### Contention One: Exclusion of the Outlaw

#### WE BEGIN WITH AL-AWLAKI TARGETED BY HIS GOVERNMENT FOR BEING AN OUTLAW, HOWEVER HISTORY SHOWS A LONG PRECEDENT OF THE STATE HUNTING THE OUTLAW

Chong 12

[Jane Y. Chong, Yale Law School, JD 2014; Duke University, BA 2009, “Targeting the Twenty-First-Century Outlaw”, December, 2012, Yale Law Journal, 122 Yale L.J. 724, Google Scholar, \\wyo-bb]

On September 30, 2011, when drones fired Hellfire missiles at his convoy in Yemen, Anwar al-Awlaki did not become the first American citizen to be successfully targeted by his own government for execution without a trial. He became the first citizen known to be so killed abroad as part of the CIA's covert counterterrorism operations. (2) As a general matter, government-sanctioned execution without trial is not a novel practice. Under the common law judgment of outlawry, a penalty "as old as the law itself," (3) a fugitive fleeing summons or indictment for a capital crime such as treason could be killed instead of captured on the theory that individuals unwilling to subject themselves to the judgment of the law could not avail themselves of its protections. A number of authorities have incorrectly asserted that outlawry, a legal weapon of critical importance for centuries in England, (4) "has never been known on this side of the Atlantic." (5) In fact, outlawry was practiced in the American colonies and remained in force as a criminal sanction in a number of states well after the ratification of the Constitution. North Carolina put its outlawry statute into occasional use until as late as 1975. (6) In the context of modern terrorism, however, the term "outlawry" has been used loosely to refer to terrorist movements or state counterterrorism activities that operate outside a cognizable legal regime or violate established legal norms. (7) On the rare occasion when outlawry has been invoked as a legal sentence, it has been disparaged as the Western equivalent of the Islamic fatwa and as the barbaric analogue to current targeted killing practices. (8) In contrast, this Note examines the historical use and legitimacy of outlawry as a court-issued judgment. (9) My central argument is that the theory and past practice of outlawry provide helpful principles for narrowly crafting due process protections for prospective targets who are U.S. citizens. (10) Properly implemented, these protections would prevent their targeted killing from amounting to extrajudicial execution. (11) The extraordinary circumstances of Awlaki's killing could not more clearly attest to the need for an extraordinary mechanism by which citizens accused of terrorism can be guaranteed an opportunity to partake in the legal process. One year and one month before the CIA-led drone attack on Awlaki and fellow American-born radical Samir Khan, (12) Awlaki's father sought unsuccessfully to enjoin the government from killing his son. (13) Nasser al-Aulaqi (14) claimed that the rumored targeted killing program violated both his rights and his son's rights under the Constitution and international law. (15) In its opposing brief, the Obama Administration refused to confirm or deny the existence of such a state-sponsored program but nevertheless objected to the requested injunction as an "unprecedented, improper, and extraordinarily dangerous" interference with the President's military powers. (16) Judge Bates of the U.S. District Court for the District of Columbia ruled that the Executive's targeting determinations fall outside the courts' purview. This had the practical effect of permitting the Executive to kill Awlaki without judicial intervention, irrespective of whether the killing constituted a denial of due process. (17) But the controversial decision also contained the intuition that informs this Note. Judge Bates declined to grant Awlaki's father standing as Awlaki's next friend, declaring that "no U.S. citizen may simultaneously avail himself of the U.S. judicial system and evade U.S. law enforcement authorities." (18) Judge Bates's reasoning suggests that even under modern precepts, a citizen's access to the legal system and his rights under that system are--or should be--predicated on his recognition of his obligations under that system. The alternative would be to permit the alleged citizen-terrorist to exercise his legal rights even while refusing to submit to the legal system that affords those rights, turning the law into his shield while denying the government the use of the law as a sword. It is perhaps an unwillingness to accept this alternative, one that renders the government captive to its own legal process, that informs the Obama Administration's targeted killing policy. That policy is part of an aggressive counterterrorism agenda that has, by all media accounts, "baffled liberal supporters and confounded conservative critics alike." (19)

#### THE DOJ JUSTIFIES THE EXTRA JUDICIAL KILLING THROUGH THE DECLARATION OF IDENTITIES AS AN OUTLAW

Cole 13

[Juan Cole, Public intellectual, prominent blogger and essayist, and the Richard P. Mitchell Collegiate Professor of History at the University of Michigan, 02/06/2013, “Top Five Objections to the White House’s Drone Killing Memo”, <http://www.juancole.com/2013/02/objections-houses-killing.html>, \\wyo-bb]

NBC’s Michael Isikoff has revealed the text of a white paper composed for Congress by the Department of Justice that sheds light on the legal arguments made by Eric Holder in justifying the killing by drone strike of Americans abroad, who are suspected of belonging to al-Qaeda. That the memo did not even require that the US know of a specific and imminent plot against the US, of which the al-Qaeda member was guilty, for it to kill him from the skies, alarmed all the country’s civil libertarians. Here are five objections to the vision of the memo, which it seems to me is directly contrary to the spirit and the letter of the US constitution. It is contrary in profound ways to the ideals of the founding generation. 1. In the Western tradition of law, there can be no punishment without the commission of a specific crime defined by statute. The memo does not require that a specific crime have been committed, or that a planned criminal act be a clear and present danger, for an American citizen to be targeted for execution by drone. 2. To any extent that the president’s powers under the memo are alleged to derive from the 2001 Congressional Authorization for the Use of Military Force, i.e. from the legislature, they are a form of bill of attainder (the History Learning Site explains what that is here): “A bill, act or writ of attainder was a piece of legislation that declared a person or persons guilty of a crime. A bill of attainder allowed for the guilty party to be punished without a trial. A bill of attainder was part of English common law. Whereas Habeus Corpus guaranteed a fair trial by jury, a bill of attainder bypassed this. The word “attainder” meant tainted. A bill of attainder was mostly used for treason . . . and such a move suspended a person’s civil rights and guaranteed that the person would be found guilty of the crimes stated in the bill as long as the Royal Assent was gained. For serious crimes such as treason, the result was invariably execution.” What, you might ask, is wrong with that? Only that it is unconstitutional. Tech Law Journal explains: “The Constitution of the United States, Article I, Section 9, paragraph 3 provides that: “No Bill of Attainder or ex post facto Law will be passed.” . . . “These clauses of the Constitution are not of the broad, general nature of the Due Process Clause, but refer to rather precise legal terms which had a meaning under English law at the time the Constitution was adopted. A bill of attainder was a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial. Such actions were regarded as odious by the framers of the Constitution because it was the traditional role of a court, judging an individual case, to impose punishment.” William H. Rehnquist, The Supreme Court, page 166. The form of the AUMF, in singling out all members of al-Qaeda wherever they are and regardless of nationality or of actual criminal action, as objects of legitimate lethal force, is that of a bill of attainder. Congress cannot declare war on small organizations– war is declared on states. Such a bill of attainder is inherently unconstitutional. 3. The memo’s vision violates the principle of the separation of powers. It makes the president judge, jury and executioner. Everything is done within the executive branch, with no judicial oversight whatsoever. The powers the memo grants the president are the same enjoyed by the absolute monarchs of the early modern period, against whom Montesquieu penned his Spirit of the Laws, which inspired most subsequent democracies, including the American. Montesquieu said: “Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals. Most kingdoms in Europe enjoy a moderate government because the prince who is invested with the two first powers leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan’s person, the subjects groan under the most dreadful oppression. Ironically, given contemporary American Islamophobia, the Obama administration has made itself resemble not the Sun-King, Louis XIV, who at least did have a court system not completely under his thumb, but rather, as Montesquieu saw it, the Ottoman sultans, who he claimed combined in themselves executive, legislative and judicial power. (Actually the Muslim qadis or court judges who ruled according to Islamic law or sharia were also not completely subjugated to the monarch, so even the Ottomans were better than the drone memo). 4. The memo resurrects the medieval notion of “outlawry”– that an individual can be put outside the protection of the law by the sovereign for vague crimes such as “rebellion,” and merely by royal decree. A person declared an outlaw by the king was deprived of all rights and legal protections, and anyone could do anything to him that they wished, with no repercussions. (The slang use of “outlaw” to mean simply “habitual criminal” is an echo of this ancient practice, which was abolished in the UK and the US). I wrote on another occasion that the problem with branding someone an “outlaw” by virtue of being a traitor or a terrorist is that this whole idea was abolished by the US constitution. Its framers insisted that you couldn’t just hang someone out to dry by decree. Rather, a person who was alleged to have committed a crime such as treason or terrorism had to be captured, brought to court, tried, and sentenced in accordance with a specific statute, and then punished by the state. If someone is arrested, they have the right to demand to be produced in court before a judge, a right known as habeas corpus (“bringing the body,” i.e. bringing the physical person in front of a judge).

