# 1NR

### T

***1. Interpretation—the aff should defend federal action based on the resolution***

***Most predictable—the agent and verb of the resolution indicate a debate about hypothetical action***

**Ericson 3** (Jon M., 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 though 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.

***2. Vote neg—***

***Topicality is a voting issue for limits and ground---our entire negative strategy is based on the “should” question of the resolution---there are an infinite number of reasons that the scholarship of their advocacy could be a reason to vote affirmative--- these all obviate the only predictable strategies based on topical action---they overstretch our research burden and undermine preparedness for all debates***

***Clash is the biggest impact in the round and internally link turns their pedagogy – the Neg’s ability to contest Aff claims improves BOTH TEAMS’ knowledge.***

**O’Donnell 4** – PhD, director of debate at Mary Washington (Tim, WFU Debaters Research Guide, "Blue helmet blues", ed. Bauschard %26 Lacy, http://groups.wfu.edu/debate/MiscSites/DRGArticles/DRGArtiarticlesIndex.htm)

The answer, I believe, resides deep in the rhetorical tradition in the often overlooked notion of stasis. Although the concept can be traced to Aristotle’s Rhetoric, it was later expanded by Hermagoras whose thinking has come down to us through the Roman rhetoricians Cicero and Quintillian. **Stasis is a Greek word meaning to “stand still.” It has generally been considered by argumentation scholars to be the point of clash where two opposing sides meet in argument**. **Stasis recognizes the fact that interlocutors engaged in a conversation, discussion, or debate need to have some level of expectation regarding what the focus of their encounter ought to be**. **To reach stasis, participants need to arrive at a decision about what the issue is prior to the start of their conversation**. Put another way, **they need to mutually acknowledge the point about which they disagree.**

**What happens when participants fail to reach agreement about what it is that they are arguing about? They talk past each other with little or no awareness of what the other is saying**. The oft used cliché of two ships passing in the night, where both are in the dark about what the other is doing and neither stands still long enough to call out to the other, is the image most commonly used to describe what happens when participants in an argument fail to achieve stasis. **In such situations, genuine engagement is not possible because participants have not reached agreement about what is in dispute**. For example, when one advocate says that the United States should increase international involvement in the reconstruction of Iraq and their opponent replies that the United States should abandon its policy of preemptive military engagement, they are talking past each other. **When such a situation prevails, it is hard to see how a productive conversation can ensue.**

I do not mean to suggest that dialogic engagement always unfolds along an ideal plain where participants always can or even ought to agree on a mutual starting point. The reality is that many do not. In fact, refusing to acknowledge an adversary’s starting point is itself a powerful strategic move. However, it must be acknowledged that **when such situations arise, and participants cannot agree on the issue about which they disagree, the chances that their exchange will result in a productive outcome are diminished significantly**. **In an enterprise like academic debate, where the goals of the encounter are cast along both educational and competitive lines, the need to reach accommodation on the starting point is urgent.** **This is especially the case when time is limited and there is no possibility of extending the clock. The sooner such agreement is achieved, the better. Stasis helps us understand that we stand to lose a great deal when we refuse a genuine starting point.**

***And, Extra topicality is a voting issue – the idea that proving the plan is a bad idea isn’t sufficient to vote negative makes it impossible to be negative – they can just prove one random justification true which is unpredictable and violates the burden of the rejoinder***

### 1NC K

#### The central question of this debate is whose politics best creates a radical break with capitalism—the 1AC’s archeological investigation of a particular instance of violence reduces capitalism to just one of a set of antagonisms and causes endless subdivision of political demands which dangerously distracts from revolutionary politics proper—this round is a question of starting points—the perm can never be truly radical because the 1AC’s particular focus has always already ceded the universal

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If we focus on Western societies for a moment again, which super - structure fits late modern capitalism best? The answer must be post - modern identity politics. The politics of identity has as a central fea-ture exactly the repression of the class perspective, which in turn implies that the endless amounts of particular identity struggles remain busy solving problems. They fight to reduce suffering, but the background of it cannot be addressed adequately within the political frame of identity politics. We can therefore place identity politics and multiculturalism in a broader, political context: So we are fighting our PC battles for the right of ethnic minor - ities, of gays and lesbians, of different lifestyles, and so forth, while capitalism pursues its triumphant march – and today’s critical theory, in the guise of ‘cultural studies’, is perform - ing the ultimate service for the unrestrained development of capitalism by actively participating in the ideological effort to render its massive presence invisible: in the predominant form of postmodern ‘cultural criticism’, the very mention of capitalism as a world system tends to give rise to accusations of ‘essentialism’, ‘fundamentalism’, and so on. The price of this depoliticization of the economy is that the domain of pol - itics itself is in a way depoliticized: political struggle proper is transformed into the cultural struggle for the recognition of marginal identities and the tolerance of differences. (Žižek 1999: 218) The class and commodity structure of capitalism is overdetermining society as a whole, and it is this overdetermination which identity politics is repressing. ‘Class antagonism certainly appears as one in the series of social antagonisms, but it is simultaneously the specific antagonism which predominates over the rest, whose relations thus assign rank and influence to the others. It is a general illumination which bathes all the other colours and modifies their particularity.’ (Žižek 2000c: 320). Identity politics reduces the question concerning economy to one among several questions on an equal level. Two fatal consequences follow from this. Firstly, the narratives about a trans - formation from an essentialist Marxism to a postmodern Marxism hide the fact that this break with essentialism relates to an actual his - torical process. The multitude and non-essentialist manifold which is celebrated by the new left is something which has fundamentally only become possible through capital’s constant transgression of its own limits. Secondly, and related to the former point, the focus on particular struggles means that one gives up any serious attempt at transgress - ing capitalism. When Laclau and others with him give the reader a choice between class struggle (Marxism) or postmodernity (iden - tity politics), then the problem is not only that they make the wrong choice (i.e. deny Marxism), but also, and more fundamentally, that they do not see that capital itself has become postmodern. And fur - ther, that there is a speculative connection between capitalism and postmodern identity politics. The latter serves postmodern capitalism as its perfect superstructure. The passage from ‘essentialist’ Marxism to postmodern con - tingent politics (in Laclau), or the passage from sexual essen - tialism to contingent gender-formation (in Butler), or – a fur - ther example – the passage from metaphysician to ironist in Richard Rorty, is not a simple epistemological progress but part of the global change in the very nature of capitalist soci - ety. (Žižek 2000a: 106) The central question after this conclusion becomes one over the kind of politics that makes possible a break with capitalism, and this is where Žižek turns to Marxism for a way to think revolutionary change. We earlier defined the political as the process in which par - ticular demands are elevated from being an expression of particular interests to being demands of a universal restructuring of the societal order. Postmodern identity politics on this background appears to be fundamentally apolitical. It is exactly characterised by the caretaking of particular interests, and this is not fundamentally changed by form - ing rainbow coalitions or the like. What these ‘policies’ basically do, and this is what makes them reactionary, is to reinforce already exist - ing social positions (Žižek 1999: 208). The lack of a focus on econ - omy in postmodern identity politics means that it is simply not politi - cal enough. The critique against economic essentialism turns into a prohibition on making the function of economy a theme at all, which in turn means that the new left, exemplified by Laclau, Butler, and Rorty, are not capable of distinguishing between the contingency that is made possible within a given order and the exclusions on which this order rests (Žižek 2000a: 108). The right to narrate, which is the point of departure of identity politics, is blocking the universalisation of specific demands. We have already discussed that. But there are other problems as well. Identity politics is morally blind. Yes, all ‘progressives’ support the rights of gays and lesbians. But what about the right of bikers to their lifestyle – driving Harleys really fast, being tattooed and controlling drug sales. Should young guests in night clubs have a right to take drugs – this is a kind of lifestyle as well, isn’t it? Do parents have a right to circumcise their daughters if it is part of their tradition to do so? Or should the Nazis have a right to march through town, spread propaganda and recruit young supporters? Identity politics seems to be able to legitimise anything, which is why Žižek opts for Lenin and the right to truth rather than the right to narrate (Žižek 2002b: 177). Capital treats life forms as a colonial master treats the natives: they are studied carefully and respected. Moral involvement is never at stake – one could rather speak of indifference. Another problem is that there is no limit to the particularisation of demands and thereby the division of groups that need special treat - ment: lesbians, Afro-American lesbians, Afro-American lesbian mothers, Afro-American lesbian single mothers… Where does this sub-division end? ‘Postmodernists’ do not seem to have an answer for that. Žižek does. It stops precisely where the particular demands can no longer be universalised. The issue is not how specific a group and its demands are, but whether these may serve as a radical criti - cism of a given formation or not (Žižek 1999: 203– 204). What also seems to be forgotten is that anti-essentialism and relativism make for a position of strength, i.e. a position that can only be taken from a privileged, distanced position of supervision. It is the position from which all substantial positioning can be dismissed as essentialism, fundamentalism, primitivism, dogmatism or similar ‘isms’. The antiessentialist position is imagined to be an unprejudiced, neutral posi - tion. But this ‘neutrality’ is fake. It is a kind of ‘universalism’ which in reality supports only one given and particular societal order – cap - italism (Žižek 2001d: 103). The reference to objectively given eco - nomic limitations or ‘Development’ as it is called today seems to be the card that trumps everything. If it is played, there seems to be no way around adjusting and renouncing. Žižek’s strategy is to change the rules of the game so that such trumps lose their significance.

#### The aff is wasted energy – fighting particular battles without changing the way the economy works means nothing really changes – the aff just obscures the logic of capitalism

**Zizek, ’99** (Slavoj, Senior Researcher and professor at the Institute for Social Studies, Ljubljana, The Ticklish Subject, page 352-355)

The big news of today’s post-political age of the ‘end of ideology’ is thus the radical depoliticization of the sphere of the economy: the way the economy functions (the need to cut social welfare, etc.) is accepted as a simple insight into the objective state of things. However, as long as this fundamental depoliticization of the economic sphere is accepted, all the talk about active citizenship, about public discussion leading to responsible collective decisions, and so on, will remain limited to the ‘cultural’ issues of religious, sexual, ethnic and other way-of-life differences, without actually encroaching upon the level at which long-term decisions that affect us all are made. In short, the only way effectively to bring about a society in which risky long-term decisions would ensue from public debate involving all concerned is some kind of radical limitation of Capital’s freedom, the subordinated of the process of production to social control – the radical repoliticization of the economy. That is to say: if the problem with today’s post-politics (‘administration of social affairs’) is that it increasingly undermines the possibility of a proper political act, this undermining is directly due to the depoliticization of economics, to the common acceptance of Capital and market mechanisms as neutral tools/ procedures to be exploited. We can now see why today’s post-politics cannot attain the properly political dimension of universality; because it silently precludes the sphere of economy from politicization. The domain of global capitalist market relations in the Other Scene of the so-called repoliticization of civil society advocated by the partisans of ‘identity politics’ and other postmodern forms of politicization: all the talk about new forms of politics bursting out all over, focused on particular issues (gay rights, ecology, ethnic minorities…), all this incessant activity of fluid, shifting identities, of building multiple ad hoc coalitions, and so on, has something inauthentic about it, and ultimately resembles the obsessional neurotic who talks all the time and is otherwise frantically active precisely in order to ensure that something – what really matters – will *not* be disturbed, that it will remain immobilized. 35 So, instead of celebrating the new freedoms and responsibilities brought about by the ‘second modernity’, it is much more crucial to focus on what remains the same in this global fluidity and reflexivity, on what serves as the very motor of this fluidity: the inexorable logic of Capital. The spectral presence of Capital is the figure of the big Other which not only remains operative when all the traditional embodiments of the symbolic big Other disintegrate, but even directly causes this disintegration: far from being confronted with the abyss of their freedom – that is, laden with the burden of responsibility that cannot be alleviated by the helping hand of Tradition or Nature – today’s subject is perhaps more than ever caught in an inexorable compulsion that effectively runs his life.

#### Focus on sovereign power and the state of exception obscures the everyday violence caused by capital

Hardt and Negri, ’09 (Michael, Ph.D. in 1990 in comparative literature at the University of Washington, Professor of Political Literature at the European Graduate School in Saas-Fee, Switzerland, and Antonio, former Professor of Political Science at the University of Padua and the University of Paris 8, COMMONWEALTH, p. 3-5)

A kind of apocalypticism reigns among the contemporary conceptions of power, with warnings of new imperialisms and new fascisms. Everything is explained by sovereign power and the state of exception, that is, the general suspension of rights and the emergence of a power that stands above the law. Indeed evidence of such a state of exception is easy to come by: the predominance of violence to resolve national and international conflicts not merely as last but as first resort; the widespread use of torture and even its legitimation; the indiscriminate killing of civilians in combat; the elision of international law; the suspension of domestic rights and protections; and the list goes on and on. This vision of the world resembles those medieval European renditions of hell: people burning in a river of fire, others being torn limb from limb, and in the center a great devil engorging their bodies whole. The problem with this picture is that its focus on transcendent authority and violence eclipses and mystifies the really dominant forms of power that continue to rule over us today—power embodied in property and capital, power embedded in and fully supported by the law. In popular discourse the apocalyptic vision sees everywhere the rise of new fascisms. Many refer to the U.S. government as fascist, most often citing Abu Ghraib, Guantanamo, Faluja, and the Patriot Act. Others call the Israeli government fascist by referring to the continuing occupations of Gaza and the West Bank, the use of assassinations and bulldozers as diplomacy, and the bombing of Lebanon. Still others use "islamofascism" to designate the theocratic governments and movements of the Muslim world. It is true, of course, that many simply use the term "fascism" in a general way to designate a political regime or movement they deplore such that it comes to mean simply "very bad." But in all these cases when the term "fascist" is employed, the element it highlights is the authoritarian face of power, its rule by force; and what is eclipsed or mystified, instead, is the daily functioning of constitutional, legal processes and the constant pressure of profit and property. In effect, the bright flashes of a series of extreme events and cases blind many to the quotidian and enduring structures of power.1 The scholarly version of this apocalyptic discourse is characterized by an excessive focus on the concept of sovereignty. The sovereign is the one who rules over the exception, such authors affirm, and thus the sovereign stands both inside and outside the law. Modern power remains fundamentally theological, according to this view, not so much in the sense that divine notions of authority have been secularized, but rather in that sovereign power occupies a transcendent position, above society and outside its structures. In certain respects this intellectual trend represents a return to Thomas Hobbes and his great Leviathan that looms over the social terrain, but more fundamentally it replays the European debates of the 1930s, especially in Germany, with Carl Schmitt standing at its center. Just as in the popular discourses, here too economic and legal structures of power tend to be pushed back into the shadows, considered only secondary or, at most, instruments at the disposal of the sovereign power. Every modern form of power thus tends to be collapsed into sovereignty or fascism, while the camp, the ultimate site of controlboth inside and outside the social order, becomes the paradigmatic topos of modern society.2 These apocalyptic visions—both the scholarly analyses of sovereign power and the popular accusations of fascism—close down political engagement with power. There are no forces of liberation inherent in such a power that, though now frustrated and blocked, could be set free. There is no hope of transforming such a power along a democratic course. It needs to be opposed, destroyed, and that is all. Indeed one theological aspect implicit in this conception of sovereignty is its Manichean division between extreme options: either we submit to this transcendent sovereignty or we oppose it in its entirety. It is worth remembering that when Left terrorist groups in the 1970s claimed that the state was fascist, this implied for them that armed struggle was the only political avenue available. Leftists today who talk of a new fascism generally follow the claim with moral outrage and resignation rather than calls for armed struggle, but the core logic is the same: there can be no political engagement with a sovereign fascist power; all it knows is violence. The primary form of power that really confronts us today, however, is not so dramatic or demonic but rather earthly and mundane. We need to stop confusing politics with theology. The predominant contemporary form of sovereignty—if we still want to call it that—is completely embedded within and supported by legal systems and institutions of governance, a republican form characterized not only by the rule of law but also equally by the rule of property. Said differently, the political is not an autonomous domain but one completely immersed in economic and legal structures. There is nothing extraordinary or exceptional about this form of power. Its claim to naturalness, in fact its silent and invisible daily functioning, makes it extremely difficult to recognize, analyze, and challenge. Our first task, then, will be to bring to light the intimate relations between sovereignty, law, and capital.

