### Contention 1: Homonationalism

#### 1. US exceptionalism creates homonationalism, where even queer bodies are included in the patriotic order as long as they conform to traditional practices of citizenship – unstable sexualities are projected outwards on the Other, creating our flawed and sexualized understanding of the Terrorist.

Puar 2007 [Jasbir, Professor of women's and gender studies at Rutgers University, Terrorist Assemblages: Homonationalism in Queer Times] Awirth

Hate crimes against gays and lesbians are still rationalized through these very same terms: is not the expression of "a socially appropriate emotion in socially inappropriate ways" the crux of the "gay panic" defense? Historical amnesia prevails. In the sway from crimes of moral depravity to crimes of passion, Ahmad argues, it is not only that the targets of attack have altered, but that the entire mechanism of scapegoating is now rife with sentiment that is attached to the gendered, sexualized, and racial codings of these bodies. It is notable that white, middle- to upper-class, kind-and-gentle college student Matthew Shepard became the quintessential poster boy for the U.S.-based Lgbtiq antiviolence movement, one that has spawned a stage production (The Laramie Project) among other consumables. 29 Indeed, exemplary of this transference of stigma, positive attributes were attached to Mark Bingham's homosexuality: butch, masculine, rugby player, white, American, hero, gay patriot, called his mom (i.e., homonational), while negative connotations of homosexuality were used to racialize and sexualize Osama bin Laden: feminized, stateless, dark, perverse, pedophilic, disowned by family (i.e., fag). 30 What is at stake here is not only that one is good and the other evil; the homosexuality of Bingham is converted into acceptable patriot values, while the evilness of bin Laden is more fully and efficaciously rendered through associations with sexual excess, failed masculinity (i.e., femininity), and faggotry. While I have briefly highlighted the most egregious examples of the collusions between homosexuality and U.S. nationalism—gay conservatives such as Andrew Sullivan being the easiest and prime target—I am actually more compelled by progressive and liberal discourses of Lgbtiq identity and how they might unwittingly use, rely upon, or reinscribe U.S. nationalisms, U.S. sexual exceptionalisms, and homonormative imaginative geographies. The proliferation of queer caricatures in the media and popular culture (such as Queer Eye for the Straight Guy and, more recently, Queer Eye for the Straight Girl), the Massachusetts Supreme Court ruling upholding same-sex marriage (2004), and the overturning of sodomy regulations through the Lawrence and Garner v. Texas ruling (2003) all function as directives regarding suitable and acceptable kinship, affiliative, and consumption patterns, consolidating a deracialized queer liberal constituency that makes it less easy to draw delineations between assimilated gay or lesbian identities and ever-sovigilant and -resistant queer identities. Even the acronym Lgbtiq suggests the collapsing into or the analogizing of multiple identity strands. In homonormative narratives of nation, there is a dual movement: U.S. patriotism momentarily sanctions some homosexualities, often through gendered, racial, and class sanitizing, in order to produce "monster-terrorist-fags"; homosexuals embrace the us-versus-them rhetoric of us. Patriotism and thus align themselves with this racist and homophobic production. 31 Aspects of homosexuality have come within the purview of normative patriotism, incorporating aspects of queer subjectivity into the body of the normalized nation; on the other hand, terrorists are quarantined through equating them with the bodies and practices of failed heterosexuality, emasculation, and queered others. This dual process of incorporation and quarantining involves the articulation of race with nation. Nation, and its associations with modernity and racial and class hierarchies, becomes the defining factor in disaggregating between upright, domesticatable queernesses that mimic and recenter liberal subjecthood, and out-of-control, untetherable queernesses. How does the queer terrorist function to regenerate the heteronormative or even homonormative patriot, elaborated in the absurd but tangible play between the terrorist and the patriot? In the never-ending displacement of the excesses of perverse sexualities to the outside, a mythical and politically and historically overstated externality so fundamental to the imaginative geographies at stake, the (queer) terrorist regenerates the civilizational missives central to the reproduction of racist-heterosexist U.S. and homonormative nationalisms, apparent in public policy archives, feminist discourses, and media representations, among other realms. Discourses of terrorism are thus intrinsic to the management not only of race, as is painfully evident through the entrenching modes of racial profiling and hate crime incidents. Just as significantly, and less often acknowledged, discourses of terrorism are crucial to the modulation and surveillance of sexuality, indeed a range of sexualities, within and outside us. parameters. Unfortunately (or fortunately—this story has not been fully written yet), U.S. nationalisms no longer a priori exclude the homosexual; it is plausible perhaps, given the generative and constitutive role that homosexuality plays in relation to heteronormativity as well as homosociality, that the heteronormativity so necessary to nationalist discourse has been a bit overstated or has functioned to overshadow the role of homosexual and homonormative others in the reproduction of nation. I have elaborated upon three threads of homonationalism: feminist scholarly analysis that, despite its progressive political intent, reproduces the gender-sex nonnormativity of Muslim sexuality; gay and lesbian tourists who perform U.S. exceptionalisms, reanimated via 9/11, embedded in the history of Lgbtiq consumer-citizens; and the inclusion of gay and queer subjectivities that are encouraged in liberal discourses of multiculturalism and diversity but are produced through racial and national difference. As reflected by the debates on gay marriage in the United States, these are highly contingent forms of nationalism and arguably accrue their greatest purchase through transnational comparative frames rather than debates within domestic realms; sustaining these contradictions is perhaps the most crucial work of imaginative geographies of nationalism. Produced in tandem with the "state of exception," 100 the demand for patriotic loyalty to the United States merely accelerates forms of sexual exceptionalism that have always underpinned homonormativities. Furthermore, there is nothing inherently or intrinsically antination or antinationalist about queerness, despite a critical distancing from gay and lesbian identities. Through the disaggregating registers of race, kinship, and consumption, among others, queerness is also under duress to naturalize itself in relation to citizenship, patriotism, and nationalism. While many claim September 11 and the war on terror as scotomatous phenomena, the demand for patriotic loyalty merely accelerates forms of queer exceptionalism that have always underpinned the homonational. In a climate where President Bush states that gay marriage would annihilate "the most fundamental institution of civilization" and the push for a constitutional amendment to defend heterosexual marriage is called "the ultimate homeland security" (equating gay marriage with terrorism, by former Pennsylvania Republican senator Rick San torum), homonationalism is also a temporal and spatial illusion, a facile construction that is easily revoked, dooming the exceptional queers to insistent replays and restagings of their exceptionalisms. 101 Thus the "gains" achieved for queers, gains that image the United States in sexually exceptional terms, media, kinship (gay marriage), legality (sodomy), consumption (queer tourism) and so forth, can be read in the context of the war on terror, the Usa Patriot Act, the Welfare Reform Act, and unimpeded U.S. imperialist expansion, as conservative victories at best, if at all. It is not only that a history of race is produced through sexuality that renders white heterosexuality proper in contrast to (black, slave) colored heterosexuality as improper, and as always in the teleological progressive space of mimicry. The history of Euro-American gay and lesbian studies and queer theory has produced a cleaving of queerness, always white, from race, always heterosexual and always homophobic. But now we have the split between proper, national (white) homosexuality ( . . . queerness?) and improper (colored) nonnational queerness. Therefore, the proliferating sexualities of which Foucault speaks (the good patriot, the bad terrorist, the suicide bomber, the married gay boy, the monster-terrorist-fag, the effeminate turbaned man, the Cantor Fitzgerald wives, the white firefighters, the tortured Iraqi detainee . . . ) must be studied not as analogous, dichotomous, or external to each other, but in their singularities, their relatedness, their lines of flight, their internalities to and their complicities with one another.

#### 2. Homonationalism justifies liberalized intervention on states – to understand this imperial violence we must understand the ongoing complexities of homonationalism that are fueled by a racialized Muslim Other.

Puar 13 [Jasbir, Professor of women's and gender studies at Rutgers University, Rethinking Homonationalism, Int. J. Middle East Stud. 45 (2013)] Awirth