#### THE EXCLUSION OF THE OUTLAW IS A CENTRAL FUNCTION OF MODERN POLITICS—DESTRUCTION OF TERRORISTS AND INDEFINITE DETENTION ARE EXAMPLES OF THE EXCLUSION OF DEMONIZATION OF OUTLAWS THAT EMBODIES POLITICS TODAY—THIS EXPOSES THE LIMITS OF DEMOCRATIC AND POLITICAL COMMUNITIES MARKING THE POINT WHERE VIOLENCE BECOMES POSSIBLE AND BIOPOLITICAL CATASTROPHE BECOMES INEVITABLE

Bunch, 2010

[Mary, PHD in philosophy at the University of Western Ontario, OUTLAWRY AND THE EXPERIENCE OF THE (IM)POSSIBLE: DECONSTRUCTING BIOPOLITICS, Doctoral Thesis] /Wyo-MB

The deconstructive logic of outlawry is ancient. The sovereign proclamation of outlawry – Wargus Esto, in Frankish law, or “become a wolf” – was a common legal penalty from the archaic period through the Middle Ages that tied sovereign power to its own undoing. The post-human politics of twentieth-century post-structuralism was thus anticipated hundreds of years earlier in a figure who challenged the law from the outside, not as a subject, but as liminal creature suspended between human and beast. This post-human figure is both a werewolf and an outlaw. In the wolf ban the law is constituted by what challenges it; as recourse to this challenge, the law is dissolved with respect to the offender in order to preserve itself; but it can never completely preserve itself. By banishing its challengers instead of killing or rehabilitating them, the sovereign reduces the outlaw to absolute vulnerability and exposure to death, but also ensures its own mortality. Outlawry exposes the law’s inability to be at one with itself, its fundamental insecurity, its undecidability, and its dependence on force to come into being and maintain itself. Yet outlawry is the non-presence that allows the law to begin its presencing. What is outside of the law is included in the law: even as the outside is severed from the inside – it is nonidentical to it, exterior to or excluded from it – it is nevertheless joined to it by the very limit that defines it as other. Outlawry is always already present as the law’s deconstructive double: it is fundamental to the law’s structure as a performative force. By refusing to allow the law to be final or complete, outlawry keeps the political system from stagnating. The law must continually transform as its context changes, or it will be replaced with a new law. In transformation or revolution, for better or for worse, this alterity is derived from outside of the law. Outlawry is persistent in its presence (as a nonpresence), and in its promise and threat to the law.But it seems as if in modernity, outlawry has a new logic; one that conserves the law instead of ensuring the law’s difference from itself. Giorgio Agamben points to the dangers of this modern mode of outlawry in Homo Sacer. Outlawry structures Agamben’s vision of biopolitics: sovereignty, which today takes life itself as its object,164depends on forces outside of the law for the foundation and conservation of its power (the sovereign’s decision on the exception comes from outside of the law). As such, modern sovereignty, even in democratic states, is a totalizing force that encloses its outside. In this extra-legal state, everybody becomes an outlaw of sorts as they suffer a withdrawal of legal rights and protections. Citizens are no longer subjects capable of political action, but instead are abjected and exposed to death. This double mode of outlawry is the legacy of the camps. Agamben writes:[t]here is no return from the camps to classical politics...[T]he possibility of distinguishing between our biological body and our political body...was taken from us forever. And we are not only, in Foucault’s words, animals whose life as living beings are at issue in their politics, but also—inversely—citizens whose very politics is at issue in the natural body.” (188)Western metaphysics, politics, medico-biological sciences and jurisprudence are together implicated in a state of affairs that brings us to the edge of “an unprecedented biopolitical catastrophe” (188) as bare life (life that is excluded from the law) becomes the object of the law (a law that preserves its power by suspending itself in relation to the life that it excludes).There is something compelling in Agamben’s dark vision, in which exposure to death seems to enter the very core of life, infiltrating every aspect of social and political life in a new kind of totalitarianism. His diagnosis of the modern political condition as an indefinite state of exception populated by homo sacer, while cynical, seems to hit the mark, whether one is considering the post 9-11 global ‘war on terror,’ or biotechnology. Whether it is in the decision to cease life-preserving treatment, or to deem someone a terrorist or “unlawful enemy combatant” and detain them without the protection of the usual legal rights, the suspension of the law in relation to some lives changes the law’s relation to all human life. In Agamben’s analysis this new relation – what he defines as biopolitics–takes the structure of the archaic ban, the proclamation of outlawry that inaugurates sovereignty by excluding the outlaw. In this view, the ban does not deconstruct sovereignty, it preserves it. For Agamben, outlawry serves two functions. It165guarantees the total indivisible power of the sovereign, while in the case of the subject, outlawry constitutes an erasure of agency and exposure to death (the banned individual enters a liminal space between human and beast, and as such can be killed but not sacrificed). In effect, for Agamben the reappearance of outlawry as biopolitics encloses all forms of modern sovereignty in a form of totalitarianism.However, it is not outlawry that traps modernity in the logic of the camps, nor is it a return to some ‘normal’ situation that saves us from fascism. This was Walter Benjamin’s message, a message that often seems to go unheard, although it is obvious to those who are outside of the law: fascism is the normal situation. The fact that this has not changed in the six decades following the Shoah, but rather expanded to secretly structure even liberal democracies, as Agamben argues, is cause for significant concern. We cannot rid ourselves of outlawry in the political sphere. To ban outlawry, if such a thing were logically possible, would only intensify the biopolitical catastrophe because it would foreclose the law’s difference from itself, its capacity to transform, while to welcome only outlawry would surely invite chaos. Indeed, there must be law. Yet the solution is not a foreclosure of the outside of the law. Agamben creates a very compelling sketch of the problem when outlawry is taken up in biopolitics, but he forgets the challenge that outlawry poses to sovereignty, missing the deconstructive relation outlawry maintains with the law. A mimetic switch complicates the biopolitical situation, deconstructing biopolitics itself and reversing the significance of outlawry to sovereignty and subject. Sovereignty is exposed to its own annihilation, as Derrida surmises in Rogues, it has finally undone itself; it has lost all meaning (101). And the subject, exiled from the law, tastes its unmediated freedom (ipseity), glimpses the law’s mystical authority, and celebrates the possibility of a new law, if only for a suspended instant.

#### THIS USE OF IDENITITY IN THE POLITICAL AND PERSONAL HAS THREE IMPACTS:

#### FIRST, THE EXCLUSION AND ELIMINATION OF THE OUTLAW IS PART OF THE ATTEMPT TO PRODUCE A SINGLE AND UNIFIED PEOPLE UNDER THE LAW—THIS PROJECT RESULTS IN THE FINAL SOLUTION

Agamben, 2000

[Giorgio, Means without ends: notes on politics, Pg 33-35] /Wyo-MB

If this is the case-if the concept of people necessarily contains within itself the fundamental biopolitical fracture-it is possible to read anew some decisive pages of the history of our century. If the struggle between the two peoples has always been in process, in fact, it has undergone in our time one last and paroxysmal acceleration. In ancient Rome, the split internal to the people was juridically sanctioned by the clear distinction be- tween populus and plebs- each with its own institutions and magistrates-just as in the Middle Ages the division between artisans [popolo minuto] and merchants [popolo grasso] used to correspond to a precise articulation of different arts and crafts. But when, starting with the French Revolution, sovereignty is entrusted solely to the people, the people become an embarrassing presence, and poverty and exclusion appear for the first time as an intolerable scandal in every sense. In the modern age, poverty and exclusion are not only economic and social concepts but also eminently political categories. (The economism and "socialism" that seem to dominate modern politics actually have a political, or, rather, a biopolitical, meaning.) From this perspective, our time is nothing other than the methodical and implacable attempt to fill the split that divides the people by radically eliminating the people of the excluded. Such an attempt brings together, according to different modalities and horizons, both the right and the left, both capitalist countries and socialist countries, which have all been united in the plan to produce one single and undivided people-an ultimately futile plan that, however, has been partially realized in all industrialized countries. The obsession with development is so effective in our time because it coincides with the biopolitical plan to produce a people without fracture. "When seen in this light, the extermination of the Jews in Nazi Germany acquires a radically new meaning. As a people that refuses integration in the national body politic (it is assumed, in fact, that its assimilation is actually only a feigned one), the Jews are the representatives par excellence and almost the living symbol of the people, of that naked life that modernity necessarily creates within itself but whose presence it is no longer able to tolerate in any way. We ought to understand the lucid fury with which the German Volk- representative par excellence of the people as integral body politic- tried to eliminate the ]ews forever as precisely the terminal phase of the internecine struggle that divides People and people. With the final solution-which included Gypsies and other unassimilable elements for a reason-· Nazism tried obscurely and in vain to free the Western political stage from this intolerable shadow so as to pro- duce finally the German Volk as the people that has been able to heal the original biopolitical fracture. (And that is why the Nazi chiefs repeated so obstinately that by eliminating Jews and Gypsies they were actually working also for the other European peoples.)

#### SECOND, THE CLEANSING OF NEGATIVITY FROM IDENTITIES AND DIFFERENCE BREEDS RESSENTIMENT

Tubbs 05

[Nigel Tubbs, Principal Lecturer at University College Winchester, “Nietzsche, Zarathustra and Deleuze”, Journal of Philosophy of Education, Vol. 39, No. 2, 2005, Chapter 7, http://exordio.qfb.umich.mx/archivos%20pdf%20de%20trabajo%20umsnh/aphilosofia/educaci%C3%B3n%20filosofia/chapter7.pdf, \\wyo-bb]

