of strata that help to think through the territorializations of the queer/heteronormative dyad: the organism, signifiance, and sub jectification. The surface of the organism, the angle of signiflance and interpretation, and the point of subjectification or subjection. You will be organized, you will be an organism, you will articulate your body—otherwise you’re just depraved. You will be signifier and signified, interpreter and interpreted—otherwise you’re just a deviant**. You will be a subject, nailed down as one, a subject of the enunciation recoiled into a subject of the statement—otherwise you’re just a tramp**. To the strata as a whole, the BwO opposes disarticulation (or n articulation) as the property of the plane of consistency, experimentation as the operation on that plane (no signifier, never interpret!), and nomadism as the movement (keep moving, even in place, never stop moving, motionless voyage, desubjectification). (Deleuze and Guattari 1987, 159) This call to dismantle the organism does not imply that we just get rid of the subject or cut the body from stratification. We recall from above that the BwO and all its intensities comes before the subject and the organization of the body as an organism and so a politics of becoming calls for a return to these productive flows of desire: “opening the body to connections that presuppose an entire assemblage, circuits, conjunctions, levels and thresholds, passages and distributions of intensity, and territories and deterritorializations measured with the craft of a surveyor” (160). Post-queer dialogical-becomings seek to deterritorialize the three great strata that territorialize life through significations, representations, and identifications. This project is but one line of flight that can plateau subjugated sub jectivities. Its intent is to map various intensities so as to smooth these assemblages by moving towards a plane of immanence. The first step is to identify the strata involved and then consider the assemblages that constitute such strata. For example, the organism codes an aboreal life by creating various assemblages that define what it means to be “human”; sigmflance codes meaning through discourse where language has become the primary means for thinking about experience; and subjectification creates subjects by coding them through social norms. The purpose of this is to locate flows of intensities—not by discovering a BwO but by creating one in the process of deterritorializing the strata. The queer/heteronormativity dyad has resulted in an arboreal dyad. The extensions of an arboreal tree go through its central root that supports the whole tree. **The queer/heteronorrnative dyad is such a root where all politics emerge from it. Post-queer rhizomatic politics, in contrast, do not strictly move or extend from a main root such as the queer/heteronormative dyad**. With that said, dialogical-becomings can engage this binary by plateauing it through its rhizomatic connections that can spout from any point. The arboreal organization of queer/heteronormativity prohibits a politics of becoming because movement stops when there is a need to refer back to this dyad. In other words, the queer/heteronormative dyad halts queer politics when the politics of queer is predominantly concerned with disrupting heteronormative structures. Post-queer rhizomatic politics is about deterritorializing politics itself rather than opposing an a priori structure. This project is one line of flight amongst many that can remap contemporary politics as we know it today. Despite queer’s keen investment in a conceptualization of identity through mobilities and fluidities, **its politics can only go so far because of its arboreal references to heteronormativity**. Let me be clear that I am not demanding an outright rejection of the queer/heteronormative strata for, as we recall from above, this can result in further territorializations. I am also not suggesting an absolute denunciation of this relationship nor am I disputing the important developments that queer politics have made. I am instead calling for the production of different lines of flight and new assemblages that can smoothen the strata so as to not be limited by structural organizations.

**Our vision of queerness is not tied to status quo definitions – you should recognize that queerness is a future to come – we are not queer yet, only a line of flight that recognizes this can move forward
Muñoz** prof/chair of performance studies @ NYU **2k9** (José Esteban, Cruising Utopia: The Then and There of Queer Futurity)

**Queerness is not yet here. Queerness is an ideality**. Put another way, **we are not yet queer**. We may never touch queerness, but we can feel it as the warm illumination of a horizon imbued with potentiality. We have never been queer, yet queerness exists for us as an ideality that can be distilled from the past and used to imagine a future. The future is queerness’s domain. Queerness is a structuring and educated mode of desiring that allows us to see and feel beyond the quagmire of the present**. The here and now is a** **prison house**. We must strive in the past of the here and now’s totalizing rendering of reality to think and feel a *then and there*. Some will say that all we have are the pleasures of this moment, but we must never settle for minimal transport; we must dream and enact new and better pleasures, other ways of being in the world, and ultimately new worlds. Queerness is a longing that propels us onward, beyond romances of the negative and toiling in the present. Queerness is that thing that lets us feel that this world is not enough, that indeed something is missing. Often we can glimpse the world’s proposed and promised by queerness in the realm of the aesthetic. The aesthetic, especially, the queer aesthetic, frequently contains blueprints and schemata of a forward-dawning futurity. Both the ornamental and the quotidian can contain a map of the utopia that is queerness. Turing to the aesthetic in the case of queerness is nothing like an escape from the social realm, insofar as queer aesthetics map future social relations. Queerness is also a performative because it is not simply a being but a doing for and toward the future. Queerness is essentially about the rejection of a here and now and an insistence on potentiality or concrete possibility for another world.

