# 1NC

## Offcase

### Off---Outclowning

#### Vote neg on presumption---the aff is a double-turn---the clandestine clown strategy only succeeds if it quote “refuses the spectacle of celebrity” and quote “hides identities”---the ballot makes them knowable, gives them publicity---their 1AC undermines their secrecy, they are not “clandestine”---if you’re really revolutionary you don’t tell people you’re revolutionary, if you’re really secret, you don’t tell people you are being secret---shoots themselves in the foot and turns the aff

#### Independently---you can vote neg to endorse their strategy but take away the ballot---there’s NO reason why their rebellion is dependent on the ballot

### Off---Topicality

#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action.

#### “USFG should” indicates a debate about hypothetical government action

Jon M Ericson 3, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action through governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Restrictions are prohibitions on action

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Statutory restrictions require legislative action

The Law Dictionary 13 “What is Statutory Restriction?, The Law Dictionary: **Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Edition**, http://thelawdictionary.org/statutory-restriction/

What is STATUTORY RESTRICTION?

Limits or controls that have been place[d] on activities by its ruling legislation.

#### Judicial restrictions require a court --- we’ll read evidence if they question this factual statement

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

Steinberg and Freeley 13, \* David, Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League. Director of Debate at U Miami, Former President of CEDA. And \*\* Austin, attorney who focuses on criminal, personal injury and civil rights law, JD, Suffolk University, *Argumentation and Debate***,** *Critical Thinking for Reasoned Decision Making*, 121-4

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean Iliad the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### b. Vote neg

#### 1. Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Topical fairness requirements are key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### 2. Substantive constraints on the debate are key to actualize effective pluralism and agonistic democracy

John Dryzek 6, Professor of Social and Political Theory, The Australian National University, Reconciling Pluralism and Consensus as Political Ideals, American Journal of Political Science,Vol. 50, No. 3, July 2006, Pp. 634–649

A more radical contemporary pluralism is suspicious of liberal and communitarian devices for reconciling difference. Such a critical pluralism is associated with agonists such as Connolly (1991), Honig (1993), and Mouffe (2000), and difference democrats such as Young (2000). As Honig puts it, “Difference is just another word for what used to be called pluralism” (1996, 60). Critical pluralists resemble liberals in that they begin from the variety of ways it is possible to experience the world, but stress that the experiences and perspectives of marginalized and oppressed groups are likely to be very different from dominant groups. They also have a strong suspicion ofliberal theory that looks neutral but in practice supports and serves the powerful.

Difference democrats are hostile to consensus, partly because consensus decisionmaking (of the sort popular in 1970s radical groups) conceals informal oppression under the guise of concern for all by disallowing dissent (Zablocki 1980). But the real target is political theory that deploys consensus, especially deliberative and liberal theory. Young (1996, 125–26) argues that the appeals to unity and the common good that deliberative theorists under sway of the consensus ideal stress as the proper forms of political communication can often be oppressive. For deliberation so oriented all too easily equates the common good with the interests of the more powerful, thus sidelining legitimate concerns of the marginalized. Asking the underprivileged to set aside their particularistic concerns also means marginalizing their favored forms of expression, especially the telling of personal stories (Young 1996, 126).3 Speaking for an agonistic conception of democracy (to which Young also subscribes; 2000, 49–51), Mouffe states:

To negate the ineradicable character of antagonism and aim at a universal rational consensus— that is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to “rationality,” as is often the case in liberal thinking. (1996, 248)

Mouffe is a radical pluralist: “By pluralism I mean the end of a substantive idea of the good life” (1996, 246). But neither Mouffe nor Young want to abolish communication in the name of pluralism and difference; much of their work advocates sustained attention to communication. Mouffe also cautions against uncritical celebration of difference, for some differences imply “subordination and should therefore be challenged by a radical democratic politics” (1996, 247). Mouffe raises the question of the terms in which engagement across difference might proceed. Participants should ideally accept that the positions of others are legitimate, though not as a result of being persuaded in argument. Instead, it is a matter of being open to conversion due to adoption of a particular kind of democratic attitude that converts antagonism into agonism, fighting into critical engagement, enemies into adversaries who are treated with respect. Respect here is notjust (liberal) toleration, but positive validation of the position of others. For Young, a communicative democracy would be composed of people showing “equal respect,” under “procedural rules of fair discussion and decisionmaking” (1996, 126). Schlosberg speaks of “agonistic respect” as “a critical pluralist ethos” (1999, 70).

Mouffe and Young both want pluralism to be regulated by a particular kind of attitude, be it respectful, agonistic, or even in Young’s (2000, 16–51) case reasonable.Thus neither proposes unregulated pluralism as an alternative to (deliberative) consensus. This regulation cannot be just procedural, for that would imply “anything goes” in terms of the substance of positions. Recall thatMouffe rejects differences that imply subordination. Agonistic ideals demand judgments about what is worthy of respect and what is not. Connolly (1991, 211) worriesabout dogmatic assertions and denials of identity that fuel existential resentments that would have to be changed to make agonism possible. Young seeks “transformation of private, self-regarding desires into public appeals to justice” (2000, 51). Thus for Mouffe, Connolly, and Young alike, regulative principles for democratic communication are not just attitudinal or procedural; they also refer to the substance of the kinds of claims that are worthy of respect. These authors would not want to legislate substance and are suspicious of the content of any alleged consensus. But in retreating from “anything goes” relativism, they need principles to regulate the substance of what rightfully belongs in democratic debate.

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Guidelines for dialogue are intersubjectively possible and are necessary to cultivate democratic habits and political judgment---the affirmative’s rejection of normative constraints goes too far

Jean-Michel Heimonet 9, Professor of French, American Catholic U, THE SACRED: MYSTICISM AND PRAGMATISM, THE MAJOR TRENDS IN CONTEMPORARY THEORY, http://www.crvp.org/book/Series07/VII-6/chapter-6.htm

Beginning with Foucault these were concerned with carrying out an archeology of knowledge with a view to deciphering the potential for restrictions native to, andreproduced by, Western culture since the classical age. Following the same movement, through the concept of différence, Derrida (and at the same time Lacan) pointed out the internal division of the subject between two contrary existential tendencies: the one, centrifugal and directed towards loss and death; the other, centripetal and directed towards conservation and power. Then, in introducing his Leçon at the Collège de France, Barthes proclaimed the explosive slogan: "All language is fascist." By this he meant that syntactical and grammatical conventions constitute a constricting structure from which the writer could escape only by "cheating the language" in order to go beyond orthodox usage. What is essential in the text is no longer the content or manifest sense, but the structure of musical and psychological associations which, like a slip of the tongue, manifest the deepest orientations of the writer — generally referred to as a Freudian or pleasure slip. This literary kamasutra or "science of the pleasures of language" — which Barthes already had developed in Le plaisir du texte — complements on the level of rhetoric the work of Deleuze and Guatari on the psychoanalytic level. Strongly influenced by the Nietzschean idea of "culture," the authors of L’Anti-Oedipe call "writing" that "terrible alphabet" or "cruel system of signs" engraved in the flesh of man who, by that very fact, loses his privileges as the ego scriptor and become a "Desiring machine."1 In this context Jean Baudrillard’s prediction of the subjection of man to the position of a thing gains in force. In Les strategies fatales Baudrillard writes: the subject was beautiful only in itspride andarbitrariness, its limitless willful power, its transcendence as subject of power and of history, or in the drama of its alienation. Without this one is pitiably deficient, the pawn of his own desires or image, incapable of forming a clear representation of the universe and sacrificing himself in an attempt to revive the dead body of history.2 In sum, the insight which would give birth to the revolt of May 1968 destroyed in one stroke the related ideas of conscience, will and autonomy which had constituted the contribution of the Enlightenment; that is, the ability of a subject, besieged by the irrational forces of myth and religion, to give focus to a world in terms of his understanding and will. It is this heritage of the Enlightenment which today is being reaffirmed. The urgency of this return to enlightened reason under the auspices of the Kantian philosophy of the subject provides the principal themes for the last books of Luc Ferry and Alain Renaut. In La pensée 68: essai sur l’anti-humanisme contemporain3 and Heidegger et les modernes,4 the intention is to warn against the dangerously metaphysical process by which the thinkers of the last decade have practiced — often without being aware of it — a systematic anti-humanism. Ironically, under the pretext of eliminating once and for all the metaphysics of reason centered upon the subject, Foucault andDerrida have found themselves caught in the spiral of metaphysical hyperbole. For the a priori identity they suppose between knowledge and power leads them to place the human ideal beyond all kinds of meaning and in so doing to make it inaccessible, in relation to which the individual can only renounce his or her autonomy. In other words, in the end the excess of thought fascinated by the absolute becomes a form of regression. Dispossessed of his attributes as a subject (that is, of knowledge and will) on both the speculative and the practical levels, and thus incapable of acting upon "the world," the modern man is subjected to the transcendentalism of another lay, non theological religion, which leads him to search his salvation no longer in the truth or efficacity of a satisfying answer, but in the effort and tension of an endless questioning. It is as reaction to (in the chemical sense) and against (in the political sense) this metaphysical hyperbole that one should interpret the desire of Ferry and Renaut to search for the conditions of a "non-metaphysical humanism" capable of "conferring coherent philosophical status upon the promise of freedom contained in the requirements (of the term humanism)."5 In a parallel manner Jürgen Habermas wishes to restore to philosophy its true place and function as the "guardian of rationality." Rejecting the erroneous association between reason and power, the author of Morale et communication6 attempts to show that the normative rules of linguistic communication, inasmuch as they provide a universal basis for intersubjective exchanges, constitute the best defense against an abuse of power. Although Barthes deduces a fascist character for language from its normative function, Habermas tries to show that this same function is, on the contrary, presupposed intuitively by every subject who takes part in a process of communication. This permits him to state the ethical principle of dialogue: "only those norms can claim validity which are accepted . . . by all the persons participating in a practical discussion."7 Nonmetaphysical humanism and the ethics of communicative action agree that human activities and relationships must be perceived no longer in terms of an ideal of inaccessible purity, but from the pragmatic point of view where conditions of efficacity and utility are understood on the basis of results in daily life.