In Nietzsche and Philosophy, Deleuze claims that there can be ‘no possible compromise between Hegel and Nietzsche’ (Deleuze, 1983, p. 195). Later, in Difference and Repetition, he afﬁrms his philosophy of afﬁrmation as part of ‘a generalized anti-Hegelianism’ that includes ontology, structuralism and the discovery of ‘ﬁelds of a power peculiar to repetition . . . [in] the unconscious, language and art’ (Deleuze, 1994, p. xix). Central to this thesis are his observations that difference and repetition have taken the place of the identical and the negative, of identity and contradiction. For difference implies the negative, and allows itself to lead to contradiction, only to the extent that its subordination to the identical is maintained. The primacy of identity, however conceived, deﬁnes the world of representation (ibid.). Deleuze stakes himself in the claim that ‘modern thought is born from the failure of representation, of the loss of identities’ and of the collapse of representation into simulacra. Identity is only simulated, ‘produced as an optical ‘‘effect’’ by the more profound game of difference and repetition’ (ibid.). The continued subjection of difference to the identity, or to the concept of the same, ‘seems’ (p. 262) to mean that difference only becomes thinkable ‘when tamed’ by the four ‘iron collars of representation’, namely: identity, opposition, analogy and resemblance (ibid.). Even, or especially, in Hegel where difference is pushed ‘to the limit’ (p. 263), the path is ‘a dead end’ (ibid.) which ultimately brings it back to identity—the very condition upon which the examination of difference was allowed to proceed. Thus, representation is ‘a site of transcendental illusion’ (p. 265) which takes four interrelated forms of the subordination of difference: under the identity of the concept, under resemblance, under the negative and under the analogy of judgement. If Hegel is the high point of the history of a ‘long perversion’ (p. 164), then ‘something completely new begins with Kierkegaard and Nietzsche’, a ‘theatre within philosophy’ in which the ultimately static concept of mediation is replaced by ‘movement’ which can affect the mind ‘outside of all representations’. Finding such ‘immediate acts’ is, therefore, for Kierkegaard and Nietzsche ‘a question of making movement itself a work, without interposition; of substituting direct signs for mediate representations; of inventing vibrations, whirlings, gravitations, dances or leaps which directly touch the mind’. In doing so, they created simultaneously a ‘theatre of the future and a new philosophy’ (p. 8). Leading directly from his presentation of afﬁrmation in Nietzsche and Philosophy, Deleuze reafﬁrms in Difference and Repetition that ‘representation fails to capture the afﬁrmed world of difference’ (p. 55). ‘Representation has only a single centre, a unique and receding perspective, and in consequence a false depth. It mediates everything, but mobilises and moves nothing’ (pp. 55–56). Hegelian movement can only represent ‘the universal’ to ‘everyone’ (p. 52). But ‘there is always an unrepresented singularity who does not recognise precisely because it is not everyone or the universal’. This singularity, who is spoken for does not follow the Hegelian process of synthesis. Rather this ‘sensitive conscience’ subsists in its immediacy, in its difference which itself constitutes the true movement. Difference is the true content of the thesis, the persistence of the thesis. The negative and negativity do not even capture the phenomenon of difference, only the phantom or the epiphenomenon. The whole of Phenomenology is an epiphenomenology (ibid.). Where representation offers only the indeterminate or negation, the philosophy of difference afﬁrms itself in the refusal of these pseudoalternatives. The afﬁrmation of difference is its own essence. This is unlike the yes-saying that agrees to bear difference in order to cleanse it of its negativity. Such asceticism suffers in order to ‘deliver difference up to the identical’ (p. 53). On the contrary, the afﬁrmation of difference is to deny ‘everything which can be denied and must be denied’ (p. 55). It is Nietzsche’s new categorical imperative: deny everything ‘which cannot pass the test of eternal return’. Those who do not ‘believe’ in eternal return will afﬁrm for themselves the epiphenomenon of abstract knowledge. But for those who can deny negative representation, those who can afﬁrm difference in itself, this will ensure that the negative ‘consumes itself at the mobile centre of eternal return. For if eternal return is a circle, then difference is at the centre and the same is only on the periphery: it is a constantly decentred, continually tortuous circle which revolves only around the unequal’. Afﬁrmation has difference as its object, and, therefore, afﬁrmation is multiple. It is difference in itself. Negation is also difference ‘but seen from below’. When we put or leave afﬁrmation in the undetermined, we also put ‘determination in the negative’. Negation, therefore, is only ‘the shadow of the more profound genetic element—of that power or ‘‘will’’ which engenders the afﬁrmation and the difference of afﬁrmation’. Or, put more simply, negation is a form of ressentiment against power, for rather than afﬁrming difference, it offers only epiphenomena as reality. ‘Those who bear the negative know not what they do: they take the shadow for reality, they encourage phantoms, they uncouple consequences from premisses . . .’ (ibid.).

#### **the quest to root out terrorism is an attempt to destroy the different to establish national security in the War on Terrorism—the specter of terrorism is always moving and shifting, so attempts at securitization only create insecurity and violence**

Sciullo 11

[Nick J Sciullo, Teaching at Georgia State University, B.A. from University of Richmond; J.D. from West Virginia University, “The Ghost in the Global War on Terror: Critical Perspectives and Dangerous Implications for National Security and the Law”, April 2011, http://works.bepress.com/cgi/viewcontent.cgi?article=1011&context=nickjsciullo, \\wyo-bb]

The most significant impact on U.S. national security since the September 11, 2001, attacks has been the battle against terror’s ghost. Here I have in mind Gilbert Ryle’s famous skepticism with respect to the mind/body dualism of René Descartes.2’ Ryle argued against the existence of a separate soul that interacts with the biological brain; he labeled this concept the “ghost in the machine.” The ghost I see functions quite differently, although Ryle’s description surely informs my criticism of national security law. This ghost re sides in the fight against terrorism, apart from and within it at once. It is apart from the fight against terrorism in that it has a life of its own apart from anything that could be labeled terrorism. it is terror ism within insofar as it informs the daily struggle against terrorism. Terrorism creates a disconnect from traditional geopolitics or military thinking. It differs from the actions from which laws are generally meant to protect against, while simultaneously influencing di verse fields. This is not to say that the United States should not rightfully concern itself with non-state actors or threats to the home land, which represent clear dangers to U.S. national security. How ever, the all-encompassing fear of terrorism has morphed itself into a battle against the unlocated specter of terrorism’s reality. In this regard, the United States is battling ghosts. The aspect of absurdity in this battle is not surprising. Many modern critical perspectives on philosophy have found it impossible to reduce complex social phenomena to reason-laden formulas.24 The idea of reducing terrorism to a simple definition is further complicated when, as Jacques Derrida describes, “every terrorist in the world claims to be responding in self-defense to a prior terrorism on the part of the state, one that simply went by other names and covered itself with all sorts of more or less credible justifications.” Yet, it is not possible to confine the question of definitional success solely to critical perspectives. The law also struggles to define terrorism, encountering difficulty in synthesizing conflicting definitions.27 Terrorism law does not have the constraints of patent law or tax law, which although complex, are not as subject to the terse battle of definitional adequacy in defining problems and excluding non- germane legal considerations. Lack of definitional certainty also makes prosecuting terrorists difficult, as the procedures for a criminal defendant differ from those required for a military adversary.’ This inability to define terrorism makes it difficult to engage terror ism constructively by forcing us to battle an ephemeral specter. Without a firm base upon which to build a legal regime to address non-state actors that engage in terrorism, law is bound to fail. Defining terrorism (and its extrapolations) is complicated because of its nature as a supercharged political act.3° This is more than the notion that every rhetorical act is political. To define something as terrorism is to politically assign values, and it results in constructing the terrorist as Other. Defining terrorism is a political act that de mands the oppressive politics of Otherization. Because the law thrives on definitions and on knowing precisely what something is and is not, the abundance of definitions of terror ism complicates rather than complements dialogue.3’ From the birth of the “war on terror” —first spoken into existence by President George W. Bush on September 20, 200132—the United States has had immense difficulty grappling with the precise parameters of terror and what exactly a war against it entailed. The 2002 National Secu rity Strategy (NSS) defined the enemy as terrorism, as both a set of political/paramilitary exercises and a loose ideological paradigm.33 Fighting ideas on the battlefield is a difficult task; it is compounded by a disembodied enemy. The 2006 NSS did not do much to rectify the matter when it de clared “militant Islamic radicalism” the enemy. This definition limits terrorism to an expression of a particular form of religiosity. Fur ther complicating national security policy post-September 11 is the conflation of Muslims with terrorists and Islam with terrorism. All Muslims are not the same35 (nor are they Arab for that matter)?6 While it seems almost comical to make this observation, it is a necessary clarification. The terms used in law, politics, and international relations carry with them important connotative baggage, and we risk straying into dangerous ground if we stand idly by as words are deployed in a disingenuous fashion. Viewed as described by the NSS, the United States is engaged in a war against an idea as opposed to a state or people. This type of war is not new but has not been declared in very recent history. Lyndon Baines Johnson’s War on Poverty37 and Richard Milhous Nixon’s War on Drugs were both wars against ideas. These occurred against the backdrop of the Cold War, which presented an exciting tussle against the specter of communism. Those efforts have been met by too much criticism to recount completely in any essay or article. To fight a war against an idea is a difficult policy to maintain and execute effectively. The GWOT is wrought with more difficulty because it lacks the geographical linkage that the War on Drugs, the War on Poverty (both anchored in the United States), and the fight against communism (directed against the Soviet Union) possessed. To be sure, one might consider the GWOT a fight against state- sponsored terror, but if this idea is true, then why have we not seen extensive military activity in Saudi Arabia?’° The GWOT is a battle against abstraction. It knows neither its ob jectives nor its enemy. It cannot be quantified in terms of enemies defeated or captured. François Debrix notes: The war on terror, in its many inceptions (against al-Qaeda, against the Taliban, against Saddam Hussein, against Sunni insurgents in Iraq), is a violent rejection of the unthinkable and the intolerable. It is a revulsion against something (which the USA calls terror or evil) that does not make sense, that was/is still horrifying, that allegedly comes from elsewhere (although it was and may still be within us). It is also a revulsion that cannot be identified as a traditional object of geopolitics (a network, fleeting enemies whose leaders may or may not be dead, insurgent groups with multiple affiliations, masters of terror, a religion, a whole civilization As such, the GWOT is decidedly outside the realm of traditional geopolitics. This makes it difficult for actors practicing traditional geopolitics to engage the mission effectively. A psychological dimension is also imputed, as it is unclear what, or whom, we are fighting. This plays out on several levels: (1) the impact of the tragedies terrorism inflicts,42 (2) the psychological impact of fear, and (3) the intellectual justification for a war against an enemy that cannot be located.” The fact that the United States remains unable to spot the evil specter, but nonetheless continues to fear it, shows that the driving revulsion against the idea of terrorism has subsumed ra tional thought. The fact that the GWOT lacks not only a clear enemy but also a specific geographic location necessitates a war that consumes all re sources and all locations to achieve its objectives. Without some limiting terrain (literally a place in which militaries can engage an en emy), there is no ability to cordon off the parameters of war. This lack of geographical locus for the current conf lict has caused a po litical paralysis of sorts. Without a physical space to challenge the GWOT, the United States risks falling into the de-territorialized space against which it is fighting. The political discourse needs a physical space, whether in a country, a classroom, or the halls of Congress. This de-territorialization renders people unable to politically engage their world. What remains for the United States is a war that risks floating away from policy towards fantasy. In this war against terrorism, we become constantly immersed in terror. This very much stems from our inability to see the ghost and to engage in substantive policy with definitions, parameters, and certainty that resist at least ele mentary scrutiny. As David Fraser notes, “the primary goal of ter- rorism is to terrorize, and people are terrorized when their base of meaning, their hermeneutic vision of the world, is upset, decon structed, and put into question.” We live in perpetual terror while we desperately seek to fill the void left by terrorism — the void of the absence of meaning. Terrorism is unmoored from understanding. and the tension between practice and thought creates a void where terror finds a welcome port. The ghosts are ever present and our fear ever increasing. Terror has taken hold of us.’ The result is our destruction’ at the hands of fear and irrational hatred of the un known. We are in danger of this transformation as we progress from fighting a war with objectives to being consumed by the activity we claim to abhor.49 Our national security strategy makes us less secure as it becomes indistinguishable from the very concept it sought to obliterate.50 We are then the object of our hatred and the very terror we try to prevent. The true danger of an undefined and ill-conceived war is that we become victims. National security is not the only area of socio political significance where this phenomenon occurs. For example, those who fear authoritarian government can become so intense in their struggle that it becomes authoritarian, and they become vic tims of authoritarianism just as they seek to resist it. Divisive envi ronmental issues, gun control, and abortion see similar processes where the evils of the opposing side become the characteristics of those arguing. For example, opposition to a government that plays a large role in a number of issue areas may at first start off as a call to reduce the size of government. After an initial push to shrink government, proponents may then feel the need to institute their reforms with such fervor that the control they exercise becomes more absolute. The quest to shrink government may involve creating an even larger apparatus to implement this shrinkage. Often movements against something, if they succeed, fill the void with some equally problematic apparatus. The politics of terror become the politics of war.5’ Because there is no way to combat terror, no place to find it, and no way to end it, we must root it out, and the only way to do so is violently. The logic of traditional geopolitics has failed. At this point, other outcomes have become impossible. The fantasy becomes the new focus of policy. This policy moves us further away from national security and closer toward national insecurity. Debrix notes: Deeply ensconced in this costly condition of abjection, the USA’s search for meaning since 9/11 has been narrowed down and impoverished. Kaplan, Hanson, 1.edeen, and those in US foreign policy and geopolitical circles who agree with their views, have reduced the USA’s quest for meaning to a desire (construed as the desire of the entire nation) always to remain one with the terror and war. Short of any visible and viable alternative, the only practical option of fered by these masters of the abject is for the USA to continue to expand its search for more destruction and violence. War and terror, then, have become the finality, the only possible outcome.52 This abjection is a condition that is both within and beyond the individual subject. The space of abjection is that position between the subject of the terrorist/freedom fighter/dissident and the idea of terrorism. Abjection is a search for meaning where meaning seems unthinkable.5 This search is great in the discussion of terrorism, and in the end, it is what powers terrorism. It is rejection of the self while establishing the self. In this untenable position, fear is replicated along the borderlines of identity so that the quest against terror in stills the fundamental terror it opposes.55 It is in this abjedion that we are doomed to annihilation in our quest for meaning. We are drawn out of ourselves, and thus, we reinforce the fantasy.