In my 2007 monograph Terrorist Assemblages: Homonationalism in Queer Times (here- after TA), I develop the conceptual frame of “homonationalism” for understanding the complexities of how “acceptance” and “tolerance” for gay and lesbian subjects have become a barometer by which the right to and capacity for national sovereignty is evaluated.1 I had become increasingly frustrated with the standard refrain of transnational feminist discourse as well as queer theories that unequivocally stated, quite vociferously throughout the 1990s, that the nation is heteronormative and that the queer is inherently an outlaw to the nation-state. While the discourse of American exceptionalism has always served a vital role in U.S. nation-state formation, TA examines how sexuality has become a crucial formation in the articulation of proper U.S. citizens across other registers like gender, class, and race, both nationally and transnationally. In this sense, homonationalism is an analytic category deployed to understand and historicize how and why a nation’s status as “gay-friendly” has become desirable in the first place. Like modernity, homonationalism can be resisted and re-signified, but not opted out of: we are all conditioned by it and through it. In TA, for instance, I critically interrogate LGBTQ activist responses to the 2003 Supreme Court ruling in U.S. v. Lawrence, which decriminalized sodomy between consenting adults acting in private, bringing into relief how the celebration of the queer liberal subject as bearer of privacy rights and economic freedom sanctions a regime of racialized surveillance, detention, and deportation. TA shows how homonationalism goes global, moreover, as it undergirds U.S. imperial structures through an embrace of a sexually progressive multiculturalism justifying foreign intervention. For example, both the justifications and the admonishments provoked by the Abu Ghraib photos rely on Orientalist constructions of Muslim male sexuality as simultaneously excessively queer and dangerously premodern. The discursive field produced around Abu Ghraib enlists homonormative U.S. subjects in the defense of “democratic” occupation. It has been humbling and also very interesting to see the ways homonationalism as a concept has been deployed, adapted, rearticulated, and critiqued in various national, activist, and academic contexts; giving rise to generative and constructive debate was my true intent in writing the book, which was derived not as a corrective but as an incitement to debate. The language of homonationalism is appearing in academic and activist projects across North America, Europe, and now India. For example, a Paris- based group called “No to Homonationalism” (Non a l’homonationalisme) is contesting the campaign proposed for Gaypride in Paris because of its taking up of the national symbol of the white rooster.2 A 2011 conference on sexual democracy in Rome took issue with the placement of World Pride in the area of the city housing the highest percentage of migrants and staked a claim to a secular queer politics that challenges the Vatican as well as the anti-migrant stance of European organizing entities. And as I will discuss below, critical commentary on Israel’s gay-friendly public relations campaign coalesced into various coordinated movements against “pinkwashing,” or Israel’s promotion of a LGTBQ-friendly image to reframe the occupation of Palestine in terms of civilizational narratives measured by (sexual) modernity.3 At times the “viral” travels of the concept of homonationalism, as it has been taken up in North America, various European states, Palestine/Israel, and India, have found reductive applications in activist organizing platforms. Instead of thinking of homonationalism as an accusation, an identity, a bad politics, I have been thinking about it as an analytic to apprehend state formation and a structure of modernity: as an assemblage of geopolitical and historical forces, neoliberal interests in capitalist accumulation both cultural and material, biopolitical state practices of population control, and affective investments in discourses of freedom, liberation, and rights. Homonationalism, thus, is not simply a synonym for gay racism, or another way to mark how gay and lesbian identities became available to conservative political imaginaries; it is not another identity politics, not another way of distinguishing good queers from bad queers, not an accusation, and not a position. It is rather a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality. To say that this historical moment is homonational, where homonationalism is understood as an analytics of power, then, means that one must engage it in the first place as the condition of possibility for national and transnational politics. Part of the increased recourse to domestication and privatization of neoliberal economies and within queer communities, homonationalism is fundamentally a deep critique of lesbian and gay liberal rights discourses and how those rights discourses produce narratives of progress and modernity that continue to accord some populations access to citizenship—cultural and legal—at the expense of the delimitation and expulsion of other populations. The narrative of progress for gay rights is thus built on the back of racialized others, for whom such progress was once achieved, but is now backsliding or has yet to arrive. I have thus theorized homonationalism as an assemblage of de- and reterritorializing forces, affects, energies, and movements. While the project arose within the post 9/11 political era of the United States, homonationalism is also an ongoing process, one that in some sense progresses from the civil rights era and does not cohere only through 9/11 as a solitary temporal moment.

#### 3. Voting affirmative is key – complacency justifies the imperial violence of homonationalism

Butler 10 [Judith, Judith Butler – I Must Distance Myself From This Complicity With Racism, <http://www.egs.edu/faculty/judith-butler/articles/i-must-distance-myself/>] Awirth

When I consider what it means today, to accept such an award, then I believe, that I would actually lose my courage, if i would simply accept the price under the present political conditions. ... For instance: Some of the organizers explicitly made racist statements or did not dissociate themselves from them. The host organizations refuse to understand antiracist politics as an essential part of their work. Having said this, I must distance myself from this complicity with racism, including anti-Muslim racism. We all have noticed that gay, bisexual, lesbian, trans and queer people can be instrumentalized by those who want to wage wars, i.e. cultural wars against migrants by means of forced islamophobia and military wars against Iraq and Afghanistan. In these times and by these means, we are recruited for nationalism and militarism. Currently, many European governments claim that our gay, lesbian, queer rights must be protected and we are made to believe that the new hatred of immigrants is necessary to protect us. Therefore we must say no to such a deal. To be able to say no under these circumstances is what I call courage. But who says no? And who experiences this racism? Who are the queers who really fight against such politics?

#### 4. Indefinite detention is rooted in heteronormative formations of sex, gender, and family – this respatialization creates the ultimate violence against the non-citizen

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Second, the Aclu report is notable for its presentation of detention. Indefinite detention creates new spatiotemporal registers not only in terms of racial, religious, diasporic, and national subjectivities, but also through its regulation of kinship formations. Post-9/11 detention praxis produces a rupturing of transnational heterosexual kinship formations, as Muslim men—brothers, husbands, fathers, uncles, grandfathers—are disappeared, vanishing from work, while going to pick up groceries, from their homes in the middle of the night. 94 Family members dependent on these male figures for a primary income or legal status were left to search for their whereabouts. Clearly, the intimate is a protected space of citizenship, unavailable to members of Muslim families whose separation merits no consideration. This is hardly a surprise, given that, as Bhattacharjee claims, "the sanctity of the family is selectively respected by the nation-state. . . . For immigrant homes, the state can hardly be accused of inaction—if anything, it is actively involved in determining the very existence of the family." 95 The radical disregard and dismissal with which these family relations have been treated also destabilizes any inhabitation of heteronormativity for these populations. The consequences of detention and deportation challenge the stabilization of nuclear heterosexual and extended kinship intimacy of these families. Heteronormativity is out of reach, literally disallowed by the state, utterly untenable for these families, thus respatializing heterosexuality to the extent that it can no longer be, if it ever was, heteronormative. Yet these practices also reiterate and reinforce the heterosexual parameters of American citizenship, straining while simultaneously demanding nuclear heterosexual kinship ties, severely delimiting the visibility, and perhaps even foreclosing the possibility, of alternative household, partnering, and child-rearing alliances. If we examine the respatialization due to government practices of indefinite detention, there is both a perverse homosexual othering at work in the construction of the terrorist detainee and a vast widening of the gulf that fissures heterosexuality and heteronormativity. That is to say, these practices make heterosexuality a mandate while making heteronormativity impossible. Heteronormativity is consolidated through the physical site of the family home, immune from upheaval, and a spatial array of concatenating entities: property, citizenship, privacy, and intimacy, laboring to widen the gulf between itself and heterosexuality. Considered nonnational and thus cast beyond the ambit of normativity, detention respatialization is a note worthy site for the production of nonnormative transnational sexual kinship arrangements, a production that is rendered against the stability, security, and cosmopolitan mobility of American multicultural heteronorms. As an anticosmopolitan formation—for despite its global dimensions, mobility is prohibitively contained—un-homed detainee family networks occupy the space of perverse heterosexuality, poorly lived and unworthy of state protection. (Mainstream immigration lawyers have noted with some interest that Muslim women are also taking this opportunity to escape violent domestic relations and situations. It is also the case, however, that women speaking on behalf of their disappeared husbands, sons, fathers, and brothers, have become highly competent organizers within antidetention activism.) 96 The hurdles blocking the way to heteronormativity are an important overture to the racialized differentiation between heteronormativity and heterosexuality; the ascendancy of whiteness and the ascendancy of heteronorms are biopolitical comrades.

#### 5. Detention and associated torture are rooted in queer otherness, where certain sex acts are seen to be unnatural and befitting for the sexualized Muslim to experience because of their placement outside of citizenship