#### Vote neg on ethics - resisting this reliance on economic evaluation is the ultimate ethical responsibility

**Zizek and Daly** 20**04**

(Slavoj, professor of philosophy at the Institute for Sociology, Ljubljana, and Glyn, Senior Lecturer in Politics in the Faculty of Arts and Social Sciences at University College, Northampton, Conversations with Zizek, page 14-16)

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

#### This is not a meaningless question – the structures of capitalism are driving multiple large-scale processes that are increasingly out of the control of individuals living their lives. Global warming, multiple wars of accumulation, loss of land and income stratification: all of these are making life unlivable.

Parr ’13 (Adrian, Assoc. Prof. of Philosophy and Environmental Studies @ U. of Cincinnati, *THE WRATH OF CAPITAL: Neoliberalism and Climate Change Politics*, pp. 145-147)

A quick snapshot of the twenty-first century so far: an economic meltdown; a frantic sell-off of public land to the energy business as President George W Bush exited the White House; a prolonged, costly, and unjustified war in Iraq; the Greek economy in ruins; an escalation of global food prices; bee colonies in global extinction; 925 million hungry reported in 2010; as of 2005, the world's five hundred richest individuals with a combined income greater than that of the poorest 416 million people, the richest 10 percent accounting for 54 percent of global income; a planet on the verge of boiling point; melting ice caps; increases in extreme weather conditions; and the list goes on and on and on.2 Sounds like a ticking time bomb, doesn't it? Well it is.

It is shameful to think that massive die-outs of future generations will put to pale comparison the 6 million murdered during the Holocaust; the millions killed in two world wars; the genocides in the former Yugoslavia, Rwanda, and Darfur; the 1 million left homeless and the 316,000 killed by the 2010 earthquake in Haiti. The time has come to wake up to the warning signs.3

The real issue climate change poses is that we do not enjoy the luxury of incremental change anymore. We are in the last decade where we can do something about the situation. Paul Gilding, the former head of Greenpeace International and a core faculty member of Cambridge University's Programme for Sustainability, explains that "two degrees of warming is an inadequate goal and a plan for failure;' adding that "returning to below one degree of warming . . . is the solution to the problem:'4 Once we move higher than 2°C of warming, which is what is projected to occur by 2050, positive feedback mechanisms will begin to kick in, and then we will be at the point of no return. We therefore need to start thinking very differently right now.

We do not see the crisis for what it is; we only see it as an isolated symptom that we need to make a few minor changes to deal with. This was the message that Venezuela's president Hugo Chavez delivered at the COP15 United Nations Climate Summit in Copenhagen on December 16, 2009, when he declared: "Let's talk about the cause. We should not avoid responsibilities, we should not avoid the depth of this problem. And I'll bring it up again, the cause of this disastrous panorama is the metabolic, destructive system of the capital and its model: capitalism.”5

The structural conditions in which we operate are advanced capitalism. Given this fact, a few adjustments here and there to that system are not enough to solve the problems that climate change and environmental degradation pose.6 Adaptability, modifications, and displacement, as I have consistently shown throughout this book, constitute the very essence of capitalism. Capitalism adapts without doing away with the threat. Under capitalism, one deals with threat not by challenging it, but by buying favors from it, as in voluntary carbon-offset schemes. In the process, one gives up on one's autonomy and reverts to being a child. Voluntarily offsetting a bit of carbon here and there, eating vegan, or recycling our waste, although well intended, are not solutions to the problem, but a symptom of the free market's ineffectiveness. By casting a scathing look at the neoliberal options on display, I have tried to show how all these options are ineffective. We are not buying indulgences because we have a choice; choices abound, and yet they all lead us down one path and through the golden gates of capitalist heaven.

For these reasons, I have underscored everyone's implication in this structure – myself included. If anything, the book has been an act of outrage – outrage at the deceit and the double bind that the "choices" under capitalism present, for there is no choice when everything is expendable. There is nothing substantial about the future when all you can do is survive by facing the absence of your own future and by sharing strength, stamina, and courage with the people around you. All the rest is false hope.

In many respects, writing this book has been an anxious exercise because I am fully aware that reducing the issues of environmental degradation and climate change to the domain of analysis can stave off the institution of useful solutions. But in my defense I would also like to propose that each and every one of us has certain skills that can contribute to making the solutions that we introduce in response to climate change and environmental degradation more effective and more realistic. In light of that view, I close with the following proposition, which I mean in the most optimistic sense possible: our politics must start from the point that after 2050 it may all be over.

#### Capitalism is the motivator of modern biopolitics – all totalitarianism stems from capitalism’s obsession with productivity – this proves failure to address capitalism makes their archeological investigation meaningless

Zizek ’06 (Slavoj, “Jacques Lacan’s Four Discourses”, <http://www.lacan.com/essays/?page_id=303>, jj)

**University discourse as the hegemonic discourse of modernity has two forms of existence** in which its inner tension (”contradiction”) is externalized: **capitalism**, its logic of the integrated excess, of the system reproducing itself through constant self-revolutionizing, **and the bureaucratic “totalitarianism” conceptualized in different guises as the rule of technology, of instrumental reason, of biopolitics, as the “administered world**.” How, precisely, do these two aspects relate to each other? **We should not succumb to the temptation of reducing capitalism to a mere form of appearance of the more fundamental ontological attitude of technological domination**; we should rather insist, in the Marxian mode, that **the capitalist logic of integrating the surplus into the functioning of the system is the fundamental fact. Stalinist “totalitarianism” was the capitalist logic of self-propelling productivity liberated from its capitalist form, which is why it failed: Stalinism was the symptom of capitalism**. Stalinism involved the matrix of general intellect, of the planned transparency of social life, of total productive mobilization- and its violent purges and paranoia were a kind of a “return of the repressed,” the “irrationality” inherent to the project of a totally organized “administered society.” This means the two levels, precisely insofar as they are two sides of the same coin, are ultimately incompatible: there is no metalanguage enabling us to translate the logic of domination back into the capitalist reproduction-through-excess, or vice versa.

#### Our alternative is to organize politics around unconditional resistance to capitalism & refuse the 1AC’s evacuation of universalism. This is a question of non-permutable starting points; only prior critical interrogation of economic relations lays the groundwork for radical politics

* Individualism warrant

**McLaren ‘06** (Peter, University of California, “Slavoj Žižek's Naked Politics: Opting for the Impossible, A Secondary Elaboration”, JAC, <http://www.jacweb.org/Archived_volumes/Text_articles/V21_I3_McLaren.htm>, jj)

Žižek challenges the relativism of the gender-race-class grid of reflexive positionality when he claims that class antagonism or struggle is not simply one in a series of social antagonisms—race, class, gender, and so on—but rather constitutes the part of this series that sustains the horizon of the series itself. In other words, class struggle is the specific antagonism that assigns rank to and modifies the particularities of the other antagonisms in the series. He notes that "the economy is at one and the same time the genus and one of its own species" (*Totalitarianism* 193). In what I consider to be his most important work to date, *Contingency, Hegemony, Universality* (coauthored with Judith Butler and Ernesto Laclau), Žižek militantly refuses to evacuate reference to historical structures of totality and universality and argues that class struggle itself enables the proliferation of new political subjectivities (albeit subjectivities that ironically relegate class struggle to a secondary role). As Marx argued, class struggle structures "in advance" the very terrain of political antagonisms. Thus, according to Žižek, class struggle is not "the last horizon of meaning, the last signified of all social phenomena, but the formal generative matrix of the different ideological horizons of understanding" ("Repeating" 16-17). In his terms, class struggle sets the ground for the empty place of universality, enabling it to be filled variously with contents of different sorts (ecology, feminism, anti-racism). He further argues that the split between the classes is even more radical today than during the times of industrial class divisions. He takes the position that post-Marxists have done an excellent job in uncovering the fantasy of capital (vis-à-vis the endless deferral of pleasure) but have done little to uncover its reality. Those post-Marxists who are advocates of new social movements (such as Laclau and Mouffe) want revolution without revolution; in contrast, Žižek calls for movements that relate to the larger totality of capitalist social relations and that challenge the very matter and antimatter of capital's social universe. His strategic focus on capitalist exploitation (while often confusing and inconsistent) rather than on racial, ethnic, gender, or sexual identity is a salutary one: "The problem is not how our precious particular identity should be kept safe from global capitalism. The problem is how to oppose global capitalism at an even more radical level; the problem is to oppose it universally, not on a particular level. This whole problematic is a false one" (Olson and Worsham 281). What Žižek sets himself against is the particular experience or political argument. An experience or argument that cannot be universalized is "always and by definition a conservative political gesture: ultimately everyone can evoke his unique experience in order to justify his reprehensible acts" ("Repeating" 4-5). Here he echoes Wood, who argues that capitalism is "not just another specific oppression alongside many others but an all-embracing compulsion that imposes itself on all our social relations" ("Identity" 29). He also echoes critical educators such as Paulo Freire, who argues against the position that experiences of the oppressed speak for themselves. All experiences need to be interrogated for their ideological assumptions and effects, regardless of who articulates them or from where they are lived or spoken. They are to be read with, against, and upon the scientific concepts produced by the revolutionary Marxist tradition. The critical pedagogical act of interro-gating experiences is not to pander to the autonomous subject or to individualistic practices but to see those experiences in relationship to the structure of social antagonisms and class struggle. History has not discharged the educator from the mission of grasping the "truth of the present" by interrogating all the existing structures of exploitation present within the capitalist system where, at the point of production, material relations characterize relations between people and social relations characterize relations between things. The critical educator asks: How are individuals historically located in systematic structures of economic relations? How can these structures—these lawless laws of capital—be overcome and transformed through revolutionary praxis into acts of freely associated labor where the free development of each is the condi-tion for the free development of all?

### Contention 1

#### No impact --- the state of exception is inevitable, and not reducible to fascism or violence

Andrew Johnson 10, LSU, Viral Politics: Jacques Derrida's account of Auto-immunity and Carl Schmitt, Master’s Thesis, <http://www.academia.edu/270766/Viral_Politics_Jacques_Derridas_account_of_Auto-immunity_and_Carl_Schmitt>, jj

There is little doubt that politics post-9/11 is haunted by Carl Schmitt: the exception has become the rule. My analysis of Derrida and his response to 9/11 and the “war on terrorism” will likewise name Schmitt as an important manifold in which to understand the Bush Administration. However, I would like to warn against a too-hasty damnation of the Bush Administration (but indeed, we must!) in terms of Schmitt. By mere analogy, Agamben juxtaposes the fates of Hitler and Bush. However, if Schmitt is correct, and indeed he is, every executive uses the exception to define their authority. Whether we are discussing Obama or Franklin Roosevelt, the use of the exception is a political reality that is not reducible to fascism or excessive violence. The exception is used all the time in ways that do not result in the massacre of thousands or millions. Instead of aligning fascism to the excess and exceptionality of the law, perhaps the measure of violence would be a more stable criterion. In fact, one of the principal conclusions of my reading of Derrida, Schmitt, and auto-immunity is the ambiguous partition that separates the political threat from the political promise.

#### They don’t solve their Dillon impact evidence --- it’s about biopower broadly, they only address one instance but leave others like surveillance and the medical system in tact --- vote neg on presumption

#### Obama shifting from drone to a capture and interrogate strategy now

Sara Sorcher, National Journal's national security correspondent, “Obama Is Changing the Way He Fights the War on Terrorism”, Oct 7th 2013, http://www.nationaljournal.com/national-security/obama-is-changing-the-way-he-fights-the-war-on-terrorism-20131007

In a risky operation this weekend, Navy SEALs stormed a villa in a seaside Somalian town, searching for Ikrima, a top commander from al-Shabab, the Qaida offshoot responsible for an attack in a Kenyan mall that killed dozens of people just weeks ago. When the troops came under intense gunfire, they retreated, reportedly because their target was impossible to capture. Meanwhile, in Tripoli, Libya, special forces whisked away Abu Anas al-Libi, the Qaida operative wanted in connection with the 1998 bombings of American embassies in Tanzania and Kenya, to an unnamed location in U.S. custody for questioning. The two raids this weekend, both with the unusual goal of trying to capture terrorists, may be a harbinger of a different style in Obama's war on terrorism, which has largely centered on deploying drones to kill targets away from conventional battlefields. "We are going to see more of this," says Rep. Adam Schiff, D-Calif., a senior member of the House Intelligence Committee. The surgical operations reflect the Obama administration's "change in policy" to minimize civilian casualties when taking out extremists, Schiff says. It also reflects the White House's desire to move away from a counterterrorism strategy reliant on drones toward one more focused on capturing, interrogating, and prosecuting suspects—a strategy, Schiff says, that "makes use of our proven capability of bringing to justice people who have committed acts of terrorism." Even Republicans are taking note. "I think it's encouraging that capture is back on the table," says Rep. Mac Thornberry, the Texan who chairs the House Armed Services subcommittee that oversees counterterrorism programs. Despite the administration's insistence it prefers capturing suspects whenever feasible, the numbers tell a different story: Only a handful of accused militants have been brought to the U.S. for trial; by contrast, the CIA and military have reportedly killed roughly 3,000 people in Pakistan, Somalia, and Yemen. Obama has pressed on with the drone war despite criticisms that the strikes unintentionally kill civilians and fuel anti-Americanism—and that suspects are slain without due process, a chance to surrender under fire, or relinquishing intelligence through interrogations. The twin raids are a sign that Obama is trying to change course, after strong hints from the president and his team that policy changes were coming. In May, Obama spoke out against the appeal of drone strikes—which he said presidents may be tempted to view as a terrorism "cure-all." After broadly interpreting executive authority to expand the scope of the covert drone war throughout his presidency, Obama in his second term is clearly trying to set a precedent for limiting presidential power on this front. "Beyond Afghanistan, we must define our effort not as a boundless 'global war on terror' but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America," Obama said at the National Defense University in May. So Obama formally inked the "playbook," a secret set of processes and standards dictating the rules of drone strikes. In this, Obama is not just restraining himself but future presidents. "We needed to codify certain practices and procedures to constrain this president or any president that came after … to try to further limit the use of certain kinetic tools, so they were only used as a last resort," says Tommy Vietor, former National Security Council spokesman, in a National Journal feature last week. Obama has also asked Congress to narrow—and ultimately repeal—the 12-year-old Authorization to Use Military Force, passed after the 9/11 attacks to target terrorists. The president has disagreed with the idea that the sweeping provision, which his team has used to justify taking out terrorists in far-flung places, encourages perpetual war and grants the White House too much power. In this weekend's two raids, however, one's success and the other's failure highlight the political and tactical minefields the commander in chief will face by capturing more terrorists. Libi's capture in the successful Libya operation raises sensitive questions about where the U.S. should hold and prosecute suspects in custody—thorny issues the Obama administration, intentionally or not, has largely managed to avoid since it has failed to apprehend suspected terrorists en masse. "Every time there's a capture and discussion of bringing somebody to trial, that reopens a big debate about whether we should be prosecuting terrorists here in the United States at all, or if we should be holding them abroad as military detainees ... [and] where to hold them while deciding whether to bring them to trial," says national security law professor Matthew Waxman of Columbia University. Already, House Armed Services Chairman Buck McKeon said in a statement that Libi should be interrogated "thoroughly" instead of rushed to trial on an "arbitrary" timeline, because the suspect has "vast intelligence value."