#### Reject systematic or all-encompassing ‘root cause’ explanations for human actions

**Bleiker ‘3** Roland, Professor of International Relations, University of Queensland “Discourse and Human Agency” Contemporary Political Theory. Avenel: Mar 2003.Vol. 2, Iss. 1;  pg. 25

**A conceptualization of human agency cannot be based on a parsimonious proposition, a one-sentence statement that captures something like an authentic nature of human agency. There is no essence to human agency, no core that can be brought down to a lowest common denominator, that will crystallize one day in a long sought after magic formula. A search for such an elusive centre would freeze a specific image of human agency to the detriment of all others.** The dangers of such a totalizing position have been well rehearsed. **Foucault (1982, 209), for instance, believes that a theory of power is unable to provide the basis for analytical work, for it assumes a prior objectification of the very power dynamics the theory is trying to assess. Bourdieu (1998, 25) speaks of the 'imperialism of the universal' and List (1993, 11) warns us of an approach that 'subsumes, or, rather, pretends to be able to subsume everything into one concept, one theory, one position.' Such a master discourse**, she claims, **inevitably oppresses everything that does not fit into its particular view of the world.** What, then, is the alternative to anchoring an understanding of human agency in a foundationalist master narrative? How to ground critique, actions, norms and life itself if there are no universal values that can enable such a process of grounding? Various authors have advanced convincing suggestions. Consider the following three examples: de Certeau (1990, 51) attempts to avoid totalitarian thought by grounding his position not in a systematic theory, but in 'operational schemes.' A theory is a method of delineation. It freezes what should be understood in its fluidity. An understanding of operational schemes, by contrast, recognizes that events should be assessed in their changing dimensions. Rather than trying to determine what an event is, such an approach maps the contours within which events are incessantly constituted and reconstituted. Or, expressed in de Certeau's terminology, one must comprehend forms of action in the context of their regulatory environment. Butler (1992, 3-7) speaks of contingent foundations. Like de Certeau, she too believes that the Foucaultean recognition that power pervades all aspects of society, including the position of the critic, does not necessarily lead into a nihilistic abyss. It merely shows that political closure occurs through attempts to establish foundational norms that lie beyond power. Likewise, to reopen this political domain is not to do away with foundations as such, but to acknowledge their contingent character, to illuminate what they authorize, exclude and foreclose. One must come to terms with how the subject and its agency are constituted and framed by specific regimes of power. However, this is not the end of human agency. Quite to the contrary. Butler (1992, 12-14) argues persuasively that 'the constituted character of the subject is the very precondition of its agency.' To appreciate the practical relevance of this claim, one must investigate the possibilities for agency that arise out of existing webs of power and discourse. One must scrutinize how social change can be brought about by a reworking of the power regimes that constitute our subjectivity (Butler, 1992, 13). **Deleuze and Guattari** (1996, 3-25, 377) go a step further. Opting for the rhizome, they **reject all forms of foundations, structures, roots or trees. The latter three, they say, has dominated much of the Western thought. A tree is a hierarchical system in which ones becomes two, in which everything can be traced back to the same origin. Roots and radicles may shatter the linear unity of knowledge, but they hold on to a contrived system of thought, to an image of the world in which the multiple always goes back to a centred and higher unity.** The brain, by contrast, is not rooted, does not strive for a central point. It functions like a subterranean rhizome. It grows sideways, has multiple entryways and exits. It has no beginning or end, only a middle, from where it expands and overspills. Any point of the rhizome, Deleuze and Guattari emphasize, is connected to any other. It is a multiplicity without hierarchies, units or fix points to anchor thought. There are only lines, magnitudes, dimensions, plateaus, and they are always in motion. To travel along these lines and dimensions is to engage in nomad thought, to travel along axis of difference, rather than identity. Nomad thought, says one of Deleuze's feminist interpreters, 'combines coherence with mobility,' it is 'a creative sort of becoming, a performative metaphor that allows for otherwise unlikely encounters and unsuspected sources of interaction of experience and of knowledge' (Braidotti, 1994, 21). The extent to which this form of thinking constitutes a grounding process may be left open to question. Judging from Deleuze's own work it is clear, however, that **the exploration of difference and multiplicities does not prevent him from taking positions for or against specific political issues. What he does forgo, however, is a central authorial voice -- to the benefit of a polyphonic array of whispers and shouts.**