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The torture of Iraqi prisoners at Abu Ghraib is neither exceptional nor singular, as many (Secretary of Defense Donald Rumsfeld and the George W. Bush administration, the U.S. military establishment, and even good liberals) would have us believe. We need think only of the fact that so many soldiers who faced prosecution for the Iraqi prisoner situation came from prison guard backgrounds (reminding us of the incarceration practices within the U.S. prison industrial complex), let alone the treatment of Palestinian civilians by the Israeli army guards, or even the brutal sodomizing of Abner Louima by New York City police. Neither has it been possible to normalize the incidents at Abu Ghraib as “business as usual” even within the torture industry. As public and governmental rage alike made clear, a line had been crossed. Why that line is demarcated at the place of so-called sexual torture—specifically, violence that purports to mimic sexual acts closely associated with deviant sexuality or sexual excess such as sodomy and oral sex, as well as S/M practices of bondage, leashing, and hooding—and not, for example, at the slow starvation of millions due to UN sanctions against Iraq, the deaths of thousands of Iraqi civilians since the U.S. invasion in April 2003, or the plundering and carnage in Fallujah, is indeed a spectacular question. The reaction of rage, while to some extent laudable, misses the point entirely, or perhaps more generously, upstages a denial of culpability. The violence performed at Abu Ghraib is neither an exception to nor an extension of imperialist occupation. Rather, it works in concert with proliferating modalities of force, an indispensable part of the “shock and awe” campaign blueprinted by the Israelis upon the backs of Palestinian corpses. Bodily torture is but one element in a repertoire of techniques of occupation and subjugation that include assassinations of top leaders; house-to-house roundups, often involving interrogations without interpreters; the use of tanks and bulldozers in densely populated residential areas; helicopter attacks; the trashing and forced closure of hospitals and other provisional sites; and other violences that frequently go against international legal standards. The sexual humiliation and ritual torture of Iraqi prisoners enabled the Bush administration to forge a crucial distinction between the supposed depravity of Abu Ghraib and the “freedom” being built in Iraq. Days after the photographs from Abu Ghraib had circulated in the domestic and foreign press, President George W. Bush stated of the abused Iraqi prisoners, “Their treatment does not reflect the nature of the American people.”1 Not that I imagine the American president to be so thoughtful or profound (though perhaps his speechwriters are), but his word choice is intriguing. Which one, exactly, of the acts perpetrated by American soldiers is inimical to the “natural” tendencies of Americans? Is it the behavior of the U.S. soldiers conducting the abuse? The ones clicking the digital shutter? Or is it the perverse behaviors forcibly enacted by the captured prisoners? What exactly is it that is “disgusting”—a word commonly used during the first few days of the prison scandal—about these photos? The U.S. soldiers grinning, stupidly waving their thumbs in the air? The depicted “sex acts” themselves, simulated oral and anal sex between men? Or the fact that the photos were taken at all? And why are these photos any more revolting than pictures of body parts blown apart by shards of missiles and explosives, or the scene of Rachel Corrie’s death by bulldozer?2 Amid Bush’s claims to the contrary, the actions of the U.S. military in Saddam’s former torture chambers certainly narrows the gap between us and them—between the patriot and the terrorist; the site, the population, and nearly sequential time periods all overlie quite nicely to drive this point home.3 But not without attempts to paint the United States as the victim: in response to the photos, Thomas Friedman frets, “We are in danger of losing something much more important than just the war in Iraq. We are in danger of losing America as an instrument of moral authority and inspiration in the world. I have never known a time in my life when America and its president were more hated around the world than today.”4 Bush’s efforts to refute the idea that the psychic and fantasy lives of Americans are depraved, sick, and polluted by suggesting instead that they remain naturally free from such perversions—not only would one never enjoy the infliction of such abuse, but one would never even have the mindset or capacity to think of such acts—reinstantiates a liberal regime of multicultural heteronormativity intrinsic to U.S. patriotism. I argue that homonationalism is consolidated through its unwitting collusions with nationalist sentiment regarding “sexual torture” in general and “Muslim sexuality” in specific. I also argue that this homonationalism works biopolitically to redirect the devitalizing incident of torture toward a population targeted for death into a revitalizing life-optimizing event for the American citizenry for whom it purports to securitize. Following Giorgio Agamben, state of exception discourses surrounding these events is produced on three interrelated planes. The first is the rarity of this particular form of violence: we are overtaken by the temporality of emergency, portrayed as excessive in relation to the temporality of regularity. The second is the sanctity of “the sexual” and of the body: the sexual is the ultimate site of violation, portrayed as extreme in relation to the individual rights of privacy and ownership accorded to the body within liberalism. The third is the transparency of abuse: the torture at Abu Ghraib is depicted as clear overkill in relation to other wartime violence and as defying the normative standards that guarantee the universality of the human in human rights discourses. Here is an extreme example, but indicting on all three counts nonetheless, of how these discourses of exceptionalism work in tandem. In May 2004, Rev. Troy Perry of the Metropolitan Community Church [MCC], an LGBTIQ religious organization, circulated a press release in reaction to incidents at Abu Ghraib in which he condemned “the use of sexuality as an instrument of torture, shame, and intimidation,” arguing that the fact “that prisoners were forced to perform sexual acts that violate their religious principles and personal consciences is particularly heinous.” The press release concluded by declaring, “MCC pledges to continue to work for a world in which all people are treated with dignity and equality and where sexuality is celebrated, respected and used for good.”5 Hardly exceptional, as Veena Das argues, violence is not set apart from sociality, nor is sociality resistant to it: “Violence is actually embedded in sociality and could itself be a form of sociality.”6 Rita Maran, in her study of the application of torture in the French-Al- gerian war, demonstrates that torture is neither antithetical nor external to the project of liberation; rather, it is part and parcel of the necessary machinery of the civilizing mission. Torture is the underside, indeed the accomplice of the civilizing mission. Furthermore, Maran, citing Roger Trinquier, notes that “torture is the particular bane of the terrorist” and that the “rational equivalency” plays out as follows: “As the terrorist resorts to extremes of violence that cause grievous individual pain, so the state replies with extremes of violence that, in turn, cause grievous individual pain.”7 Any civilizing mission is marked precisely by this paradox: the civilizing apparatus of liberation is exactly that which delimits the conditions of its possibility. Thus torture is at the very least doubly embedded in sociality: it is integral to the missionary and savior discourse of liberation and civilizational uplift, and it constitutes apposite punishment for terrorists and the bodies that resemble them. Neither is the practice and propagation of torture antithetical to modernity. Noting that “all major accounts of punishment subscribe to the view that as societies modernize, torture will become superfluous to the exercise of power,” Darius M. Rejali argues that even Foucault, despite arguing that penal reform actually reflected a more efficacious mode of control (and moved punishment out of public domains), falls into this trap by assuming that torture dissipated as disciplinary regimes of society developed. Rejali counters: Does the practice of modern torture today indicate a return to the past? One might be tempted to believe this because modern torture is so severely corporeal. But it would be a mistake to let corporal violence be the sole basis for one's judgment. Modern torture is not mere atavism. It belongs to the present moment and arises out of the same notions of rationality, government, and conduct that characterize modernity as such.8 As Agamben demonstrates so well, state of exception discourses labor in the service of historical discontinuities between modernizing and liberalizing modalities and the regressive forces they purport to transform or overcome. As I argue in this essay, deconstructing U.S. exceptionalism, in particular sexual exceptionalism, and contextualizing the embeddedness of torture—rather than taking refuge in state of exception pretenses—entails attending to discourses and affective manifestations of sexuality, race, gender, and nation that activate torture’s corporeal potency.

#### 6. Indefinite detention is rooted within a bio-necro politics, where the state marks certain populations as the living dead marked for slow death.

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Mbembe's "death-worlds" of the "living dead," on the other hand, may cohere through a totalizing narrative about the suffocation of life through the omnipotent forces of killing. 88 In the face of daily necropolitical violence, suffering, and death, the biopolitical will to live plows on, distributed and redistributed in the minutiae of thus fertility, child care, education), mortality (stalling death, the elongation of life), illness ("form, nature, extension, duration, and intensity of the illnesses prevalent in a population" in order to regulate labor production and productivity), insurance, security. These "technologies of security" function to promote a reassuring society, "an overall equilibrium that protects the security of the whole from internal dangers," and are thus implicated in the improvement of the race through purification, and the reignition and regeneration of one's race. 89 While questions of reproduction and regeneration are central to the study of biopolitics, queer scholars have been oddly averse to the Foucauldian frame of biopolitics, centralizing instead The History of Sexuality through a focus on the critique of psychoanalysis and the repressive hypothesis, implicitly and often explicitly delegating the study of race to the background. Rey Chow notes the general failure of scholars to read sexuality through biopower as symptomatic of modernist inclinations toward a narrow homosexual/heterosexual identitarian binary frame that favors "sexual intercourse, sex acts, and erotics" over "the entire problematic of the reproduction of human life that is, in modern times, always racially and ethnically inflected." 90 I would add to this observation that the rise of the centrality of The History of Sexuality in queer studies has been predominantly due to interest in Foucault's disentanglement of the workings of the "repressive hypothesis" and his implicit challenge to Freudian psychoanalytic narratives that foreground sexual repression as the foundation of subjectivity. (In other words, we can trace the genealogic engagements of The History of Sexuality as a splitting: scholars of race and postcoloniality taking up biopolitics, while queer scholars work with dismantling the repressive hypothesis. These are tendencies, not absolutes.) 91 It is also the case, however, that scholars of race and postcoloniality, despite studying the intersections of race and sexuality, have only recently taken up questions of sexuality beyond the reproductive function of heterosexuality. 92 While Chow's assessment of western proclivities toward myopic renditions of sexuality is persuasive, the relegation of the sexual purely to the realm of (heterosexual) reproduction seems ultimately unsatisfactory. In the case of Chow's project, it allows her to omit any consideration of the heteronorms that insistently sculpt the parameters of acceptable ethnics. Moreover, nonnormative sexualities are rarely centered in efforts elaborating the workings of biopolitics, elided or deemed irrelevant despite the demarcation of perversion and deviance that is a key component of the very establishment of norms that drive biopolitical interests. 9 3 Many accounts of contemporary biopolitics thus foreground either race and state racism or, as Judith Butler does, the ramification of the emergence of the category of "sex," but rarely the two together. 94 In this endeavor I examine the process of disaggregating exceptional queer subjects from queer racialized populations in contemporary U.S. politics rather than proffer an overarching paradigm of biopolitical sexuality that resolves these dilemmas. By centering race and sexuality simultaneously in the reproduction of relations of living and dying, I want to keep taut the tension between biopolitics and necropolitics. The latter makes its presence known at the limits and through the excess of the former; the former masks the multiplicity of its relationships to death and killing in order to enable the proliferation of the latter. The distinction and its attendant tensions matter for two reasons. First, holding the two concepts together suggests a need to also attend to the multiple spaces of the deflection of death, whether it be in the service of the optimization of life or the mechanism by which sheer death is minimized. This bio-necro collaboration conceptually acknowledges biopower's direct activity in death, while remaining bound to the optimization of life, and necropolitics' nonchalance toward death even as it seeks out killing as a primary aim. Following Mbembe, who argues that necropolitics entails the increasingly anatomic, sensorial, and tactile subjugation of bodies—whether those of the detainees at Guantanamo Bay or the human waste of refugees, evacuees, the living dead, the dead living, the decaying living, those living slow deaths—it moves beyond identitarian and visibility frames of queerness to address questions of ontology and affect. 95 Second, it is precisely within the interstices of life and death that we find the differences between queer subjects who are being folded (back) into life and the racialized queernesses that emerge through the naming of populations, thus fueling the oscillation between the disciplining of subjects and the control of populations. Accountable to an array of deflected and deferred deaths, to detritus and decay, this deconstruction of the poles of bio- and necropolitics also foregrounds regeneration in relation to reproduction. We can complicate, for instance, the centrality of biopolitical reproductive biologism by expanding the terrain of who reproduces and what is reproduced, dislodging the always already implicit heterosexual frame, interrogating how the production of identity categories such as gay, lesbian, and even queer work in the service of the management, reproduction, and regeneration of life rather than being predominantly understood as implicitly or explicitly targeted for death. Pressing Butler on her focus on how queers have been left to die, it is time to ask: How do queers reproduce life, and Which queers are folded into life? How do they give life? To what do they give life? How is life weighted, disciplined into subjecthood, narrated into population, and fostered for living? Does this securitization of queers entail deferred death or dying for others, and if so, for whom?