### Off---Schmitt

#### The political is defined by relationships of enmity and the inevitability of violence---the goal of politics must be to limit but not eradicate war---their attempt to supersede this inevitability collapses in on itself and denies an unequivocal truth about human nature, dissolving the political

Rasch 5 – William Rasch, Professor of Germanic Studies at the University of Indiana, Spring 2005, “Lines in the Sand: Enmity as a Structuring Principle,” The South Atlantic Quarterly, Vol. 104, No. 2, p. 253-262 [ ] = modified

In The Concept of the Political, Schmitt concludes that ‘‘all genuine political theories presuppose [hu]man[s] to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.’’2 This anthropological fiction—and Schmitt is aware of the claim’s fictional status—serves as the logical premise that secures Schmitt’s definition of the political as the friend/enemy distinction. We live in a world, he says, in which associations with likeminded others are our only means of security and happiness. Indiscriminate concourse of all with all cannot be the foundation for necessary political discriminations. Thus, the anthropological presupposition of evil, guilt, and violence is designed to expose what Schmitt sees as the duplicity of liberal theory, which consists in using the promise of formal equality to camouflage political power by displacing it in the realms of economics and morality. Liberal theory denies original enmity by **assuming the innate goodness of the human being**. Those—communitarians and liberals alike— who say there is no war presuppose a counterfactual ‘‘ontological priority of non-violence,’’ a ‘‘state of total peace’’ 3 that invites universal inclusion based on the ‘‘essential homogeneity and natural virtue of mankind.’’ 4 If, in such a benign state of nature, violence were to break out, such violence would be considered a perversion and, if all else were to fail, would have to be extirpated by an even greater violence. To cite John Locke, this ‘‘State of perfect Freedom’’ and universal ‘‘Equality,’’ governed solely by reason and natural law, can be disturbed only by an ‘‘Offender’’ who ‘‘declares himself to live by another Rule, than that of reason and common Equity.’’ Such a ‘‘Criminal’’ has ‘‘declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom Men can have no Society nor Security.’’ 5 The political, on this view, emerges only as the result of the Fall—that is, emerges only to fight the war against war, a war always initiated by a sinful or bestial other. It seeks to make itself superfluous by restoring or, more progressively, establishing for the first time this natural order of peace. Should one demur and find the perfect state to be less than advertised, then one’s demurral would most assuredly be recog nized not as legitimate political opposition, but rather as evidence of greed, moral perversity, or some other pathological behavior.

With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a power-political regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming the immorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it.

That generates total war through paranoia and genocidal conflicts of all against all

Reinhard 4 – Kenneth Reinhard, Professor of Jewish Studies at UCLA, 2004, “Towards a Political Theology- Of the Neighbor,” online: http://www.cjs.ucla.edu/Mellon/Towards\_Political\_Theology.pdf

If the concept of the political is defined, as Carl Schmitt does, in terms of the Enemy/Friend opposition, the world we find ourselves in today is one from which the political may have already disappeared, or at least has mutated into some strange new shape. A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship:

The effects of this destructuration would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation-states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77)

If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stability, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia.

Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous –forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

Vote negative to reject their complete rejection of sovreignty in favor of pluralism and relationships of proper political enmity---spatial exclusion separates “us” from “them,” but in a way that recognizes the other’s legitimacy --- this limits conflict and prevents it from becoming total war

Rasch 5 – William Rasch, Professor of Germanic Studies at the University of Indiana, Spring 2005, “Lines in the Sand: Enmity as a Structuring Principle,” The South Atlantic Quarterly, Vol. 104, No. 2, p. 253-262

In theory and practice, then, the individual is protected from arbitrary and irrational, because incalculable, violence by states acting as moral persons living in an unregulated but serendipitously achieved balance of power. Wemight best update Schmitt’s description of this order as an ideally anarchic, self-regulating coexistence of antagonistic powers, an emergent, horizontal self-organization of sovereign systems with no one system serving as sovereign over all the others—a plurality of states that refused to coalesce into one single state but rather achieved relative security without relinquishing autonomy. The ‘‘medium’’ of this self-organization was violence (war); yet, by virtue of mechanisms of reciprocity, by virtue, that is, of a similarly emergent self-regulation of violence called international law (the jus publicum Europaeum of which Schmitt sings his praises), the conduct of warfare among European states was restrained and controlled. Thus, the nation-state way of organizing early modern Europe served as the katechon, the political as restrainer, establishing relative stability and peace to stave off chaos and civil war.

How is this possible? Despite its internal self-differentiation, Europe still saw itself as a unity because of a second major distinction, the one between Europe and the New World, where New World denotes the entire non-European world, but especially the newly ‘‘discovered’’ regions of the globe following Columbus’s three voyages. This distinction was asymmetrical; on the one side we find Christianity and culture, on the other only pagan ‘‘barbarians.’’ How did Europeans mark this difference between a self-differentiated ‘‘us’’ and a homogenous ‘‘them’’? Through violence. Only now, violence was regulated hierarchically by the traditional ‘‘just war’’ doctrine. Schmitt clearly marks the difference between symmetrical and asymmetrical modes of warfare (thus the difference between warfare ‘‘this side’’ versus the ‘‘other side’’ of so-called amity lines that separated Old Europe from the New World) as the difference between wars fought against ‘‘just enemies’’ and those fought for a ‘‘just cause.’’ The former recognize a commonality among combatants that allows for reciprocity; the latter does not. Wars fought against enemies one respects as occupiers of the same cultural ‘‘space,’’ no matter how subdivided, allows for the desirable constraints on the conduct of war. Wars fought against infidels, pagans, and barbarians, whether these barbarians deny the one God, the laws of nature, the truth of reason, or the higher morality of liberalism, are wars fought against those who are not to be respected or accorded the rights granted equals.8 To be in possession of truth, no matter how much that truth is debated internally, allows one to stand over against the other as a conglomerated unity. This self-differentiated unity can assume the restrained and restraining order of civilization because it has inoculated itself against outbreaks of ‘‘natural’’ and lawless violence by displacing them in the New World. America, as Hobbes and others imagined it, was the preeminent site of the feared state of nature; thus Europe was spared any recurrence of the civil wars that had previously ravaged it.

