Rule-following ethics are condemned to paradox since rules must undermine what they seek to affirm. Derrida:  
Jacques Derrida, “Force of Law: The Mystical Foundation of Authority”

Our common axiom is that to be just or unjust and to exercise justice, I must be free and responsible for my actions, my behavior, my thought, my decisions. We would not say of a being without freedom, or at least of one without freedom in a given act, that its decision is justor unjust. But this freedom or this **[The] decision of the just**, if it is one, **must follow** a law ora prescription **a rule.** In this sense, in its very autonomy, in its freedom to follow or to give itself laws, it must have the power to be of the calculable or programmable order, for example as an act of fairness. **But if the act simply consists of applying a rule**, of enacting a programor effecting a calculation, **we might say** that it is legal, that **it conforms to law,** and perhaps, by metaphor, that it is just, **but we would be wrong to say** that **the decision was just. To be just, the decision** of a judge, for example, **must not only folIow a rule** of law or a general law **but must also assume it [and]**, approve it, **confirm its value**, by a reinstituting act of interpretation, **as if** ultimately **nothing previously existed of the law**, as if the judge himself invented the law in every case. **No exercise of justice** as law **can be just unless there is a "fresh judgment"** (I borrow this English expression from Stanley Fish's article, "Force," in Doing What Comes Naturally). **This** "fresh judgment" can very well-**must** very well **conform to a preexisting law**, **but** the reinstituting, reinventive and freely decisive interpretation, **the responsible interpretation** of the judge **requires that** his **"justice" not just consist in conformity**, in the conservative and reproductive activity of judgment. In short, for a decision to be just and responsible, **[I]t must**, in its proper moment if there is one, **be both regulated and without regulation: it must conserve the law and** also **destroy it** or suspend it enough to have to reinvent it in each case, rejustify it, at least reinvent it in the reaffirmation and the new and free confirmation of its principle. **Each** case is other, each decision **is different and requires a**n absolutely **unique interpretation, which no** existing, coded **rule can or ought to guarantee** absolutely. At least, **[I]f the rule [is coded]** guarantees it in no uncertain terms, so that **the judge is** a **calculating** machine, which happens, and we will **not** say that he is **just**, free and responsible. But we also won't say it if he doesn't refer to any law, to any rule or if, because he doesn't take any rule for granted beyond his own interpretation, he suspends his decision, stops short before the undecidable or if he improvises and leaves aside all rules, all principles. **It follows from this paradox that there is never a moment** that **we can say** in the present **that a decision is just** (that is, free and responsible), or that someone is a just man-even less, "I am just."

Michel Foucault. “Nietzsche, Genealogy, History” Foucault Reader.

In a sense, only a single drama is ever staged in this "non­ place," **the endlessly repeated play of dominations**. The dom­ ination of certain men over others **leads to the differentiation of values;**32 class domination generates the idea of liberty;33 **and** **the forceful appropriation of things necessary to survival and the imposition of a duration not intrinsic to them** account for the origin of logic.34 This relationship of domination is no more a "relationship" than the place where it occurs is a place; and, precisely for this reason, it is fixed, throughout its history, in rituals, in meticulous procedures that impose rights and obli­ gations . It establishes marks of its power and engraves mem­ ories on things and even within bodies . It makes itself accountable for debts and gives rise to the universe of rules, which is by no means designed to temper violence, but rather to satisfy it. Fol­ lowing traditional beliefs, it would be false to think that total war exhausts itself in its own contradictions and ends by re­ nouncing violence and submitting to civil laws . On the contrary, the law is a calculated and relentless pleasure, delight in the promised blood, which permits the perpetual instigation of new dominations and the staging of meticulously repeated scenes of violence . The desire for peace, the serenity of compromise, and the tacit acceptance of the law, far from representing a major moral conversion or a utilitarian calculation that gave rise to the law, are but its result and, in point of fact, its perversion: "guilt, conscience, and duty had their threshold of emergence in the right to secure obligations; and their inception, like that of any major event on earth, was saturated in blood." 35 Humanity does not gradually progress from combat to combat until it ar­ rives at universal reciprocity, where the rule of law finally re­ places warfare; **humanity installs each of its violences in a system of rules and** thus **proceeds from domination to domination.** The nature of these rules allows violence to be inflicted on violence and the resurgence of new forces that are sufficiently strong to dominate those in power. **Rules are empty** in themselves, **violent and unfinalized;** **they** are impersonal and **can be bent to any purpose.** The successes of history belong to those who are capable of seizing these rules, to replace those who had used them, **to disguise themselves** so as **to pervert them [and] invert their meaning[;]** and redirect them against those who had initially imposed them; **controlling this complex mechanism, they will make it function so as to overcome the rulers through their own rules. The isolation of different points of emergence does not conform to the successive configurations of an identical meaning; rather, they result from substitutions,** displacements, disguised conquests, and systematic reversals. If interpretation were the slow exposure of the meaning hidden in an origin, then only metaphysics could interpret the development of humanity. But if **interpretation is the violent** or surreptitious **appropriation of a system of rules, which in itself has no essential meaning,** in order to impose a direction, to bend it to a new will, to force its participation in a different game, and to subject it to secondary rules, then the development of humanity is a series of interpretations. The role of genealogy is to record its history: the history of morals, ideals, and metaphysical concepts, the history of the concept of liberty or of the ascetic life; as they stand for the emergence of different interpretations,they must be made to appear as events on the stage of historical process.