### Contention 2: Control Societies

#### 1. We live in the age of control societies – the state uses difference to regulate subjects – the panopticon depends on the ability to understand and render subjects knowable

Puar 2007 [Jasbir, Professor of women's and gender studies at Rutgers University, Terrorist Assemblages: Homonationalism in Queer Times] Awirth

On June 26, 2003, consensual adult sodomy was decriminalized in the United States. While the ruling was understandably lauded by gay and lesbian civil rights activists, others were quick to caution against an easy acceptance of the terms of the decision. The legal scholar Nan Hunter, for example, argues that the Lawrence and Garner v. Texas decision (hereafter referred to as Lawrence-Garner) "performed a double move, creating a dramatic discursive moment." A generative project of liberalism, the purportedly liberating process of deregulation inaugurates yet again the multiplication of pools of knowledge—particularization, minutiae, what Hunter terms "heightened scrutiny"—of queer bodies. 1 This time, unlike sexology, psychiatry, and other fields embedded in the study of deviance, liberalism works through the positive register of incorporation (the productive effects of exclusion notwithstanding).Paradoxically, the decriminalization of sodomy results in accentuated state regulation of sexuality rather than a decline in such patrolling, 2 commissioning many other actors to intensify other types of scrutiny, for example, to assess the suitability of homosexuals for adoption and parenting. Hunter locates this heightened scrutiny as part of the subterranean "examination of the social acceptability of those persons who are the objects of the government's interventions" specific to jurisprudence regarding sexuality. Highlighting the Foucauldian entanglement of freedom and regula tion, Hunter argues that "deprived of criminal law as a tool, opponents of equality for lesbians and gay men are likely to concentrate increasingly on the strategy of containment." She delineates several areas where containment tactics might be most efficacious: disputes involving children, control over expressive space, otherwise known as the public sphere, and distinguishing the "respectability" of queer relationships that reinforce hierarchies of race, class, gender, and citizenship.3 These points regarding containment are well taken, but other forms of power focus less on state regulation and the scrutiny of actors and instead foreground floating mechanisms of continuous control, enacted through the proliferation of management devices and details, an implosion and explosion of information about sexual subjects that subtends the emancipatory ideals of the liberal subject, straddling the disciplinary apparatus of the state and the more diffuse registers of control societies. Disciplinary containment—discursive, ideological, and spatial—is still very much in operation as a panoptic power player even while new grains of information, indeed, information that was once only superfluous or seemingly superfluous to circuits of domination, feed the epistemological will-to-know of control societies: the dance between the "internalization of the gaze" and the "processes of administration, social sorting and simulation," the latter dubbed "superpanopticism." 4 These tensions reflect an ongoing discussion about the uses of the panopticon as a surveillance model, whereby subjects are disciplined through regulations, and the "superpanopticon" of informational surveillance through which there is a regularization of population construction and the proliferation of "regularities." For Foucault, the normalization of society entails tendencies from "technologies of drilling" that are enacted in various institutional sites of confinement (hospitals, prisons, schools, barracks) to populations as they are produced through what he calls "technologies of security"—insurance and reassurance—that work through the "regularization" of risk, profoundly different from regulation and the regulatory modes invested in disciplinary sites. In his later work, Foucault contends that biopolitics shifts or even overrides the emphasis on disciplining subjects to the regularization of populations, with a "normalizing society" as the object and objective of both. While regulatory power is maintained through the minimum amount of exertion to delineate internals and externals, "powers of exuberance" characterize the productive capacity of informational economies, fecund circuits that exponentially multiply through intersections, overlaps, matches, points of contact, coordinates, and contradictions. The focus is regenerative rather than retributive, producing more and more rather than mediating inclusion and exclusion. Thus, unlike power that banishes and excludes, or includes and organizes and manages, this power operates through calculation and intervention, characterized by tendencies and degrees, adjusted through tweaking and modulation rather than norming. 6 There is less emphasis on the outside or inside to regulate, less emphasis on "closed site[s] differentiated from ... another closed site"; instead, closed sites give way to "frightful continual training . . . continual monitoring." 7 Detailing the trajectories of the move "from disciplining to biopolitical control," Patricia Clough argues that governance and representational politics, adapting to the "disorganization of nationally organized capital," transit into expansive modalities of "risk management, militarism, and policing" 8 that dislocate or slice through the imagined coherency of contained sites, identity categories (race, class, gender, sexuality, nation), and the body-as-organism: a tension between disciplinary normativization of subjects and their "behavioral expression of internalized social norms"9 and the social control of pools of bodies both human and nonhuman. Thus, the "new regime of heightened regulation of homosexuality" that Hunter speaks of must be understood in conjunction with, not separate from, profiling, surveillance, and information technologies currently in use. 10

#### 2. Other modes fail because of current identity politics – control societies tweak forms of discipline based on subject positions – we must destabilize identity to better understand the state’s mechanisms of control.

Puar 12 [Jasbir, Professor of women's and gender studies at Rutgers University, “I would rather be a cyborg than a goddess”: Becoming-Intersectional in Assemblage Theory, philoSOPHIA, 2(1), 49-66.

Chicago, Project Muse] Awirth

There’s obviously much more to say about such an example; certainly one can note (once again) that Massumi also presumes sex/gender differentiation as the primary one that locates bodies on the grid. But in rereading Massumi’s example, one sees, as Saldanha argues, using the Deleuzian concepts of “molar’ and “molecular” differences, that intersectionality as a concept “is only meant for the molar ‘level’ . . . molecular forces continually upset the topological localizability of a body” (Saldanha 2010, 290). In closing, and as an effort to signpost the lines of flight this essay cannot fully follow given space restrictions, my own concerns about intersectional frameworks go far beyond rethinking its contextual specificity (this is not only about epistemological incongruence or correctives, but more importantly, ontological irreducibility). As I have argued in Terrorist Assemblages: “No matter how intersectional our models of subjectivity, no matter how attuned to locational politics of space, place, and scale, these formulations—these fine tunings of intersectionality, as it were, that continue to be demanded—may still limit us if they presume the automatic primacy and singularity of the disciplinary subject and its identitarian interpellation” (Puar 2007, 206). My interest in interrogating the predominance of subjecthood itself is driven precisely by the limitations of poststructuralist critique that Rey Chow fore- grounds, the concerns about the nature/culture divide and questions of language and matter that the technoscience and materialist feminists have outlined, and the attention to power and affect that assemblage theorists centralize. I want to make one final connection between intersectionality, assemblage, and the debates on disciplinary societies and societies of control, derived from the work of Michel Foucault and Deleuze’s extension of it. While discipline works at the level of identity, control works at the level of intensity; identity is a process involving an intensification of habituation, thus discipline and control are mutually entwined, though not necessarily compatible, with each other. In the 2007 English translation of Michel Foucault’s 1977–78 lectures titled Security, Territory, and Population, Foucault distinguishes between disciplinary mechanisms and security apparatuses, what Deleuze would later come to call “control societies.” On the disciplinary organization of multiplicity, Foucault writes: “Discipline is a mode of individualization of multiplicities rather than something that constructs an edifice of multiple elements on the basis of individuals who are worked on as, first of all, individuals” (Foucault 2007, 12). Many relations between discipline (exclusion and inclusion) and control (modulation, tweaking) have been proffered: one, as various overlapping yet progressive stages of market capitalism and governmentality; two, as coexisting models and exercises of power; three, control as an effect of disciplinary apparatuses—control as the epitome of a disciplinary society par excellence (in that disciplinary forms of power exceed their sites to reproduce everywhere); and finally, as Foucault suggests above, disciplinary frames as a form of control and as a response to the proliferation of control. It seems to me, and I pose these as speculative points that I continue to think through, that intersectional critique has both intervened in the legal and capitalist structures that demand the fixity of the rights-bearing subject and has also simultaneously reproduced the disciplinary demands of that subject formation. As Norma Alarcon presciently asked, in 1984, in her response to the publication of This Bridge Called My Back, are we going to make a subject of the whole world? (Alarcon 1990, 361). If, as Brah and Phoenix argue, “a key feature of feminist analysis of intersectionality is . . . decentering . . . the norma- tive subject of feminism” (Brah and Phoenix 2004, 78), then how do feminist thinkers address the problem that the construct of the subject is itself already normative? At this productive impasse, then, is this conundrum: the heuristic of intersectionality has produced a tremendous amount of work on WOC while concomitantly excusing white feminists from this work, re-centering gender and sexual difference as foundational and primary—indeed, this amplification of knowledge has in some senses been at the cost of WOC. Yet “we” (this “we” always under duress and contestation) might be reaching a poststructuralist fatigue around the notion of the subject itself. The limits of the epistemological corrective are encountered. Therefore, to dismiss assemblages in favor of retaining intersectional identitarian frameworks is to dismiss how societies of control tweak and modulate bodies as matter, not predominantly through signification or identity interpellation but rather through affective capacities and tendencies. It is also to miss that assemblages encompass not only ongoing attempts to destabilize identities and grids, but also the forces that continue to mandate and enforce them. That is to say, grid making is a recognized process of agencement. But to render intersectionality as an archaic relic of identity politics bypasses entirely the possibility that for some bodies—we can call them statistical outliers, or those consigned to premature death, or those once formerly considered useless bodies or bodies of excess—discipline and punish may well still be a primary apparatus of power. There are different conceptual problems posed by each; intersectionality attempts to comprehend political institutions and their attendant forms of social normativity and disciplinary administration, while assemblages, in an effort to reintroduce politics into the political, asks what is prior to and beyond what gets established. So one of the big payoffs for thinking through the intertwined relations of intersectionality and assemblages is that it can help us produce more roadmaps of precisely these not quite fully understood relations between discipline and control.