What Schmitt describes as an enviable achievement—that is, the balanced order of restrained violence within Europe—presupposed the consignment of unrestrained violence to the rest of the world. That is, desired restraint was founded upon sanctioned lack of restraint. If Schmitt, by concentrating on the development of European international law after the religious civil wars, highlights an admirable local result of a disagreeable global process, this can be attributed to his explicit Eurocentrism. But even non- Eurocentrics may be dismayed by the twentieth-century reintroduction of unrestricted violence within Europe itself. The epitome of this return of the repressed may be the midcentury death camp, as Giorgio Agamben maintains, 9 but its initial breakthrough is the Great War of the century’s second decade. For how else can one explain that a traditional European power struggle that started in 1914 as a war fought for state interest should end in 1918–19 as a war fought by ‘‘civilization’’ against its ‘‘barbarian’’ other? And how else can one explain that we have been so eager to replicate this distinction in every war we have fought ever since? If, in other words, we are rightly horrified by the distinction between civilized and uncivilized when it is used to describe the relationship of Old Europe and its colonial subjects, and if we are rightly horrified by the distinction between the human and the in- or subhuman when it is used to discriminate against blacks, Jews, Gypsies, and other so-called undesirables, then why do we persist today in using these very distinctions when combating our latest enemies? Is it merely ironic or in fact profoundly symptomatic that those who most vehemently affirm universal symmetry (equality, democracy) are also more often than not the ones who opt for themost asymmetrical means of locating enemies and conducting war—that is, just wars fought for a just cause?

But how are we to respond? For those who say there is no war and who yet find themselves witnessing daily bloodshed, Adornoian asceticism (refraining from participating in the nihilism of the political) or Benjaminian weak, quasi, or other messianism (waiting for the next incarnation of the historical subject [the multitudes?] or the next proletarian general strike [the event?]) would seem to be the answer. To this, however, those who say there is a war can respond only with bewilderment. Waiting for a ‘‘completely new politics’’ 10 and completely new political agents, waiting for the event and the right moment to name it, or waiting for universal ontological redemption feels much like waiting for the Second Coming, or, more accurately, for Godot. And have we not all grown weary of waiting? The war we call ‘‘the political,’’ whether nihilist or not, happily goes on while we watch Rome burn. As Schmitt wrote of the relationship of early Christianity to the Roman Empire, ‘‘The belief that a restrainer holds back the end of the world provides the only bridge between the notion of an eschatological paralysis of all human events and a tremendous historical monolith like that of the Christian empire of the Germanic kings’’ (60).One does not need to believe in the virtues of that particular ‘‘historical monolith’’ to understand the dangers of eschatological paralysis.

But as Max Weber observed firsthand, ascetic quietude leads so often, so quickly, and so effortlessly to the chiliastic violence that knows no bounds;11 and as we have lately observed anew, the millennial messianism of imperial rulers and nomadic partisans alike dominates the contemporary political landscape. The true goal of those who say there is no war is to eliminate the war that actually exists by eliminating those Lyons and Tygers and other Savage Beasts who say there is a war. This war is the truly savage war. It is the war we witness today. No amount of democratization, pacification, or Americanization will mollify its effects, because democratization, pacification, and Americanization are among the weapons used by those who say there is no war to wage their war to end all war.

What is to be done? If you are one who says there is a war, and if you say it not because you glory in it but because you fear it and hate it, then your goal is to limit it and its effects, not eliminate it, which merely intensifies it, but limit it by drawing clear lines within which it can be fought, and clear lines between those who fight it and those who don’t, lines between friends, enemies, and neutrals, lines between combatants and noncombatants. There are, of course, legitimate doubts about whether those ideal lines could ever be

drawn again; nevertheless, the question that we should ask is not how can we establish perpetual peace, but rather a more modest one: Can symmetrical relationships be guaranteed only by asymmetrical ones? According to Schmitt, historically this has been the case. ‘‘The traditional Eurocentric order of international law is foundering today, as is the old nomos of the earth. This order arose from a legendary and unforeseen discovery of a new world, from an

unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to the moon discovering a new and hitherto unknown planet that could be exploited freely and utilized effectively to relieve their struggles on earth’’ (39). We have since gone to the moon and have found nothing on the way there to exploit. We may soon go to Mars, if current leaders have their way, but the likelihood of finding exploitable populations seems equally slim. Salvation through spatially delimited asymmetry, even were it to be desired, is just not on the horizon. And salvation through globalization, that is, through global unity and equality, is equally impossible, because today’s asymmetry is not so much a localization of the exception as it is an invisible generation of the exception from within that formal ideal of unity, a generation of the exception as the difference between the human and the inhuman outlaw, the ‘‘Savage Beast, with whom Men can have no Society nor Security.’’ We are, therefore, thrown back upon ourselves, which is to say, upon those artificial ‘‘moral persons’’ who act as our collective political identities. They used to be called states. What they will be called in the future remains to be seen. But, if we think to establish a differentiated unity of discrete political entities that once represented for Schmitt ‘‘the highest form of order within the scope of human power,’’ then we must symmetrically manage the necessary pairing of inclusion and exclusion without denying the ‘‘forms of power and domination’’ that inescapably accompany human ordering. We must think the possibility of roughly equivalent power relations rather than fantasize the elimination of power from the political universe. This, conceivably, was also Schmitt’s solution. Whether his idea of the plurality of Großräume could ever be carried out under contemporary circumstances is, to be sure, more than a little doubtful, given that the United States enjoys a monopoly on guns, goods, and the Good, in the form of a supremely effective ideology of universal ‘‘democratization.’’ Still, we would do well to devise vocabularies that do not just emphatically repeat philosophically more sophisticated versions of the liberal ideology of painless, effortless, universal equality. The space of the political will never be created by a bloodless, Benjaminian divine violence. Nor is it to be confused with the space of the simply human. To dream the dreams of universal inclusion may satisfy an irrepressible human desire, but it may also always produce recurring, asphyxiating political nightmares of absolute exclusion.

## Oncase

### Reality Exists

#### Reality exists independent of social construction --- yes Arrested Development is funny, but there are real uses of drones in other countries that we should debate about

Steven Best 97, Assoc Professor and Chair of Philosophy at U-Texas, El Paso and Douglas Kellner, chair in the philosophy of education at UCLA, The Postmodern Turn, 1997, 112-113

Hence, we subscribe to Debord's Hegelian-Marxian distinction between appearance and reality and the need for critical thought to continue to probe behind appearances. Whereas Baudrillard surrenders to the surface of the simulacrum, Debord maintains a commitment to critical hermeneutics, attempting to get at the roots of human suffering and oppression through analysis of the capitalist mode of production and reproduction. Just as Marx discovered congealed human value in the commodity form, and from there identified the whole social basis of exploitation, Debord critically deciphers the congealed image object, the spectacle; penetrates its reified surface; and situates it within its context of social and historical relations. Although he maps out an advanced stage of reification, Debord argues that no object is fully opaque or inscrutable, standing outside of a social context that it cannot ultimately refer to, betray, and be interpreted against.

Where Debord's strategy reminds us of the ultimately antagonistic, con-flictual, and contradictory aspects of a social reality open to critique and transformation, Baudrillard's radical rejection of referentiality is premised upon a one-dimensional, No-Exit world of self-referring simulacra. Baudrillard is right: "Reality" has become increasingly difficult to identify in "the empire of signs." But however reified and self-referential postmodern semiotics is, signs do not simply move in their own signifying orbit. They are historically produced and circulated, and though they may not translucently refer to some originating world, they nonetheless can be sociohistorically contextualized, interpreted, and criticized. Thus, even Warhol's "Diamond Dust Shoes" and other paradigms of postmodern flatness, seemingly purely self-referential (see Jameson, 1991), ultimately refer to a whole world, one, in this case, of advanced commodification and of the assimilation of art to media culture and the market (see Chapter 4).