#### Detention restrictions cause a shift to proxy detention and drone strikes

Wittes ’11, Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security. Detention and Denial [electronic resource] : The Case for Candor after Guantanamo. Washington : Brookings Institution Press, 2011., ebook, accessed via Wayne State online library, pg 28-29, jj

That is the equilibrium toward which we have drifted, and it ¶ should surprise nobody, for it is an entirely foreseeable consequence of the incentive structure that we have created. Imagine ¶ for a moment that you had described the direction of our legal ¶ policy choices to a devotee of the law and economics movement—¶ a field based on the central insight that legal rules create behavioral incentives. Imagine telling, say, Richard Posner that we ¶ would suddenly make detention difficult and refuse for years to ¶ create a stable regime of known, clear rules. Imagine also that you ¶ had then asked this platonic Posner to identify the consequences. ¶ He probably would have replied that detention would grow less ¶ visible. We would release some people precipitously. We would ¶ rely on proxies more. We probably would kill some people that ¶ we might have captured before. Rarely does life comport with ¶ theory as well as detention policy has conformed to the predictions that law and economics would suggest. As the real Richard ¶ Posner wrote of the original decision to judicialize Guantánamo ¶ proceedings, it “seems like a sensible, ‘practical’ decision, but may ¶ not be. . . . [T]he decision may just encourage the government to ¶ hold more detainees abroad, say, in Afghanistan or Iraq, . . . and ¶ what would be gained by that?”8¶ None of what has happened was hard to predict. Water finds a ¶ path to the sea. Dam a river and it will flow around the dam. This ¶ metaphor, something of a cliché in discussing campaign finance ¶ law and attempts to regulate money in politics, applies with equal ¶ force in counterterrorism operations. The reason is simple, and ¶ we ignore it at considerable risk of intellectual blindness: The call ¶ to prevent terrorist events is so compelling politically that just as ¶ gravity operates on water, it will operate on politicians and other ¶ officials responsible for security. It will operate so strongly that ¶ new restrictions in one area will merely shift government energies ¶ to other areas. Encumber the use of one power, and authorities ¶ will just use another; throw a wrench in that one, and they’ll ¶ move on to something else. If prosecutions in federal court are ¶ too hard, you create incentives to use military commissions. If the ¶ commissions are too generous to the accused, detention without ¶ trial will see greater use. Make it too tough to use a particular ¶ form of detention and the government will shift to others. Make ¶ detention broadly problematic and you promote the use of proxies less fastidious than we are and the use of drones.¶ The government interests at stake are so powerful that the ¶ executive will deploy every lawful option available and will show ¶ enormous creativity in expanding the field of options—both by ¶ making novel legal arguments and by developing tactical innovations. The attempt to force counterterrorism operations to ¶ take place through conventional means of law enforcement will ¶ impede it and channel it to some degree. For the most part, however, it will redirect it to less visible, less attractive, and more ¶ violent exercises of government power.

***The mere presence of drones causes psychological harms, placing populations in uncontrollable fear. This turns the Aff as we become the terrorists; drones are a government sponsored 9/11 against the Middle East, striking without warning.***

**IHRCRC et. al 12** Stanford International Human Rights and Conflict Resolution Clinic (IHRCRC) Global Justice Clinic (GJC) at NYU School of Law (The Stanford International Human Rights and Conflict Resolution Clinic (Stanford Clinic) addresses a range of situations of rights abuse and violent conflict around the world.) (Global Justice Clinic (GJC) at NYU School of Law The Global Justice Clinic (NYU Clinic) at NYU School of Law provides high quality, professional human rights lawyering services to individual clients and non-governmental and inter-governmental organizations, partnering with groups based in the United States and abroad, or undertaking its own projects. Serving as legal advisers, counsel, co-counsel, or advocacy partners, Clinic students work side-by-side with human rights activists from around the world.)

<http://www.livingunderdrones.org/report/#_ftn474>

One of the few accounts of living under drones ever published in the US came from a former New York Times journalist who was kidnapped by the Taliban for months in FATA.[472] In his account, **David Rohde** **described both the fear the drones inspired among his captors, as well as among ordinary civilians**: “The drones were terrifying. From the ground, it is **impossible to determine who or what they are tracking** as they circle overhead. **The buzz** of a distant propeller **is a constant reminder of imminent death.**”[473] Describing the experience of living under drones as ‘**hell on earth’**, Rohde explained that **even** in the areas **where strikes were less frequent**, the **people** living there **still feared for their lives**.[474] Community members, mental health professionals, and journalists interviewed for this report described how the **constant presence** of US drones overhead **leads to substantial levels of fear and stress** in the civilian communities below.[475] One man described the reaction to the **sound of the drones as “a wave of terror”** coming over the community. “**Children, grown-up people, women, they are terrified. . . . They scream in terror**.”[476] Interviewees described the experience of living under constant surveillance as harrowing. In the words of one interviewee: “God knows whether they’ll strike us again or not. But **they’re always surveying us, they’re always over us, and you never know when they’re going to strike and attack**.”[477] Another interviewee who lost both his legs in a drone attack said that “[e]veryone is scared all the time. **When we’re sitting together to have a meeting, we’re scared there might be a strike.** When you can hear the drone circling in the sky, **you think it might strike you. We’re always scared. We always have this fear in our head**.”[478] A Pakistani psychiatrist, who has treated patients presenting symptoms he attributed to experience with or fear of drones, explained that pervasive worry about **future trauma is emblematic of “anticipatory anxiety**,”[479] common in conflict zones.[480] He explained that the Waziris he has treated who suffer from anticipatory anxiety are constantly worrying, “‘**when is the next drone attack going to happen? When they hear drone sounds, they run around looking for shelter**.”[481] Another mental health professional who works with drone victims concluded that his patients’ **stress symptoms are** largely **attributable to** their **belief** that “**[t]hey could be attacked at any time**.”[482] **Uncontrollability**—a core element of anticipatory anxiety—emerged as one of **the most common themes** raised by interviewees. Haroon Quddoos, **a taxi driver** who **survived a first strike** on his car, **only to be injured** moments later **by a second missile** that hit him while he was running from the burning car, explained: **We are always thinking that** it is either going to attack our homes or whatever we do. **It’s going to strike us**; it’s going to attack us . . . . No matter what we are doing, that **fear is always inculcated in us.** Because whether we are driving a car, or we are working on a farm, or we are sitting home playing . . . cards–**no matter what** we are doing **we are always thinking the drone will strike us. So we are scared to do anything, no matter what.**[483] Interviewees indicated that their own **powerlessness to minimize** their **exposure** to strikes **compounded** their **emotional and psychological stress**. “We are scared. We are worried. The worst thing is that **we cannot find a way to do anything about it. We feel helpless**.”[484] Ahmed Jan summarized the impact: “Before the drone attacks, it was as if everyone was young. After the drone attacks, it is as if everyone is ill. Every person is afraid of the drones.”[485] One mother who spoke with us stated that, **although she had herself never seen a strike, when she heard a drone fly overhead, she became terrified.** “Because of the terror, we shut our eyes, hide under our scarves, put our hands over our ears.”[486] When asked why, she said, “Why would we not be scared?”[487] A humanitarian worker who had worked in areas affected by drones stated that although far safer than others in Waziristan, even he felt constant fear: **Do you remember 9/11?** Do you remember what it felt like right after? I was in New York on 9/11. **I remember people crying in the streets. People were afraid about what might happen next. People didn’t know if there would be another attack.** **There was tension in the air**. **This is what it is like. It is a continuous tension**, a feeling of continuous uneasiness. We are scared. **You** **wake up with a start to every noise**.[488] In addition to feeling fear, **those who live under drones**–and particularly interviewees who survived or witnessed strikes–described common symptoms of **anticipatory anxiety and post-traumatic stress disorder**. Interviewees described **emotional breakdowns**,[489] running indoors or **hiding when drones appear** above,[490] **fainting**,[491] **nightmares** and other **intrusive thoughts**,[492] **hyper startled reactions to** loud noises,[493] **outbursts of anger or irritability**,[494]and **loss of appetite** and other physical symptoms.[495] Interviewees also reported suffering from **insomnia and other sleep disturbances**,[496] which medical health professionals in Pakistan stated were prevalent**.**[497] A father of three said, “**drones are always on my mind**. It makes it difficult to sleep. They are like a mosquito. **Even when you don’t see them, you can hear them, you know they are there**.”[498] According to a strike survivor, “**When the drone is moving, people cannot sleep** properly or can’t rest properly. They are always scared of the drones.”[499] Saeed Yayha, a day laborer who was injured from flying shrapnel in the March 17, 2011 jirga attack and must now rely on charity to survive, said: **I can’t sleep at night because when the drones are there** . . . **I hear them making that sound, that noise. The drones are all over my brain, I can’t sleep. When I hear the drones** making that drone sound, **I just turn on the light and sit** there looking at the light. Whenever the drones are hovering over us, it just makes me so scared.[500] Akhunzada Chitan, a parliamentarian who occasionally travels to his family home in Waziristan reported that **people** there “often complain that they ***wake up in the middle of the night screaming*** because they are ***hallucinating about drones***.”[501] Interviewees also reported a **loss of appetite** as a result of the anxiety they feel when drones are overhead. Ajmal Bashir, an elderly man who has lost both relatives and friends to strikes, said that “every person—women, children, elders—they are all frightened and afraid of the drones . . . [W]hen [drones] are flying, they don’t like to eat anything . . . because they are too afraid of the drones.”[502] Another man explained that “**We don’t eat properly** on those days [when strikes occur] **because we know an innocent Muslim was killed.** We are all unhappy and afraid.”[503] Several Pakistani medical and mental health professionals told us that they have seen a number of physical manifestations of stress in their Waziri patients.[504] Ateeq Razzaq and Sulayman Afraz, both psychiatrists, attributed the phenomenon in part to Pashtun **cultural norms** that **discourage the expression of emotional or psychological distress**.[505] “People are proud,” Razzaq explained to us, “and it is difficult for them to express their emotions. **They have to show that they are strong people**.”[506] Reluctant to admit that they are mentally or emotionally distressed, the **patients** instead “**express their emotional ill health through their body symptoms**,” resulting in what Afraz called “**hysterical reactions**,” or **“physical symptoms without a real [organic] basis, such as aches, and pains, vomiting, etcetera.**”[507] The mental health professionals with whom we spoke told us that **when they treat a Waziri patient** **complaining of generic physical symptoms,** such as body pain or “headaches, backaches, respiratory distress, and indigestion,” **they attempt to determine whether the patient** has been through a traumatic experience. It is through this questioning that they have uncovered that some of their patients had **experienced drones**, or lost a relative in a drone strike.[508] Mental health professionals we spoke with in Pakistan also said that they **had seen numerous cases of** Post-Traumatic Stress Disorder **(PTSD**)[509] among their patients from Waziristan **related to exposure to drone strikes and** the **constant presence** of drones.[510] For example, one psychiatrist described a **female patient of his who: was having shaking fits, she was screaming and crying** . . . . I was guessing there might be some stress . . . then I [discovered] there was a drone attack and she had observed it. It happened just near her home. She had witnessed a home being destroyed–it was just a nearby home, [her] neighbor’s.[511] Interviewees also described the impacts on children.[512] One man said of his young niece and nephew that “[t]hey really hate the drones when they are flying. It **makes the children very angry**.”[513] Aftab Gul Ali, who looks after his grandson and three granddaughters, stated that children, **even when far away from strikes**, are “badly affected.”[514] Hisham Abrar, who had to collect his cousin’s body after he was killed in a drone strike, stated: When [children] hear the drones, they get really scared, and they can hear them all the time so they’re always fearful that the drone is going to attack them. . . [**B]ecause of the noise, we’re psychologically disturbed—women, men, and children. . . Twenty-four hours, [a] person is in stress and there is pain in his head**.[515] Noor Behram, a Waziri journalist who investigates and photographs drone strike sites, noted the fear in children: **“if you bang a door, they’ll scream and drop like something bad is going to happen**.”[516] A Pakistani mental health professional shared his worries about the **long-term ramifications of** such **psychological trauma on children**: The biggest concern I have as a [mental health professional] is that **when the children grow up**, the kinds of images they will have with them, **it is going to have** a lot of **consequences.** You can imagine **the impact it has on personality development**. People who have experienced such things, they **don’t trust people**; they **have anger, desire for revenge** . . . So when you have these **young boys and girls growing up with these impressions**, it **causes permanent scarring and damage**.[517] **The small number of** trained mental health **professionals**[518] **and lack of health infrastructure** in North Waziristan **exacerbates the symptoms and illnesses described here**.[519] Several interviewees provided a troubling glimpse of the methods some communities turn **to** in order to **deal with mental illness in the absence of adequate alternatives**. One man said that “***some people have been tied in their houses because of their mental state***.”[520] A Waziri from Datta Khel—which has been hit by drone strikes over three dozen times in the last three years alone[521]—said that a number of **individuals “have lost their mental balance** . . . are just **locked in a room.** Just like you lock people in prison, they are locked in a room.”[522] Some of those interviewed reported that, **to deal with their symptoms**, they were able to obtain **anti-anxiety medications and anti-depressants**.[523] One Waziri man who lost his son in a drone strike explained that ***people take tranquilizers to “save them from the terror of the drones***.”[524] Umar Ashraf obtained a **prescription for Lexotanil to treat “the mental issues** I was facing,” and said that taking the medicine makes him feel better.[525] Saeed Yayha, however, said that the prescription the doctors gave him to deal with “the pressure in his head” does not work for him;[526] “[i]t just soothes me for half an hour but it **does not last very long**.”[527]

# 2NC

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### 2NC Top Level Overview

#### The role of the ballot is to unconditionally resist economic systems of exclusion—this comes before and outweighs their archeological investigation. Tour primary directive as an ethical actor must be to insist on universal resistance to capitalism. This is a prior question to the 1AC—traditional impact calculus is impossible because capitalism anonymizes and mystifies its violent contradictions. That outweighs the aff EVEN IF they win full weight of their impact and the root cause debate—capitalism subsumes the oppression they outline and externally results in invisible violence against billions globally. That’s Zizek and Daly. This question of self-orientation comes first

**Johnston ’04** (Adrian, interdisciplinary research fellow in psychoanalysis at Emory, The Cynic’s Fetish: Slavoj Zizek and the Dynamics of Belief, Psychoanalysis, Culture and Society)

The height of Zizek's philosophical traditionalism, his fidelity to certain lasting truths too precious to cast away in a postmodern frenzy, is his conviction that no worthwhile praxis can emerge prior to the careful and deliberate formulation of a correct conceptual framework. His references to the Lacanian notion of the Act (qua agent-less occurrence not brought about by a subject) are especially strange in light of the fact that he seemingly endorses the view that theory must precede practice, namely, that deliberative reflection is, in a way, primary. For Zizek, the foremost "practical" task to be accomplished today isn't some kind of rebellious acting out, which would, in the end, amount to nothing more than a series of impotent, incoherent outbursts. Instead, **given the contemporary exhaustion of the socio-political imagination under the hegemony of liberal-democratic capitalism,** he sees **the liberation of thinking itself from its present constraints as the** first crucial step **that must be taken if anything is to be changed for the better.** In a lecture given in Vienna in 2001, Zizek suggests that **Marx's call to break out of the sterile closure of abstract intellectual ruminations through direct, concrete action** (thesis eleven on Feuerbach--"The philosophers have only interpreted the world in various ways; the point is to change it") **must be inverted given the new prevailing conditions of late-capitalism. Nowadays, one must resist succumbing to the temptation to short-circuit thinking in favor of acting, since all such rushes to action are doomed; they either fail to disrupt capitalism or are ideologically co-opted by it.**

#### Try-or-die---capitalism’s reduction of life to mere economic worth guarantees annihilation---this turns their Dillon terminal impact evidence

**Dillon ’99**(Michael, Professor of IR @ Lancaster, “Another Justice” *Political Theory*, Vol. 27, No. 2. April, pp. 165)

Quite the reverse. The subject was never a firm foundation for justice, much less a hospitable vehicle for the reception of the call of another Justice. It was never in possession of that self-possession which was supposed to secure the certainty of itself, of a self-possession that would enable it ultimately to adjudicate everything. The very indexicality required of sovereign subjectivity gave rise rather to a commensurability much more amenable to the expendability required of the political and material economies of mass societies than it did to the singular, invaluable, and uncanny uniqueness of the self. **The value of the subject became the standard unit of currency for the political arithmetic of States and the political economies of capitalism.** They trade in it still to devastating global effect. The technologisation of the political has become manifest and global. **Economies of evaluation necessarily require calculability**.3s Thus no valuation without mensuration and no mensuration without indexation. **Once rendered calculable**, however, **units of account are necessarily submissible** not only to valuation but also, of course, **to devaluation. Devaluation, logically, can extend to the point of counting as nothing.** Hence, no mensuration without demensuration either. **There is nothing abstract about this: the declension of economies of value leads to the zero point of holocaust**. **However liberating and emancipating systems of value-rights-may claim to be, for example, they run the risk of counting out the invaluable. Counted out, the invaluable may then lose its purchase on life. Herewith, then, the necessity of championing the invaluable itself. For we must never forget that, "we are dealing always with whatever exceeds measure."**

#### They cannot win uniqueness for the universalization bad arg he makes – Capital will constantly annihilate the particular

Dean, Associate Professor of Political Theory at Hobart & William Smith, 2005

Jodi, Zizek against Democracy, jdeanicite.typepad.com/i\_cite/files/zizek\_against\_ democracy\_new\_version.doc –

To summarize: Zizek argues that the democratic form runs up against a stain or non-universalizable kernel. Using Lacan, he understands this kernel as a stain of enjoyment, of an irreducible attachment to an intense pleasure-pain. The empty place of democracy is never fully empty. It comes up against points of non-universalizability—founding violence, ethnic particularity, the national Thing. Indeed, insofar as democracy has been a project of the Nation, its very starting point, its position of enunciation, requires this non-universalizable kernel. To the extent that liberal democracy tries to eliminate this stain, tries to exclude ethic fundamentalism and nationalist attachment, it necessarily fails. And, under conditions of late capitalism, the problem is even worse. Like liberal democracy, Capital wants to eliminate particular attachments. Liberal-democratic attacks on ethnic fundamentalism, then, serve capitalist ends at they attack some of the few remaining sites of opposition to capitalism. Nationalist, ethnic, racist violence thus persists today at the intersection of two modes of failed universalization—democracy and capitalism. The question is whether a new political universality is possible.