#### 3. Failure to escape current taxonomies of knowing justify the state’s use multiculturalism to include and exclude certain bodies – complacency with current citizenship masks the ascendancy of whiteness.

Puar 2007 [Jasbir, Professor of women's and gender studies at Rutgers University, Terrorist Assemblages: Homonationalism in Queer Times] Awirth

Rey Chow, drawing on Foucault's work in The Order of Things, proposes that "Foucault's discussion of biopower can be seen as his approach, albeit oblique, to the question of the ascendancy of whiteness in the modern world." Engendered through scientific observation, classification and taxonomy, the production of data, detail, and description, leading to the micromanagement of information and bodies, all attempt to "render the world a knowable object." This objectification and honing for the purposes of management and domestication is paralleled, according to Chow, by an increasing mystification and obscuring of the primary beneficiaries of this epistemological project: European subjectivities. This simultaneity of specification and abstraction is the very basis of distinctions between subjects and objects (and populations), or, for Chow, between those who theorize and those who are theorized about. 58 For Chow, in contemporary times, the "ascendancy of whiteness" in biopower incorporates the multiplication of appropriate multicultural ethnic bodies complicit with this ascendancy. Part of the trappings of this exceptional citizen, ethnic or not, is the careful management of difference: of difference within sameness, and of difference containing sameness. We can note, for example, that the multicultural proliferation of the cosmopolitan ethnic a la Chow has some demanding limitations in terms of class, gender, and especially sexuality. That is, what little acceptance liberal diversity proffers in the way of inclusion is highly mediated by huge realms of exclusion: the ethnic is usually straight, usually has access to material and cultural capital (both as a consumer and as an owner), and is in fact often male. These would be the tentative attributes that would distinguish a tolerable ethnic (an exceptional patriot, for example) from an intolerable ethnic (a terrorist suspect). In many cases, heteronormativity might be the most pivotal of these attributes, as certain Orientalist queernesses (failed heteronormativity, as signaled by polygamy, pathological homosociality) are a priori ascribed to terrorist bodies. The twin process of multiculturalization and heterosexualization are codependent in what Susan Koshy denotes as the "morphing of race into ethnicity," a transmogrification propelled by the cultivation of "white privilege as color-blind meritocracy." (This morphing has also inspired the politicization of the designation "people of color.") While Chow does not explicitly discuss why racial frames lose their salience (and retain denigrated status) in relation to marketdriven ethnicity, Koshy adds "the accommodation of new immigrants and the resurgence of white ethnicity" as compelling factors that "obscure the operations of race and class" in transnational contexts. 59 These "operations" involve what Koshy describes as "class fraction projected as the model minority" produced through "changed demographics, class stratifications, new immigration, and a global economy . . . thereby enabling opportunistic alliances between whites and different minority groups as circumstances warrant... project[ing] a simulacrum of inclusiveness even as it advances a political culture of market individualism that has legitimized the gutting of social services to disadvantaged minorities in the name of the necessities of the global economy." Koshy argues that fractioning allows "an ethnic particularist position" to "escape scrutiny" because the distance it impels from whiteness in cultural terms is abrogated through its proximity to "whiteness as power through . . . class aspirations," enabling "a seemingly more congenial dispensation that allows for cultural difference even as it facilitates political affiliations between whites and some nonwhites on certain critical issues such as welfare reform, affirmative action, and immigration legislation." 60 Thus, for the ethnic with access to capital, both in terms of consumption and ownership, the seduction by global capital is conducted through racial amnesia, among other forms of forgetting. This fractioning, or disassembly into fractals, is contiguous with state racism in that it too promotes "caesuras within the biological continuum" necessary to simultaneously particularize and homogenize populations for control. 61

### Advocacy Statement

#### Andrew and I contend that we ought to substantially increase restrictions on indefinite detention through assemblages to critique the intersection of identities that detain the terrorist.

### Contention 3: Assemblages

#### 1. Thus we present out methodology – we endorse the construction of identity through assemblages – rather than constructing identity through an intersectional approach, we view identity as fluid in a constant state of becoming.

Denike 10 [Margaret, Associate Professor of political theory in the Department of Political Science, and the Coordinator of the Law and Society Program @ Dalhousie University, Homonormative Collusions and the Subject of Rights: Reading Terrorist Assemblages] Awirth

It is in her analysis of the affective relations of the turbaned Sikh body, in the final chapter, ‘The Turban is Not a Hat’, that we might say Puar broaches a reconciliation of the static placement of being (subjectivity/identity) with the movement she seeks in ‘assemblage’, as she considers the bodies and effects of such subjects. Here, she takes up the affect that Muslim and Sikh bodies both produce for others and bear for themselves. Not unlike veiled women, the turbaned body is a figure that ‘‘deeply troubles’’ the nation’s security (Puar 2007, p. 174); it is typically read as un-American—a blatant refusal of assimilation and normalisation, imbued with nationalist, religious and cultural symbolics of the other. In the aftermath of 9/11, numerous incidences of attacks on turbaned men were recorded, giving rise to education campaigns for the public and training sessions for border security on the difference between the turbans of Sikhs and those others—of Muslim terrorists. Interpolated as one that ‘‘passes for terrorist’’ (Puar 2007, p. 187), the turbaned Sikh body has felt the cost of the demonisation of the Muslim as terrorist, placing it under even greater duress than in its past to create itself as an exceptional American subject, and make clear its allegiance to the nation. In this way, the demand is upon these bodies to fracture alliances with other similarly profiled identities and collude in the patriotic projects of their demonisation: ‘‘the disavowal of the perverse queerness attached to Muslim terrorist bodies thus functions as a rite of initiation and assimilation into US heteronormative citizenship’’ (Puar 2007, pp. 167–168). Here Puar considers the feelings of disdain and fear that the turbaned body conjures and, in effect, produces in itself, ‘‘that is, as affective and affected entities that create fear and also feel the fear they create; an assemblage of contagions...sutured not through identity or identification but through the concatenation of disloyal and irreverent lines of flight’’ (2007, p. 174). In attending to racist responses to—and normative responses of—this figure of the turbaned body, Puar clarifies what she takes from Achille Mbembe’s necropolitical analytic of power: that is, that the domination of colonialism and imperialism have sensorial and anatomical effects on organic bodies. At the same time, these bodies are at once ‘machinic’ entities— inorganic sites of data—materialised through information such as to enable them to be ‘profiled’, racially. To explain the fracturing of some gay/queer allegiances and the formation of others, or the connection between the domestication and normalisation of some queers and the racial rendering of others as intolerably perverse and hence expendable, Puar invests heavily in the promise of ‘assemblage’. Unlike the visual, representational, identitarian frameworks that position seemingly queer bodies in a ‘cultural freeze frame’ of sorts, assemblages, as she sees it, attend to ‘‘movements, intensities, emotions, energies, affectivities, and overtures as they inhabit events, spatiality, and corporealities’’ (2007, p. 215), to the shifts, realignments and complicities that queerness moves within. However, for the sake of her project, and specifically of tracking the contradictions and collusions of homonormative and homonationalist configurations, it is not clear whether abandoning gay and lesbian subjectivity in particular, and identitarian frameworks in general—including those that underpin human rights claims—is a necessary condition of such an alternative reading practice and approach, as she suggests. Nor is it clear what such abandonment adds to the contribution that Terrorist Assemblages makes to queer theory: that is, to challenge it to come to terms with the momentous shifts in what queerness does, and how and where it is occupied, deployed, suppressed, mobilised, feared, felt and lived—in other words, in moving the attention of queer theory from what bodies are to what they do. As she puts it, in order to elaborate upon nationalist and terrorist formations and their imbricated forms of racially perverse sexualities and gender dysphorias, these ‘‘queer times require even queerer modalities of thought, analysis, creativity, and expression’’ (2007, p. 204). Indeed. This is both the aspiration of her project and the task it leaves in the hands of its readers, including those who cannot yet afford the luxury of theoretically dispensing with identity categories such as ‘homosexual’, if we want to make intelligible to others the systemic differential responses to and treatment of those who are identified and represented as such.

#### 2. It’s not a question of what assemblages are, but what they do – rather than allowing identity to mediate the event between bodies, we should construct social formations based on the affective nature of bodies.

Puar 12 [Jasbir, Professor of women's and gender studies at Rutgers University, “I would rather be a cyborg than a goddess”: Becoming-Intersectional in Assemblage Theory, philoSOPHIA, 2(1), 49-66.