**The status quo is toxic to queerness – it is organized around disciplining sexuality into a certain exclusionary norm. The affirmative has chosen to simply embrace this reality through the death drive – our stance is that giving up hope in this way destroys our ability to step out of straight time and into a queer future.**

**Muñoz** prof/chair of performance studies @ NYU **2k9** (José Esteban, Cruising Utopia: The Then and There of Queer Futurity)

The speaker remembers the grandness of an unspectacular Friday in which he and his addressee slept in and then scrambled to catch a train to a dinner out in the country. He attempts to explain the ecstasy he felt that night, indicating that one moment of ecstasy, a moment he identifies as being marked both by self-consciousness and obliviousness, possesses a potentially transformative charge. He then considers another moment of ecstasy in retrospect, a looking back at a no-longer-conscious that provides an affective endave in the present that staves off the sense of “bad feelings” that mark the affective disjuncture of being queer in straight time. The moment in the poem of deeper introspection—beginning “Do I believe in / the perfectibility of /man?”—is an example of utopian desire inspired by queer relationality. Moments *of* queer relational bliss, what the poet names as ecstasies, are viewed as having the ability to rewrite a larger map of everyday life. When “future generations” are invoked, the poet is signaling a queerness to come, a way of being in the world that is glimpsed through reveries in a quotidian life that challenges the dominance of an affective world, a present, full of anxiousness and fear. These future generations are, like the “we” invoked in the manifesto by the Third World Gay Revolution group, not an identitarian formulation but, instead, the invocation of a future collectivity, a queerness that registers as the illumination of a horizon of existence. The poem speaks of multiple temporalities and the affective mode known as ecstasy, which resonates alongside the work of Martin Heidegger. In *Being and Time Heidegger Reflects* on the activity of timelines and its relation to *ekstatisch (ecstasy)* signaling for Heidegger *the* ***ecstatic unity*** of temporality—Past, Present, and Future.’2 The ecstasy the speaker feels and remembers in “A photograph” *is* not consigned to one moment. It steps out from the past and remarks on the unity of an expansive version of temporality; hence the future generations are invoked. To know ecstasy in the way in which the poem’s speaker does is to have a sense of timeliness’s motion, to understand a temporal unity that is important to what I attempt to describe as the time of queerness. Queerness’s time is a stepping out of the linearity of straight time. Straight time is a self-naturalizing temporality. Straight time’s “presentness” needs to be phenomenologically questioned, and this is the fundamental value of a queer utopian hermeneutics. Queerness’s ecstatic and horizontal temporality is a path and a movement to a greater openness to the world. It would be difficult to mistake Schuyler’s poem for one of Frank O’Hara’s upbeat reveries. O’Hara’s optimism is a contagious happiness within the quotidian that I would also describe as having a utopian quality. Schuyler’s poetry is not so much about optimism but instead about a hope that is distinctly utopian and distinctly queer. The poem imagines another collective belonging, an enclave in the future where readers will not be beset with feelings of nervousness and fear. These feelings are the affective results of being outside of straight time. He writes from a depressive position, “(I’ve known un- / happiness enough),” but reaches beyond the affective force-field of the present. Hope for Bloch is an essential characteristic of not only the utopian but also the human condition. Thus, I talk about the human as a relatively stable category. But queerness in its utopian connotations promises a human that **is not yet here**, thus disrupting any ossified understanding of the hu-. man. The point is to stave off a gay and lesbian antiutopianism that is very much tainted with a polemics of the pragmatic rights discourse that in and of itself hamstrings not only politics but also desire. Queerness as utopian formation is a formation based on an economy of desire and desiring. This desire is always directed at that thing that is not yet here, objects and moments that burn with anticipation and promise. The desire that propels Schuyler’s “A photograph” is born of the no-longer-conscious, the rich resonance of remembrance, distinct pleasures felt in the past. And thus past pleasures stave off the affective perils of the present while they enable a desire that is queer futurity’s core. Queerness is utopian, and there is something queer about the utopian. FredricJameson described the utopian as the oddball or the maniac.’3 Indeed, to live inside straight time and ask for, desire, and imagine another time and place is to represent and perform a desire