### Specific link

#### Focus on sovereign power and the state of exception obscures the everyday violence caused by capital

Hardt and Negri, ’09 (Michael, Ph.D. in 1990 in comparative literature at the University of Washington, Professor of Political Literature at the European Graduate School in Saas-Fee, Switzerland, and Antonio, former Professor of Political Science at the University of Padua and the University of Paris 8, COMMONWEALTH, p. 3-5)

A kind of apocalypticism reigns among the contemporary conceptions of power, with warnings of new imperialisms and new fascisms. Everything is explained by sovereign power and the state of exception, that is, the general suspension of rights and the emergence of a power that stands above the law. Indeed evidence of such a state of exception is easy to come by: the predominance of violence to resolve national and international conflicts not merely as last but as first resort; the widespread use of torture and even its legitimation; the indiscriminate killing of civilians in combat; the elision of international law; the suspension of domestic rights and protections; and the list goes on and on. This vision of the world resembles those medieval European renditions of hell: people burning in a river of fire, others being torn limb from limb, and in the center a great devil engorging their bodies whole. The problem with this picture is that its focus on transcendent authority and violence eclipses and mystifies the really dominant forms of power that continue to rule over us today—power embodied in property and capital, power embedded in and fully supported by the law. In popular discourse the apocalyptic vision sees everywhere the rise of new fascisms. Many refer to the U.S. government as fascist, most often citing Abu Ghraib, Guantanamo, Faluja, and the Patriot Act. Others call the Israeli government fascist by referring to the continuing occupations of Gaza and the West Bank, the use of assassinations and bulldozers as diplomacy, and the bombing of Lebanon. Still others use "islamofascism" to designate the theocratic governments and movements of the Muslim world. It is true, of course, that many simply use the term "fascism" in a general way to designate a political regime or movement they deplore such that it comes to mean simply "very bad." But in all these cases when the term "fascist" is employed, the element it highlights is the authoritarian face of power, its rule by force; and what is eclipsed or mystified, instead, is the daily functioning of constitutional, legal processes and the constant pressure of profit and property. In effect, the bright flashes of a series of extreme events and cases blind many to the quotidian and enduring structures of power.1 The scholarly version of this apocalyptic discourse is characterized by an excessive focus on the concept of sovereignty. The sovereign is the one who rules over the exception, such authors affirm, and thus the sovereign stands both inside and outside the law. Modern power remains fundamentally theological, according to this view, not so much in the sense that divine notions of authority have been secularized, but rather in that sovereign power occupies a transcendent position, above society and outside its structures. In certain respects this intellectual trend represents a return to Thomas Hobbes and his great Leviathan that looms over the social terrain, but more fundamentally it replays the European debates of the 1930s, especially in Germany, with Carl Schmitt standing at its center. Just as in the popular discourses, here too economic and legal structures of power tend to be pushed back into the shadows, considered only secondary or, at most, instruments at the disposal of the sovereign power. Every modern form of power thus tends to be collapsed into sovereignty or fascism, while the camp, the ultimate site of controlboth inside and outside the social order, becomes the paradigmatic topos of modern society.2 These apocalyptic visions—both the scholarly analyses of sovereign power and the popular accusations of fascism—close down political engagement with power. There are no forces of liberation inherent in such a power that, though now frustrated and blocked, could be set free. There is no hope of transforming such a power along a democratic course. It needs to be opposed, destroyed, and that is all. Indeed one theological aspect implicit in this conception of sovereignty is its Manichean division between extreme options: either we submit to this transcendent sovereignty or we oppose it in its entirety. It is worth remembering that when Left terrorist groups in the 1970s claimed that the state was fascist, this implied for them that armed struggle was the only political avenue available. Leftists today who talk of a new fascism generally follow the claim with moral outrage and resignation rather than calls for armed struggle, but the core logic is the same: there can be no political engagement with a sovereign fascist power; all it knows is violence. The primary form of power that really confronts us today, however, is not so dramatic or demonic but rather earthly and mundane. We need to stop confusing politics with theology. The predominant contemporary form of sovereignty—if we still want to call it that—is completely embedded within and supported by legal systems and institutions of governance, a republican form characterized not only by the rule of law but also equally by the rule of property. Said differently, the political is not an autonomous domain but one completely immersed in economic and legal structures. There is nothing extraordinary or exceptional about this form of power. Its claim to naturalness, in fact its silent and invisible daily functioning, makes it extremely difficult to recognize, analyze, and challenge. Our first task, then, will be to bring to light the intimate relations between sovereignty, law, and capital.

#### Their method and conception of power is bad

Hardt and Negri, ’09 (Michael, Ph.D. in 1990 in comparative literature at the University of Washington, Professor of Political Literature at the European Graduate School in Saas-Fee, Switzerland, and Antonio, former Professor of Political Science at the University of Padua and the University of Paris 8, COMMONWEALTH, p. 5-6)

We need for contemporary political thought an operation something like the one Euhemerus conducted for ancient Greek mythology in the fourth century B C . Euhemerus explained that all of the myths of gods are really just stories of historical human actions that through retelling have been expanded, embellished, and cast up to the heavens. Similarly today the believers imagine a sovereign power that stands above us on the mountaintops, when in fact the dominant forms of power are entirely this-worldly. A new political Euhemerism might help people stop looking for sovereignty in the heavens and recognize the structures of power on earth.3 Once we strip away the theological pretenses and apocalyptic visions of contemporary theories of sovereignty, once we bring them down to the social terrain, we need to look more closely at how power functions in society today. In philosophical terms we can think of this shift in perspective as a move from transcendent analysis to transcendental critique. Immanuel Kant's "Copernican revolution" in philosophy puts an end to all the medieval attempts to anchor reason and understanding in transcendent essences and things in themselves. Philosophy must strive instead to reveal the transcendental structures immanent to thought and experience. "I call all cognition transcendental that is occupied not so much with objects but rather with our mode of cognition of objects insofar as this is to be possible a priori."4 Kant's transcendental plane thus occupies a position not wholly in the immediate, immanent facts of experience but not wholly outside them either. This transcendental realm, he explains, is where the conditions of possibility of knowledge and experience reside. Whereas Kant's transcendental critique is focused primarily on reason and knowledge, ours is aimed at power. Just as Kant sweeps away the preoccupations of medieval philosophy with transcendent essences and divine causes, so too must we get beyond theories of sovereignty based on rule over the exception, which is really a holdover from old notions of the royal prerogatives of the monarch. We must focus instead on the transcendental plane of power, where law and capital are the primary forces. Such transcendental powers compel obedience not through the commandment of a sovereign or even primarily through force but rather by structuring the conditions of possibility of social life.

#### Their fear of the exceptional state is the flipside of libertarian individualism—paranoia about biopolitics prevents reappropriating state power for revolutionary purposes

Watson, ’12 [Janell Watson, PhD Duke University, is Associate Professor in the Department of Foreign Languages at Virginia Tech, Theory & Event, Volume 15, Issue 2, 2012, Butler’s Biopolitics: Precarious Community, Project Muse, online, jj]

Biopolitics is characterized by its contradictory functions of preservation and destruction. Esposito defines a negative biopolitics of death and a positive biopolitics of life, observing that Foucault himself hesitated between these two alternatives (2008, 32–33). Similarly, Foucauldian biopolitical critique can, observes Thomas Lemke, be divided into two tendencies: a positive politics of life (e.g. Michael Hardt and Antonio Negri) and a negative politics of death (e.g. Agamben). For Hardt and Negri, exemplars of the positive view of biopolitics, the life of the contemporary service-sector (or knowledge) worker provides the vitality for a new, post-subjective revolutionary collective: the multitude. For Agamben, exemplar of the negative view, the prison camp provides the matrix for modern biopolitics. Lemke finds Agamben’s analysis overly juridical and legalistic, leaving out the important dimension of subjectivation deployed as political technology (Lemke 2005, 4). Except for a passing reference, Lemke does not include Butler in his new introduction to biopolitics, even though she remains one of the most prolific analysts of subjectivity and its relationship to the politics of life and death (Lemke 2011). Her notion of precarious life offers a more subtly detailed analysis of suffering subjects than does Agamben’s one-dimensional figure of the homo sacer . She is much more wary of collectivities than Hardt and Negri, who are in turn wary of the subject. However, she falls into neither of Lemke’s camps, since her analysis of biopolitics is neither positive nor negative, but double-edged like Esposito’s, recognizing both a politics of death (immunization) and a politics of life (the community of shared precariousness). Butler and Esposito both seek to reverse the immunitary self-defensive reaction to shared vulnerability, resulting in what Esposito calls affirmative biopolitics. For both, an affirmative biopolitics would take the form of a kind of community yet to come, a community that (for Esposito) affirms life in its fleshly multiplicity and (for Butler) promotes life because it mourns all death. They argue that this positive form of community can only be grounded in a fundamental vulnerability and lack. The suffering subjects of the affirmative community share nothing but their own mortality and their inability to coincide with themselves or to cohere into an organic body politic. Based on this ambivalence toward community, the two thinkers advance a critique of liberalism that denounces individualism but which directs the bulk of its critical energies against negative forms of the collective. Their proposed solutions pay little heed to the state, production, or the economy, inadvertently leaving the backdoor open to laissez-faire liberalism’s weakening of the state, precaritizing of production, and financializing of economies.

### Turns biopower

#### Capitalism is the motivator of modern biopolitics – all totalitarianism stems from capitalism’s obsession with productivity – this proves failure to address capitalism makes their archeological investigation meaningless

Zizek ’06 (Slavoj, “Jacques Lacan’s Four Discourses”, <http://www.lacan.com/essays/?page_id=303>, jj)

**University discourse as the hegemonic discourse of modernity has two forms of existence** in which its inner tension (”contradiction”) is externalized: **capitalism**, its logic of the integrated excess, of the system reproducing itself through constant self-revolutionizing, **and the bureaucratic “totalitarianism” conceptualized in different guises as the rule of technology, of instrumental reason, of biopolitics, as the “administered world**.” How, precisely, do these two aspects relate to each other? **We should not succumb to the temptation of reducing capitalism to a mere form of appearance of the more fundamental ontological attitude of technological domination**; we should rather insist, in the Marxian mode, that **the capitalist logic of integrating the surplus into the functioning of the system is the fundamental fact. Stalinist “totalitarianism” was the capitalist logic of self-propelling productivity liberated from its capitalist form, which is why it failed: Stalinism was the symptom of capitalism**. Stalinism involved the matrix of general intellect, of the planned transparency of social life, of total productive mobilization- and its violent purges and paranoia were a kind of a “return of the repressed,” the “irrationality” inherent to the project of a totally organized “administered society.” This means the two levels, precisely insofar as they are two sides of the same coin, are ultimately incompatible: there is no metalanguage enabling us to translate the logic of domination back into the capitalist reproduction-through-excess, or vice versa.

#### The 1AC misidentifies the causes of Western aggression against the Other—the war on terror is rooted in an attempt to eliminate threats to globalization and mask the contradictions of capitalism

Pattenden, ‘1 [Jonathan Pattenden, December 2001, Archive of Global Protests, The War for Terrorism and Capitalist Globalisation, <http://www.nadir.org/nadir/initiativ/agp/free/9-11/pattenden.htm>, jj]

This war is about much more than murdered American and Afghani civilians. It is about much more than the Taliban, Al-Qaida, Osama bin Laden and September 11th. It is about much more than $5 trillion worth of oil and gas in central Asia, sweeteners for key sections of an economy that is facing recession, or twisting the arm of the Indian government. It is also about those who took to the streets of Chiang Mai in 2000 to protest against the Asian Development Bank. About the 500,000 Indian peasants who hit Bangalore in 1993 to reject the GATT (the World Trade Organisation's precursor). About those who closed down the IMF and World Bank conference in Prague and saw off a new round of trade talks in Seattle. About the Zapatistas' seizure of San Cristobal de las Casas on the day NAFTA came into effect. About the thousands in Cochabamba Bolivia who stopped the privatisation of their water supply. About those who marched on the Ecuadorian parliament. About those who marched on Bombay to throw the imports that were destroying their livelihoods in to the sea. About the 200,000 who turned the last G-8 talking shop into a military operation. About those who mobilise less visibly but more persistently in slums and villages around the world. About a multitude of struggles against globalisation. Facing a rising tide of mass mobilisations against its ideology of capitalist globalisation, and by a barrage of different ideas, the US and its allies were presented with an opportunity to reassert their hegemony. That bastion of radical thought the Financial Times hinted at why the 'war against terrorism' is also a war for capitalist globalisation. Shortly before September 11th, it proclaimed that "The protesters are winning. They are winning on the streets. Before too long they will be winning the argument. Globalisation is fast becoming a cause without credible champions". Shortly afterwards (on November 30th) it commented that protests against the post S11 WTO, IMF and WB meetings had been "muted" by "a sharply reduced appetite since September 11th for fundamental attacks on the values underlying the US and other western industrialised countries". The key to redressing the balance was the renewal of the right to commit acts of state terrorism without too many questions being asked; to commit them for a Cause. During the cold war it was quite acceptable to use force to commit acts of state terrorism. The Cause was freedom, the enemy communism. There was not usually any need to justify intervention overseas. The pretext was a given, and prying eyes were few. And so it was that in 1954 in Guatemala the social democrat head of state Jacobo Arbenz was bombed into submission, forced into making way for a series of military dictators who killed 10,000s of civilians. And so it was that Oscar Romero was gunned down while giving communion in El Salvador by a death squad led by RobertoD'Aubuisson, who was trained and then armed by the US. That Salvador Allende was murdered in 1973 in Chile to make way for the beneficent Augusto Pinochet. The script was freedom versus communism. The subscript was more subtle and reflected the US' primary objective to maintain access to overseas markets and resources, and to maintain them on advantageous terms. The enemies of the US were those who threatened that access and the terms of that access. That is why Mussadiq was forced to make way for the Shah in Iran in the 1950s when he nationalised Iran's oil. Why Arbenz was driven from office when he distributed unused land that belonged theoretically to the US TNC United Fruit to landless peasants. Why Sukarno was replaced by Suharto in Indonesia in a bloodbath which, by CIA estimates, left 750,000 dead in six months 4. When the Cold War ended, the US lost its ready-made pretext for intervention. In the early 1990s its forays into terrorism included the memorable restoration of hope in Somalia. There were few dissenting voices against such interventions, but US actions had been somewhat detached from their discourse. It was not a fight against communism - that much was clear. The United States had - in relative terms - lost its room for manoeuvre, its ability to make power plays. To be seen to be powerful. It continued with its project of capitalist globalisation. In 1994 the North America Free Trade Agreement came into effect. In 1995 the World Trade Organisation was formed with a mandate to facilitate the privatisation of knowledge about food seeds and medicines, to privatise water supplies and education, and to remove trade barriers so that the small holding maize farmer in Mexico would face multi-billion dollar agribusiness operations on a 'level playing field'. The rules of the transnational economy were being written largely by the governments of the G8 and shadowy TNC fronts such as the European Round Table of Industrialists and the Trans-Atlantic Business Dialogue which charted the course. Millions around the world were voicing their objections - to mega-dams and other 'development projects', to structural adjustment, then to GATT and the WTO, but as long as CNN news editors didn't break the habit of a career time to run headline stories such as 'Thousands of Thai farmers have been protesting outside the Thai parliament for seven weeks.....', they remained a nuisance rather than a threat. But slowly the volume of these scarcely audible voices was increased. News of mass protests in India and the Philippines, of the Zapatista uprising in Mexico and peaceful mobilisations in Ecuador began to spread through the e-mail networks and across the webpages. There were protests at the WTO's second ministerial in Geneva in 1998, and at the Cologne G8 conference in 1999 at the time of the carnival against capitalism in London's financial centre. Then on November 30th, the attempt to launch a new round of trade talks was headed off in Seattle through a combination of disagreement inside the conference hall and mass protests outside. The proponents of capitalist globalisation were not in control in the manner to which they had become accustomed. The following IMF/World Bank conference in Prague was closed down by 20,000 protesters. News of mass mobilizations in South America and Asia, was by now circulating much further much faster. In a number of countries, including India, there were signs that the anti-globalisation movement was influencing state policy. The dominant discourse of capitalist globalisation was being subjected to a consistent assault of ideas from the wide range of movements that collectively make up the anti-globalisation movement. The eyes of the media audiences across the world had been watching the wrong images for too long. With September 11th came the opportunity for the US government and their allies to go forth and liberate the world from terrorism, and the Afghanis from the Taliban. In so doing they would seek to neutralize the ideological threat of the anti-globalisation movement. In case they failed in the latter task, anti-terrorist laws were being prepared around the world - from India to the United Kingdom. The script had changed from the days of the cold war. In place of the communists, there were the terrorists. And there were fifty countries in which terrorists were operating according to US lists. But whereas in the past national governments were in the firing line, now they were invited to join the US in confronting the enemies within. The script had changed, but the subscript was still more or less the same. Of the 50 countries on the US list, some were countries, such as Bolivia, where there are no armed rebel groups or known terrorists but where there are strong social movements who are effectively resisting the process of capitalist globalisation. Just as with the old cold war, the war against terrorism is ultimately about the pursuit of capitalist globalisation , and the bolstering of US power for that objective. As US Trade Representative Robert Zoellick put it: trade "promotes the values at the heart of this protracted struggle". Writing in the New York Times magazine, Michael Lewis explained that the traders who died were targeted as "not merely symbols but also practitioners of liberty". While the bombs rained down upon Afghanistan, the WTO in Qatar managed to patch together a new trade round of sorts. Another outright failure as in Seattle, and the WTO process just might have been beyond redemption. Blair, speaking to the business community around this time, pointed out that "the battle against international terrorism will also mean victory for the economy" (news.bbc.co.uk). Victory for the arms dealers. Victory for the oil companies. Victory for the trade liberalisers too perhaps. Although this is far from certain, as the anti-globalisation movement is not about to go away. These movements may also be labelled as terrorist in later phases of the war against terrorism. Could people who organise peacefully in self-defence against the submergence of their homes and land be labelled as terrorists? Could those who organise to gain access to the forest which has been fenced off be labelled as terrorists? Could it be a terrorist act to stop water becoming unaffordable? Is it a terrorist act to mobilise against a foreign transnational company which aims to demand payment for the seeds with which one grows wheat? Or rice? Or maize? To set up non-violent non-party forms of democratic political organization to reclaim autonomy? For people to reclaim the right to define their culture, their economic exchanges with others, their distribution of resources?