Chicago, Project Muse] Awirth

“Assemblage” is actually an awkward translation of the French term agencement. The original term in Deleuze and Guattari’s work is not the French word assemblage, but agencement, a term that means design, layout, organization, arrangement, and relations—the focus being not on content but on relations, relations of patterns (Phillips 2006, 108). In agencement, as John Phillips explains, specific connections with other concepts is precisely what gives them their meaning. Concepts do not prescribe relations, nor do they exist prior to them; rather, relations of force, connection, resonance, and patterning give rise to concepts. As Phillips writes, the priority is neither to “the state of affairs [what one might call essence] nor the statement [enunciation or expression of that essence] but rather of their connection, which implies the production of a sense that exceeds them and of which, transformed, they now form parts” (ibid., 108). The French and English definitions of assemblage, however, both refer to a collection of things, a combination of items and the fact of assembling. The problematic that haunts this traversal from French theoretical production to U.S. academic usage is about the generative effects of this “mistranslation.” Phillips argues that the enunciation of agencement as assemblage might be “justified as a further event of agencement (assemblage) were it not for the tendency of discourses of knowledge to operate as statements about states of affairs” (ibid., 109). One productive way of approaching this continental impasse would be to ask not necessarily what assemblages are, but rather, what assemblages do. What does assemblage as a conceptual frame do, and what does their theoretical deployment as such do? What is a practice of agencement? For current purposes, assemblages are interesting because they de-privilege the human body as a discrete organic thing. As Haraway notes, the body does not end at the skin. We leave traces of our DNA everywhere we go, we live with other bodies within us, microbes and bacteria, we are enmeshed in forces, affects, energies, we are composites of information. Assemblages do not privilege bodies as human, nor as residing within a human animal/nonhuman animal binary. Along with a de-exceptionalizing of human bodies, multiple forms of matter can be bodies—bodies of water, cities, institutions, and so on. Matter is an actor. Following Karen Barad on her theory of performative metaphysics, matter is not a “thing” but a doing. In particular, Barad challenges dominant notions of performativity that operate through an implicit distinction between signification and that which is signified, stating that matter does not materialize through signification alone. Writes Barad: A performative understanding of discursive practices challenges the representationalist belief in the power of words to represent preexisting things. Performativity, properly construed, is not an invitation to turn everything (including material bodies) into words; on the contrary, performativity is precisely a contestation of the excessive power granted to language to determine what is real. Hence, in ironic contrast to the monism that takes language to be the stuff of reality, performativity is actually a contestation of the unexamined habits of mind that grant language and other forms of representation more power in determining our ontologies than they deserve (Barad 2003, 802).10 Barad’s is a posthumanist framing that questions the boundaries between human and nonhuman, matter and discourse, and interrogates the practices through which these boundaries are constituted, stabilized, and destabilized. Signification is only one element of many that give a substance both meaning and capacity. In his book A New Philosophy of Society: Assemblage Theory and Social Complexity, Manuel DeLanda undertakes the radical move to “make language last” (DeLanda 2006, 16). In this post-poststructuralist framing, essentialism, which is usually posited as the opposite of social constructionism, is now placed squarely within the realms of signification and language, what DeLanda and others have called “linguistic essentialism.” Karen Barad writes: “Language has been granted too much power. The linguistic turn, the semiotic turn, the interpretative turn, the cultural turn; it seems that at every turn lately every ‘thing’ is turned into language or some other form of cultural representation. . . . There is an important sense in which the only thing that does not seem to matter anymore is matter” (Barad 2003, 801). Categories—race, gender, sexuality—are considered events, actions, and encounters between bodies, rather than simply entities and attributes of subjects. Situated along a “vertical and horizontal axis,” assemblages come into existence within processes of deterritorialization and reterritorialization. In A Thousand Plateaus, Deleuze and Guattari problematize a model that produces a constant in order to establish its variations. Instead, they argue, assemblages foreground no constants but rather “variation to variation” and hence the event-ness of identity (Deleuze and Guattari 1987). DeLanda thus argues that race and gender are situated as attributes only within a study of “the pattern of recurring links, as well as the properties of those links” (DeLanda 2006, 56). Using the notion of assemblage (note the translation of agencement as “arrangement” here), Guattari elaborates the limits of “molar” categories such as class: Take the notion of class, or the class struggle. It implies that there are perfectly delimited sociological objects: bourgeoisie, proletariat, aristocracy. . . . But these entities become hazy in the many interzones, the intersections of the petite bourgeoisie, the aristocratic bourgeoisie, the aristocracy of the proletariat, the lumpenproletariat, the nonguaranteed elite. . . . The result: an indeterminacy that prevents the social field from being mapped out in a clear and distinct way, and which undermines militant practice. Now the notion of arrangement can be useful here, because it shows that social entities are not made up of bipolar oppositions. Complex arrangements place parameters like race, sex, age, nationality, etc., into relief. Interactive crossings imply other kinds of logic than that of two-by-two class oppositions. Importing this notion of arrangement to the social field isn’t just a gratuitous theoretical subtlety. But it might help to configure the situation, to come up with cartographies capable of identifying and eluding certain simplistic conceptions concerning class struggle. (Guattari 2009, 26)

#### 3. Current intersectionality analysis privileges naming and knowing identity, assemblages unhooks current identity to allow for a politics of becoming – this is the only way to challenge the taxonomy of difference that creates “us v them” in the war on terror.

Puar 2007 [Jasbir, Professor of women's and gender studies at Rutgers University, Terrorist

Identity is one effect of affect, a capture that proposes what one is by masking its retrospective ordering and thus its ontogenetic dimension—what one was—through the guise of an illusory futurity: what one is and will continue to be. However, this is anything but a relay between stasis and flux; position is but one derivative of systems in constant motion, lined with erratic trajectories and unruly projectiles. If the ontogenetic dimensions of affect render affect as prior to representation—prior to race, class, gender, sex, nation, even as these categories might be the most pertinent mapping of or reference back to affect itself—how might identity-as-retrospective-ordering amplify rather than inhibit praxes of political organizing? If we transfer our energy, our turbulence, our momentum from the defense of the integrity of identity and submit instead to this affective ideation of identity, what kinds of political strategies, of "politics of the open end," 28 might we unabashedly stumble upon? Rather than rehashing the pros and cons of identity politics, can we think instead of affective politics? Displacing queerness as an identity or modality that is visibly, audibly, legibly, or tangibly evident—the seemingly queer body in a "cultural freezeframe" of sorts—assemblages allow us to attune to movements, intensities, emotions, energies, affectivities, and textures as they inhabit events, spatiality, and corporealities. Intersectionality privileges naming, visuality, epistemology, representation, and meaning, while assemblage underscores feeling, tactility, ontology, affect, and information. Further, in the sway from disciplinary societies (where the panoptic "functioned primarily in terms of positions, fixed points, and identities") to control societies, the diagram of control, Michael Hardt writes, is "oriented toward mobility and anonymity. . . . The flexible and mobile performances of contingent identities, and thus its assemblages or institutions are elaborated primarily through repetition and the production of simulacra." 29 Assemblages are thus crucial conceptual tools that allow us to acknowledge and comprehend power beyond disciplinary regulatory models, where "particles, and not parts, recombine, where forces, and not categories, clash."3 0 Most important, given the heightened death machine aspect of nationalism in our contemporary political terrain—a heightened sensorial and anatomical domination indispensable to Mbembe's necropolitics—assemblages work against narratives of U.S. exceptionalism that secure empire, challenging the fixity of racial and sexual taxonomies that inform practices of state surveillance and control and befuddling the "us versus them" of the war on terror. (On a more cynical note, the recent work of Eyal Weizman on the use of the philosophy of Gilles Deleuze, Felix Guattari, and Guy Debord by the Israeli Defense Forces demonstrates that we cannot afford to ignore concepts such as war machines and machinic assemblages, as they are already heavily cultivated as instructive tactics in military strategy.) 31 For while intersectionality and its underpinnings—an unrelenting epistemological will to truth—presupposes identity and thus disavows futurity, or, perhaps more accurately, prematurely anticipates and thus fixes a permanence to forever, assemblage, in its debt to ontology and its espousal of what cannot be known, seen, or heard, or has yet to be known, seen, or heard, allows for becoming beyond or without being. 32

#### 4. We don’t claim to solve all oppression or assemblages are perfect – any method must be open to its own self-destruction and realize that new lines of flight expose new possibilities – voting affirmative allows for the construction of theoretical tools for combating oppression – current movements have been co-opted and there’s only a risk the affirmative creates change.

Denike 10 [Margaret, Associate Professor of political theory in the Department of Political Science, and the Coordinator of the Law and Society Program @ Dalhousie University, Homonormative Collusions and the Subject of Rights: Reading Terrorist Assemblages] Awirth

In any event, these new methods, whatever shape they take, as Puar reminds us, must be open to their own error and annihilation, and to the continuous lines of flight and unanticipated collusions and departures, including those that take us back to where we started (i.e., to representational, identitarian and subjective terms). After all, one thing we do know is that, like misogyny, homophobia has been a deeply felt and violently applied affect of western—and particularly Judaeo- Christian—cultures, and it remains an expressed persuasion of millions of folks in the same ‘security’ states and ‘liberal democracies’ that have recently found patriotic allies among its LGBT communities. These conservative contingencies continue to mobilise with their own ‘‘frenzied fixation’’ (Puar 2007, p. xi) against queers, to exorcise the state of homosexuals, to oppose anti-discriminatory and anti- hate measures, including those that grant gays access to public domains, and to reverse any ‘gains’ made by domestic human rights advocacy. As we know, they continue to be backed by religious and political institutions and corporations, to be expressed in political campaigns and legislative debates, and to inform the on-going initiatives to reverse the State court decisions that have extended marriage to same- sex couples, as was so notoriously done this year with the multi-million dollar campaigns around Proposition 8 in the US. Western history is a testament to the tenacity, adaptability and longevity of anti-gay fear and hatred, its effectiveness in being legislated by and structural to social governance, and in being systemically pathologised, criminalised, medicalised, demonised in professional private and public relations. Moreover, these manifestations of homophobia and heterosexism, among others, continue to target gays as an identifiable subject, even though and however much these categories or grounds are hardly exhaustive of the places that queerness occupies and the way that queerness is implicated in contemporary nationalist and imperial formations. Their effectiveness—or perhaps their resurgence—may well work, as they have done so well in the past, to return us to the status quo of ‘straight times’ and to render ‘homo-nationalism’ a fleeting illusion or distant memory. One of the beauties of Puar’s account of ‘assemblages’ is that it remains open to such considerations, that is, to these lines of flight that would effectively annihilate the veracity of her own critique. On a final note, and in defence of the discourses of rights that Puar’s project puts on the line, one of the few tools that has worked to chip away at the hold of homophobia in the public domain, and to grant access for queers to one normative domestic institution at a time, has been local, national and international human rights claims—the form and logic of which are fundamentally dependent on the very identity categories and grounds that Puar’s critique of queer theories of subjectivity aims to trouble. While Puar clearly demonstrates the urgency of critically reflecting on the clearly troubled bio-necro context of our discourses and strategies, and on the human cost of rendering others expendable savages and victims, they remain indispensible in temporal and spatial domains where homonationalism is indeed an illusion.