Through Debord's work, we can grasp a point of singular importance: Self-referentiality does not entail hyperreality. Signs, images, and objects are not inscrutable and hermetic simply because they no longer stand within a classical space of representation. It is not that one signifier brings us a "real" world and another doesn't but that one occludes a larger social context more than does another, that contextualization may be more difficult in one case than in another. However self-referential and abstract the signifiers, a critical hermeneutics can uncover their repressed or mystified social content and social relations.13

Moreover, in a sense, Baudrillard's hyperreality is itself an illusion, the projection of a realer-than-real, constructed by the powers that be to obscure the deprivations, ugliness, and oppressiveness of social reality. Critical hermeneutics can always uncover the constructedness of the hyperreal, which is, after all, nothing more than a construct and model of the real; the hyperreal can always be contextualized, deconstructed, and unmasked. Indeed, the hyperreal is a challenge to critical hermeneutics to see precisely what realities and interests lie behind it, how it is constructed, and what it is concealing and mystifying and why.

Debord is right then to insist that "the spectacle is not [just] a collection of images, but a social relation among people, mediated by images" (#4). While Debord did not provide as powerful an account of postmodern media and signification as did Baudrillard, he correctly insists that the spectacle is "the other side of money" (#34) and so of capitalist social relations. For Baudrillard, however, the sign develops according to its own autonomous logic, and his one-sided analysis is decontextualizing and depoliticizing, serving to exonerate the "captains of consciousness" and media moguls of the present.

While critical hermeneutics does not posit a Ding-an-sich discoverable beyond a historical horizon and unmediated by ideology or language, it rightly tries to recover the distinction between reality and illusion as the preliminary basis for a sociopolitical criticism. It is the work of the culture industry to erase this distinction, and it should be the task of radical criticism to recover it, requiring a reconstructed notion of "representation." Though Baudrillard cogently problematizes certain realist views of representation (e.g., those developed in the 17th century, which see language as the "mirror of nature"; see Foucault, 1973; Rorty, 1979) or the realist fictions of our present-day media, he wrongly rejects the illuminating potential of other forms of "representation," such as Jameson (1988, 1991) has attempted to develop in his notion of "cognitive mapping." And while Baudrillard illuminates recent mutations in the sign brought on by media and advertising (which Foucault has failed to consider; see Baudrillard, 1986), he mystifies media culture by severing its dynamics from political economy and current political struggles.

To pass from the collapse of the classical episteme to the thesis of radical simulation and implosion, from the fragmentation of meaning to the "end of meaning," is far too hasty a move and obscures the ways in which we still can and must configure our world, not in an act of pictured reflection but, rather, in a theoretical and critical analysis that attempts to grasp the constitutive relations of society and to decode their ideological operations. In a critical hermeneutics, the surface appearance of things is unmasked to reveal not the "real" itself, which remains a dialectically mediated category, but the social forces behind these appearances: the actors, groups, policy makers, spin doctors, and institutions still identifiable and subject to a critically informed resistance. This suggests that "simulation" can be critically deconstructed and resolved into "dissimulation," an activity that reveals simulation to be wholly constructed, serving the interests of specific social groups and hiding certain alternative realities.

### Bare Life

#### No bare life

Mika Ojakangas 5, Helsinki Collegium for Advanced Studies, Finland, May, Foucault Studies, No. 2, 26-27

In fact, the history of modern Western societies would be quite incomprehensible without taking into account that there exists a form of power which refrains from killing but which nevertheless is capable of directing people’s lives. The effectiveness of bio-power can be seen lying precisely in that it refrains and withdraws before every demand of killing, even though these demands would derive from the demand of justice. In bio-political societies, according to Foucault, capital punishment could not be maintained except by invoking less the enormity of the crime itself than the monstrosity of the criminal: “One had the right to kill those who represented a kind of biological danger to others.”112 However, given that the “right to kill” is precisely a sovereign right, it can be argued that the bio-political societies analyzed by Foucault were not entirely bio-political. Perhaps, there neither has been nor can be a society that is entirely bio-political. Nevertheless, the fact is that present-day European societies have abolished capital punishment. In them, there are no longer exceptions. It is the very “right to kill” that has been called into question. However, it is not called into question because of enlightened moral sentiments, but rather because of the deployment of bio-political thinking and practice.   For all these reasons, Agamben’s thesis, according to which the concentration camp is the fundamental bio-political paradigm of the West, has to be corrected.113 The bio-political paradigm of the West is not the concentration camp, but, rather, the present-day welfare society and, instead of homo sacer, the paradigmatic figure of the bio-political society can be seen, for example, in the middle-class Swedish social-democrat. Although this figure is an object – and a product – of the huge bio-political machinery, it does not mean that he is permitted to kill without committing homicide. Actually, the fact that he eventually dies, seems to be his greatest “crime” against the machinery. (In bio-political societies, death is not only “something to be hidden away,” but, also, as Foucault stresses, the most “shameful thing of all”.114) Therefore, he is not exposed to an unconditional threat of death, but rather to an unconditional retreat of all dying. In fact, the bio-political machinery does not want to threaten him, but to encourage him, with all its material spiritual capacities, to live healthily, to live long and to live happily – even when, in biological terms, he “should have been dead long ago”.115 This is because bio-power is not bloody power over bare life for its own sake but pure power over all life for the sake of the living. It is not power but the living, the condition of all life – individual as well as collective – that is the measure of the success of bio-power.

#### Value to life is inevitable and subjective

Lisa Schwartz, Chair at the Centre for Health Economics and Policy Analysis, 2002

“Medical Ethic: A Case Based Approach” Chapter 6, www.fleshandbones.com/readingroom/pdf/399.pdf

The second assertion made by supporters of the quality of life as a criterion for decisionmaking is closely related to the first, but with an added dimension. This assertion suggests that the determination of the value of the quality of a given life is a subjective determination to be made by the person experiencing that life. The important addition here is that the decision is a personal one that, ideally, ought not to be made externally by another person but internally by the individual involved. Katherine Lewis made this decision for herself based on a comparison between two stages of her life. So did James Brady. Without this element, decisions based on quality of life criteria lack salient information and the patients concerned cannot give informed consent. Patients must be given the opportunity to decide for themselves whether they think their lives are worth living or not. To ignore or overlook patients’ judgement in this matter is to violate their autonomy and their freedom to decide for themselves on the basis of relevant information about their future, and comparative consideration of their past. As the deontological position puts it so well, to do so is to violate the imperative that we must treat persons as rational and as ends in themselves.

### Sovereignty Good

#### State inevitable---engagement key

Paul A. Passavant 7, Hobart and William Smith Colleges in New York, “The Contradictory State of Giorgio Agamben”, Political Theory Volume 35, Number 2, April, SAGE

Fourth, the state's institutions are among the few with the capacity to respond to the exigency of human needs identified by political theorists. These actions will necessarily be finite and less than wholly adequate, but responsibility may lie on the side of acknowledging these limitations and seeking to redress what is lacking in state action rather than calling for pure potentiality and an end to the state. We may conclude that claims to justice or democracy based on the wish to rid ourselves of the state once and for all are like George W. Bush claiming to be an environmentalist because he has proposed converting all of our cars so that they will run on hydrogen.5" Meanwhile, in the here and now, there are urgent claims that demand finite acts that by definition will be both divisive and less than what a situation demands.52 In the end, the state remains. Let us defend this state of due process and equal protection against its ruinous other.

#### Policy-centric debate embracing government action in the face of violent threats is critical to shape the direction of change---the K’s abstractions allow for extinction---action now is key

David Brooks 1, senior editor for the Weekly Standard, The Weekly Standard, 11/5, lexis