#### The kritik is a misreading of politics – The modern state exerts control over the populations exclusively on behalf of capital

Meszaros 95 (Prof. Emertius @ Univ. Sussex, Istaven, “Beyond Capital: Torwards a Theory of Transition pg. 451)

The modern state as the comprehensive political command structure of capital — is both the necessary prerequisite for the transformation of capital’s at first fragmented units into a viable system, and the overall framework for the full articulation and maintenance of the latter as a global system. In this fundamental sense the state on account of its constitutive and permanently sustaining role must be understood as an integral part of capital’s material ground itself. Or it contributes in a substantive way not only to the formation and consolidation of all of the major reproductive structures of society but also to their continued functioning. However, the close interrelationship holds also when viewed from the other side. For the modern state itself is quite inconceivable without capital as its social metabolic foundation. This makes the material reproductive structures of the capital system the necessary condition not only for the original constitution but also for the continued survival (and appropriate historical transformations) of the modern state in all its dimensions. These reproductive structures extend their Impact over everything, from the strictly material/repressive instruments cid juridical institutions of the state all the way to the most mediated ideological and political theorizations of its raison d’être and claimed legitimacy. It is on account of this reciprocal determination that we must speak of a close match between the social metabolic ground of the capital system on the one hand, and the modern state as the totalizing political command structure of the established productive and reproductive order on the other. For socialists this is a most uncomfortable and challenging reciprocity. It puts into relief the sobering fact that any intervention in the political domain — even when it envisages the radical overthrow of the capitalist state — can have only a very limited impact in the realization of the socialist project. And the other way round, the corollary of the same sobering fact is that, precisely because socialists have to confront the power of capital’s self-sustaining reciprocity under its fundamental dimensions, it should be never forgotten or ignored - although the tragedy of seventy years (if Soviet experience is that it had been willfully ignored — that there can be no chance of overcoming the power of capital without remaining faithful to the Marxian concern with the ‘withering away’ of the state.

#### The illusion of biopower is just an abstraction of the fundamental basis of social relations, which is labor

Hardt & Negri 2000 (Professors, Michael & Antonia “Empire” <http://textz.gnutenberg.net/text.php?id=1034709069754> )

The danger of the discourse of general intellect is that it risks remaining entirely on the plane of thought, as if the new powers of labor were only intellectual and not also corporeal (Section 3.4). As we saw earlier, new forces and new positions of affective labor characterize labor power as much as intellectual labor does. Biopower names these productive capacities of life that are equally intellectual and corporeal. The powers of production are in fact today entirely biopolitical; in other words, they run throughout and constitute directly not only production but also the entire realm of reproduction. Biopower becomes an agent of production when the entire context of reproduction is subsumed under capitalist rule, that is, when reproduction and the vital relationships that constitute it themselves become directly productive. Biopower is another name for the real subsumption of society under capital, and both are synonymous with the globalized productive order. Production fills the surfaces of Empire; it is a machine that is full of life, an intelligent life that by expressing itself in production and reproduction as well as in circulation (of labor, affects, and languages) stamps society with a new collective meaning and recognizes virtue and civilization in cooperation.

### Root Cause

#### Forget the chicken and the egg question of what came first or caused the other---Modern Racism is no longer based on ideologies of cultural or natural superiority - economic egotism is the root of modern racism

Zizek 2008 Slavoj Violence p 101-104

But we are not dealing here only with good old racism. Something more is at stake: a fundamental feature of our emerging “global” society. On ii September 2001 the Twin Towers were hit. Twelve years earlier, on 9 November 1989, the Berlin Wall fell. That date heralded the “happy ‘9os,” the Francis Fukuyama dream of the “end of history” —the belief that liberal democracy had, in principle, won; that the search was over; that the advent of a global, liberal world community lurked just around the corner; that the obstacles to this ultra-Hollywood happy ending were merely empirical and contingent (local pockets of resistance where the leaders did not yet grasp that their time was up). In contrast, 9/11 is the main symbol of the end of the Clintonite happy ‘9os. This is the era in which new walls emerge everywhere, between Israel and the West Bank, around the European Union, on the U.S.—Mexico border. The rise of the populist New Right is just the most prominent example of the urge to raise new walls. A couple of years ago, an ominous decision of the European Union passed almost unnoticed: the plan to establish an all-European border police force to secure the isolation of Union territory and thus to prevent the influx of immigrants. *This* is the truth of globalisation: the construction of new walls safeguarding prosperous Europe from the immigrant flood. One is tempted to resuscitate here the old Marxist “humanist” opposition of “relations between things” and “relations between persons”: in the much-celebrated free circulation opened up by global capitalism, it is “things” (commodities) which freely circulate, while the circulation of “persons” is more and more controlled. We are not dealing now with “globalisation” as an unfinished project but with a true “dialectics of globalisation”: the segregation of the people *is* the reality of economic globalisation. This new racism of the developed is in a way much more brutal than the previous ones: its implicit legitimisation is neither naturalist (the “natural” superiority of the developed West) nor any longer culturalist (we in the West also want to preserve our cultural identity), but unabashed economic egotism. The fundamental divide is one between those included in the sphere of (relative) economic prosperity and those excluded from it.

#### The aff is a fundamental misreading of history

Darder, and Torress, 04 [Antonia, Prof of education policy studies at U of Illinois, and Rodolfo, Associate prof of latino studies at UC Irvine, After Race:  Racism after multiculturalism, p.6-8]

Although today “race” is generally linked to phenotypic characteris tics, there is a strong consensus among evolutionary biologists and ge netic anthropologists that “biologically identifiable human races do not exist; Homo sapiens constitute a single species, and have been so since their evolution in Africa and throughout their migration around the world” (Lee, Mountain, and Koenig 2001, 39). This perspective is simi lar to that which existed prior to the eighteenth century, when the notion that there were distinct populations whose differences were grounded in biology did not exist. For the Greeks, for example, the term “barbarian” was tied to how civilized a people were considered to be (generally based on language rather than genetics). So how did all this begin? George Fredrickson (2002), writing on the history of racism, identifies the anticipatory moment of modern racism with the “treatment of Jew ish converts to Christianity in fifteenth- and sixteenth-century Spain. Conversos were identified and discriminated against because of the belief held by Christians that the impurity of their blood made them incapable of experiencing a true conversion” (31). Fredrickson argues that the racism inherent in the quasi-religious, Spanish doctrine of limpeza de sangre, referring to purity of blood, set the stage for the spread of racism to the New World: To the extent that it was enforced represented the stigmatization of an entire ethnic group on the basis of deficiencies that allegedly could not be eradicated by conversion or assimilation. Inherited social status was nothing new; the concept of “noble blood” had long meant that the off spring of certain families were born with a claim to high status. But when the status of large numbers of people was depressed purely and simply because of their derivation from a denigrated ethnos, a line had been crossed that gave “race” a new and more comprehensive significance. (33) Hence, religious notions, steeped in an ideology of “race,” played a significant role in the exportation of racism into the Americas, wheiie domination by the superior “race” was perceived as “inevitable and de sirable, because it was thought to lead to human progress” (Castles 1996, 21). The emergence of “race” as ideology can also be traced to the rise of nationalism. Efforts by nation-states to extend or deny rights of citizenship contingent on “race” or “ethnicity” were not uncommon, even within so-called democratic republics. Here, national mythology about those with “the biological unfitness for full citizenship” (Fredrickson 2002, 68) served to sanction exclusionary practices, despite the fact that all people shared “the historical process of migration and intermingling” (Castles 1996, 21). Herein is contained the logic behind what Valle and Torres (2000) term “the policing of race,” a condition that results in official policies and practices by the nation-state designed to exclude or curtail the rights of racialized populations. In Germany, the Nazi regime took the logic of “race” to its pinnacle, rendering Jewish and Gypsy pop ulations a threat to the state, thus rationalizing and justifying their demise. This example disrupts the notion that racism occurs only within the context of black-white relations. Instead, Castles (1996) argues that economic exploitation has always been central to the emergence of racism. Whether it incorporated slavery or indentured servitude, racial ized systems of labor were perpetrated in Europe against inunigrants, in cluding Irish, Jewish, and Polish workers, as well as against indigenous populations around the world. In the midst of the “scientific” penchant of the eighteenth century, Carolus Linneaus developed one of the first topologies to actually cate gorize human beings into four distinct subspecies: americanus, asiaticus, africanus, and europeaeus. Linneaus’s classification, allegedly neutral and scientific, included not only physical features but also behavioral charac teristics, hierarchically arranged in accordance with the prevailing social values and the political-economic interests of the times. The predictable result is the current ideological configuration of “race”. used to both ex plain and control social behavior. Etienne Balibar’s (2003) work on racism is useful in understanding the ideological justifications that historically have accompanied the exclu sion and domination of racialized populations—a phenomenon heavily fueled by the tensions of internal migration in the Current era of global ization. [R]acism describes in an abstract idealizing manner “types of human ity,” and. . . makes extensive use of classifications which allow all indi viduals and groups to imagine answers for the most immediate existen tial questions, such as imposition of identities and the permanence of vi olence between nations, ethnic or religious communities. (3) Balibar also points to the impact of “symbolic projections and media tions” (in particula; stereotypes and prejudices linked to divine-human ity or bestial-animality) in the construction of racialized formations. “Racial” classification becomes associated with a distinction between the “properly human” and its imaginary (animal-like) “other.” Such projec tions and mediations, Balibar argues, are inscribed with modernity’s ex pansionist rationality—a quasi-humanist conception that suggests that differences and inequalities are the result of unequal access and social ex clusion from cultural, political, or intellectual life but also implies that these differences and inequalities represent normal patterns, given the level of “humanity” or “animality” attributed to particular populations. James Baldwin in “A Talk to Teachers” (1988) links this phenomenon of racialization to the political economy and its impact on African Ameri cans.The point of all this is that Black men were brought here as a source of cheap labor. They were indispensable to the economy. In order to justify the fact that men were treated as though they were animals, the white re public had to brain wash itself into believing that they were indeed ani mals and deserved to be treated like animals. (7) Lee, Mountain, and Koenig (2001) note, “the taxonomy of race has al ways been and continues to be primarily political” (43). Since politics and economics actually constitute one sphere, it is more precise to say that the ideology of “race” continues to be primarily about political economy. Thus, historians of “race” and racism argue that the idea of immutable, biologically determined “races” is a direct outcome of exploration and colonialism, which furnished the “scientific” justification for the eco nomic exploitation, slavery, and even genocide of those groups perceived as subhuman.

#### Modern anti-blackness was born out of class based discrimination

Walsh and Jordan 8

White Cargo: The Forgotten History of Britain's White Slaves in America

Don Jordan is a television producer and director who has worked on dozens of documentaries and dramas. He also co-produced and co-wrote Love is the Devil, a film about the life of Francis Bacon.

Michael Walsh spent twelve years as a reporter and presenter on World in Action and has won six awards for his work. He is now a producer, specialising in political and historical documentaries.

While the Spanish slaughtered in America for gold, the English in  
America had to plant for their wealth. Failing to find the expcctcd  
mineral riches along the eastern seaboard, they turned to farming,  
hoping to make gold from tobacco. They needed a compliant,  
subservient, preferably free labour force and since the indigenous  
peoples of America were difficult to enslave they turned to their  
own homeland to provide. They imported Britons deemed to be  
'surplus' people - the rootless, the unemployed, the criminal and  
the dissident - and held them in the Americas in various forms of  
bondage for anything from three years to life.

This book tells the story of these victims of empire. They were  
all supposed to gain their freedom eventually. For many, it didn't  
work out that way. In the early decades, half of them died in  
bondage. This book tracks the evolution of the system in which  
tens of thousands of whites were held as chattels, marketed like  
cattle, punished brutally and in some cases literally worked to death.  
For decades, **this underclass was treated just as savagely as black**

**slaves and**, indeed, toiled, **suffered and rebelled alongside them.**  
Eventually, a racial wedge was thrust between white and black,  
leaving blacks officially enslaved and whites apparently upgraded  
but in reality just as enslaved as they were before. According to  
contemporaries, some whites were treated with less humanity than  
the blacks working alongside them.

Among the first to be sent were children. Some were dispatched  
by impoverished parents seeking a better life for them. But others  
were forcibly deported. In 1618, the authorities in London began  
to sweep up hundreds of troublesome urchins from the slums and,  
ignoring protests from the children and their families, shipped them  
to Virginia.1 England's richest man was behind this mass expulsion.  
It was presented as an act of charity': the 'starving children' were to

be given a new start as apprentices in America. In fact, they were  
sold to planters to work in the fields and half of them were dead  
within a year. Shipments of children continued from England and  
then from Ireland for decades. Many of these migrants were little  
more than toddlers. In 1661, the wife of a man who imported four  
"Irish boys' into Maryland as servants wondered why her husband  
had not brought 'some cradles to have rocked them in' as they  
were 'so little'.

A second group of forced migrants from the mother country  
were those, such as vagrants and petty criminals, whom England's  
rulers wished to be rid of. The legal ground was prepared for  
their relocation by a highwayman turned Lord Chief Justice who  
argued for England's gaols to be emptied in America. Thanks to  
men like him, 50,000 to 70,000 convicts (or maybe more) were  
transported to Virginia, Maryland, Barbados and England's other  
American possessions before 1776. All manner of others considered  
undesirable by the British Crown were also dispatched across the  
Atlantic to be sold into servitude. They ranged from beggars to  
prostitutes, Quakers to Cavaliers.2

A third group were the Irish. For centuries, Ireland had been  
something of a special case in English colonial history. From the  
Anglo-Normans onwards, the Irish were dehumanised, described  
as savages, so making their murder and displacement appear all the  
more justified. The colonisation of Ireland provided experience and  
drive for experiments further afield, not to mention large numbers  
of workers, coerced, transported or persuaded. Under Oliver  
Cromwell's ethnic-cleansing policy in Ireland, unknown numbers  
of Catholic men, women and children were forcibly transported  
to the colonics. And it did not end with Cromwell; for at least  
another hundred years, forced transportation continued as a fact  
of life in Ireland.