#### FINALLY, THE LAW USES STATIC IDENTITY AS A TOOL TO TOTALIZE IDENTITY. THE ONLY WAY THE LAW CAN RECONCILE THE DIFFERENCES BETWEEN THESE TOTALIZED IDENTITIES IS THROUGH VIOLENCE, MAKING WAR INEVITABLE. ONLY SOLUTION IS THE METHOD OF BECOMING

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If ethics and politics are separate, there also must be a separation, for Levinas, between the political subject and the ethical subject. A political subject would be an identity-based133subject, a subject-in-common, whereas an ethical subject is an other among others. Already there is some disruption of the political field when the subject is divided in this way, for neither commonality, nor subjection to the sovereign, are any longer a requirement for the agency of a subject who is split between their political being and ethical being. Of the ethical subject Levinas writes: “Subjectivity realizes these impossible exigencies – the astonishing feat of containing more than it is possible to contain.... subjectivity [is] welcoming the Other, as hospitality; in it the idea of infinity is consummated” (27). Ethics, in other words, is an openness to exteriority. But can a political subject open toward the Other? It seems this openness only happens in the ethical, and not the political sphere. The ethical relation, it follows, transcends the law, because the law, as an aspect of politics, invokes identity and erases difference, indeed it must, of we are to achieve ‘equality before the law.’ But this transcendence is not an ‘outlaw’ event, at least not prior to deconstruction, since it does not seem to exist in relation to law and politics at all.In a conversation with Derrida, recalled in Adieu Emmanuel Levinas, Levinas describes his ethical approach as a matter of theology: “You know, one often speaks of ethics to describe what I do, but what really interests me in the end is not ethics, not ethics alone, but the holy, the holiness of the holy” (4). A kind of transcendental disruption of politics is thus possible, but the disconnect between ethics and politics diminishes the political usefulness of ethics as a concept, as Simon Critchley elaborates in Five Problems in Levinas’ View of Politics. According to Critchley, Levinasian politics, in accordance with the Schmittian friend/enemy divide, is derived from the antagonism between friends and enemies. His ethics, however, is shaped by monotheism and a concept of fraternity that contradicts this division, for on an ethical level “all humanity is my friend and no one is my enemy,” as Critchley phrases it (174). In other words, humanity is a spiritual fraternity mediated through the presence of God.This separation, which aligns politics with totalitarianism and ethics with theology, does not bode well for our political life. The ideal transcendence of the face-to-face encounter is impossible in the plurality of beings that comprise the political sphere. Politics is the regulation of chaos, the imposition of order on disorder: there is no outside. We are134political when we find ways to manage our relation to each other, so the political is always a mediation. Levinas calls it le tier, the third party. In contrast to ethics, the third- party relation refers specifically to law and the state, which tend always toward totalization. Third-party relations are always already ethically unjust because they are unable to account for the specificity of the face-to-face encounter, and must generalize for the good of all citizens. As a consequence of this unifying function, Levinas equates the political with violence and war. Politics is “the art of foreseeing war and of winning it by every means ... the very exercise of reason. Politics is opposed to morality, as philosophy is to naiveté” (TI 21). As he continues Levinas links war, and implicitly politics and political subjects, to totalization: “The visage of being that shows itself in war is fixed in the concept of totality, which dominates western philosophy. Individuals are reduced to being bearers of forces that command them unbeknown to themselves. The meaning of individuals (invisible outside this totality) is derived from the totality” (21-2). Thus for Levinas it is not possible to be a political actor without being complicit with the forces of totalization. Levinas puts ethics to the task of re-constituting political space by repeatedly interrupting all claims at totalization, including those hidden in liberal concepts of freedom and autonomy, as Critchley points out in Ethics and Deconstruction (223). In other words, the role of ethics in relation to the violent and totalizing forces of politics is to override and guide political reason, to disrupt politics (222). A recognition of and responsibility to the Other disrupts the hatred of the Other on which political unity is organized. Yet Levinas’ politics are fraught with difficulties. First of all, Levinas’ view of what counts as political is very narrow (173). Indeed, his approach appears similar to Schmittian political concepts in which the state’s role is to distinguish friend from enemy and foreclose all difference in the name of unity. Moreover the political, as Levinas conceptualizes it, has further traces of Schmittian decisionism, which ironically installs a different side of outlawry at the heart of politics. As Critchley elaborates, Levinas sees politics as archic: “it is obsessed with the moment of foundation, origination, declaration, or institution that is linked to the act of government, of sovereignty, most of all of decision that presupposes and initiates a sovereign political subject capable of self-government and the government of others” (182). A decision is extralegal, for in order to qualify as a decision135it must exceed the realm of rule and calculation that comprises the law. Yet the Schmittian sovereign decision aims not at disrupting law, but at conserving it. This is the essence of totalitarianism as conceived by Schmitt. As a result, the political sphere is a realm where only the sovereign has agency and political subjects find themselves limited by a prescribed social role, on the one hand, and exposed to the extralegal violence of the decision, on the other.To be clear, the similarities between these thinkers’ definitions of politics do not by any means align Levinas with Schmitt, either ethically or politically: where Schmitt recommends decisive totalitarian politics as an ideal political system, Levinas is intent on disrupting such totalizing forces with what lies outside of the political realm. Yet his ethical challenge to politics seems ineffectual. For as Critchley points out, Levinasian ethics leaves no room for progressive political action: the disruptive moment transforms into the archic founding gesture, instituting a new third party (1992). In other words, when ethics engages politics, it becomes political, which is to say it takes on a unifying, totalizing impulse and erasure of the ethics that founded it. If this is the case, can we put Levinasian ethics to the task of disrupting politics as a mode of outlawry? In the following section, I address this question, suggesting that while Levinas opens up the possibility for such an ethical role for outlawry by replacing the identity imperative of German Idealism with the imperative for alterity, he does not allow politics to contain that ethical disruption within itself: but Derrida’s re-working of the ethics of alterity does.

### Contention Two: Outlaw Politics

#### THUS OUR ADVOCACY: WE AFFIRM THAT WE ARE BECOMING OUTLAWS.

#### We make two solvency claims:

#### First, Universal Recognition of being- recognition of the outlaw in all of us allows us to rethink ethics creating an ethical interaction towards the excluded other.