#### 5. Focusing on the institutional articulation of power fails to challenge systems of power. Only our method solves.

Shomura 10 [Chad, Ph.D. Candidate, Johns Hopkins University, These Are Bad People"-Enemy Combatants and the Homopolitics of the" War on Terror, Theory & Event, Vol. 13. Issue 1] Awirth

Playing a crucial role in the abjection from law of entire populations of enemy combatants figured as dangerous in the "war on terror" is the Supreme Court's decision in Hamdi v. Rumsfeld. Heavily relied upon for justification in Padilla v. Hanft, Hamdi concerned whether individuals considered as "enemy combatants" and consequently detained by the US government may contest their placement in that category. The Supreme Court concluded that "although Congress authorized the detention of combatants in the narrow circumstances alleged here, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decision-maker."xxxiv While the Court specifically proclaimed that citizens may challenge their classification as "enemy combatants," it further wrote that non-citizen detainees may, according to military regulations, attempt to claim prisoner-of-war status under a properly authorized and established military tribunal. If such a process remains unavailable, then any court receiving a petition for habeas corpus rights from an enemy combatant must ensure that due process requirements are met. Additionally, when discussing the justifications for detention of combatants removed from the battlefield during wartime, the Court made no distinction between the detention of citizens and that of non-citizens. Although the decision recognizes the due process rights of only citizen detainees, the Court would not leave non-citizen enemy combatants without avenues through which contestation of the detention permitted by their status could be made. While certainly important to advocates of political liberalism, these legal benefits disregard the subjectivization of supposedly dangerous, inhuman terrorists as enemy combatants before the law through the mechanisms of sovereignty. Butler notes that subjects of juridical structures "are, by virtue of being subject to them, formed, defined, and reproduced in accordance with the requirements of those structures."xxxv Similarly, Agamben argues that bestowal of rights functions as "a tacit but increasing inscription of individuals' lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves."xxxvi Observing that any mode of legal representation, even when viewed as "liberating" from the standpoint of political liberalism, reinforces those normative structures given juridical force by sovereignty, both Butler and Agamben compel us to consider how Hamdi , by granting due process rights to enemy combatants, grants victory to the sovereign power it supposedly wards off. Because satisfaction with political liberalism further legitimizes the operations of sovereignty and thus enables and perpetuates homopolitical violence, only a more radical critique of Hamdi may contest the interpellation as "enemy combatants" of those figured as dangerous, inhuman terrorists and ultimately disrupt the sovereign operations of homopolitics.xxxvii \*\*\*From the Footnotes\*\*\* xxxvii. We may also read President Barack Obama's executive order for the closure of Guantánamo in a similar light - while certainly an important gesture, a return to the rule of law would not disrupt the homopolitical machine's operations throughout the rest of the social. As Puar points out, indefinite detention must be conceptualized alongside "infinite detention," for "the means of control bleed far beyond the disciplinary apparatus of the prison. That is, the affects of detention are mimicked in the public sphere" (Terrorist Assemblages , p. 151). The racist, sexist, xenophobic, and imperialist violence of homopolitics is not contained at Guantánamo, but rather, permeates the entire social order (albeit differently in different spaces). Furthermore, ending the state of exception in the subordination of sovereignty to law does not subvert the violent tendencies of homopolitics. As Agamben writes, "From the real state of exception in which we live, it is not possible to return to the state of law, for at issue now are the very concepts of 'state' and 'law'" (Giorgio Agamben, State of Exception , Trans. Kevin Attell [Chicago: University of Chicago Press, 2005], p. 87). Given the crisis in our traditional political grammar, returning to aporetic concepts would perpetuate their violence. In short, closing Guantánamo would leave open the necropolitical dimension of homopolitics as it continues to permeate the whole of the social.

#### 6. Traditional debate operates with a fear of impotency or 'no solvency' and the need for action which leads to oppression. Our activism is a criticism that leads to resistance.

Snoek ‘12 (Anke, PhD in Philosophy Department @ Macquarie U., Agamben’s Joyful Kafka)

\*We don’t endorse any of the gendered language in this card

Given the preceding sketch Agamben gives of power and possibilities (the law’s being in force without significance, the subtle reverse found in Kafka work of this situation, Agamben’s praises of creatures without work), the questions arise what ought we to do now? What form of resistance is possible for us? How should we act? What can we do? This is actually one of the major criticisms on Agamben’s work that in it, at least when read superficially, Agamben nowhere seems to forumulate any explicit answer to the question of resistance. The Italian political philosopher Antonio Negri, also one of Agambens close friends, points out that Agamben was never directly involved in political struggles and he sees this as a great lack in his philosophy.2 Agamben’s work is often described as a radical passivity.3 This passivity can be seen both as a strength and a weakness of his work. Agamben’s passivity is not a regular powerlessness, but seems to come close to (Mahayana) Buddhism, an exercise in doing nothing.4 This passivity also shows evidence of a radical paradigm shift in thinking about power and resistance, a movement that is often attributed to Foucault and whose traces can be found in Kafka avant La Lettre. As is evident from the above, Agamben is fundamentally opposed to the tendency of metaphysical politics to attribute an identity to the human being, to allocate to him a work of his own. If the human being has no identity of his own and no activity of his own, then this also has consequences for our traditional view of actions as being fundamentally embedded within end-means relationships, as goal-oriented in essence. Our views of activities and activism must therefore be thoroughly revised in line with our revision of the possibility of a transcendent work of man. Kafka’s open singing executioners or questioners Deleuze once defined power as the act in which the human being is cut off from its potentiality. But Agamben states, ‘There is, nevertheless, another and more insidious operation of power that does not immediately affect what humans can do — their potentiality — but rather their “impotentiality” that is, what they cannot do, or better, cannot do’ (N, 43). Given that flexibility is the primary quality the market requires from us, the contemporary human, yielding to every demand by society, is cut off from his impotentiality, from his ability to do nothing. Just as we saw previously, politics is a politics of the act, of the human individual being at work. The irresponsible motto of the contemporary individual, ‘No problem, I can do it comes precisely at the moment ‘when ~~he~~ [it] should instead realize that ~~he~~ [it] has been consigned in unheard of measure to forces and processes over which ~~he~~ [it] has lost all control’ (N, 44). This flexibility also leads to a confusion of professions and callings, of professional identities and social roles, because people are no longer in touch with their inability Agamben sees an example of this in Kafka’s The Trial. In the last chapter, just before his death, two men enter through Joseph K’s door. They are his questioners/executioners, but Joseph K does not recognize them as such and thinks that they are ‘[o]ld second-rate actors or opera singers?’5 Agamben argues that, in Kafka’s world, evil is presented as an inadequate reaction to impotentiality (CC, 31). Instead of making use of our possibility of ‘not being we fail it, we flee from our lack of power, ‘our fearful retreat from it in order to exercise ... some power of being’ (CC, 32). But this power we try to exercise turns into a malevolent power that oppresses the persons who show us their weakness. In Kafka’s world, evil does not have the form of the demonic but that of being separated from our lack of power. Nothing makes us more impoverished and less free than this estrangement from impotentiality. Those who are separated from what they can do, can, however, still resist they can still not do. Those who are separated from their own impotentiality lose, on the other hand, first of all the capacity to resist (N, 45) And it is evident, according to Agamben, from the example of Eichmann how right Kafka was in this (CC, 32). Eichmann was not so much separated from his power as from his lack of power, tempted to evil precisely by the powers of right and law (CC, 32). What should one do? A clash with activists At the end of 2009, Agamben gave a lecture in honour of the presentation of a collection of texts written by the Tiqqun collective. This French collective has written several political manifestoes and in 2008 their compound was raided by the anti-terrorist brigades. The charges were quite vague belonging to an ultra-left and the anarcho-autonomous milieu; using a radical discourse; having links with Ibreign groups; participating regularly in political demonstrations. The evidence that was found was not weapons, but documents, for example a train schedule. Although Agamben calls these charges a tragicomedy and accuses French politics of barbarism6, in his lecture he emphasizes another important political value of the Tiqqun collective. This collective embodies Foucault’s idea of the non-subject. One of the latter’s greatest merits is that he thought of power no longer as an attribute that a certain group had over another, but as a relation that was constantly shifting. A second merit of Foucault’s thinking was the idea of non-authorship. The subject itself its identity is always formed within a power relation, a process that Foucault termed ‘subjectivization techniques’. In Foucault, the state attempts to form the subject via disciplinary techniques and the subject responds via subjectivization techniques: it internalizes the expectations of the state in the formation of its own identity. That is why Foucault rejects the idea of a subject and the idea of actorship, of attributing an act to a subject. Hence, as long as we continue to think in terms of a subject resisting oppressive power via deliberate action, we cannot liberate ourselves from power relations. The gesture Tiqqun instead is making is, according to Agamben, not one of looking for a subject that can assume the role of savior or revolutionary. Rather, they begin with investigating the force fields that are operative in our society (instead of focusing on the subject). In describing these fields of force and the moment they become diffuse, new possibilities can arise that are not dependent on a subject. The discussion that followed this lecture provides a very clear picture of Agamben’s position. Many activists present at the lecture asked what his theory entailed concretely with respect to the direction in which they should go. Agamben’s constant reply was that anyone who poses this question has not understood the problem at all. I always find it out of place to go and ask someone what to do, what is there to be done? ... If someone asks me what action, it shows they missed the point because they still want me to say: go out in the streets and do this? It has nothing to do with that. (OT) Inactivity as active resistance to the state was hardly conceivable for many of the left wing activists present at Agamben’s lecture at Tiqqun. Although the state acknowledges the anti-law tendencies in the writings of the Ttqqun collective, the activists present at Agamben’s lecture failed to recognize this specific form of resistance. What Agamben attempted to show was that the power of the Tiqqun collective lay precisely in the fact that they did not prescribe any concrete actiona but sought unexpected possibilities in ‘being thus: In that same sense, Agamben’s analysis of Kafka’s work should not be seen as a manual for activist freedom but as a description of small opportunities, of examples in which the power relation is diffuse and that we must attempt to recognize, create and use. Agamben shows us different possibilities and means for resistance, but these are not regular acta with a goal; rather, they are means without end. As Kiahik pointed out, Agamben’s work is an attempt to “‘make means meet” (not with their ends, but with each other)? One way to achieve this is through gestures. The gestures of the people in the Oklahoma theatre and elsewhere in Kafka’s work, the shame of Joseph K. and the ‘as not’ in Kafka’s ‘On Parables’ show us that there are other strategies, aside from active resistance, to reverse political situations.

