# Round 3—Aff vs Wake MQ

## 1AC

### truth games 1ac

#### Breaking topic update—our evidence postdates—

The New York Times December 4, 2016. Caroll Herman, chief technological warfare research and development correspondent at the New York Times, winner of the Pulitzer Prize for the book *Weaponized Architecture*, “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

#### More evidence—

Snowden 13. Edward J. Snowden, would-be enemy combatant and already more relevant than Al Qaeda, “Statement from Edward Snowden in Moscow,” http://wikileaks.org/Statement-from-Edward-Snowden-in.html?snow

On Thursday, President Obama declared before the world that he would not permit any diplomatic "wheeling and dealing" over my case. Yet now it is being reported that after promising not to do so, the President ordered his Vice President to pressure the leaders of nations from which I have requested protection to deny my asylum petitions.

This kind of deception from a world leader is not justice, and neither is the extralegal penalty of exile. These are the old, bad tools of political aggression. Their purpose is to frighten, not me, but those who would come after me.
For decades the United States of America has been one of the strongest defenders of the human right to seek asylum. Sadly, this right, laid out and voted for by the U.S. in Article 14 of the Universal Declaration of Human Rights, is now being rejected by the current government of my country. The Obama administration has now adopted the strategy of using citizenship as a weapon. Although I am convicted of nothing, it has unilaterally revoked my passport, leaving me a stateless person. Without any judicial order, the administration now seeks to stop me exercising a basic right. A right that belongs to everybody. The right to seek asylum.
In the end the Obama administration is not afraid of whistleblowers like me, Bradley Manning or Thomas Drake. We are stateless, imprisoned, or powerless. No, the Obama administration is afraid of you. It is afraid of an informed, angry public demanding the constitutional government it was promised — and it should be.

#### The drone emperor has no cloths, 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.

#### It is impossible to write non-fiction about drones. The act of erecting a fictional counter-narrative to the mainstream representations of their reality is essential.

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

#### We must recognize the complicity of the fictioned drone within a broader strategy of air power—this serves to construct a global police system that blurs the line between civilian and target—a failure to strategically reverse aerial power relations causes extinction

**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.

#### Eschewing 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

#### Policy debate, like legal debates about drones, is a truth game in which all options are always already defined by power. The question is what you do with that. We play the game at the level of subjectivity itself. All positions about the normative value of debate are themselves instantiated within and by power relations. The 1ac is a strategy oriented towards freedom and innovation.

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.

#### Vote aff to speak truth to power—be a parrhesiast and refuse the trappings of roleplaying—as academics we are uniquely suited for this in the context of presidential war powers

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(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 t**he 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).

#### Drones have become the technological symbol of disorder – debate about targeted killing must avoid impossible questions of "drones good or bad" that echo the polarization of status quo political discourse – facts alone will never be enough – instead, we must learn from the complexities surrounding drones and apply them to the concerns of so many about personal security.  AFF is a pre-req to policy-making.

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

### framework

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### this eviscerates their very ability to affect change on the world and is a particularly violent model of debate for oppressed populations.

White 92. Lucie White, professor of law at Harvard, 1992, 77 Cornell Law Review, 1499

Thus, as Angela Harris has demonstrated in her critique of Catharine MacKinnon's work, a conventional understanding of power locks women, and indeed every subordinated group, in a discursive "prison-house" from which there is no escape. Just as the dominators can do nothing except wield their power, the subordinated can speak nothing except their masters' will. No change is possible in this universe; indeed, even the most creative tactics of resistance or gestures of solidarity reinforce the bonds of domination. This understanding of domination, designed to reveal injustice, leads to two perverse results. First, it excuses those in the dominant class from attempting to reflect on or change their own conduct, or to ally themselves with subordinate groups. Second, it reinforces in relatively disempowered groups the very doubts about their feelings, capacities, and indeed human worth that subordination itself engenders. **Foucault's picture of power disrupts this closed circle of domination.** By **showing that the dominators do not "possess" power, his picture makes possible a politics of resistance**. It opens up space for a self-directed, democratic politics among subordinated groups, a politics that is neither vanguard-driven nor co-opted, as the politics of the colonized subject inevitably is. At the same time, and of more immediate relevance to lawyers, this new picture of power makes possible **a self-reflective politics of alliance and collaboration between professionals and subordinated groups**. Given the new theaters of political action that Foucault's theory of power has opened up, it is not surprising that it has stolen the stage in historical, cultural, and finally legal studies from those who speak of power in more conventional terms. The Foucaultian picture of power makes insurgent politics interesting again; it brings possibility back into focus, even in apparently quiescent times when resistance is visible only in the microdynamics of everyday life.