#### Second, This recognition solves devaluation- a politics of outlawry is critical to challenging relationships of violence that exist in the status quo

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I began this chapter with the becoming-animal of Levinas and the becoming-ethical of Bobby the dog, with the aim of exploring their mutual exposure at the level of bare life as a site of ethics – an ethics that is situated in the space outside the law, that exceeds the conditions of subjectivation, but that is nevertheless political. The irony of the association of ethics with bare life should not be ignored: indeed, we are most unethically political when we dehumanize others, as we have seen in the Shoah and other genocides, slavery, patriarchy, colonization and so on. So how can the very terms of dehumanization – bare life, or animal life – become a site for ethics and political action? Becoming animal sheds a different light on the politics of life itself by presenting a post-human, rather than merely de-humanized figure, that can be both ethical and political. Moreover, rather than referring to some individual who flouts the law in isolation, becoming animal shares an affective relation with other entities as part of a collective or multiplicity. If Agamben’s conception of bare life diagnoses a crisis in modern politics in which the law is suspended and everyone is homo sacer, exposed to death through totalitarian appropriations of the outside of the law, Deleuze and Guattari’s minoritarian politics, together with deconstruction, provide the framework to re-conceptualize our political concepts so that outlawry becomes a threshold for a revolving disruption of the political sphere with ethics. We might thus conceive of democracy in terms of a politics of bare life, but along the lines of becoming animal instead of homo sacer, and theorize democracy as processes of minority becomings instead of majority rule. How then might we conceive of democracy as a becoming that moves in the direction of the outside of the law, rather than always consolidating the terms of what is inside the law’s borders? In short, how does outlawry, in its deconstructive sense, transform our understanding of democracy?Democracy is typically affiliated with the politics of subjects, and is what Deleuze and Guattari term a molar model, since it is based on the majority, rather than minorities, and consensus, rather than dissensus. As Patton suggests, contemporary liberal democracy is155“a form of government in which the governed exercise control over governments and their policies, typically through regular and fair elections...They ensure equal rights to effective participation in political processes, but also set limits to what majorities can decide by protecting basic civil and political rights and ensuring the maintenance of a rule of law” (185-6). Derrida has demonstrated how problematic this understanding of democracy is with respect to minorities. As he argues in Rogues, the democratic state excludes “all sorts of unlike and unrecognizable others,” in particular the “bad citizens, rogues [and] noncitizens,” despite its promise “at the same time or by turns... to open itself up, to offer hospitality, to all those excluded” (63).The problem with – and the cure for, present forms of democracy arise from the auto- immunity of democracy. Democracy protects itself from what threatens it, from within and from without, by suspending democracy itself. Because it excludes its other, democracy is always ‘put off.’ Derrida refers to this as the Renvoi of democracy: “[R]envoi signifies putting off to later, the reprieve [sursis] that remits or defers [sursoit] democracy until the next resurgence [sursaut] or until the next turn or round; it suggests the incompletion or essential delay, the self inadequation of every present and presentable democracy, in other words, the interminable adjournment of the present democracy” (R 37-38). But this concept is more than simply a critique of the inherent failure of democracy on account of its deferral and difference from itself. The renvoi of democracy refers to alterity itself, to the difference of the other. The deferral is thus also a reaching toward difference. In the terms of Deleuze and Guattari, it is a becoming-minoritarian. Or as Derrida puts it: différance as reference or referral [renvoi] to the other, that is, as the ... undeniable, experience of the alterity of the other, of heterogeneity, of the singular, the not-same, the different, the dissymmetric, the heteronomous” (38). Democracy thus takes a liminal position between the law and justice, the political and the ultra-political: from this border it seeks to re-create itself through a simultaneous construction and deconstruction.With these concepts Derrida provides a starting place for bringing Levinas’ ethics into the political realm. It is through this very contradiction, this difference within itself that democracy-to-come incorporates an ethics of alterity and exteriority. The Derridean sense156of time as out of joint suspends the difference between the law and its outside through a ‘revolution’ that literally implies revolving or circling about. It is through this circular action that democracy-to-come overcomes the homogenizing exclusions of what Levinas terms third party politics (A Tier) with a movement toward alterity – that is ethics – in the political field. However, the deconstructive approach also has its limits: the impossibilities, passivity and the necessary deferral to the future produces a political concept whose praxis is somewhat obscure. What of the politics of the present? What route do we take, as individuals or collectively, toward this future? And who or what is the agent of such a politics?Deleuze and Guattari propose a theory of becoming-democratic that sounds strikingly similar to Derrida’s democracy-to-come, but point also to modes of political praxis in the present, or more precisely, to political praxis as a mode of resistance to the present. This includes a resistance to present democracies, which, Deleuze and Guattari agree, are Capitalist fraternities that have no claim to justice.66 As they ask in What is Philosophy: “What social democracy has not given the order to fire when the poor came out of their territory or ghetto?” (108). Democracy, no less than other political forms, makes outlaws of its minorities, in the vulnerable and disenfranchised sense of homo sacer. But like democracy-to-come, becoming-democratic involves becoming-outlaw in its anarchic sense. Becoming-democratic is the politics of the poor when they come out of their ghetto, and it is the becoming-minoritarian (opening up) of those very forces that exclude the poor. It is a dispersion of the majority that makes up a conventional democracy. Where a democracy is a state of law, becoming-democratic is outside of the law; where democracies are communicative, becoming-democratic is creative. Deleuze and Guattari describe becoming-democratic as a critical philosophy, as follows:We lack creation. We lack resistance to the present. The creation of concepts in itself calls for a future form, for a new earth and people that do not yet exist...Art and philosophy converge at this point: the constitution of an earth and a people that are lacking as the correlate of creation. ...This people and earth will not be found in our democracies. Democracies are majorities, but a becoming is by its nature that which always eludes the majority. (108)157 This form of politics differs from present constitutional states – indeed from any constitutional states – and does not specify a determinate structure. In his commentary on “Becoming-Democratic” Patton points out that the concept “points towards future as yet unrealized forms of democracy, but also reminds us that there is no definitive form that will ever arrive....it enables us to perceive the world differently (180-181). Like Derrida’s ‘to-come’ of democracy, the concept does not offer specific models of political practice, or universal maxims, but instead a critical approach that is anti-conservative; it deconstructs current realities from outside, rather than conserving them from within.With their series of concepts of becoming Deleuze and Guattari set the groundwork for an ethical politics of bare life because people are seized by these becomings to the extent that they are not subjects, citizens or members of normative majorities. Bare life is precisely what we exclude in order to be subjects. However, bare life is not simply ‘being alive’ in the sense that all animal and plant life is alive. It is the politicization of the sheer fact of living through its exclusion from the polis. Agamben discusses bare life as a site of vulnerability and exposure to death, but in Deleuze and Guattari’s framework we might also conceive of bare life as the spring of resistance to the present by which we strive for something new. Levinas experienced this ethics, and this politicization of his own bare life, with his fellow prisoners in the camp. Bare life is thus what constitutes the demos: the people, before they become a democracy, are in processes of becoming- democratic. For Deleuze and Guattari, this is possible as a movement of dispersal even when we are already citizens, or members of the majority, but it is absolutely necessary if we are not.The distinction between bare life and the subject is not absolute when we consider it in the framework of outlawry as a deconstructive becoming minoritarian. We might be both vulnerable and exposed, as in the camp, and yet imbued with the capacity to resist the present, as those in the camp did in various ways, even to their death. And this resistance has the capacity to reconfigure the political sphere – as indeed, those in the camp succeeded at doing (some like Levinas, in a literal sense, and others less directly), for our ethico-political concepts have been dramatically transformed as a consequence of the Shoah, and continue to be. For Deleuze and Guattari, ethical political action occurs at the 158 threshold between centre and periphery, subject and non-subject, singular and general that is expressed in ‘becoming-animal’ and becoming-minoritarian. From this liminal position agency is not only possible but is, as a matter of necessity, tied to the vulnerability of bare life, which is always poised at the edge of violence or death. In other words, it is those very people that are excluded, or more generally anyone to the extent that one is outside of the law, that demands both an ethical and political response. Political change, if it is to be ethical, mobilizes around those exclusions.

#### Changing social structures and power is counter revolutionary changing one kind of rule for another, instead we need critique that remove meaning from identity destroying the foundation of power today

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Deleuze and Guattari are thus interested in the politics of the subject at that moment of spontaneous rebellion that is a part of the movement of the subject between inside and outside. Even as we undergo processes of subjectivation, to some degree we evade hegemonic power and knowledge, as we engage in becomings that reverse subjectivation. This is why Deleuze and Guattari frame minoritarian becomings under the heading of becoming-animal: if subjectivity is based on a break from animality, then becoming- animal must derive from a break with subjectivity.65 In psychoanalysis and metaphysics more generally, such a movement toward animality is associated with degradation and abjection (as with homo sacer), but this is not necessarily the case for becoming- animal/becoming-minoritarian. The call to becoming-animal comes from the outside of the generalizing, molar force of law. It is not a naming call to conscience, but instead an affect that calls our humanity into question, propelling us into new configurations and transformations outside of the law, at the threshold, and between the borders, altering what it means to be political, revising what it means to be human.Become-animal constitutes another version of the outlaw that I elsewhere took up as the ‘unbecoming girl’ and werewolf. What is distinctive about becoming animal is that the concept brings a sense of multiplicity to conceptualizations of outlawry, unlike the werewolf and becoming girl, who were discussed in their singularity. For however singular an urge for becoming may be, becoming animal-minoritarian-revolutionary is qualitatively affective: becomings pull beings together, one to the other, without binding them under conditions of sameness. Deleuze and Guattari write: “[T]he affect is not a153personal feeling, nor is it a characteristic; it is the effectuation of the power of the pack that throws the self into upheaval and makes it reel. Who has not known the power of these animal sequences, which uproot one from humanity, if only for an instant.... A fearsome involution calling us toward unheard-of becomings” (240). The affect pulls us into a becoming that is a critical de-subjectivation (like the unbecoming girl); it launches into a border position (like the werewolf). But these alterations of the conditions of our subjectivity exceed the transformation of singular beings. We are a gang of girls, a pack of wolves, a swell of revolutionaries. The series of becomings produce a revolutionary humanity, or more precisely a revolutionary post-humanity.Becoming-animal thus brings us to a form of revolutionary philosophy, but not in the precise sense derived from Enlightenment politics, nor from Marxism, as transfers of power from one group to another. As Buchanen explicates, traditional revolutions, those that focus on securing power, are counter-revolutionary: they don’t change the institutions and ideologies in which power is invested; they merely transfer power from one class to another (14). But what would a revolutionary dispersal of power look like? Deleuze and Guattari propose a form of “revolutionary becoming” which Deleuze contends in his interview with Negri is “the only way of casting off ... shame or responding to what is intolerable.” Paul Patton notes that what these authors are after is a “resistance to the present” (178). Becoming-revolutionary transforms our social and collective identities. The impetus for change is derived from the diffusion of molar political forms, through a myriad of minoritarian-becomings (182). If these minoritarian- becomings constitute another version of outlawry, than revolutionary-becoming must as well. But what kind of politics does this portend? If it involves a dispersal, rather than a transfer of power, does becoming-revolutionary undo all molar forms and dismantle all identities, leaving us in a wild realm of outlaw chaos? Is this a return to the state of nature, in its brute Hobbesian form, or Rousseau’s idyllic version? Is becoming-outlaw nothing but an assault against any form of structure or authority? Not necessarily. Outlawry is a critique of molar political forms that allows for some creative processes of re-invention. It is a critique of the present, so to speak, that launches us toward that justice-to-come that Derrida promises. As such, outlawry, as I have conceptualized it, informs (by resisting) the political structures of the present, such as democracy.