#### 7. Rather than attempt to mobilize the productive research of debate into some outward facing advocacy statement that sets its sights on the government, we should perform a cautious, continuous study with no goal or end in sight. Only this activates true politics that breaks with the biopolitical control of the squo.

**Snoek ‘12** (Anke, PhD in Philosophy Department @ Macquarie U., Agamben’s Joyful Kafka)

According to Agamben, **study is an important strategy for living outside the law and making it inoperative**. In what sense can study be a strategy? Study has a long tradition in Judaism as a form of resistance. In 586 BC, Jerusalem was plundered by the Babylonian king Nebuchadnezzar and the temple of the Jews destroyed. Many Jews died and the rest were taken captive and brought to Babylonia. During the Babylonian exile, when they no longer had a temple and were forbidden to practise their faith, the Jewish people focused on the study of their holy books. After the Persian king Cyrus defeated Babylonia and issued a decree in 537 BC that the exiled Jews could return to their homelands and rebuild their holy sanctuaries, 40,000 Jews returned to rebuild the temple. But the religion of the Jews was already marked by exile and in 70 AD the temple was again destroyed, this time by the Romans. The temple was not rebuilt and study has since then become the true temple of the Jews. The Jewish religion is no longer focused on worship but on study. This gave the scholar a messianic significance (IP, 63). Talmud means ‘study’; the original meaning of Torah is not ‘law’ but ‘instruction’ Mishnan, the set of rabbinic laws, is derived from a root that has ‘repetition’ as its basic meaning. **The study Agamben is aiming at does not have a predetermined goal: getting a degree and a good position in society, or getting some valuable insight that can be used to overthrow a political structure. Just as the strategy to close the door of the law was especially hard because the law does not prescribe anything and the task of the Messiah is paradoxical because there is no original structure of the law to restore, so study also lacks a transcendent meaning it can aim at, a goal it can set**. As far as etymology is concerned, the word studium is closely related to a root that indicates a coffision, a shock or influence. Study and surprise are closely related in that sense. Whoever studies finds oneself shocked, amazed and is, in a certain sense, stupid (cf. studium, stupefying). On the one hand, study is undergone and, on the other, undertaken. **Here Agamben sees a close affinity with Aristotle’s description of potentiality, which is passive on the one hand — an undergoing — and active on the other — an unstoppable drive to undertake something, to do something, to engage in action. Study is the place where undergoing and undertaking converge; it is a gesture** (IP, 64). **The rhythm of studying is an alternation between amazement and clarity, discovery and loss, doing and undergoing. This combination of undergoing and undertaking yields a kind of passive activity, a radical passivity. Something happens without seeming to happen. Agamben argues that study is pre-eminently unending. Study does not have an appropriate end nor does it desire it. This gives the scholar a woeful air.** At first glance, the students in Kafka’s works seem to be of little use or significance. Nevertheless, Benjamin contends that they have a major role to play: ‘Among Kafka’s creations, there is a clan which reckons with the brevity of life in a peculiar way. The students who appear in the strangest places in Kafka’s works are the spokesmen for and leaders of this clan3° Agamben is in complete agreement with this view: [T]he latest, most exemplary embodiment of study in our culture is not the great philosopher nor the sainted doctor. It is rather the student, such as he appears in certain novels of Kafka or Walser. (IP, 65) It is precisely the apparent uselessness of the students and the hopelessness of study that plays such an important role in the strategy they develop with respect to power. Kafka’s useless students without Schrift So the students operating in Kafkas stories have an important characteristic: their studies seem to be useless. In Amerika, Karl sees a strange young man: He watched silently as the man read in his book, turned the pages and occasionally checked something in another book that he always picked up at lightning speed, often making entries in a notebook, his face always bent surprisingly low over it. Could this man be a student? He did seem to be studying. ... ‘You’re studying?’ asked Karl. ‘Yes, yes’, said the man, using the few moments lost to his studies to rearrange his books.3’ (...) And when wifi you be finished with your studies?’ asked Karl. ‘It’s slow going’, said the student. ... ‘[Y]ou can be happy about having given up your studies. I myself have been studying for years, out of pure single-mindedness. It has given me little satisfaction and even less chance of a decent future. 32 Karl explains his problems with Delamarche to the student. **The student cannot really help him either; he does not offer Karl any insight in what he must do and even advises him to remain with Delamarche ‘absolutely33 Karl wonders where studying had got him — he had forgotten everything again**.**34 The most extreme example of a student**, in Agamben’s view, is MelvillËs Bartleby, **the scriber who stopped writing**. According to Benjamin, Kafkas students have also lost the Schrift. This can mean either that **they have stopped writing or that they have lost** the Schrift in the sense of the Torah, **the object of study**. According to Scholem, **the students** have not lost the Schrift or the Torah, but they **can no longer decipher it** (cited in HS, 51). Nonetheless, Benjamin’s genius is apparent, according to Agamben, precisely in the fact that the students have lost the Schrift. **Their commentaries on the Schrift, on the Law, are notes in the margin of a blank page.35 Study does not lead to an a priori determined goal**; Kafka does not attach any promises to study that are traditionally attached to the study of the Torah. According to Agamben, the messianic tension of **study** is turned around here. Or better: it **has gone beyond itself. Its gesture is that of a power that does not precede but follows its action, which it has left behind forever**, of a Talmud that has not only announced the reconstruction of the temple but has already forgotten it. **‘At this point, study shakes off the sadness that disfigured it and returns to its truest nature: not work, but inspiration, the self-nourishment of the soul’** (IP, 65).36 Kafkas assistants are members of a congregation who have lost their house of prayer. His students have forgotten how to write, have lost the Schrift. Now nothing stops them on their ‘[u]ntrammeled, happy journey:37 The study of the horse Bucephalus But the most enigmatic example of the student in Kafkas work may be Alexander the Great’s horse Bucephalus, who happens to become a lawyer to the surprise of his colleagues. We have a new lawyer, Dr. Bucephalus. In his outward appearance there is little to recall the time when he was the warhorse of Alexander of Macedonia. ... I recently saw a quite simple court usher with the knowing eye of a little racetrack regular marveffing at the lawyer as the latter, lifting his thighs high, mounted step by step with a stride that made the marble clang. In general the bar approves the admission of Bucephalus. ... Nowadays, as no one can deny, there is no great Alexander. To be sure, many know how to commit murder ... and many feel that Macedonia is too narrow ... but no one, no one, can lead the way to India. Even in those days India’s gates were beyond reach, but their direction was indicated by the royal sword. ... Today ... no one shows the way; many carry swords but only wave them in the air and the gaze that tries to follow them grows confused. Perhaps, therefore, it is really best, as Bucephalus has done, to immerse oneself in law books. Free, his flanks unburdened by the loins of the rider, by quiet lamplight, far from the tumult of Alexander’s baffle, he reads and turns the pages of our old books.38 In his interpretation of this story, Werner Kraft concludes **that law is set over against myth in the name of justice: instead of taking part in the mythical (pre-law) struggle**, Bucephalus devotes himself to law.39 Benjamin sees this as a serious misunderstanding of Kafkas story. Indeed, **the goal is to unmask mythical-juridical violence and human beings**, like the horse Bucephalus, **must tame the mythical forces at whatever cost** (SE, 63). But, according to Benjamin, **what is new about this ‘new lawyer what is new for the legal profession, is that he does not practice law but only studies it, reading in tranquil lamplight.** Bucephalus is free: his flanks are no longer squeezed by Alexander the Great’s thighs and he is no longer carrying the latter on his back. **The door to justice is not to employ law but to make it inoperative — not by practicing law (which would be a repetition of the mythical forces, given that law is in force without significance), but by doing nothing more than studying it. ‘The law which is studied but no longer practiced is the gate to justice Bucephalus’ strategy against law is thus study. Agamben remarks that it is decisive that the law that is not practiced but only studied does not itself become justice but only the door to it. The study of the law has no ‘higher purpose’ - that is why the law has become inoperative.4’ ‘That which opens the passage to justice is not the abolishment of the law but its deactivation and inactivity — that is, another use of the law’** (SE, 63). **This is a law that is liberated from all discipline and all relation to sovereignty**. Bucephalus depicts **a figure of the law that is possible after its link with violence and power has been deposed, a law that is no longer in force and applied** (SE, 63-64), **just as the study of doorkeepers by the man from the country makes it possible to remain living outside the law. Agamben then outlines the following picture of the future: One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use, but to free them from it for good.** (SE, 64)