The other unwilling participants in the colonial labour force were  
the kidnapped. Astounding numbers are reported to have been  
snatched from the streets and countryside by gangs of kidnappers  
or 'spirits' working to satisfy the colonial hunger for labour. Based  
at every sizeable port in the British Isles, spirits conned or cocrccd  
the unwary onto ships bound for America. London's most active

kidnap gang discusscd their targets at a daily meeting in St Paul's  
Cathedral. They were reportedly paid £2 by planters' agents for  
every athletic-looking young man they brought aboard. According  
to a contemporary who campaigned against the black slave trade,  
kidnappers were snatching an average of around 10,000 whites a  
year - doubtless an exaggeration but one that indicates a problem  
serious enough to create its own grip on the popular mind.3

Along with the vast numbers ejected from Britain and forced to  
slave in the colonics were the still greater multitudes who went of  
their own free will: those who became indentured servants in the  
Americas in return for free passage and perhaps the promise of a plot  
of land. Between 1620 and 1775, these volunteer servants, some  
300,000, accounted for two out of three migrants from the British  
Isles.4 Typically, these 'free-\villcrs', as they came to be called, were  
the poor and the hopeful who agreed to sacrificc their personal  
liberty for a period of years in the eventual hope of a better life.  
On arrival, they found that they had the status of chattels, objects  
of personal property', with few effective rights. But there was no  
going back. They were stuck like the tar on the keels of the ships

that brought them. Some, of course, were bought by humane,  
even generous, masters and survived their years of bondage quite  
happily to emerge from servitude to build a prosperous future.  
But some of the most abused servants were from among the frce-  
willers.

### Hierarchy DA

#### We don’t devalue bougeise --- misreading of alt --- question of pedagogical tools

#### This links to them—their aff would lead to violence against government, border patrol and prison guards---proves some violence is inevitable

***Their argument that anti-capitalism necessarily results in violence is false and liberal-democratic blackmail---our alt is not Maoism or Stalinism***

Be skeptical --- dismissing radical action like the alt by saying it will lead to transition wars and violence is a classic conservative tactic to shut down debate and lock in the status quo --- it creates a perverse politics where avoiding risk becomes the ultimate political goal --- even if the alt’s risky you should be willing to take a leap of faith and risk the impossible

**Johnston 04**

Adrian, Volume 1.0, Adrian Johnston Dept of Philosophy, University of New Mexico, The Cynic's Fetish: Slavoj Zizek and the Dynamics of Belief

**Žižek links liberal democracy’s employment of the threat of totalitarianism to a more fundamental rejection of the act itself** qua intervention whose consequences cannot safely be anticipated. In Žižek’s view, **contemporary democracy legitimates itself through a pathetic posture in which the avoidance of risk** (i.e., of extreme measures not covered by preexisting democratic consensuses, measures with no guarantee of status-quo-affirming success) **is elevated to the status of the highest political good**123—“**what the reference to democracy involves is the rejection of radical attempts to ‘step outside,’ to risk a radical break**.”124 **The refusal to risk a gesture of disruption because it might not turn out exactly the way one envisions it should is the surest bulwark against change:**

The standard critique concerns the Act’s allegedly ‘absolute’ character of a radical break, which renders impossible any clear distinction between a properly ‘ethical’ act and, say, a Nazi monstrosity: is it not that an Act is always embedded in a specific socio-symbolic context? The answer to this reproach is clear: of course—an Act is always a specific intervention within a socio-symbolic context; the same gesture can be an Act or a ridiculous empty posture, depending on the context… In what, then, resides the misunderstanding? Why this critique? There is something else which disturbs the critics of the Lacanian notion of Act: true, an Act is always situated in a concrete context—this, however, does not mean that it is fully determined by its context. ***An Act always involves a radical risk***… it is a step into the open, **with no guarantee about the final outcome— why? Because an Act retroactively changes the very co-ordinates onto which it intervenes.** **This lack of guarantee is what the critics cannot tolerate; they want an Act without risk**—not without empirical risks, but without the much more radical ‘transcendental risk’ that the Act will not only simply fail, but radically misfire… those who oppose he ‘absolute Act’ effectively oppose the Act as such, ***they want an Act without the Act***.125

### A2: Method bad

#### This is Interpassivity – denouncing our politics as “totalizing” conceals an individualistic politics that valorizes difference and remains content with endless minor reforms

Dean ’11 [Jodi, Professor of Political Science at Hobart and William Smith Colleges, “What is to be done? (4)”, <http://jdeanicite.typepad.com/i_cite/2011/02/what-is-to-be-done.html>]

1. Lenin: "The worst sin we commit is that we degrade our political and organizational tasks to the level of the immediate, 'palpable,' 'concrete' interests of the everyday economic struggle; yet they singing to us the same refrain: Lend the economic struggle itself a political character!" Sometime I find it so strange, so puzzling, that the spontaneity, immediacy, concreteness, amateurism, and emphasis on the everyday that Lenin condemns as primitivism and economism is taken so widely for granted among so many left activists and intellectuals. Is this uncritical acceptance a reaction to what many see as the mistakes of the Soviet period? Is it a more recent response to the failures and compromises of communist parties in other countries (I'm thinking mostly of Italy here)? Is it a reaction to the rigidity of some communists in the US and the UK, a reaction by those who associate themselves with a new left? Or are other explanations equally or even more compelling--absorption of a 100 years of anti-communism, cooptation by the pleasures of capitalism, relief through forfeiture of responsibility for the terribly hard work of organizing? So many strands of intellectual ideology converge: don't speak for another, appreciate differences, celebrate locality. It's no wonder that a politics can't emerge. Dogmatism, demands, and organization are discounted in advance.I should put this differently. There is a politics here: an individualist politics whose sole principle is that of individual freedom, where this freedom is reduced to particular choice and decision, even as it blocks access to organized contestation and rebuilding of the conditions of choice and decision. Did I choose to live in a society where security is privatized, where required home and car insurance is subject to a market and a set of corporations whose interest is in profit and not my well-being? Did I choose to live in a society where wealth is held in more esteem than fairness, creativity, or scientific curiosity? Did I have a choice to live in a society where a collective good like space exploration is subordinated to tax breaks for the top one percent? 2. For Lenin, mass movement and "professional revolutionaries" are not alternative organizational forms. Each is necessary: Such workers, average people of the masses, are capable of displaying enormous energy and self-sacrifice in strikes and in street battles with the police and the troops, and are capable (in fact are alone capable) of determining the outcome of our entire movement--but the struggle against the political police requires special qualities; it requires professional revolutionaries. Lenin gives one reason for the need of professional revolutionaries--the police make every strike and every demonstration a secret. They prevent news of the strikes from spreading. Do we have the same problem? Cutting of Internet services in Egypt suggests a contemporary version of this kind of policing role, as do the attacks on journalists and the disruptions of Al Jazeera's signals. Yet news from Cairo was getting out and it was circulating in the country, even more, news of the struggles in multiple cities reinforced the struggles' as dimensions of one struggle. No one will deny that Egypt has been under authoritarian rule for decades. It's not surprising, then, that there are resonances with Russian at the beginning of the 20th century. The situation of the US, UK, and Europe under communicative capitalism suggests a different problem. The effect of the police--non knowledge of strikes and resistance--is achieved differently, now via over-kill, deluge, distraction, and obfuscation. Too much information becomes too little. Too much analysis and commentary deflects and displaces. The culture of media circulates and redirects energies away from direct confrontation. No wonder turning off the internet in Egypt had energizing effects--people had to get information from each other on the streets.

#### Marxism doesn’t ignore race – just places a different causality

Taylor 11 [Keeanga-Yamahtta Taylor, on the editorial board of the International Socialist Review and a doctoral student in African American Studies at Northwestern University; “Race, class and Marxism,” SocialistWorker.org, <http://socialistworker.org/2011/01/04/race-class-and-marxism>]

Marxists believe that the potential for that kind of unity is dependant on battles and struggles against racism today. Without a commitment by revolutionary organizations in the here and now to the fight against racism, working-class unity will never be achieved and the revolutionary potential of the working class will never be realized. Yet despite all the evidence of this commitment to fighting racism over many decades, Marxism has been maligned as, at best, "blind" to combating racism and, at worst, "incapable" of it. For example, in an article published last summer, popular commentator and self-described "anti-racist" Tim Wise summarized the critique of "left activists" that he later defines as Marxists. He writes: [L]eft activists often marginalize people of color by operating from a framework of extreme class reductionism, which holds that the "real" issue is class, not race, that "the only color that matters is green," and that issues like racism are mere "identity politics," which should take a backseat to promoting class-based universalism and programs to help working people. This reductionism, by ignoring the way that even middle class and affluent people of color face racism and color-based discrimination (and by presuming that low-income folks of color and low-income whites are equally oppressed, despite a wealth of evidence to the contrary) reinforces white denial, privileges white perspectivism and dismisses the lived reality of people of color. Even more, as we'll see, it ignores perhaps the most important political lesson regarding the interplay of race and class: namely, that the biggest reason why there is so little working-class consciousness and unity in the Untied States (and thus, why class-based programs to uplift all in need are so much weaker here than in the rest of the industrialized world), is precisely because of racism and the way that white racism has been deliberately inculcated among white working folks. Only by confronting that directly (rather than sidestepping it as class reductionists seek to do) can we ever hope to build cross-racial, class based coalitions. In other words, for the policies favored by the class reductionist to work--be they social democrats or Marxists--or even to come into being, racism and white supremacy must be challenged directly. Here, Wise accuses Marxism of: "extreme class reductionism," meaning that Marxists allegedly think that class is more important than race; reducing struggles against racism to "mere identity politics"; and requiring that struggles against racism should "take a back seat" to struggles over economic issues. Wise also accuses so-called "left activists" of reinforcing "white denial" and "dismiss[ing] the lived reality of people of color"--which, of course, presumes Left activists and Marxists to all be white. - - - - - - - - - - - - - - - What do Marxists actually say? Marxists argue that capitalism is a system that is based on the exploitation of the many by the few. Because it is a system based on gross inequality, it requires various tools to divide the majority--racism and all oppressions under capitalism serve this purpose. Moreover, oppression is used to justify and "explain" unequal relationships in society that enrich the minority that live off the majority's labor. Thus, racism developed initially to explain and justify the enslavement of Africans--because they were less than human and undeserving of liberty and freedom. Everyone accepts the idea that the oppression of slaves was rooted in the class relations of exploitation under that system. Fewer recognize that **under capitalism, wage slavery is the pivot around which all other inequalities and oppressions turn**. Capitalism used racism to justify plunder, conquest and slavery, but as Karl Marx pointed out, it also used racism to divide and rule--to pit one section of the working class against another and thereby blunt class consciousness. **To claim**, as Marxists do, **that racism is a product of capitalism is not to deny** or diminish **its importance** or impact in American society. It is simply to explain its origins and the reasons for its perpetuation. Many on the left today talk about class as if it is one of many oppressions, often describing it as "classism." What people are really referring to as "classism" is elitism or snobbery, and not the fundamental organization of society under capitalism. Moreover, it is popular today to talk about various oppressions, including class, as intersecting. While it is true that oppressions can reinforce and compound each other, they are born out of the material relations shaped by capitalism and the economic exploitation that is at the heart of capitalist society. In other words, it is the material and economic structure of society that gave rise to a range of ideas and ideologies to justify, explain and help perpetuate that order. In the United States, racism is the most important of those ideologies. Despite the widespread beliefs to the contrary of his critics, Karl Marx himself was well aware of the centrality of race under capitalism. While Marx did not write extensively on the question of slavery and its racial impact in societies specifically, he did write about the way in which European capitalism emerged because of its pilfering, rape and destruction, famously writing: The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of Black skins, signalized the rosy dawn of the era of capitalist production. He also recognized the extent to which slavery was central to the world economy. He wrote: Direct slavery is just as much the pivot of bourgeois industry as machinery, credits, etc. Without slavery you have no cotton; without cotton you have no modern industry. It is slavery that has given the colonies their value; it is the colonies that have created world trade, and it is world trade that is the pre-condition of large-scale industry. Thus slavery is an economic category of the greatest importance. Without slavery North America, the most progressive of countries, would be transformed into a patriarchal country. Wipe out North America from the map of the world, and you will have anarchy--the complete decay of modern commerce and civilization. Cause slavery to disappear and you will have wiped America off the map of nations. Thus slavery, because it is an economic category, has always existed among the institutions of the peoples. Modern nations have been able only to disguise slavery in their own countries, but they have imposed it without disguise upon the New World. Thus, there is a fundamental understanding of the centrality of slave labor in the national and international economy. But what about race? Despite the dearth of Marx's own writing on race in particular, one might look at Marx's correspondence and deliberations on the American Civil War to draw conclusions as to whether Marx was as dogmatically focused on purely economic issues as his critics make him out be. One must raise the question: If Marx was reductionist, how is his unabashed support and involvement in abolitionist struggles in England explained? If Marx was truly an economic reductionist, he might have surmised that slavery and capitalism were incompatible, and simply waited for slavery to whither away. W.E.B. Du Bois in his Marxist tome Black Reconstruction, quotes at length a letter penned by Marx as the head of the International Workingmen's Association, written to Abraham Lincoln in 1864 in the midst of the Civil War: The contest for the territories which opened the epoch, was it not to decide whether the virgin soil of immense tracts should be wedded to the labor of the immigrant or be prostituted by the tramp of the slaver driver? When an oligarchy of 300,000 slave holders dared to inscribe for the first time in the annals of the world "Slavery" on the banner of armed revolt, when on the very spots where hardly a century ago the idea of one great Democratic Republic had first sprung up, whence the first declaration of the rights of man was issued...when on the very spots counter-revolution...maintained "slavery to be a beneficial institution"...and cynically proclaimed property in man 'the cornerstone of the new edifice'...then the working classes of Europe understood at once...that the slaveholders' rebellion was to sound the tocsin for a general holy war of property against labor... They consider it an earnest sign of the epoch to come that it fell to the lot of Abraham Lincoln, the single-minded son of the working class, to lead his country through the matchless struggles for the rescue of the enchained race and the Reconstruction of a social order. Not only was Marx personally opposed to slavery and actively organized against it, but he theorized that slavery and the resultant race discrimination that flowed from it were not just problems for the slaves themselves, but for white workers who were constantly under the threat of losing work to slave labor. This did not mean white workers were necessarily sympathetic to the cause of the slaves--most of them were not. But Marx was not addressing the issue of consciousness, but objective factors when he wrote in Capital, "In the United States of America, every independent movement of the workers was paralyzed as long as slavery disfigured a part of the Republic. Labor cannot emancipate itself in the white skin where in the Black it is branded." Moreover, Marx understood the dynamics of racism in a modern sense as well--as a means by which workers who had common, objective interests with each other could also become mortal enemies because of subjective, but nevertheless real, racist and nationalist ideas. Looking at the tensions between Irish and English workers, with a nod toward the American situation between Black and white workers, Marx wrote: Every industrial and commercial center in England possesses a working class divided into two hostile camps, English proletarians and Irish proletarians. The ordinary English worker hates the Irish worker as a competitor who lowers his standard of life. In relation to the Irish worker he feels himself a member of the ruling nation and so turns himself into a tool of the aristocrats and capitalists of his country against Ireland, thus strengthening their domination over himself. He cherishes religious, social and national prejudices against the Irish worker. His attitude is much the same as that of the "poor whites" to the "niggers" in the former slave states of the USA. The Irishman pays him back with interest in his own money. He sees in the English worker at once the accomplice and stupid tool of the English rule in Ireland. This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short by all the means at the disposal of the ruling classes. This antagonism is the secret of the impotence of the English working class, despite its organization. It is the secret by which the capitalist maintains its power. And that class is fully aware of it. Out of this quote, one can see a Marxist theory of how racism operated in contemporary society, after slavery was ended. Marx was highlighting three things: first, that capitalism promotes economic competition between workers; second, that the ruling class uses racist ideology to divide workers against each other; and finally, that when one group of workers suffer oppression, it negatively impacts the entire class.