#### UTILITARIAN ENFRAMING COUPLED WITH THE DRIVE FOR SECURITY CAUSES A TOTALIZING METAPHYSICAL VIOLENCE

Burke in 2007

(Anthony, Senior Lecturer in Politics and International Relations at UNSW, Sydney, “Ontologies of War: Violence, Existence and Reason”, Theory & Event, Volume 10, Issue 2, 2007, pMUSE, cheek)

# This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which humans are merely utilitarian instruments for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather turns in upon itself in a nihilistic spiral of pain and destruction. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 # What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action.

## 2AC

### 2AC Case extension

#### Targeted killing under the AUMF resurrected the banishment of identities for the crimes of rebellion against the state or potential crime. This makes difference a crime, in these instances the president then serves as judge, jury and executioner as he exterminates lives that present little value and risk any danger to the state. That’s Cole and Chong

#### Three impacts

#### First, striding towards a unified entity leads to genocidal acts against those different than the horizon - Agamben

#### Second, negation of difference leads to ressentiment. We can never control difference or eliminate it leading ressentiment against the world because of a lack of control - Tubbs

#### Third, the war on terrorism enables geopolitical adventurism through the fighting of the specter of terrorism. This is a futile process due as the USFG lashes out towards the dark - Sciullo

#### Becoming outlaw resolves this in two ways:

#### 1. Continual forfeiture of majoritarianism- Those in the majoritarian should continually recognize and forfeit their privilege like Sisyphus.

#### 2. Universal Recognition of Worth - The universal recognition of beings as having intrinsic worth and affirmation of the repetition of pure difference.

#### Finally put Ethics of the Self first- There is nothing an individual can do to change the world without changing how we relate to the world, which creates serial policy failure.

#### Becoming changes our self consciousness about the environment, only way to solve the root cause of human destruction of the environment and their problematic relationship with the earth as a whole

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[Adam A. Riggio, McMaster University, "An Ecological Philosophy of Self and World: What Ecocentric Morality Demands of the Universe" (2012). Access Dissertations and Theses.Paper 7553, pg 163-165 <http://digitalcommons.mcmaster.ca/cgi/viewcontent.cgi?article=8602&context=opendissertations>, \\wyo-bb]

Deleuze and Guattari describe how the reflective processes of self-consciousness tend to become subjects in the totalizing sense I have been discussing, and how an individual organism can escape this totalization. Escape from the totalization of identity is desirable because it liberates self-consciousness to explore different possibilities for action.484 “Life is a work in progress with no goal in sight, only the tireless endeavour to explore new possibilities.”485 Separate from his work with Deleuze, Félix Guattari’s writings inspire me to apply the lessons on destabilizing subjecthood of A Thousand Plateaus to the political problems of environmental philosophy. Guattari understands the fields of affectivity constitutive of Earth as three parallel ecologies: the mental, or individual subjectivity; social assemblages, including political and civic institutions; and the constitution and interaction of ecosystems across Earth’s biosphere.486 These three ecologies — types of fields of affectivity generated by organisms — should not be arranged in a hierarchy. A society is assembled from many individuals, but the macro is not determined by the micro, or vice versa. Ecosystemic and climatic conditions limit the possibilities of movement for societies and individuals: one cannot grow coffee in the Baltics, or drill for oil year-round at Mount Erebus in Antarctica. But this conditioning relationship does not give the ecosystemic a superiority over society or individual thought. I consider the individual, social, and ecosystemic to be three venues of affectivity, different settings for processes to appear. But changes in setting do not seriously transform a process’ character. Changes in scale can transform the character of a process. A current of water in a small tank will move very differently than a current of water in motion from the north to the south Atlantic. The transformation of a process across scales of affectivity is an ontological matter. Regarding the three venues of affectivity, a river can flow through a forest, by a village in that forest, and around a swimmer from that village without seriously changing. Guattari distinguishes the individual, social, and ecosystemic venues of affectivity for epistemic reasons. The best possible explanation for a phenomenon depends not only on the goal for which one wants to explain it. In terms of the ontological question of what is happening, the best possible explanation will depend on which venue of affectivity primarily generates the phenomenon in question.487 Epistemically, the three venues of affectivity must be sorted and contrasted to ease the analysis of multifaceted interactions among complex wholes. Ontologically, however, the three venues are parallel. Distinguishing by parallel preserves congruence across the delineated venues of being.488 Activity generated in each of the three venues constitutes complex affects in the other two. Each venue is constituted through the activity of very different bodies and fields, but intimately connected in their mutual affectivity. One can clean up pollution, but one cannot repair an ecology beyond superficial maintenance without repairing in parallel one’s own subjectivity, articulating a sustainable and flexible pattern of thinking into a sustainable and flexible pattern of society that articulates itself through the activities of its constituent individuals into a sustainable and flexible technology of global scope.489 The production of a new way of life begins with a single person breaking down a totalizing identity that conforms with common morals for no other reason than to conform. If others take this person to be a guide for action, she inspires similar productions of new ways of life in others, until one has a social movement that affects a globalized humanity, and controls technologies powerful enough to transform ecosystems on a planetary scale.490 A global revolution to constitute an ecocentric moral and political social structure might begin when an individual resingularizes herself as a place, according to the ontological concepts I described in the previous two chapters. Unlike previous versions of ecocentrism, such a transformation of social morality and global ecosystemic order would preserve the importance of the individual. A transformation of individual morality begins a process of planetary transformation.491 A social movement spurred by the simultaneous transformation of individual subjectivities is democracy at its most intense: liberatory people power.

### 2AC Base

#### 1.No Link

#### Act to destroy the center

#### Not linear time

#### No link- our affirmative is the question of immanence and how we should navigate life in the now.

Deleuze and Guattari, 1987

(Gilles and Felix, “a thousand plateaus: capitalism and schizophrenia.” 352-353, MB.

Let us take a limited example and compare the war machine and the State apparatus in the context of the theory of games. Let us take chess and Go, from the standpoint of the game pieces, the relations between the pieces and the space involved. Chess is a game of State, or of the court: the emperor of China played it. Chess pieces are coded; they have an internal nature and intrinsic properties from which their movements, situations, and confrontations derive. They have qualities; a knight remains a knight, a pawn a pawn, a bishop a bishop. Each is like a subject of the statement endowed with a relative power, and these relative powers combine in a subject of enunciation, that is, the chess player or the game's form of interiority. Go pieces, in contrast, are pellets, disks, simple arithmetic units, and have only an anonymous, collective, or third-person function: "It" makes a move. "It" could be a man, a woman, a louse, an elephant. Go pieces are elements of a nonsubjectified machine assemblage with no intrinsic properties, only situational ones. Thus the relations are very different in the two cases. Within their milieu of interiority, chess pieces entertain biunivocal relations with one another, and with the adversary's pieces: their functioning is structural. On the other hand, a Go piece has only a milieu of exteriority, or extrinsic relations with nebulas or constellations, according to which it fulfills functions of insertion or situation, such as bordering, encircling, shattering. All by itself, a Go piece can destroy an entire constellation synchronically; a chess piece cannot (or can do so diachronically only). Chess is indeed a war, but an institutionalized, regulated, coded war, with a front, a rear, battles. But what is proper to Go is war without battle lines, with neither confrontation nor retreat, without battles even: pure strategy, whereas chess is a semiology. Finally, the space is not at all the same: in chess, it is a question of arranging a closed space for oneself, thus of going from one point to another, of occupying the maximum number of squares with the minimum number of pieces. In Go, it is a question of arraying oneself in an open space, of holding space, of maintaining the possibility of springing up at any point: the movement is not from one point to another, but becomes perpetual, without aim or destination, without departure or arrival. The "smooth" space of Go, as against the "striated" space of chess. The *nomos* of Go against the State of chess, *nomos* against *polis.* The difference is that chess codes and decodes space, whereas Go proceeds altogether differently, territorializing or deterritorializing it (make the outside a territory in space; consolidate that territory by the construction of a second, adjacent territory; deterritorialize the enemy by shattering his territory from within; deterritorialize oneself by renouncing, by going elsewhere . ..). Another justice, another movement, another space-time.

#### 3.Case is a DA- Queer theory can’t theorize about how to stop the majoritarian from continually trying to cleanse the identities of those who they find as negative. This leads to ress. on both sides of the coin. Specifically our Tubbs evidence says that just having a “representative”, or a space for those who are different to be tolerated is problematic.