### red spread

#### Acts of sovereign violence due to the normalization of the state of emergency have made hegemony impossible forever for the United States—any exercise of US force in the future is only domination without hegemony that is doomed to fail—the alternative is crucial to creating a politics that can deal with the globalization of sovereign violence

Gulli 13. Bruno Gulli, professor of history, philosophy, and political science at Kingsborough College in New York, “For the critique of sovereignty and violence,” <http://academia.edu/2527260/For_the_Critique_of_Sovereignty_and_Violence>, pg. 5

I think that we have now an understanding of what the situation is: The sovereign everywhere, be it the political or financial elite, fakes the legitimacy on which its power and authority supposedly rest. In truth, they rest on violence and terror, or the threat thereof. This is an obvious and essential aspect of the singularity of the present crisis. In this sense, the singularity of the crisis lies in the fact that the struggle for dominance is at one and the same time impaired and made more brutal by the lack of hegemony. This is true in general, but it is perhaps particularly true with respect to the greatest power on earth, the United States, whose hegemony has diminished or vanished. It is a fortiori true of whatever is called ‘the West,’ of which the US has for about a century represented the vanguard. Lacking hegemony, the sheer drive for domination has to show its true face, its raw violence. The usual, traditional ideological justifications for dominance (such as bringing democracy and freedom here and there) have now become very weak because of the contempt that the dominant nations (the US and its most powerful allies) regularly show toward legality, morality, and humanity. Of course, the so-called rogue states, thriving on corruption, do not fare any better in this sense, but for them, when they act autonomously and against the dictates of ‘the West,’ the specter of punishment, in the form of retaliatory war or even indictment from the International Criminal Court, remains a clear limit, a possibility. Not so for the dominant nations: who will stop the United States from striking anywhere at will, or Israel from regularly massacring people in the Gaza Strip, or envious France from once again trying its luck in Africa? Yet, though still dominant, these nations are painfully aware of their structural, ontological and historical, weakness. All attempts at concealing that weakness (and the uncomfortable awareness of it) only heighten the brutality in the exertion of what remains of their dominance. Although they rely on a highly sophisticated military machine (the technology of drones is a clear instance of this) and on an equally sophisticated diplomacy, which has traditionally been and increasingly is an outpost for military operations and global policing (now excellently incarnated by Africom), they know that they have lost their hegemony.

‘Domination without hegemony’ is a phrase that Giovanni Arrighi uses in his study of the long twentieth century and his lineages of the twenty-first century (1994/2010 and 2007). Originating with Ranajit Guha (1992), the phrase captures the singularity of the global crisis, the terminal stage of sovereignty, in Arrighi’s “historical investigation of the present and of the future” (1994/2010: 221). It acquires particular meaning in the light of Arrighi’s notion of the bifurcation of financial and military power. Without getting into the question, treated by Arrighi, of the rise of China and East Asia, what I want to note is that for Arrighi, early in the twenty-first century, and certainly with the ill-advised and catastrophic war against Iraq, “the US belle époque came to an end and US world hegemony entered what in all likelihood is its terminal crisis.” He continues:

Although the United States remains by far the world’s most powerful state, its relationship to the rest of the world is now best described as one of ‘domination without hegemony’ (1994/2010: 384).

What can the US do next? Not much, short of brutal dominance. In the last few years, we have seen president Obama praising himself for the killing of Osama bin Laden. While that action was most likely unlawful, too (Noam Chomsky has often noted that bin Laden was a suspect, not someone charged with or found guilty of a crime), it is certain that you can kill all the bin Ladens of the world without gaining back a bit of hegemony. In fact, this killing, just like G. W. Bush’s war against Iraq, makes one think of a Mafia-style regolamento di conti more than any other thing. Barack Obama is less forthcoming about the killing of 16-year-old Abdulrahman al-Awlaki, whose fate many have correctly compared to that of 17-year-old Trayvon Martin (killed in Florida by a self-appointed security watchman), but it is precisely in cases like this one that the weakness at the heart of empire, the ill-concealed and uncontrolled fury for the loss of hegemony, becomes visible. The frenzy denies the possibility of power as care, which is what should replace hegemony, let alone domination. Nor am I sure I share Arrighi’s optimistic view about the possible rise of a new hegemonic center of power in East Asia and China: probably that would only be a shift in the axis of uncaring power, unable to affect, let alone exit, the paradigm of sovereignty and violence. What is needed is rather a radical alternative in which power as domination, with or without hegemony, is replaced by power as care – in other words, a poetic rather than military and financial shift.