Obviously nobody knows what the future years will feel like, but we do know that the next decade will have a central feature that was lacking in the last one: The next few years will be defined by conflict. And it's possible to speculate about what that means. The institutions that fight for us and defend us against disorder -- the military, the FBI, the CIA -- will seem more important and more admirable. The fundamental arguments won't be over economic or social issues, they will be over how to wield power -- whether to use American power aggressively or circumspectly. We will care a lot more about ends -- winning the war -- than we will about means. We will debate whether it is necessary to torture prisoners who have information about future biological attacks. We will destroy innocent villages by accident, shrug our shoulders, and continue fighting. In an age of conflict, bourgeois virtues like compassion, tolerance, and industriousness are valued less than the classical virtues of courage, steadfastness, and a ruthless desire for victory. Looking back, the striking thing about the 1990s zeitgeist was the presumption of harmony. The era was shaped by the idea that there were no fundamental conflicts anymore. The Cold War was over, and while the ensuing wars -- like those in Bosnia and Rwanda -- were nettle-some, they were restricted to global backwaters. Meanwhile, technology was building bridges across cultures. The Internet, Microsoft ads reminded us, fostered communication and global harmony. All around the world there were people casting off old systems so they could embrace a future of peace and prosperity. Chinese Communists were supposedly being domesticated by the balm of capitalist success. Peace seemed in the offing in Northern Ireland and, thanks to the Oslo process, in the Middle East. Bill Clinton and George W. Bush were elected president of the United States. Neither had performed much in the way of military service. Neither was particularly knowledgeable about foreign affairs. Both promised to be domestic-policy presidents. In that age of peace and prosperity, the top sitcom was Seinfeld, a show about nothing. Books appeared with titles like All Connected Now: Life in the First Global Civilization. Academics analyzed the twilight of national sovereignty. Commerce and communications seemed much more important than politics. Defense spending was drastically cut, by Republicans as well as Democrats, because there didn't seem to be any clear and present danger to justify huge budgets. The army tried to recruit volunteers by emphasizing its educational benefits, with narcissistic slogans like "An Army of One." Conservatives, of all people, felt so safe that they became suspicious of the forces of law and order. Conservative activists were heard referring to police as "bureaucrats with badges"; right-wing talk radio dwelt on the atrocities committed by the FBI, the DEA, and other agencies at places like Ruby Ridge and Waco. Meanwhile, all across the political spectrum, interest in public life waned, along with the percentage of adults who bothered to vote. An easy cynicism settled across the land, as more people came to believe that national politics didn't really matter. What mattered instead, it seemed, were local affairs, community, intimate relations, and the construction of private paradises. When on rare occasions people talked about bitter conflict, they usually meant the fights they were having with their kitchen renovators. Historians who want to grasp the style of morality that prevailed in the 1990s should go back to the work of sociologist Alan Wolfe. In books like One Nation, After All and Moral Freedom, Wolfe called the prevailing ethos "small scale morality." Be moderate in your beliefs, and tolerant toward people who have other beliefs. This is a moral code for people who are not threatened by any hostile belief system, who don't think it is worth it to stir up unpleasantness. "What I heard as I talked to Americans," Wolfe wrote of his research, "was a distaste for conflict, a sense that ideas should never be taken so seriously that they lead people into uncivil, let alone violent, courses of action." But now violence has come calling. Now it is no longer possible to live so comfortably in one's own private paradise. Shocked out of the illusion of self-reliance, most of us realize that we, as individuals, simply cannot protect ourselves. Private life requires public protection. Now it is not possible to ignore foreign affairs, because foreign affairs have not ignored us. It has become clear that we are living in a world in which hundreds of millions of people hate us, and some small percentage of them want to destroy us. That realization is bound to have cultural effects. In the first place, we will probably become more conscious of our American-ness. During the blitz in 1940, George Orwell sat in his bomb shelter and wrote an essay called "England Your England." It opened with this sentence: "As I write, highly civilised human beings are flying overhead, trying to kill me." What struck him at that moment of danger was that it really does matter whether you are English or German. The nation is a nursemaid that breeds certain values and a certain ethos. Orwell went on to describe what it meant to be English. Now Americans are being killed simply because they are Americans. Like Orwell, Americans are once again becoming aware of themselves as a nationality, not just as members of some ethnic community or globalized Internet chat group. Americans have been reminded that, despite what the multiculturalists have been preaching, not all cultures are wonderfully equal hues in the great rainbow of humanity. Some national cultures, the ones that have inherited certain ideas -- about freedom and democracy, the limits of the political claims of religion, the importance of tolerance and dissent -- are more humane than other civilizations, which reject those ideas. As criticism of our war effort grows in Europe, in hostile Arab countries, and in two-faced countries like Egypt and Saudi Arabia, which dislike our principles but love our dollars, Americans will have to articulate a defense of our national principles and practices. That debate in itself will shape American culture. We will begin to see ourselves against the backdrop of the Taliban. During the Cold War, we saw ourselves in contrast to the Soviet Union. Back then, we faced a godless foe; now we are facing a god-crazed foe. As we recoil from the Islamic extremists, we may be less willing to integrate religion into political life. That would mean trouble for faith-based initiatives and religion in the public square. On the other hand, democracies tend to become patriotic during wartime, if history is any guide, and this will drive an even deeper wedge between regular Americans and the intellectual class. Literary critic Paul Fussell, a great student of American culture in times of war, wrote a book, Wartime, on the cultural effects of World War II. Surveying the culture of that period, he endorsed the view of historian Eileen Sullivan, who wrote, "There was no room in this war culture for individual opinions or personalities, no freedom of dissent or approval; the culture was homogeneous, shallow and boring." The earnest conformity that does prevail in wartime drives intellectuals -- who like to think of themselves as witty, skeptical, iconoclastic dissidents -- batty. They grow sour, and alienated from mainstream life. For every regular Joe who follows the Humphrey Bogart path in Casablanca, from cynicism to idealism, there is an intellectual like Fussell, whose war experiences moved him from idealism to lifetime cynicism. There are other cultural effects. For example, commercial life seems less important than public life, and economic reasoning seems less germane than cultural analysis. When life or death fighting is going on, it's hard to think of Bill Gates or Jack Welch as particularly heroic. Moreover, the cost-benefit analysis dear to economists doesn't really explain much in times of war. Osama bin Laden is not motivated by economic self-interest, and neither are our men and women who are risking their lives to defeat him. To understand such actions, you need to study history, religion, and ethics. The people who try to explain events via economic reasoning begin to look silly. Here is the otherwise intelligent economist Steve Hanke, in Forbes, analyzing bin Laden: Don't make the mistake of interpreting the events of Sept. 11 purely in terms of terrorism and murder. . . . The terrorists are a virulent subset of a much larger group of anticapitalists, one that includes many politicians, bureaucrats, writers, media types, academics, entertainers, trade unionists and, at times, church leaders. The barbarians at the gates are more numerous than you thought. But the most important cultural effect of conflict is that it breeds a certain bloody-mindedness or, to put it more grandly, a tragic view of life. Life in times of war and recession reminds us of certain hard truths that were easy to ignore during the decade of peace and prosperity. Evil exists. Difficulties, even tragedies, are inevitable. Human beings are flawed creatures capable of monstrosity. Not all cultures are compatible. To preserve order, good people must exercise power over destructive people. That means that it's no longer sufficient to deconstruct ideas and texts and signifiers. You have to be able to construct hard principles so you can move from one idea to the next, because when you are faced with the problem of repelling evil, you absolutely must be able to reach a conclusion on serious moral issues. This means you need to think in moral terms about force -- and to be tough-minded. During the Cold War, Reinhold Niebuhr was a major intellectual figure. In 1952, he wrote The Irony of American History. The tragedy of the conflict with communism, he argued, was that, "though confident of its virtue, [America] must yet hold atomic bombs ready for use so as to prevent a possible world conflagration." The irony of our history, he continued, is that we are an idealistic nation that dreams of creating a world of pure virtue, yet in defeating our enemies we sometimes have to act in ways that are not pure. "We take, and must continue to take, morally hazardous action to preserve our civilization," Niebuhr wrote. "We must exercise our power." We have to do so while realizing that we will not be capable of perfect disinterestedness when deciding which actions are just. We will be influenced by dark passions. But we still have to act forcefully because our enemies are trying to destroy the basis of civilization: "We are drawn into an historic situation in which the paradise of our domestic security is suspended in a hell of global insecurity." Niebuhr's prescription was humble hawkishness. He believed the United States should forcefully defend freedom and destroy its enemies. But while doing so, it should seek forgiveness for the horrible things it might have to do in a worthy cause. To reach this graduate-school level of sophistication, you have to have passed through elementary courses in moral reasoning. It will be interesting to see whether we Americans, who sometimes seem unsure of even the fundamental moral categories, can educate ourselves sufficiently to engage in the kind of moral reasoning that Niebuhr did. The greatest political effect of this period of conflict will probably be to relegitimize central institutions. Since we can't defend ourselves as individuals against terrorism, we have to rely on the institutions of government: the armed forces, the FBI, the CIA, the CDC, and so on. We are now only beginning to surrender some freedoms, but we will trade in more, and willingly. As Alexander Hamilton wrote in the Federalist Papers, "Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. . . . To be more safe, [people] at length become willing to run the risk of being less free." Moreover, we will see power migrate from the states and Capitol Hill to the White House. "It is of the nature of war to increase the executive at the expense of the legislative authority," Hamilton continued. This creates rifts on both left and right, because both movements contain anti-establishment elements hostile to any effort to relegitimize central authorities. The splits have been most spectacular on the left. Liberals who work in politics -- Democrats on Capitol Hill, liberal activists, academics who are interested in day-to-day politics -- almost all support President Bush and the war effort. But many academic and literary leftists, ranging from Eric Foner to Susan Sontag to Noam Chomsky, have been sour, critical, and contemptuous of America's response to September 11. The central difference is that the political liberals are comfortable with power. They want power themselves and do not object to the central institutions of government, even the military, exercising power on our behalf. Many literary and academic liberals, on the other hand, have built a whole moral system around powerlessness. They champion the outgroups. They stand with the victims of hegemony, patriarchy, colonialism, and all the other manifestations of central authority. Sitting on their campuses, they are powerless themselves, and have embraced a delicious, self-glorifying identity as the out-manned sages who alone can see through the veils of propaganda in which the powerful hide their oppressive schemes. For these thinkers, virtue inheres in the powerless. The weak are sanctified, not least because they are voiceless and allegedly need academics to give them voices. These outgroup leftists dislike the Taliban, but to ally themselves with American power would be to annihilate everything they have stood for and the role they have assigned themselves in society.