#### Perm do both: Find rouge intellectuals as a minoritarian gesture.

#### Terminal defense- ask yourself how the alt changes

#### Permutation: Conceive of queerness as a becoming hybrid.

#### Becoming hybrid allows for the destruction of the majoritarian enables lines of flight.

MacCormack 09

[Patricia MacCormack, Senior lecturer in Communication and Film at Anglia Polytechnic University, Cambridge, “Unnatural Alliances”, in Deleuze and Queer Theory, pg. 142-145, 2009, \\wyo-bb]

As becomings never become, so one never becomes a vampire or werewolf but constantly oscillates between and within variable intensities created uniquely at the encounter. The vampire is a rare monster in that the victim’s desire compels them toward a welcome and ecstatic death, an active victim open to infection. The vampire is seductive and dangerous, recruiting victims who desire differently into a pack. The sexual dialectic proliferates, against sexual structuration – hetero or homo – the vampire’s victims victimise themselves, not desiring the vampire as a creature necessarily but desiring the infection or plague. The victim seeks the transformation and proliferation of the desiring self. The vampire infects the victim in order that the victim can deterritorialise their own molar sexuality toward molecular desires and pleasures. The spectre of the lesbian vampire in literature and film testifies to the horrors of a monster not being predatory but compelling, met less with terror than fascination. The lesbian vampire is not scary but sexy, usually requiring intervention by not heterosexuality but phallocentric discursive systems – religion and science – to cure the victim. Lesbian vampires conflate sexual aberration with biological disease. Desire for vampires and vampire desire celebrate or ignore the pain of the death of the organism, part of a genealogy or a kind, and births the hybrid which is unable to reproduce and thus neither belongs to one kingdom nor one sexual structure. Vampires invoke queer as an inflection or dissipation of desiring self before and beyond act or object. Vampires are able to transform into animals. Obviously in many myths and novels the vampire becomes wolf, expressing Deleuze and Guattari’s point that both are parts of bands that transform themselves and each other, a kind of monstrous or hybrid interkingdom beyond natural kingdoms, unnatural-unnatural participation, emphasising the infinity of interkingdom participations. The vampire becomes the bat, in Leviticus a forbidden and aberrant animal because of its interkingdom associations as both bird and mammal. Each example of a vampire and werewolf transformation creates a new hybrid – the colonisation through infection of each term by its animal and human qualities teems with new nodes and pulsations as various intensities cross each other for the first time, or the next time, where different molecules meet familiarly or as strange combinations. Werewolves and vampires are not monsters as spectacle forms but events. The wolf, essentially always part of a pack, infects through the bite. The mouth as site of consumption is deterritorialised, now the site of the bite, the animal kiss that expresses rather than incorporates. The mouth – more correctly the jaw or snout, fanged to infect, not to kill or eat – accesses the molecules of the ‘victim’. The form is not eaten, killed or attacked, the mouth-snout creates a vacuum which mingles molecules, invoking becomings as the victim dissipates its cell-intensities to itself propagate as teeming pack of new formations, constantly mobile and thus constantly transforming. If nature anchors on reproduction, reifying genealogy and repetition as reiteration, the infective bite of the werewolf or vampire creates the hybrid that is ‘sterile, born of a sexual union that will not reproduce itself but which begins over again every time’ (Deleuze and Guattari 1987: 241). Deleuze and Guattari emphasise these ‘animals’ are not kinds but states (1987: 243). In myth and literature vampires also transform into fog. Fog is made of molecules, it is inapprehensible, breathed into lungs, obscuring sight, creating an in-between myopia or twilight perception, the time of vampire transformation in the evening and werewolf metamorphosis in the morning (traditionally 4 a.m. is the ‘wolfing hour’). Fog seeps into animal, vegetable, mineral and ether. Ubiquitous fog invokes other kinds of hybrid monsters which begin as hyper-interkingdom animals and eventually other-universe and otherphysics entities and collectives. Deleuze and Guattari use the work of H. P. Lovecraft to exemplify the interkingdom propagation beyond mammalian, animal, vegetable and carbon-based participations. ‘Lovecraft applies the term “outsider” to this thing or entity, the Thing which arrives and passes at the edge . . . “teeming, seething, swelling, foaming, spreading like an infectious disease, this nameless horror” ’ (Deleuze and Guattari 1987: 245). Guattari emphasises that ‘desire is always “outside” ’ (Guattari 1996: 59). Lovecraft’s monster hybrid has gone beyond an unnatural participation to transform the entity as contagion itself. Walter Gilman in Lovecraft’s Dreams in the Witch house is frightened by the human-demon-rat creature which scuttles around his house. Consequently this half-half hybrid is replaced by conical multiarmed entities and bubble-foaming entities which converge and diverge. And they live in his house with him, forming a very unnatural family indeed. The ‘families’ of Innsmouth in The Shadow Over Innsmouth have bred with the fish-frog creatures beneath the sea. The resulting fleshfish- frog-humans are able to reproduce both with each other and with the fish-frogs, but each is unique – their reproduction results in entities but these offspring never resemble their genesis. Each citizen of Innsmouth is a unique and unrecognisable singularity. These are examples of queer production without reproduction. Gender, sexual union, genus and non-dividuation do not prevent offspring but do prevent reproduction as repetition. Lovecraft eventually offers imperceptible entities, including the becoming-imperceptible of human characters such as Randolph Carter in The Statement of Randolph Carter, whose great hybrid form is that of the simultaneously conscious and mindless – not present to himself. Here the hybrid is estranged from itself. Especially in Lovecraft, other demons and gods emerge (Cthulhu, Nyarlahotep and such), evoking transformation rather than the empty simulacrum reiterations enforced through religion, capitalism and other regimes of desire which encroach on bodies and desire. Werewolves, vampires, flesh-fish-frog people, gender ambiguities and perverts are hybrid becomings. The focus here is on transformative potentialities or germinalities, interstices and qualities of each term and the unique vibrations produced as the specific intensities enter within each other. Contagion is movement, werewolves and vampires transform into melded thresholds, not symbolic half-and-halves. Deleuze and Guattari’s threshold collapses the analogous proportion gap rather than splicing the terms into two demarcated halves stuck onto each other. The unnatural alliance closes the gap of proportionality, whereby strange relations are created that challenge the like-for-like sets of binaries that are often used covertly to give some minoritarians power as long as they continue to oppress others, thus maintaining majoritarian power. In phallologocentric society women get equality as long as they don’t forget to stay women and don’t become ambiguous; homosexuality is ok but don’t let in the queers; ‘we’ treat animals better, enslaving them organically but eating them just the same. Traditional relations demand the minoritarian come up to the dominant. Unnatural alliances are molecular entrances into something else’s politics, desires, alliances that traverse proportion and proportionality rather than swap it or change places within the maintained hierarchy. A line of flight cuts across, not up or down, and thus its trajectory is hybrid as it doesn’t know the qualities of its journey. Transformation is not an act; the hybrid has no past, no birth born of a monstrous union or a collapse of two symbolic qualities. Female desire, implicit in becoming-woman, emphasises ‘the fantasy of the non-human status of woman as android, vampire, or animal, the identification of female sexuality as voracious, insatiable, enigmatic, invisible and unknowable, cold, calculating, instrumental, castrator/ decapitator of the male, dissimulatress or fake, predatory . . . ’ (Grosz 1995: 203). The werewolf never starts or ends wolf or man but constantly unfolds and reorients its werewolfish aspects and force. The vampire is a femme-male seductive-monster queer (it doesn’t have sex ‘normally’), infecting (most often) women with lesbianism simultaneously with the disease of vampirism. Perhaps this example of lesbianism conceived as vampiristic contagion offers an entry for non-lesbians into the becoming-woman through which all women themselves must pass? The lesbian vampire has created a genre of monster all of her own. If lesbians are not women, perhaps lesbian vampires are not vampires, but yet another becoming-term toward which we can resonate. Lovecraft’s Innsmouth folk and the non-Euclidian elder gods are monsters without genealogy or destiny and are to varying degrees imperceptible while nonetheless being present and affective. Perhaps I could suggest that these new gods which demand a forsaking of regimes transform sexuality to mystical desire: ‘sexual liberation is a mystification . . . liberation will occur when sexuality becomes desire, and desire is the freedom to be sexual, that is, to be something else at the same time’ (Guattari 1996: 56). This understanding of desire negotiates Foucault’s disdain for the concept of desire, which for him suggests ‘the medical and naturalist connotations that the notion of desire entails . . . tell me what you desire and I will tell you who you are’ (Foucault 2000: 246). Hybrids are not nouns, but verbs. They are inherently unnatural and resist naturalisation because they cannot be placed within taxonomy – they move too fast and transform too quickly and, especially when they enter into imperceptible participations, cannot perceive themselves. ‘We’ as ‘they’ cannot speak a language that can be heard so we cannot tell, ergo cannot be. Because we are always singular instances we do not have a language of our own, only resonant sonorities with other entities. The medical and social study of aberrations – from congenital monsters to queers – could be resisted through a politics of hybridity, which requires the hybrid to be part of a pack that collects those who do not resemble each other.