that is both utopian and queer. To participate in such an endeavor is not to imagine an isolated future for the individual but instead to participate in a hermeneutic that wishes to describe a collective futurity1 notion of futurity that functions as a historical materialist critique. In the two textual examples I have employed we see an overt utopianism that is explicit in the Third World Gay Revolution manifesto, and what I am identifying as a *utopian impulse* is perceivable in Schuvler’s poetry. One requires a utopian hermeneutic to see an already operative principle of hope that hums in the poet’s work. The other text, the manifesto, does another type of performative work; it *does* utopia. To “read” the performative, along the lines of thought first inaugurated by J. *L.* Austin, is implicitly to critique the epistemological. Performativity and utopia both call into question what s epistemologically there and signal a highly ephemeral ontological field that can be characterized as a doing in *futurity.* Thus, a manifesto is a call to a doing in and for the future. The utopian impulse to be gleaned from the poem is a call for a “doing” that is a becoming of and for “future generations.” This rejection of the here and now, the ontologically static, is indeed, by the measure of homonormative codes, a maniacal and oddball endeavor. The queer utopian project addressed here turns to the fringe of political and cultural production to offset the tyranny of the homonormative It is drawn to tastes, ideologies, and aesthetics that can only seem odd, strange or indeed queer next to the muted striving of the practical and normalcy desiring homosexual. The turn to the call of the no-longer--conscious is not a turn to normative historical analysis. Indeed it is important to complicate queer history and understand it as doing more than the flawed process of merely evidencing. Evidencing protocols often fail to enact real hermeneutical inquiry and instead opt to reinstate that which is known in advance. Thus, practices of knowledge production that are content merely to cull selectively from the past while striking a pose of positivist undertaking or empirical knowledge retrieval often nullify the political imagination. Jameson’s Marxian dictate “always historicize”5 is not a methodological call for empirical data collection. Instead, it is a dialectical injunction, suggesting we animate our critical faculties by bringing the past to bear on the present and the future. Utopian hermeneutics offer us a refined lens to view queerness, insofar as queerness, if it is indeed not quite here is nonetheless intensely relational with the past The present is not enough. It is **impoverished** and **toxic** for queers and other people who do not feel the privilege of **majoritarian belonging,** nor mative tastes, and “rational’ expectations. (I address the question of rationalism shortly). Let me be clear that the idea is not simply to turn away from the present. One cannot afford such a maneuver, and if one thinks one can one has resisted the present in favor of folly. The present must be known in relation to the alternative temporal an spatial maps provided by a perception of past and future affective worlds. Utopian thinking gets maligned for being naively romantic. Of course, much of it has been naive. We know that any history of actualized utopian communities would be replete with failures. No one, other than perhaps Marx himself, has been more cognizant about this fact than Bloch. But it is through this Marxian tradition, not beside or against it, that the problem of the present is addressed. In the following quotation we begin to glimpse the importance of the Marxian tradition for the here and now. Marxism, above all, was first to bring a concept of knowledge into the world that essentially refers to becomeness, but to the tendency of what is coming up thus for the first time it brings future into our conceptual and theoretical grasp. Such recognition of tendency is necessary to remember, and to open up the No-Longer-Conscious Thus we see Bloch’s model for approaching the past. The idea is not to attempt merely to represent it with simplistic strokes. More nearly it is important to call on the past, to animate it, understanding that the past has a Performative nature, which is to say that rather than being static and fixed the past does things. iIt is in this very way that the past is performative. Following a Blochian thread it seems important to put the past into with the present, calling into view the tautological nature of the present. The present which is almost exclusively concerned through the parameters of straight time, is the self-naturalizing endeavor. Opening up a queer past is enabled by Marxian ideological tactics. Bloch explains: Marxism thus rescued the rational core of utopia and made it concrete as well as the core of the still idealistic tendency of dialectics. Romanticism does not understand utopia, not even its own, but utopia that has become concrete understands Romanticism and makes inroads into it, in so far as archaic material in its archetypes and work, contain a not yet voiced, undischarged element.17 Bloch invites us to look to this no longer conscious, a past that is akin to what Derrida described as the trace. These ephemeral traces, flickering illuminations from other times and places, are sites that may indeed appear merely romantic, even to themselves. Nonetheless they assist those of us who wish to follow queerness’s promise, its still unrealized potential, to see something else, a component that the German aesthetician would call *cultural surplus.