#### Don’t even let them into the house.

Memmi 2k. Albert Memmi, Professor Emeritus of Sociology at the University of Paris, Naiteire, Racism, Translated by Steve Martinot, pg. 163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved.  Yet for this very reason, it is a struggle to be undertaken without surcease and without concessions**.**  One cannot be indulgent toward racism.  One cannot even let the monster in the house, especially not in a mask.  To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human.  To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.   It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themself] himself an outsider relative to someone else?). Racism illustrates in sum, the inevitable negativity of the  condition of the dominated;  that is it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is. and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one's moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences.  Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is  the very negation.  This is almost a redundancy.  One cannot found a moral order, let alone a legislative order, on racism because racism signifies the exclusion of the other and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is "the truly capital sin."fn22 It is not an accident that almost all of humanity's spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed, All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. "Recall," says the Bible, "that you were once a stranger in Egypt," which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. It is an ethical and a practical appeal -- indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality. Because, in the end. The ethical choice commands the political choice. A just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot.  If it is accepted, we can hope someday to live in peace.  True, it is a wager, but the stakes are irresistible.

### eco mal

#### No guarantee authoritarian state would be ecological

Paehlke 5 (Robert Paehlke, Professor and Chair, Environmental and Resource Studies Program, Trent University, 2005, “Democracy and Environmentalism: Opening a Door to the Administrative State?” in *Managing Leviathan: Environmental Politics and the Administrative State*, edited by Robert Paehlke and Douglas Torgerson, pp. 26-27)

Writing at about the same time as Heilbroner and Ophuls, but without being explicitly familiar with their particular arguments, John Passmore presents the following in seeming reply: The view that ecological problems are more likely to be solved in an authoritarian than in ... a liberal democratic society rests on the implausible assumption that the authoritarian state would be ruled by ecologist-kings. In practice there is more hope of action in democratic societies. In the United States, particularly, the habit of local action, the capacity of individuals to initiate legal proceedings, and the tradition of public disclosure are powerful weapons in the fight against ecological destruction.6 But elsewhere in his argument Passmore fears that the expansion of governmental responsibilities virtually implies the “gradual emergence of a bureaucratic police state.”7 Further, at several points Passmore characterizes environmentalists as possessing an enthusiasm for coercion, generally without granting the existence of a stronger tendency within the movement to precisely the opposite: popular empowerment with enhanced participation and openness.8

#### Democracy key to ecology

Paehlke 5 (Robert Paehlke, Professor and Chair, Environmental and Resource Studies Program, Trent University, 2005, “Democracy and Environmentalism: Opening a Door to the Administrative State?” in *Managing Leviathan: Environmental Politics and the Administrative State*, edited by Robert Paehlke and Douglas Torgerson, pp. 37-39)