### \*\*\*\*A2: Perm

#### Identity politics makes the realization of a true universal impossible—the 1AC’s obsession with exposing marginalized viewpoints makes short-circuits universalism

* Liberal politics as usual

Zizek, ’09 (Slavoj, senior researcher at the Institute of Sociology, University of Ljubljana, Slovenia, professor at the European Graduate School, and total BAMF, First as Tragedy, Then as Farce, p. 102, bgm)

***\*e tutti quanit = all the rest***

Liberals who acknowledge the problems of those excluded from the socio-political process formulate their goal as being the inclusion of those whose voices are not heard: all positions should be listened to, all interests taken into account, the human rights of everyone guaranteed, all ways of life, cultures, and practices respected, and so on. The obsession of this democratic discourse is the protection of all kinds of minorities: cultural, religious, sexual, *e tutti quanti*. The formula of democracy is patient negotiation and compromise. What gets lost here is the proletarian position, the position of universality embodied in the Excluded. This is why, upon a closer look, it becomes clear that what Hugo Chavez has begun doing in Venezuela differs markedly from the standard liberal form of inclusion: Chavez is not including the “excluded” dwellers of favelas as his *base* and then reorganizing political space and political forms so that the latter will “fit” the excluded. Pedantic and abstract as it may appear, this difference—between “bourgeois democracy” and “dictatorship of the proletariat” —is crucial.

#### Revolution must take the working class as its point of departure—identity politics are inherently reactionary because they are a struggle for positions of power within the current social matrix rather than the struggle for a radical new symbolic order

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Much Marxism has been stuck in the idea that any revolutionary change has to take the working class as its point of departure. The ‘ideal’ has been dirty, hard working industrial workers. It has been discussed whether small, private farmers were poor enough; whether one could be progressive, if one had changed from overalls to a suit. The central point for Žižek, however, is not the particular attributes of a certain group, but its placement in relation to the whole of capi -talism. The proletariat for Marx is the symbol of a universal human -ity – and as such it points towards a society beyond exploitation and humiliation. For Žižek, the important point is not whether the prole - tariat was or is the most suppressed class, but whether its existence embodies the internal contradictions and imbalances of capitalism. One must therefore distinguish between the working class as a social group (as placed within the social matrix, as majority) and the pro -letariat as an agent, which in a militant way struggles for ‘universal truth’ (as the group that breaks with the social matrix, as minority) (Žižek 1999: 226f). There is no necessary connection between these two groups. The crucial point is therefore whether one is answering to the idea of a system beyond the exploitation and impoverishment of capitalism, or whether one is fighting for one’s own privileges. Should the struggle be understood as a struggle for positions within the same social matrix, or is the struggle a struggle for a new and radically different society? Class struggle is not initially a struggle between classes, but rather a struggle to cover up or make apparent the flaws and inconsistencies of capitalism. The danger of perceiving class struggle as the strug - gle for recognition and rights, for example, is that it thereby supports fixed identities and social roles – and in effect capitalism as a system. Class struggle and classes themselves are not that which all social phenomena can be reduced to, but rather a generative matrix that conditions the different ideological horizons, through which society is attributed meaning (Žižek 2002b: 190). [A] class society in which the ideological perception of the class division was pure and direct would be a harmonious structure with no struggle – or to put it in Laclau’s terms, class antagonism would thereby be fully symbolized; it would no longer be impossible/real, but a simple differential structural feature. (Žižek 1999: 187) Žižek’s view of the proletariat is strongly inspired by Hegel’s thoughts of the Lumpenproletariat . This group was exactly charac - terised by not being contemplated as a class sui generis . For Žižek, similarly, the proletariat is the group that does not fit into the capital - ist whole. Revolutionary struggle is therefore not a struggle for more salary, for instance, as such a struggle will only make certain dis - placements within a given system possible. Any political act that is taking its point of departure in particular identities and their demands – whether they be ethnic, religious, sexual or simply different life - styles – remains reactionary (Žižek 2003: 132f). Revolutionary strug - gle, on the contrary, questions the symbolic itself – the fact that the being of the worker is reduced to a commodity.

#### Particular struggles sap energy from the alt and cause interpassivity

**Valentić 07** (Tonči, University of Zagreb, “Socialism reconsidered: Remarks on Žižek`s *Repeating Lenin”,* International Journal of Zizek Studies, <http://zizekstudies.org/index.php/ijzs/article/view/47/92>)

Žižek`s assertion that the main failure of today's Left is the acceptance of the cultural wars (such as anti-racist or feminist) as the dominant terrain of the emancipatory politics is very easy to defend. There are basically two possible ways for the socio-political engagement: either to play the game of the system, i.e. to engage in the "long march through the institutions" or to get active in new social movements (such as feminism, ecology, antiracism, minority rights, etc.). Žižek rejects both of them, being mainly negative towards the second since they are not political in a strict sense of the word: they are not more that "single issue movements" with the lack of social totality, focused only on one group of people or one single social issue, thus rejecting the universalism as an important part of any struggle in the public sphere. Instead of a "right to narrate" one personal story or story from one particular point of view of the so-called socially deprived groups, he emphasizes the "right to truth" as embodied in historical figure of St. Paul, calling on the traces of Alain Badiou for humanity beyond particular disintegration or abstract humanism, beyond pathetic brotherhood, instead based on the "politics of truth". He puts into play the role of Saint Paul because in the realm of political theology he aimed to ground a new collective that abandons and leaves behind both the "Roman" and "Jewish" way, i.e. false universalism of liberal democracy's discourse and orthodox right-wing fundamentalism. With his assertion of today's world seen as period of post-modern relativism where we should articulate the universal truth as prerequisite for emancipatory politics, he overwrites the Leninist notion of "politics of truth" claiming it still has to be reinvented and implied. Since Badoiu`s notion of Event tends to "emerge out of nowhere", the same goes for Leninism as radical gesture: it is the only way to cope with contemporary totalitarian liberal democracy, so this reference to Lenin serves as an effort to break the vicious circle of these false options, i.e. either to play the game in hope you can one day beat the system or to fight the system emphasizing social particularities. The statement is very clear and convincing: partial emancipation is possible only through universal emancipation, which means particular experience cannot be universalized and therefore denotes a conservative political gesture, such as an emphasis on minority rights, gay and lesbian organizations, etc. Žižek`s critical remarks on the contemporary dominant fetish of repressed "otherness" as well as a concept of social intolerance towards the Other become the battlefield for analysis of Other's intolerance towards us, which is not politically correct but is politically true. Just as radicalism often represents an empty gesture, by the same token it is also the case with the political correctness as well as fascination with victimized Other, which leads us to the new type of exclusion, the exclusion of those who do not play by those imposed rules and are a priori considered terrorists or oppressors if they belong to the majority group (for example, single white Anglo-American male in today's United States in contrast to black lesbian woman). The important step, or to put it more clearly, the main theoretical act, is precisely to define hegemonic ideological coordinates because if you act you are already in the game, playing by the rules. Regarding political Denkverbot mentioned before, Žižek humorously but nonetheless punctually paraphrases Max Horkheimer`s sentence "those who do not want to talk about fascism, should keep silent about capitalism" into "those who do not want to talk about global capitalism, should keep silent about socialism". Political activity is here accurately seen as an example of *political* *interpassivity*, i.e. doing things not to achieve something, but to prevent something from really changing, as in an unmentioned reference to famous Visconti`s phrase in one of his movies that "everything has to be changed in order to remain the same". The Return to Lenin has a quite different aim. Instead of playing the role of leftist intellectual who pretends to be critical towards capitalism discussing the transition from commodity fetishism to fetishism which is today itself commodified or to support the naïve belief in cyber communism as the possible way of resistance, he calls for repetition of Lenin's historical gesture with the famous question, once more brought into the intellectual debate: "Čto djelat?" or "What Is To Be Done?" Here it is crucial to emphasize the relevance of so called "high theory" today for the most concrete political struggle – as we remember from socialism, theoretical knowledge is not unimportant; quite contrary, as Žižek argues, it is the main incentive for the revolutionary act which follows it. Another author who uses Lenin as a crucial figure is Toni Negri (article "What to do with "What to do?" Or rather: The body of General Intellect"), who grippingly emphasized the biopolitical aspect of Leninism, (Lenin beyond Lenin), i.e. interpreting communist struggle as inevitably biopolitical struggle. Since the present ideologico-political constellation is characterized by the tendency to introduce moralistic reasoning into the political struggle, we are only a few steps away from a teleological explanation of liberal-democratic capitalism as the ultimate and eternal social order. The true problem with the democracy as *liberal* democracy is in its inherent paradox, since it is possible only in the conditions of its impossibility, and the major problem with the state from the socialist point of view is that it has always been seen as an instrument of oppression which can never be fully democratized. For that reason, socialist interventions pinpoint the dominant role of the state as well as democracy's insufficiencies.

# 1NR

## case

### 2NC – No Impact / Inev

#### Now exted Mitzen --- says that the state of exception can be contained, I’m going to finish that card now

would suggest that the persistence of this threat would allow for the continuance of the state of exception. If Agamben was correct that the United States was under “pure de-facto rule” then arguably its rulers could decide to stay in office and to use the military to protect their position. Instead, Bush and his administration left, suggesting that popular sovereignty remained intact.

#### \*[READ] Agamben’s rejection of all law as inherently violent is based on misreadings of political theory and false generalizations – not all law is violent, and we shouldn’t assume that it is

Jean-Philippe Deranty 4, Professor of French and German Philosophy at Macquarie University, online: http://www.borderlandsejournal.adelaide.edu.au/vol3no1\_2004/deranty\_agambnschall.htm

28. All this explains why Agamben chooses to focus on the decisionistic tradition (Hobbes, Heidegger, Schmitt). With it, he wants to isolate the pure essences of all juridical orders and thus highlight the essential violence structuring traditional politics. Since the law essentially appears as a production and capture of bare life, the political order that enunciates and maintains the law is essentially violent, always threatening the bare life it has produced with total annihilation. Auschwitz is the real outcome of all normative orders. 29. The problem with this strategic use of the decisionistic tradition is that it does not do justice to the complex relationship that these authors establish between violence and normativity, that is, in the end the very normative nature of their theories. In brief, they are not saying that all law is violent, in essence or in its core, rather that law is dependent upon a form of violence for its foundation. Violence can found the law, without the law itself being violent. In Hobbes, the social contract, despite the absolute nature of the sovereign it creates, also enables individual rights to flourish on the basis of the inalienable right to life (see Barret-Kriegel 2003: 86). 30. In Schmitt, the decision over the exception is indeed "more interesting than the regular case", but only because it makes the regular case possible. The "normal situation" matters more than the power to create it since it is its end (Schmitt 1985: 13). What Schmitt has in mind is not the indistinction between fact and law, or their intimate cohesion, to wit, their secrete indistinguishability, but the origin of the law, in the name of the law. This explains why the primacy given by Schmitt to the decision is accompanied by the recognition of popular sovereignty, since the decision is only the expression of an organic community. Decisionism for Schmitt is only a way of asserting the political value of the community as homogeneous whole, against liberal parliamentarianism. Also, the evolution of Schmitt’s thought is marked by the retreat of the decisionistic element, in favour of a strong form of institutionalism. This is because, if indeed the juridical order is totally dependent on the sovereign decision, then the latter can revoke it at any moment. Decisionism, as a theory about the origin of the law, leads to its own contradiction unless it is reintegrated in a theory of institutions (Kervégan 1992). 31. In other words, Agamben sees these authors as establishing a circularity of law and violence, when they want to emphasise the extra-juridical origin of the law, for the law’s sake. Equally, Savigny’s polemic against rationalism in legal theory, against Thibaut and his philosophical ally Hegel, does not amount to a recognition of the capture of life by the law, but aims at grounding the legal order in the very life of a people (Agamben 1998: 27). For Agamben, it seems, the origin and the essence of the law are synonymous, whereas the authors he relies on thought rather that the two were fundamentally different.

### Impact ext

***Drones specifically turn communities against each other and destroy cultural fabrics***

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*Social effects* Drone strikes have an invidious and subtle effect on the social fabric of the societies where they occur. **Drones** do not just affect their targets, but **spread fear and suspicion throughout the society in unexpected ways**. As Brian Glyn Williams has noted, **in Pakistan drones are often described** by local villagers **as** *machays* (**wasps**) **for their stings** or *bangana* (thunder) for their ability **to strike without warning**.114 **While drones terrify** their **intended targets, innocent villagers are equally terrified of being in the wrong place at the wrong time** when an attack occurs. **Drones** **produce** among the civilian population **a ‘wave of terror’** which has been **described by some mental health professionals as ‘anticipatory anxiety’**.115 David Rohde, a journalist who was captured and held by the Taliban, has described the fear produced by drone strikes as the aircraft were heard whirring overhead for hours at a time and calls them a **‘potent, unnerving symbol of unchecked American power’**.116 This **fear leads ordinary civilians to refrain from helping** those **wounded** in drone strikes **in case they are targeted** in a ‘double tap’ strike. **Drones have inhibited normal economic and social activity,** and even **made parents reluctant to send** their **children to schools that might be** accidentally **targeted**.117 The drones have also **turned neighbours on neighbours** and **fuelled communal mistrust in a society where overlapping family, tribal and social ties are crucial**. The **targets** of drone strikes **are often pinpointed by paid informants** who place small electronic targeting devices in the homes or vehicles of suspected terrorists.118 Yet **there is no way to tell whether these chips are** left **with real terrorist operatives or with those against whom the informant has a personal grudge**. **Rumours** of these chips have **produced high levels of mistrust in the community as ‘neighbors suspect neighbors of spying** for the US, Pakistani or Taliban intelligence **or using drone strikes to settle feuds’**.119 **While** the **drones** circling overhead spread fear throughout the population and **disrupt normal life**, the **suspicion produced by these chips and** other means of **nominating targets have eroded the trust that underlies** much of religious, economic and political life in **these societies**.

### A2: Not Unique – We Use Drones Now

#### Prefer the direction of the link – what happens with these two captures is a TEST CASE for future detention – and taking military commissions off the table wrecks Obama’s faith in detention

Spencer Ackerman, The Guardian, “US raids on terror suspects present test for Obama: to capture or to kill?”, October 7th 2013, http://www.theguardian.com/world/2013/oct/07/us-raids-terror-suspects-obama

The twin raids mounted by US forces on terror suspects in Africa at weekend are shaping up as a test of whether the Obama administration is re-emphasising the capture of terrorist suspects – risky missions that have been relatively rare during the past five years – and shifting away from what it calls "targeted killing" operations, usually involving armed drones. The seizure of Abu Anas al-Liby, an alleged al-Qaida operative wanted for the 1998 east Africa embassy bombings, is also looking like a test of a related issue: whether the Obama administration is recommitting to civilian courts for trying terrorist suspects that it captures in the future. A likely prologue for Liby's case came in April 2011, when US special operations forces captured Ahmed Abdulkadir Warsame off the Somali coast, and kept him in the brig of the USS Boxer for nearly three months of interrogation before the navy took him to the southern district of New York to face terrorism charges. In March, the Justice Department revealed that Warsame had pleaded guilty to all nine counts against him. Reportedly, information that Warsame provided his interrogators contributed to the September 2011 operation that killed the US citizen and al-Qaida propagandist Anwar al-Awlaki in Yemen. One reason that the captures of terrorism suspects has been rare is the policy limbo concerning their detention. Trying terrorists in civilian courts, particularly those captured overseas, remains a controversial decision in Congress, particularly but not exclusively among Republicans. So does the Obama administration's stalled efforts to close the detention facility at Guantánamo Bay. At the same time, bringing Liby before a military commission would spark criticism from the left and internationally, quarters that consider the commissions to provide insufficient due process. Senior special operations officials have cited the detentions policy inertia as contributing to the tacit preference for killing terrorism suspects instead of capturing them. In June 2011, after the Warsame detention became public, Admiral William McRaven, now the head of US special operations command, publicly urged the administration and Congress to settle on a policy for his elite forces to execute. Obama stated that he preferred to capture terrorists instead of killing them, and recommitted to shuttering Guantánamo Bay, during a May speech at the National Defense University. It remains less clear how that preference translates into policy. The Defense Department has transferred only two detainees from Guantánamo to foreign countries since the speech; detentions policy remains unsettled; and special operations raids are a risky option, as demonstrated by the weekend's Somalia mission that appears not to have netted its target, reportedly an al-Shabaab militant known as Abdulkadir Mohamed Abdulkadir. But even if Obama succeeds in the arduous challenge of closing down the Guantánamo Bay detention facility, his administration has long embraced the controversial military commissions process hosted there, which it helped revise and entrench in a 2009 law. Caitlin Hayden, spokeswoman for the national security council at the White House, while not announcing any decision on al-Liby's case, defended both federal courts – sometimes called "Article Three courts," a reference to their place in the US constitution – and military commissions as legitimate venues for terrorism suspects. "Article Three courts have a long track record of success, proving that federal prosecutions can often be the most effective mechanism for gathering useful intelligence, neutralizing a threat, and keeping a dangerous individual behind bars," Hayden said. "We also fully support the use of the military commissions system in appropriate cases, based on the reforms implemented in the bipartisan military commissions act of 2009. Both systems are potentially viable options that must be evaluated based on the facts of each individual case."