# 2NC

## Topicality

### AT: Chaos Inevitable/Serial Policy Failure---2NC

#### We can solve things---some bad stuff may be inev but we can minimize it

Flynn 7Stephen, senior fellow for national security studies at the Council on Foreign Relations, and Consulting Professor, Center for International Security and Cooperation, Stanford University, The Edge of Disaster: Rebuilding a Resilient Nation, p. 9-10

Thinking about and preparing for when things can go very wrong need not be about becoming a nation of Chicken Littles. It is foolish and self-destructive to oscillate between immobilizing fear, on the one hand, and blithely going about our lives playing a societal version of Russian roulette, on the other. Natural disasters will happen, and not all terrorist attacks can be prevented. However, what is preventable is the cascading effects that flow from these disasters and attacks. The loss of life and economic fallout that disasters reap will always be magnified by our lack of preparedness to manage the risk actively and to respond effectively when things go wrong.

### 2NC Limits

#### Openess to everything is openness to nothing---clear limits are necessary to practical contestation

Ruth Lessl Shively 2k, associate professor of political science at Texas A&M, 2000 Political Theory and Partisan Politics p. 181-2

To put this point another way, it turns out that to be open to all things is, in effect, to be open to nothing. While the ambiguists have commendable reasons for wanting to avoid closure—to avoid specifying what is not allowed or celebrated in their political vision—they need to say "no" to some things in order to be open to things in general. They need to say "no" to certain forms of contest, if only to protect contest in general. For if one is to be open to the principles of democracy, for example, one must be dogmatically closed to the principles of fascism. If one would embrace tolerance, one must rigidly reject intolerance. If one would support openness in political speech and action, one must ban the acts of political intimidation, violence or recrimination that squelch that openness. If one would expand deliberation and disruption, one must set up strict legal protections around such activities. And if one would ensure that citizens have reason to engage in political contest—that it has practical meaning and import for them—one **must establish and maintain** the rules and regulations and laws that protect democracy. In short, openness requires certain **clear limits, rules, closure**. And to make matters more complex, these structures of openness cannot simply be put into place and forgotten. They need to be taught to new generations of citizens, to be **retaught and reenforced** among the old, and as the political world changes, to be shored up, rethought, adapted, and applied to new problems and new situations. It will not do, then, to simply assume that these structures are permanently viable and secure without significant work or justification on our part; **nor will it do to talk about resisting or subverting them**. Indeed, they are such valuable and yet vulnerable goods that **they require the most unflagging and firm support that we can give them**. 'Thus far, I have argued that if the ambiguists mean to be subversive about anything, they need to be conservative about some things. They need to be steadfast supporters of the structures of openness and democracy: willing to say "no" to certain forms of contest; willing to set up certain clear limitations about acceptable behavior. To this, finally, I would add that if the ambiguists mean to stretch the boundaries of behavior—if they want to be revolutionary and disruptive in their skepticism and iconoclasm—they need first to be firm believers in something. Which is to say, again, they need to set clear limits about what they will and will not support, what they do and do not believe to be best. As G. K. Chesterton observed, the true revolutionary has always willed something "**definite and limited**.

" For example, "The Jacobin could tell you not only the system he would rebel against, but (what was more important) the system he would not rebel against..." He "desired the freedoms of democracy." He "wished to have votes and not to have titles . . ." But "because the new rebel is a skeptic"—because he cannot bring himself to will something definite and limited— "he cannot be a revolutionary." For "the fact that he wants to doubt everything really gets in his way when he wants to denounce anything" (Chesterton 1959,41). Thus, the most radical skepticism ends in the most radical conservatism. In other words, a refusal to judge among ideas and activities is, in the end, an endorsement of the status quo. **To embrace everything is to be unable to embrace a particular plan of action, for to embrace a particular plan of action is to reject all others, at least for that moment.** Moreover, as observed in our discussion of openness, to embrace everything is to embrace self-contradiction: to hold to both one's purposes and to that which defeats one's purposes—to tolerance and intolerance, open-mindedness and close-mindedness, democracy and tyranny. In the same manner, then, the ambiguists' refusals to will something "definite and limited**" undermines their revolutionary impulse**s. In their refusal to say what they will not celebrate and what they will not rebel against, they deny themselves (and everyone else in their political world) **a particular plan or ground to work from.** By refusing to deny incivility, they deny themselves a civil public space from which to speak. They cannot say "no" to the terrorist who would silence dissent. They cannot turn their backs on the bullying of the white supremacist. And, as such, in refusing to bar the tactics of the anti-democrat, they refuse to support the tactics of the democrat. In short, then, to be a true ambiguist, there must be some limit to what is ambiguous. To fully support political contest, one must fully support some **uncontested rules and reasons**. To generally reject the silencing or exclusion of others, one must sometimes silence or exclude those who reject civility and democracy.

### Resolved

#### “Resolved” implies a policy or legislative decision

Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

### AT: USFG is the People

#### This definition is from some grade school kid’s homework. COME. ON. It’s just a description of Jeffersonian democracy, in which the government’s made up of citizens. Obviously. That doesn’t mean literally every citizen constitutes the USFG.

#### The Federal Government is the national governing structure---not its component parts---even citizens

#### Central government

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—3. Of or relating to the central government of a federation as distinct from the governments of its member units.

# 1NR

### K

#### The ethic of inclusion denies the ability of the enemy to be a political competitor and an existential equal

Prozorov 6 – Sergei Prozorov, collegium fellow at the Helsinki Collegium for Advanced Studies, University of Helsinki, Professor of International Relations in the Department of International Relations, Faculty of Politics and Social Sciences, Petrozavodsk State University, Russia, 2006, “Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism,” Millennium: Journal of International Studies, Vol. 35, No. 1, p. 75-99

In contrast to Zizek’s diagnosis, Schmitt’s work on international relations has persistently articulated both a possibility and the actual historical existence of such a ‘common ground’. The most famous example is of course the Westphalian states’ system and the juridical arrangement of the Jus Publicum Europaeum, which established a structure of managing antagonism that Schmitt termed the ‘bracketing’ (Hegung) of war: its limitation through rationalisation and humanisation.27 The Westphalian system delegitimised the recourse to the theological discourse of ‘just war’, responsible for the intense violence of the ‘wars of religion’, and instead relegitimised interstate war, as long as both sides in such a conflict approached each other as a ‘just enemy’ (justus hostis), existentially equal to the Self. The mutual recognition of the principle of sovereignty among European powers created the possibility of limiting the violence and intensity of military conflicts by virtue of the absence of any possibility that either party could appropriate the title of ‘just war’ for its own actions and thereby stigmatise, demonise or criminalise the enemy, depriving it of equal status and permitting its indiscriminate treatment. War was therefore by definition treated as ‘just on both sides’ and whatever was permitted to one party was also permitted to the other: ‘The essence of such wars was a regulated contest of forces gauged by witnesses in a bracketed space. Such wars are the opposite of disorder.’28