In sharp contrast to the theoretical views noted at the outset, environmentalism has in practice widely and consistently led to (or at least sought) an expansion of democratic opportunities and an opening of administrative decision making to public participation. Environmentalists have highly valued both the protection and the further development of democratic institutions. Even the emphasis on potential threats to democracy in the writings of Ophuls and Heilbroner can be interpreted as further evidence of such concern, however pessimistic their overall conclusions. With the advantage of hindsight, we might now conclude that both Ophuls and Heilbroner were looking too widely, and perhaps too early, to see the consistency of the pattern set out in this essay. It does not necessarily follow, of course, that the potential next wave of resource limitations on economic prosperity will not seriously weaken the democratic hopes and efforts of today’s environmentalists 47 What needs rethinking is the character of the relationship between the quality of democratic institutions and processes and the actuality of resource and environmental limitations. One important dimension of this rethinking is the relationship between elites, masses, and economic growth. Volkmar Lauber and Mark E. Kann, without apparently being aware of each other’s work, argued that it is elites—particularly economic elites in the case of Kann and political elites in the case of Lauber—that pursue economic growth to the detriment of the environment. The general public, both maintain, would be relatively more open to accepting restraints on such forms of economic growth. As Kann put it: “There are no guarantees that people will make wise decisions, but they have an incentive to do so: they must live with the consequences.”49 This is, of course, too simple: some populations can export some of the environmental costs of their economic gains to other jurisdictions or impose them on future generations. Nonetheless, Kann’s central assertion may remain valid: “My thesis is that to the extent that the environment has been influenced in the United States it has mainly been influenced by elites who exercise concentrated power on their own behalf.”50 Lauber’s suggested cure, moreover, is one with which both Kann and I would be comfortable: “power today is too closely linked with growth. Under those circumstances it seems more promising to restrain and limit power. For that purpose, liberal democracy is rather well fitted; it is one of the problems for which it was designed.”51 Lauber, Kann, Ophuls, and Heilbroner could not have imagined in detail the world in which we have arrived in the early part of this new millennium. However, they anticipated the spirit of what we are seeing: an administration in Washington that not only does not hold public hearings on energy policy but that is prepared to go to the Supreme Court to protect its perceived right not even to disclose the names of those attending such meetings. That policy, it turns out, all but ignores the possibility of taking energy conservation seriously. The Bush administration is also prepared to throw fiscal caution to the winds to assure short-term economic growth and to go to war to assure, or attempt to assure, a dominant position in the oil-producing regions of the world. This is elite-driven economic growth with a vengeance. In the future, environmental protection may well mandate economic restraint. What sorts of economic restraints are likely to arise in a world where, for example, conventional energy resources are more limited than they are today? Will adequate environmental protection require economic restraints that a democratic majority could not be persuaded to actively insist upon? That is perhaps the heart of the dilemma that all societies may well soon face. This problem cannot be solved here, but it is important to recognize it sooner rather than later.52 What can be ventured are some limited observations. First, democracy may be the best political tool humankind has developed for mobilizing populations, especially educated and at least moderately prosperous ones.53 Environmentalists have, at least implicitly, sensed this. Since they often call for significant changes in socio-economic organization, and even socio-economic goals, innovative democratic means may be the best, if not the only, means of achieving their goals. This may be particularly true as global economic integration advances. In this context, democratic innovation must be carried through to the international level lest all nations be forced to compete with ever-lower taxation and ever less stringent social and environmental standards. One understanding of the relationship between resource limitations, environmentalism, and democracy different from and more suited to an age of globalization than that of Ophuls, Heilbroner, and Passmore, is that of Richard J. Bar-net. Barnet reviewed the same range of issues that Ophuls and Heilbroner considered. He came to similarly pessimistic conclusions regarding future resource prospects typical of the late 1970s, but he explicitly rejected both their neo-Malthusian and neo-Hobbesian conclusions: “In today’s world,” he first noted, “the heirs of Malthus preach what they call ‘lifeboat ethics,’ claiming the same monopoly on realism that fortified the dismal preacher when he pronounced his death sentence for the poor.”54 And he went on to add this: “Despairing of human altruism to subordinate the quest for personal enrichment to the common good, the heirs of Hobbes have seized upon the dangers of ecological catastrophe to legitimate the modern-day Leviathan.”55 In stark contrast to both these views, Barnet noted the importance of democracy as an educational and mobilizing tool: Democracy is under severe attack at the moment when gathering evidence suggests that popular participation is a survival value. Major structural changes cannot take place in any country without the mobilization of the whole people. The solution to the energy crisis in the U.S., for example, requires a degree of public understanding and participation which our political institutions do not know how to achieve.56 This conclusion is even more apt now twenty-five years after it was written. Even Barnet, however, may have underestimated to some extent the potential power of effective democratic institutions. Goldrich’s analysis of the process that followed the Northwest Power Act of 1980 is a case in point, as are many of the examples already noted above. Both the Northwest Power Planning Council, an official planning body, and the Northwest Conservation Act Coalition, a citizen body, sought “to integrate the values of environmental enhancement, citizen participation in government decision-making, and economic development.”57 The point is that all things environmental do not necessarily involve bleak economic and political scenarios. A wide variety of environmental measures, including recycling and sustain-ability-oriented industrial redesign, household energy conservation, the separation of household wastes, sustainable agriculture and forestry, and enhanced use of public transportation require active public involvement, but also generally produce more rather than fewer employment opportunities. However, most such measures may involve economic dislocations, economic costs for someone to bear, and, in some cases, induced inconveniences. But the general public, polls suggest, is not unwilling to make sacrifices to achieve environmental protection. Political participation can help make the necessary effort as well as the attendant redistribution of costs and benefits fairer and more widely understood. Democratic mobilization is essential to the achievement of such policies in the face of the opposition of vested interests that such policies frequently engender. In conclusion, I would stress what I think is obvious: environmental politics, especially in North America, must be a centrist and democratic politics. To achieve this environmentalists must be constantly mindful of the socio-economic impacts of whatever measures they propose and must counter those that claim that environmental rollbacks, or access to other nations’ resources, is somehow essential to our “way of life.” Environmentalists should continue to emphasize the positive side of their program—sustainable and decentralized economic development and employment opportunities.58 Finally, environmentalism cannot be successful in the long run without a continuous enhancement of opportunities for democratic participation.