* I build on this idea to suggest that the surplus is both cultural and affective. Most distinctly, **I point to a queer feeling of hope in the face of hopeless** and heteronormative maps of the present where furitity is indeed the province of normative reproduction. This hope takes on the philosoptica contours of idealism. A queer utopian hermeneutic would thus be queer in its aim to look for queer relational formations within the social. It is also about this temporal project that I align with queerness, a work shaped by its idealist trajectory; indeed it is the work of not settling for the present, of asking and looking beyond the here and now. Such a hermeneutic would then be epistemologically and ontologically humble in that it would not claim the epistemological certitude of a queerness that we simply “know” but instead strain to active the no-longer-conscious and to extend a glance toward that which is forward-dawning, anticipatory illuminations of the not-yet-conscious. The purpose of such temporal maneuvers is to wrest ourselves from the present’s stultifying hold, to know our queerness as a belonging in particularity that is not dictated or organized around the spirit of political impasse that characterizes the present. Jameson has suggested that for Bloch the present is provincial18 This spatialization of time makes sense in relation to the history of utopian thought, most famously described as an island by Thomas More. To mark the present as provincial is not to ridicule or demean the spots on queerness’s map that do not signify as metropolitan. The here and now has an opposite number, and that would be the then and there. I have argued that the then that disrupts the tyranny of the now is both past and future. Along those lines, the here that is unnamed yet always implicit in the metropolitan hub requires the challenge of a there that can be regional or global. The transregional or the global as modes of spatial organization potentially displace the hegemony of an unnamed here that is always dominated by the shadow of the nation-state and its mutable and multiple corporate interests. While *globalization* is a term that mostly defines a worldwide system of manufactured asymmetry and ravenous exploitation, it also signals the encroaching of the there on the here in ways that are worth considering. The Third World Gay Revolution group was an organization that grew out of the larger Gay Liberation Front at roughly the same time that the Radicalesbians also spun off from the larger group in the spring/summer of 1970. Although they took the name Third World Gay Revo1ution the group’s members have been described by a recent historian as people of color..’9 Their own usage of the term “Third World” clearly connotes their deep identification with the global phenomenon that was decolonization. It is therefore imperative to remember this moment from the no-longer- conscious that transcended a gay and lesbian activist nationalist imaginary. For Heideggr “time and space are not co-ordinate. Time is prior to space.” If time is prior to space, then we can view both the force of the no-longer-conscious and the not-yet-here as potentially bearing on the *here* of naturalized space and time. Thus, at the center of cultural texts such as the manifesto “All Together Now (A Blueprint for the Movement)” we find an ideological document, and its claim to the pragmatic is the product of a short-sighted here that fails to include anything but an entitled and privileged world. THe there of queer utopia cannot simply be that of the faltering yet still influential nation-state. This is then to say that the distinctions between here and there, and the world that the here and now organizes, are not fixed—they are already becoming undone in relation to a forward-dawning futurity. It is important to understand that a critique of our homosexual present is not an attack on what many people routinely name as lesbian or gay but, instead, an appraisal of how queerness is still forming, or in many crucial ways formless. Queerness’s form is utopian. Ultimately, we must insist on a queer futurity because the present is so poisonous and insolvent. A resource that cannot be discounted to know the future is indeed the no-longer-conscious, that thing or place that may be extinguished but not yet discharged in its utopian potentiality.

## 1AR

### queer theory

#### Wow much intellectual so critique

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.