What interests us in this modality of the friend–enemy distinction is the explicit requirement of equality between opponents in the common space of the ‘regulated contest of forces’. Indeed, the ontological equality of the self and the enemy is a fundamental characteristic of Schmitt’s thought that strongly contrasts with the asymmetric constellation of the self–other interaction in the ‘poststructuralist ethics’ of Levinas and Derrida.29 While for the latter the asymmetrical relation, whereby the Other calls the Self in question, is a prerequisite for the assumption of a genuinely ethical ‘responsibility’, for Schmitt any asymmetry, privileging either the Self or the Other, paves the way for absolute enmity and the actualisation of the ‘most extreme possibility’ of existential negation. For Schmitt, being called in question by the Other is not in itself an ethical but simply a horrifying experience of the possibility of violent death. What makes the encounter with the Other contingently ethical is precisely the possibility of the resolution of this asymmetry in the establishment of an empirical equality that actualises the equality that is always already inscribed in the transcendental function of the friend–enemy distinction: after all, in Schmitt’s ontology of radical alterity any two subjects are equal simply by virtue of being wholly different from each other.30 Schmitt’s normative preference for the Westphalian modality of enmity is therefore conditioned both by its correspondence to the ontological condition of equality-in-alterity and the desire to avoid the absolutisation of hostility that is inherent in any asymmetrical self–other interaction.

What made possible the actualisation of ontological equality in the Westphalian period was the exclusion of all substantive (moral, economic or aesthetic) criteria, on the basis of which the properties or actions of any party could be deemed ‘unjust’, thus permitting the appropriation of the justa causa by the other party. In contrast, the ultrapolitical constellation, discussed by Zizek, is marked precisely by the presence of positive normative content in the positions of the opponents, whose incommensurability precludes the existence of a common ground between them. In this constellation, the Self inevitably perceives the Other not as a legitimate existential equal, but as a pure negation of the normative principles of the Self, the otherness of the Other reduced to a mere denial of the Self. Insofar as these normative principles are treated by the Self as unproblematic and unchallengeable, the enemy, viewed in solely negative terms of their refusal, becomes not merely the adversary in a regulated contest but an object of hate and revulsion, or, in Schmitt’s terms, an inimicus rather than a hostis.

#### Their critique of sovereignty collapses the foundation of the political

Odysseos & Petito 7 – Louiza Odysseos, Senior Lecturer in International Relations, University of Sussex, and Fabio Petito, teaches International Relations at the School of Oriental and African Studies (SOAS), London, and the University ‘L’Orientale’ in Naples, 2007, “Introduction The international political thought of Carl Schmitt,” in The International Political Thought of Carl Schmitt, Edited by: Odysseos and Petito, p. 9

The achievements of the global order, which Schmitt called the nomos of the earth, all relate, in some sense, to the evolution and rise to dominance of the modern state in European and world political life. In particular, Schmitt recognises that the construction of the concept of the modern state was essential to the bracketing of war. He interestingly notes, in fact, that ‘all definitions that glorify the state, and today no longer generally are understood, hark back to this great accomplishment, whether or not they later were misused and now appear to have been displaced’ (ibid.: 142). Indeed, for Schmitt, the state was the focal point of the institutional basis of the Westphalian order, a dimension often missed in mainstream accounts of International Relations, be they realist or liberal, as Alessandro Colombo explores in depth in Chapter 1.

While classical realist and neo-realist accounts recognise the importance of the state for Westphalia, they have historically maintained that this centrality of the state negates any ‘thick’ institutionalist understandings of international politics. It has been incumbent on liberal institutionalist accounts to call for an examination of the initially precarious, though increasingly significant, institutional developments of international politics. Schmitt’s heterodox account of the historical conditions leading to the development of the modern international system, on the contrary, challenges both liberal and realist perspectives as having failed to consider that the state, in the words of Colombo, is the adequate bearer of the European order, the chief institutional component of Westphalia. Colombo criticises both realists and liberals for ignoring ‘the search for the concrete meaning of institutions’ in the densely institutional character of Westphalia and suggests that Schmittian international thought ‘reveals not a history of power politics, but, basically, one of institutions’ which nevertheless ensures a proper consideration of geopolitical and power factors. For Colombo, ‘the jus publicum Europaeum is a monument to the impact of institutions on international life’ and this also explains why Schmitt’s image of history rejects the progressive and optimistic perspective of contemporary institutionalism.

#### And academics and citizens should embrace the politics of political enmity---this is the only way to resolve global war of all against all

Odysseos 7 – Louiza Odysseos, Senior Lecturer in International Relations, University of Sussex, 2007, “Crossing the line?: Carl Schmitt on the ‘spaceless universalism’ of cosmopolitanism and the War on Terror,” in The International Political Thought of Carl Schmitt, Edited by: Odysseos and Petito, p. 140

Responding to the processes of current world ordering is a potentially ceaseless task for academics, citizens and policymakers alike. In this chapter I turned to Schmitt’s insights about the political specificity of Westphalia as the nomos of the earth and drew upon its peculiar ‘achievements’ in order to highlight certain ways of thinking about current cosmopolitan claims about crossing and erasing lines, about unifying and ordering ‘humanity’, and the world political processes of subjectivisation which ensue from such a project. In particular, I examined the designating and managing of enemies within the political discourse of humanity and suggested that there are, contrary to commonly held views, two relationships between cosmopolitanism and the War on Terror as a set of subjectivising practices. Using Schmitt’s account of the bracketing of war and the development of the notion of justus hostis within the jus publicum Europaeum, I highlighted the dangers of the present political re-emergence of unjust enemies and, indeed, of the ‘inhuman’, as well as discriminatory and increasingly violent forms of war.

The usage of the Nomos is not a denial of the problematic aspects of Westphalia or the limits in Schmitt’s account of this order (see, for example, Brown, Chapter 3, Dean, Chapter 14, and Burgess, Chapter 11, in this volume). The emphasis on bracketed war and just enemies, therefore, should not be read as inviting ‘a reassertion of the lines of enmity and their attendant nomic underpinnings’ (Surin 2005: 194); nor should it forgo the necessary effort to further situate such insights in contemporary world politics, beyond the discussion above (see Zolo, Chapter 9, Mouffe, Chapter 8, and de Benoist, Chapter 4, in this volume). It is, however, a reminder that the transgression of lines evoked by the political discourse of universal humanity is not an assured path to a modernity without violence; rather, seeking to end war has historically led, not to its limitation and humanisation, but to its ever more intensified and violent occurrence. Therefore, one initial response, as offered above, might lie in relinquishing prevalent assumptions about the antithesis of cosmopolitanism and the War on Terror so as to recast concerns about current world orderings more productively **by recalling the Nomos’s emphasis on limiting war and on avoiding the precipitous consequences of unjust enmity.**

#### Ethical policymaking requires calculation of our impacts—refusing consequentialism allows atrocity in the name of ethical purity

Nikolas Gvosdev 5 (Nikolas, Exec Editor of The National Interest, The Value(s) of Realism, SAIS Review 25.1, Muse)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

**No global war impact**

David **Chandler 9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global.¶ Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numerous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberalism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military firepower and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involving the strategic accommodation of diverse powers and interests.

#### ILAW/enmity good --- solves endless war --- their impacts ignore context etc

David Chandler 9, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

International law evolved on the basis of the ever-present possibility of real war between real enemies. Today’s global wars of humanitarian intervention and the ‘war on terror’ appear to be bypassing or dismantling this framework of international order. Taken out of historical context, today’s period might seem to be analogous to that of the imperial and colonial wars of the last century, which evaded or undermined frameworks of international law, which sought to treat the enemy as a justus hostis – a legitimate opponent to be treated with reciprocal relations of equality. Such analogies have enabled critical theorists to read the present through past frameworks of strategic political contestation, explaining the lack of respect for international law and seemingly arbitrary and ad hoc use of military force on the basis of the high political stakes involved. Agamben’s argument that classical international law has dissipated into a ‘permanent state of exception’, suggesting that we are witnessing a global war machine – constructing the world in the image of the camp and reducing its enemies to bare life to be annihilated at will – appears to be given force by Guantánamo Bay, extraordinary rendition and Abu Ghraib.