#### Drone strikes are at historic lows – Obama wants to increase captures and detention – key to intelligence

Guy Taylor and Kristina Wong, Washington Times, “Drone strikes plummet as U.S. seeks more human intelligence”, Oct 9th 2013, http://www.washingtontimes.com/news/2013/oct/9/drone-strikes-drop-as-us-craves-more-human-intelli/?page=all

The number of drone strikes approved by the Obama administration on suspected terrorists has fallen dramatically this year, as the war with al Qaeda increasingly shifts to Africa and U.S. intelligence craves more captures and interrogations of high-value targets. U.S. officials told The Washington Times on Wednesday that the reasons for a shift in tactics are many — including that al Qaeda’s senior ranks were thinned out so much in 2011 and 2012 by an intense flurry of drone strikes, and that the terrorist network has adapted to try to evade some of Washington’s use of the strikes or to make them less politically palatable. But the sources acknowledged that a growing desire to close a recent gap in actionable human intelligence on al Qaeda’s evolving operations also has renewed the administration’s interest in more clandestine commando raids like the one that netted a high-value terrorist suspect in Libya last weekend. Capturing and interrogating suspects can provide valuable intelligence about a terrorist network that has been morphing from its roots with a central command in Pakistan and Afghanistan (known as intelligence circles as the FATA) to more diverse affiliates spread most notably across North Africa, officials and analysts said.

#### It’s a new phase and solves cred

Jenkins 10/23 [Brian Michael Jenkins serves as senior adviser to the president of the RAND Corporation. He is a former captain in the Army's Special Forces and a veteran of multiple tours in Latin America and Vietnam. October 23, 2013, USA Today, How war on terrorism has evolved: Column, <http://www.usatoday.com/story/opinion/2013/10/23/military-terrorism-somalia-libya-al-shabab-column/3172489/>, jj]

While U.S. drone strikes directed against terrorist leaders will continue to be part of our arsenal, even President Obama has acknowledged a "new phase" in our terrorism fight. He has recently stated that drones will be used more narrowly to lessen the risk of civilian casualties — a point amplified Tuesday in reports by Amnesty International and Human Rights Watch. This is a significant shift, largely obscured by the intense news coverage of the government shutdown and debt limit. It has the potential to both reduce public hostility to the drones that is interfering with U.S. objectives in several countries and to improve intelligence by capturing rather than killing terrorist leaders.

**2NC Link Wall**

***Restricting detention prompts greater reliance on drones***

**Wittes ’11**, Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security. Detention and Denial [electronic resource] : The Case for Candor after Guantanamo. Washington : Brookings Institution Press, 2011., ebook, accessed via Wayne State online library, pg 112, jj

And why should anyone defend the status quo—as an intellectual matter, a policy matter, a legal matter, or a matter of common ¶ sense? Under what conceivable set of values would one admire a ¶ set of detention rules whose contours vary so wildly according to ¶ factors so unrelated to either liberty or security? Surely, no selfrespecting human rights advocate, believing that the rule of law ¶ requires habeas corpus review of detentions for detainees held at ¶ Guantánamo, could regard with equanimity the total deprivation ¶ of judicial review for the many more detainees held elsewhere in ¶ the world. If one truly believes that habeas review is a fulcrum on ¶ which our values pivot, it beggars belief that one would find satisfying the notion that the rule of law hinges on the odd terms of ¶ the U.S. lease of Guantánamo. It also beggars belief that the government could evade the rule of law by holding detainees in more ¶ dangerous conditions instead of removing them from the arena of ¶ combat. **Such a person must also feel at least modest discomfort** ¶ **at the increased reliance on proxy forces and Predator strikes that** ¶ **has accompanied the human rights victories over administration** ¶ **detention policies**. Surely, **such a person would regard the closure** ¶ **of Guantánamo—if it ever happens—as the most Pyrrhic of victories if it ends up meaning that future detainees, *if captured at*** ¶ ***all***, **will be held somewhere else, somewhere darker, by forces less** ¶ **professional and less constrained by law than our own**. The most ¶ that a self-respecting human rights activist could honestly say for ¶ the current situation is that it might represent the beginning of ¶ greater judicial oversight of international counterterrorism, the ¶ birth of a regime that will grow more comprehensive over time.

***Shift away from detention to a criminal prosecution approach means the military will take the easy way out and just kill suspects***

**Lietzau 8-13-’13**, William Lietzau, Yale-educated lawyer and retired Marine Corps officer, 13th August 2013 – Politico, Gitmo’s Czar Speaks Out, <http://defenddemocracy.org/media-hit/gitmos-czar-speaks-out/>, jj

Lietzau: No, not at all. I believe that failing to refer to today’s detainees as prisoners of war was a mistake; but the decision to avoid that term was not made with malevolence, nor was it driven by some immoral or unethical analysis. It was a pragmatic decision, made to avoid confusion, because al Qaeda members did not qualify for the rights and privileges that would normally be accorded to prisoners of war under the most recent treaties.¶ But I think the term “unlawful combatant,” though accurate, unwittingly created more confusion than it avoided. **The persistent refrain that Guantánamo is a “legal black hole” exists because of the misperception that they are being detained in some sort of pre-trial criminal context. They are not. They are detained in order to remove them from the battlefield, in order to mitigate their threat in an ongoing armed conflict, not to punish them for some past bad act**.¶ **The latter requires conviction based on proof beyond a reasonable doubt, after according one the protections associated with criminal due process. But prisoners of war can, and normally should, be held until the end of hostilities regardless of any criminal conviction**. **It would create a perverse anomaly to train our soldiers that they are permitted to shoot and kill enemy belligerents, which has never required proof beyond a reasonable doubt, but then to further train them that they are prohibited from capturing the enemy unless they have properly seized sufficient evidence to ensure conviction at the beyond-reasonable-doubt standard.** ***The impact of such a policy would be to incentivize killing in war***. Part of **my job has been to ensure we did not head down a road in which we might incentivize killing over capturing in war.**

## Extra case if time

#### Schmittian nature of U.S. administrative law means the “state of exception” and legal black holes are inevitable --- the aff is a utopian struggle against this reality

Vermeule ’09, Adrian Vermeule\*, \* John H. Watson, Jr. Professor of Law, Harvard Law School, February, 2009, Harvard Law Review, 122 Harv. L. Rev. 1095, “Our Schmittian Administrative Law”, Lexis, jj

[\*1096] How do the Administrative Procedure Act n1 (APA) and the larger body of administrative law respond to real or perceived emergencies? I suggest that our administrative law contains, built right into its structure, a series of legal "black holes" and "grey holes." n2 Legal black holes arise when statutes or legal rules "either explicitly exempt[] the ex-ecutive from the requirements of the rule of law or explicitly exclude[] judicial review of executive action." n3 Grey holes, which are "disguised black holes," n4 arise when "there are some legal constraints on executive action - it is not a lawless void - but the constraints are so insubstantial that they pretty well permit government to do as it pleases." n5 Grey holes thus present "the facade or form of the rule of law rather than any substantive protections." n6

David Dyzenhaus and other theorists of the rule of law show that black holes and grey holes are best understood by drawing upon the thought of Carl Schmitt, in particular his account of the relationship between legality and emergencies. If this is so, and in this sense, my claim is that the administrative law of emergencies just is Schmittian. n7 [\*1097] Moreover, the existence of these black and grey holes is inevitable. The aspiration to extend legality everywhere, so as to eliminate the Schmittian elements of our administrative law, is hopelessly utopian.

Although I will examine both the black and grey holes of our administrative law, I will focus especially on the lat-ter. Administrative law is built around a series of open-ended standards or adjustable parameters - for example, what counts as "arbitrary" or "unreasonable," whether evidence is "substantial," whether a statute is or is not "clear" - that courts can and do adjust during perceived emergencies to increase deference to administrative agencies. When the in-tensity of judicial review is reduced sufficiently far, it becomes effectively a sham, and a grey hole arises. This process requires no change in any of the nominal legal rules, and is difficult even to specify in the abstract, let alone to monitor or check. Importantly, these grey holes are a product both of legislative action in the text of the APA, and of judicial action in subsequent cases. As we will see, rule-of-law theorists find grey holes more objectionable than black holes, because the latter are at least openly lawless, whereas the former present a facade of law; but as we will also see, grey holes are unavoidable in administrative law, so decrying their existence is pointless.

I explain these claims through an overview of the APA and surrounding legal doctrine. My focus is on administra-tive law in the trenches - in the federal courts of appeal - rather than on the Supreme Court's administrative law. The former is the terrain in which administrative law actually operates, and I will attempt to show that lower courts after 9/11 have applied the adjustable parameters of the APA - "arbitrariness," "reasonableness," and so on - in quite deferential ways, creating grey holes in which judicial review of agency action is more apparent than real.

Part I briefly introduces Schmitt's thought on emergencies and the critiques offered by theorists committed to a strong version of the rule of law. Against this backdrop, I state my main theses and clarify my limited ambitions. Part II documents the black and grey holes of administrative law. Part III argues that the black and grey holes are unavoidable, for practical and institutional reasons; that contrary to the suggestions of several scholars, there is no such thing as "ordinary" administrative law, conceived as an alternative to exceptional deference [\*1098] to the executive during emergencies; and that proposals to handle executive emergency powers through an "institutional process" approach that focuses on congressional authorization are largely futile, because vague statutory authorizations just create grey holes in any event.

#### Legal and juridical restraints on the executive can never effectively operate in a state of emergency – to attempt to restrain the sovereign presidency is nothing but liberal naivety

Casson 2008 (Douglas, Professor at St Olaf College, “Emergency Judgment: Carl Schmitt, John Locke, and the Paradox of Prerogative”. *Politics & Policy*. Vol. 36, No. 6 (2008): 944-7) [nagel]

Schmitt was a harsh critic of constitutional liberalism. In fact, he devoted his formidable intellect to issues surrounding state emergencies to demonstrate the impossibility of making executive emergency power consistent with the rule of law. 2 He argued that proponents of modern constitutionalism are fundamentally deluded concerning the nature of law. They assume that all governmental action can be contained within a set of explicit legal norms and thus fail to grasp the political reality of the exception. In a state of emergency, the norms of a legal order give way to the political act, the act of decision. In that moment, political actors no longer experience the comforting consistency and clarity of ordinary legal strictures. They recognize that any legal order originates and is maintained by the political act, a moment of judgment that Schmitt calls “pure decision.” Schmitt coined the term “decisionism” to describe his view that the concrete moment of decision is more legally significant than any abstractly valid legal order. As Schmitt (2005, 13) argued, “[t]here exists no norm that is applicable to chaos.” In the midst of crisis, law is not sovereign. The sovereign is whoever decides on the exception (5). According to Schmitt, the inescapable presence of power lurks just behind the friendly facade of constitutional government. The recent revival of interest in Schmitt is a result, in part, of the way the Bush Administration has defended its authority in remarkably Schmittian terms. The attacks of September 11, we have been told, changed everything. Legal norms and expectations that might have once applied had to be reevaluated in light of the present crisis. Moreover, the process of reevaluation, administration lawyers have argued, lies solely within the unmitigated discretionary power of the executive. A memorandum written for the Office of Legal Counsel (OLC) by John Yoo and submitted under the signature of Jay Bybee in 2002 asserted that “the President enjoys complete discretion in the exercise of his Commander-in-Chief authority and in conducting operations against hostile forces” (Danner 2004, 145). Complete discretion in this case means that the president in wartime has no authority to which he must answer. The president is sovereign. Prohibitions of international, as well as domestic law, simply do not apply to him. In an infamous passage, the OLC argued that even federal statutes prohibiting torture “must be construed as inapplicable to interrogations undertaken pursuant to his Commander-in-Chief authority” (145). Although an explicit discussion of the extent of the president’s discretionary power has been omitted from subsequent memorandums, the assertion of unbridled executive power in the midst of a “war on terror” has become central to this administration’s self-understanding. This expansion of power is certain to have lasting effects on the structure of government in the United States regardless of who serves in the White House in coming years. As Vice President Cheney (2001) put it in the weeks following the attacks, “[h]omeland security is not a temporary measure just to meet one crisis. Many of the steps we have now been forced to take will become permanent in American life...I think of it as the new normalcy.” Given the Bush Administration’s explicit appeal to a seemingly unlimited and perhaps even permanent emergency power, it is hard to blame contemporary political observers for turning to Schmitt for insight. The Italian philosopher Giorgio Agamben (2005) has been one of the most influential thinkers to argue that the current international response to terrorism demonstrates that “Schmitt’s dictum on sovereignty and its formulation still makes sense” (31). Agamben argues that the blatant appeal to extralegal power in the days after the attacks tore away the liberal veils and exposed the authoritarian character that lies concealed within every constitutional order. The state of exception, he writes, is “the dominant paradigm of government in contemporary politics” (2). Moreover, this widespread recourse to emergency power among modern liberal democracies is indicative of a fundamental contradiction in liberal constitutionalism itself. For Agamben, the pervasiveness of emergency power discredits contemporary appeals to the rule of law (87). He presents Schmitt as a clear-eyed realist who skewers liberal pretensions and provides us with a coherent explanation of the central place of arbitrary power in constitutional regimes that claim to be governed by legal norms. Agamben uses Schmitt to show that the rule of law in the contemporary world is nothing other than an expression (and concealment) of the will to power. The continuing and pervasive presence of the exception reveals that power, not law, is sovereign in the modern state. Agamben’s description of the history of emergency power in the United States makes no mention of the judiciary. Yet those who might take solace in recent Supreme Court opinions such as Rasul v. Bush (2004), Hamdan v. Rumsfeld (2006), and Boumediene v. Bush (2008) ignore the fact that by and large, the courts have accomplished more to contribute to the growth of executive discretionary power than to limit it. Legal scholars have found that the widely held belief that the judiciary serves as the guarantor of the rule of law in times of emergency has little empirical support. Seen from an historical perspective, judicial review of emergency powers has actually led to the opposite result. The courts have contributed to a gradual expansion of executive power, normalizing an increasingly authoritarian government (Fisher 1995; Gross 2003; Zuckerman 2006). Since ex parte Milligan, 3 the Supreme Court has understood itself as the ultimate arbiter of emergency powers and the sole guardian of the Constitution. Yet in the midst of crisis, it has interpreted war powers expansively and flexibly, thus creating a lasting precedent that normalizes exceptional emergency powers (see Rossiter 1948). In spite of a few celebrated cases where the judiciary acted as a check-on executive power, the courts have been institutionally unable to resist the expansion of executive powers in times of war, and that expansion subsequently persists in times of peace. As Agamben argues, the fact that almost all modern regimes make use of extensive emergency powers while insisting that they are ruled by law simply demonstrates the self-contradictory and perhaps even hypocritical nature of modern liberalism (Agamben 2005; Lobel 1989). Schmitt argues that liberals seek to obscure their own reliance on these exceptional powers because those powers lie outside the reach of normal law. They cling to the illusion of constitutional rationalism—that all governmental action can be contained within explicit legal norms—even though all of the evidence contravenes it. As Dyzenhaus (2006, 39) puts it, “[b]ecause liberals cannot countenance the idea of politics uncontrolled by law, they place a thin veneer of legality on the political, which allows the executive to do what it wants while claiming the legitimacy of the rule of law.” According to Schmitt and those who have embraced his critique, the naiveté of constitutional rationalists actually contributes to the seemingly unstoppable process of executive expansion. In a world characterized by a “war on terrorism” and executive self-assertion, Schmitt can certainly seem like a prescient guide. Yet Schmitt and those who have embraced his critique leave readers with a stark and unsettling choice. We can either stubbornly cling to a naïve view of constitutional rationalism, insisting that the exercise of emergency power can and should be subjected to legal regulation in all cases, or we can acknowledge that the promise of liberal self-government is fundamentally illusory and that emergency power is ubiquitous and absolute. We can embrace either constitutional rationalism or Schmittian decisionism.