#### Apolitical nature of queer negativity allows it to be taken up by fascists

Halberstam 08

(Judith, University of Southern California, “The Anti-Social Turn in Queer Studies”, Graduate Journal of Social Science, Vol. 5 Issue 2, 2008)

I am arguing then that we need multiple genealogies of gay/lesbian/trans history in order to sort through the multiple political projects that have been called queer or gay during the 20th C. And that we need to think carefully about the problems with a progressive and positive liberal agenda and about the potentially sinister associations that can be drawn between apolitical negativity of the kind Edelman outlines and the masculinist anti-domesticity and anti-reproductive politics of homophile movements in the 1930’s with Nazi sympathies. And yet, I remain drawn to the politics of negativity but want to articulate it differently than Edelman and Bersani. So what does or would constitute the politics of “no future” and by implication the politics of negativity? The Sex Pistols, we may recall, made the phrase “no future” into a rallying call for Britain’s dispossessed. In their debut song, written as an anticelebratory gesture for the Queen’s silver jubilee, The Sex Pistols turned the National Anthem into a snarling rejection of the tradition of the monarchy, the national investment in its continuation and the stakes that the whole event betrayed in futurity itself, where futurity signifies the nation, the divisions of class and race upon which the notion of national belonging depends and the activity of celebrating the ideological system which gives meaning to the nation and takes meaning away from the poor, the unemployed, the promiscuous, the non-citizen, the racialized immigrant, the queer: “God save the queen/She ain’t no human being/There is no future In England's dreaming…Oh god save history/God save your mad parade/ Oh lord god have mercy/All crimes are paid. When there's no future/How can there be sin/ We're the flowers in the dustbin/We're the poison in your human machine/We're the future your future. ..God save the queen/We mean it man/And there is no future/In England's dreaming…No future no future/No future for you/No future no future/No future for me.” No future for Edelman means routing our desires around the eternal sunshine of the spotless child and finding the shady side of political imaginaries in the proudly sterile and antireproductive logics of queer relation. It also seems to mean something (too much) about Lacan’s symbolic and not enough about the powerful negativity of punk politics. When The Sex Pistols spit in the face of English provincialism and called themselves “the flowers in the dustbin,” when they associated themselves with the trash and debris of polite society, they launched their poison into the human. Negativity might well constitute an anti-politics but it should not register as apolitical. There are many examples of anti-social theorists in a feminist context or in post colonial contexts and these are writers who articulate the scope of an explicitly political negativity: we can think here of Valerie Solanas and Jamaica Kincaid but also of the performance art of Marina Abromovicz and Yoko Ono. Jamaica Kincaid’s novels oppose the optimism of the Colonial vision with a ferocious voice of despair, refusal, negation and bleak pessimism and Valerie Solanas articulates a deeply anti-social politics which casts patriarchy as not just a form of male domination but as the formal production of sense, mastery and meaning. Abromovicz and Ono both perform a version of feminism that locates femininity in the negative territory of masochism, passivity, vulnerability and castration.

#### Fascism results in multiple scenarios for violence that outweigh the alt

Mills, 2004

[David, Attorney, 11-10-04, It's the Corporate State, Stupid, http://www.informationclearinghouse.info/article7260.htm] /Wyo-MB

¶ Other notable characteristics of fascism described by Britt which are directly produced by corporatism are: ¶ < The suppression of organized labor (organized labor is the bane of corporations and the only real check on corporate power other than government or the legal system);¶ < Supremacy of the military (it is necessary to produce and protect corporate profits abroad and threats from abroad); ¶ < Cronyism and governmental corruption (it is very beneficial to have ex-corporate employees run the agencies or make the laws that are supposed to regulate or check corporations);¶ < Fraudulent elections (especially those where corporations run the machinery of elections and count the votes or where judges decide their outcomes); ¶ < Nationalism (disdain for other countries that might promote individual rights);¶ < Obsession with national security (anti-corporatists are a security risk to the corporate status quo); ¶ < Control of the media (propaganda works);¶ < Obsession with crime and punishment (anti-corporatists belong in jail); and ¶ < Disdain for intellectuals and the arts (these people see corporatism for what it is and are highly individualistic). ¶ All of these characteristics have a fairly obvious corporate component to them or produce a fairly obvious corporate benefit. Even Britt’s last two characteristics, the merger of state with the dominant religion and rampant suppression of divorce, abortion and homosexuality produce at least some indirect corporate benefit. ¶ In sum, it’s the corporate state, stupid. ¶ As I have pondered what could be done about America’s steady march toward the fascist state, I also have pondered what can be done internally to stop it. The Germans couldn’t seem to do it. The Italians couldn’t seem to do it. The only lesson from recent history where an indigenous people seemed to have uncoupled the merger of economic power with governmental power is the French Revolution. The soft underbelly of consolidated economic power is that the power resides in the hands of a few. Cut off the money supply of the few and the merger between economic power and government becomes unglued. The French systematically took out their aristocracy one by one. It was ugly; the French couldn’t seem to figure out when there had been enough bloodletting to solve the problem. ¶ The thought of an American twenty-first century French Revolution is ugly. But the thought of an American twenty-first century fascist state is far uglier. It would be a supreme irony that the state most responsible for stopping worldwide fascism would become fascist 60 years later. But far worse than this irony is the reality that an American fascist state with America’s power could make Nazi Germany look like a tiny blip on the radar screen of history. ¶ For some years now we have lived with the Faustian bargain of the corporation. Large corporations are necessary to achieve those governmental and social necessities that small enterprises are incapable of providing. The checks on corporate power have always been fragile. Left unchecked, the huge economic power of corporations corrupts absolutely. Most of the checks are badly eroded. Is there still time to get the checks back in balance? Or will we be left with two unthinkable options?

#### Their method focuses only on white queers which ignores color lines

Johnson 10

(E. Patrick, Text and Performance Quarterly, “"Quare" studies, or (almost) everything I know about

queer studies I learned from my grandmother,” November 5, 2010, Taylor and Francis//wyo-mm)

But to riff off of the now popular phrase ‘‘gender trouble,’’ there is some race trouble here with queer theory. More particularly, in its ‘‘race for theory’’ (Christian), queer theory has often failed to address the material realities of gays and lesbians of color. As black British activist Helen (Charles) asks, ‘‘What happens to the deﬁnition of ‘queer’ when you’re washing up or having a wank? When you’re aware of misplacement or displacement in your colour, gender, identity? Do they get subsumed [. . .] into a homogeneous category, where class and other things that make up a cultural identity are ignored?’’ (101–102). What, for example, are the ethical and material implications of queer theory if its project is to dismantle all notions of identity and agency? The deconstructive turn in queer theory highlights the ways in which ideology functions to oppress and to proscribe ways of knowing, but what is the utility of queer theory on the front lines, in the trenches, on the street, or anyplace where the racialized and sexualized body is beaten, starved, ﬁred, cursed—indeed, where the body is the site of trauma?6 Beyond queer theory’s failure to focus on materiality, it also has failed to acknowledge consistently and critically the intellectual, aesthetic, and political contributions of nonwhite and non-middle-class gays, bisexuals, lesbians, and transgendered people in the struggle against homophobia and oppression. Moreover, even when white queer theorists acknowledge these contributions, rarely do they self-consciously and overtly reﬂect on the ways in which their whiteness informs their critical queer position, and this is occurring at a time when naming one’s positionality has become almost standard protocol in other areas of scholarship. Although there are exceptions, most often white queer theorists fail to acknowledge and address racial privilege.7 Because transgendered people, lesbians, gays, and bisexuals of color often ground their theorizing in a politics of identity, they frequently fall prey to accusations of ‘‘essentialism’’ or ‘‘anti-intellectualism.’’ Galvanizing around identity, however, is not always an unintentional ‘‘essentialist’’ move. Many times, it is an intentional strategic choice.8 Cathy Cohen, for example, suggests that ‘‘queer theorizing which calls for the elimination of ﬁxed categories seems to ignore the ways in which some traditional social identities and communal ties can, in fact, be important to one’s survival’’ (‘‘Punks’’ 450). The ‘‘communal ties’’ to which Cohen refers are those which exist in communities of color across boundaries of sexuality. For example, my grandmother, who is homophobic, nonetheless must be included in the struggle against oppression in spite of her bigotry. While her homophobia must be critiqued, her feminist and race struggles over the course of her life have enabled me and others in my family to enact strategies of resistance against a number of oppressions, including homophobia. Some queer activists groups, however, have argued fervently for the disavowal of any alliance with heterosexuals, a disavowal that those of us who belong to communities of color cannot necessarily afford to make.9 Therefore, while offering a progressive and sometimes transgressive politics of sexuality, the seams of queer theory become exposed when that theory is applied to identities around which sexuality may pivot, such as race and class. As a counter to this myopia and in an attempt to close the gap between theory and practice, self and Other, Audre Lorde proclaims: Without community there is no liberation, only the most vulnerable and temporary armistice between an individual and her oppression. But community must not mean a shedding of our differences, nor the pathetic pretense that these differences do not exist. [. . .]I urge each one of us here to reach down into that deep place of knowledge inside herself and touch the terror and loathing of any difference that lives there. See whose face it wears. Then the personal as the political can begin to illuminate all our choices. (112–13, emphasis in original) For Lorde, a theory that dissolves the communal identity—in all of its difference— around which the marginalized can politically organize is not a progressive one. Nor is it one that gays, bisexuals, transgendered people, and lesbians of color can afford to adopt, for to do so would be to foreclose possibilities of change.

#### Queer can’t be jouissance or death drive – sexuality is experienced by the ‘person’ not ‘subject’

Brenkman 02

(John Brenkman, Distinguished Professor of English and Comparative Literature at the CUNY Graduate Center and Baruch College, 2002, Narrative, Vol. 10, No. 2, p. 178-180)

What I want to question here is the idea that queer sexualities can be said to enact or embody or afford the experience of the underlying mechanism of the subject and the signifier, jouissance and the death drive, in the psychoanalytic sense. More generally, I am questioning whether any sexual practice can be equated with the logic of the signifier, the structure of desire, and so on. This is more than a philosophical category mistake, though it is that too. First of all, sexual practices and experiences, unlike the logic of the signifier or the structure of desire (assuming these are plausible concepts in the first place), are carried out by individuals through the whole of their being, putting in play their identity formations, their fantasies and fetishes, their social embodiment. In short, sexuality is practiced and experienced not by the "subject" but by the "person." Second, assuming that the second version of jouissance and the death drive is the secret of the force within the social-symbolic order that ruptures the symbolic and the subject, then this jouissance and death drive are surely at work in all sexualities, including the straightest heterosexual practices and experiences. Third, while queer sexualities are obviously in this historical moment anti-social, it does not follow that they are the very embodiment or enactment of asociality or the asymbolic. What has given, for example, anonymous sex its value in the gay community—what has made it worth fighting for—is its role in creating an alternative sociality. The bars and the baths are a cultural creation, a subculture, which makes certain sexual practices and experiences possible. Queerness is not outside sociality; it is an innovation in sociality. In sum, there is no match between sexualities of any sort and the "structure" or "logic" or "mechanism" of the psyche.