Yet, once we go beyond the level of declarations of policy values and security stakes, the practices of Western militarism fit uneasily with the policy discourses and suggest a different dynamic: one where the lack of political stakes in the international sphere means that there is little connection between military intervention and strategic planning. In fact, as Laïdi suggests, it would be more useful to understand the projection of violence as a search for meaning and strategy rather than as an instrumental outcome. To take one leading example of the ‘unlimited’ nature of liberal global war: the treatment of terrorist suspects held at Guantánamo Bay, in legal suspension as ‘illegal combatants’ and denied Geneva Red Cross conventions and prisoner-of-war status. The ‘criminalization’ of the captives in Guantánamo Bay is not a case of reducing their status to criminals but the development of an exceptional legal category. In fact, far from criminalizing fundamentalist terrorists, the USA has politically glorified them, talking up their political importance.

It would appear that the designation of ‘illegal combatants’ could be understood as an ad hoc and arbitrary response to the lack of a clear strategic framework and ‘real enemy’. In this context, the concept of criminalization needs to be reconsidered. Guantánamo Bay can be seen instead as an attempt to create an enemy of special status. In fact, with reference to Agamben’s thesis, it would be better to understand the legal status of the ‘illegal combatants’ as sacralizing them rather than reducing them to the status of ‘bare life’. In acting in an exceptional way, the USA attempted to create a more coherent and potent image of the vaguely defined security threat

This approach is very different, for example, from the framework of criminalization used by the British government in the fight against Irish republicanism, where the withdrawal of prisoner-of-war status from republican prisoners was intended to delegitimize their struggle and was a strategic act of war. Ironically, whereas the criminalization of the republican struggle was an attempt to dehumanize the republicans – to justify unequal treatment of combatants – the criminalization of global terrorists has served to humanize them in the sense of giving coherence, shape and meaning to a set of individuals with no clear internally generated sense of connection. Far from ‘denying the enemy the very quality of being human’, it would appear that the much-publicized abuses of the ‘war on terror’ stem from the Western inability to cohere a clear view of who the enemy are or of how they should be treated.

The policy frameworks of global war attempt to make sense of the implosion of the framework of international order at the same time as articulating the desire to recreate a framework of meaning through policy activity. However, these projections of Western power, even when expressed in coercive and militarized forms, appear to have little connection to strategic or instrumental projects of hegemony. The concept of ‘control’, articulated by authors such as Carl Schmitt and Faisal Devji, seems to be key to understanding the transition from strategic frameworks of conflict to today’s unlimited (i.e. arbitrary) expressions of violence. Wars fought for control, with a socially grounded telluric character, are limited by the needs of instrumental rationality: the goals shape the means deployed. Today’s Western wars are fought in a nonstrategic, non-instrumental framework, which lacks a clear relationship between means and ends and can therefore easily acquire a destabilizing and irrational character. To mistake the arbitrary and unlimited nature of violence and coercion without a clear strategic framework for a heightened desire for control fails to contextualize conflict in the social relations of today.

### Case

#### That causes mass violence and destroys VTL---it’s the greatest expression of ressentiment

Biskowski 95 Lawrence J. PROFESSOR OF POLITICAL SCIENCE --- assistant professor of political science, University of Georgia, “Politics versus Aesthetics: Arendt's Critiques of Nietzsche and Heidegger,” The Review of Politics, Vol. 57, No. 1, Winter, 1995

Even this great exchange of values, Arendt seems to tell us, was not so radical as is usually believed. She considers Nietzsche (together with Marx and Bergson) to be one of the great representatives of modern Lebensphilosophie?\* Dionysian joy is celebrated by Nietzsche as "temporary identification with the principle of life."39 Nietzsche's teachings suggest that people should abandon traditional ethics in favor of an unqualified affirmation of life and all that life entails, even as life continually overflows human attempts to tame and organize it. The human capacity for willing is identified with the life-principle and life itself is elevated as the highest value.40 In a manner not unlike the alleged Marxian reductions of politics and culture to economics, and life to labor and consumption, Nietzsche reduces Being to Life.41 Like Marx and Bergson, he breaks from the philosophical tradition primarily by conceptualizing life as more active and productive than consciousness or contemplation.

But he also shares with them (and with the philosophical tradition itself) a fundamental misunderstanding of politics and of the human capacity for action. Nietzsche wrongly conceives of action in terms of fabrication, and his ultimate point of reference is not work, worldliness, or action but life and life's fertility.42 A central argument of The Human Condition is that Marx had glorified labor and the animal laborans in such a way that an economic or "social" preoccupation with the needs and functions of the life process replaced the unique ontological features and possibilities of action and authentic politics. Nietzsche arrives at quite different conclusions, but he works from several premises that are fundamentally similar to those of Marx.

Life and the particular values he associates with life reign supreme in Nietzsche's philosophy. This can be seen, for example, in his famous warning about nihilism that living beings must be willing to draw horizons around themselves, to formulate their own truth for themselves, in order to live and grow. Truth is subsumed under, or made a function of, life: (in] Nietzsche's will to power, truth itself is understood as a function of the life process; what we call truth is those propositions without which we could not go on living. Not reason but our will to live makes truth compelling.43 And not only truth but the human capacity to will become little more than "a mere symptom of the life-instinct."44 The justification for violence also is grounded in life; violence can now be advertised as "a life-promoting force."45 But for Arendt, this position, based ultimately on a category mistake, holds disastrous implications for modern politics. "Nothing," she says, "could be theoretically more dangerous than the tradition of organic thought in political matters by which power and violence are interpreted in biological terms."46 The yearning for violence that surfaces periodically in Nietzsche, and which is often shared by other modern intellectuals and creative artists, is not the manifestation of power and will that he and they would like to imagine it, but rather an expression of ressentiment, a quite "natural reaction of those whom society has tried to cheat of their strength."47 Indeed, the will to power itself, "as the modern age from Hobbes to Nietzsche understood it in glorification or denunciation, far from being a characteristic of the strong, is, like envy and greed, among the vices of the weak, and possibly even **their most dangerous one**."4\*

#### Rejecting sovereignty exacerbates inequalities and prevents emancipation

Tara McCormack 10, Lecturer in International Politics at the University of Leicester, PhD in IR from the University of Westminster, “Critique, Security and Power: The Political Limits to Emancipatory Approaches,” p139, google books

Critics of critical and emancipatory theory have raised pertinent problems in terms both of the idealism of critical approaches and their problematic relationship to contemporary liberal intervention. Critical theorists themselves are aware that their prescriptions seem to be hard to separate from contemporary discourses and practices of power, yet critical theorists do not seem to be able to offer any understanding of why this might be. However, the limitations to critical and emancipatory approaches cannot be overcome by distinguishing themselves from liberal internationalist policy. In fact a closer engagement with contemporary security policies and discourse would show the similarities with critical theory and that both suffer from the same limitations.¶ The limitations of critical and emancipatory approaches are to be found in critical prescriptions in the contemporary political context. Jahn is right to argue that critical theory is idealistic, but this needs to be explained why. Douzinas is right to argue that critical theory becomes a justification for power and this needs to be explained why. The reasons for this remain undertheorised. I argue here that critical and emancipatory approaches lack a fundamental understanding of what is at stake in the political realm. For critical theorists the state and sovereignty represent oppressive structures that work against human freedom. There is much merit to this critique of the inequities of the state system. However, the problem is that freedom or emancipation are not simply words that can breathe life into international affairs but in the material circumstances of the contemporary world must be linked to political constituencies, that is men and women who can give content to that freedom and make freedom a reality. ¶ Critical and emancipatory theorists fail to understand that there must be a political content to emancipation and new forms of social organisation. Critical theorists seek emancipation and argue for new forms of political community above and beyond the state, yet there is nothing at the moment beyond the state that can give real content to those wishes. There is no democratic world government and it is simply nonsensical to argue that the UN, for example, is a step towards global democracy. Major international institutions are essentially controlled by powerful states. To welcome challenges to sovereignty in the present political context cannot hasten any kind of more just world order in which people really matter (to paraphrase Lynch). Whatever the limitations of the state, and there are many, at the moment the state represents the only framework in which people might have a chance to have some meaningful control over their lives.