Theoretical limitations on critical engagement with the state disparage not just spoken challenges, but the speakers themselves. Their method of setting rules for critical discussion makes democratic inclusion and free speech impossible and demonized ideals. The exclusion of controversial critical positions cuts off what the community hears and normalizes negative, reactionary attitudes towards radical change that discourage valuable thought. Objections to oppression and injustice are quelled on behalf of the State before they are even formulated, ensuring all those who challenge static norms with radical, upsetting tactics are forced out of their role as democratic participants. Butler:  
Judith Butler, 2004, “Precarious Life”, pages 17-21

**Dissent and debate depend upon the inclusion of** those who maintain **critical views of state policy** and civic culture remaining part of a larger public discussion of the value of policies and politics. **To charge those who voice critical views with treason**, terrorist-sympathizing, anti-Semitism, moral relativism, **[and] postmodernism**, juvenile behavior, collaboration, anachronistic Leftism, **is to** seek to **destroy the credibility not of the views that are held, but of the persons who hold them. It produces the climate of fear in which to voice a certain view is to risk being branded** and shamed **with a heinous appellation.** To continue to voice one’s views under those conditions is not easy; since one must not only discount the truth of the appellation, but brace the stigma that seizes up from the public domain. **Dissent is quelled,** in part, **through threatening the** speaking **subject with an uninhibited identification.** Because it would be heinous to identify as treasonous, as a collaborator, one fails to speak, or one speaks in throttled ways, in order to sidestep the terrorizing identification that threatens to take hold. **This strategy for** quelling dissent and **limiting the reach of critical debate happens** not only **through** a series of **shaming tactics which have** a certain **psycho-logical terror**ization **as their effect,** but they work as well by producing what will and will not count as a viable speaking subject and a reasonable opinion within the public domain. **It is** precisely **because one does not want to lose one’s status as a viable speaking being that one does not say what one thinks. Under social conditions that regulate identifications and** the sense of **viability** to this degree**, censorship operates** implicitly and **forcefully. The line that circumscribes what is speakable and what is livable** also **functions as an instrument of censorship.** To decide what views will count as reasonable within the public domain, however, is to decide what will and will not count as the public sphere of debate. And if someone holds views that are not in line with the nationalist norm, that person comes to lack credibility as a speaking person, and the media is riot open to him or her (though the internet, interestingly, is). **The foreclosure of critique empties the public domain of debate and democratic contestation** itself, **so that debate becomes the exchange of views among the like-minded, and criticism**, which ought to be central to any democracy, **becomes a fugitive** and suspect **activity.** Public policy, including foreign policy, often seeks to restrain the public sphere from being open to certain forms of debate and the circulation of media coverage. One way a **hegemonic understanding of politics is achieved** is **through circumscribing what will** and will not **be admissible as part of the public sphere itself.** Without disposing populations in such a way that war seems good and right and true, no war can claim popular consent, and no administration can maintain its popularity.To produce what will constitute the public sphere, however, it is necessary to control the way in which people see, how they hear, what they see. The constraints are not only on content – certain images of dead bodies in Iraq, for instance, are considered unacceptable for public visual consumption but on what “can” be heard, read seen, felt, and known. The public sphere is constituted in part by what can appear, and the regulation of the sphere of appearance is one way to establish what will count as reality, and what will not. It is also a way of establishing whose lives can be marked as lives, and whose deaths will count as deaths.

Theory is an example of the academic procedural dogma that inhibits creative thinking and unique problem-solving strategies. Engaging debate on debate’s terms to weed out arguments that challenge its assumptions feeds into an ever-growing system of censorship that controls who is allowed to access certain knowledge. Bleiker:  
Bleiker 2000 [Roland, Senior Lecturer at the University of Queensland, *Popular Dissent, Human Agency, and Global Politics*, pgs 18-19]

**Gazing beyond the boundaries of disciplinary knowledge is necessary to open up questions of traversal dissent and human agency. Academic disciplines**, by virtue of what they are, **discipline the production and diffusion of knowledge. They establish the rules of intellectual exchange and define the methods**, techniques, and instruments **that are** considered **proper for this purpose. Such conventions not only suggest on what ground things can be studied legitimately, but also decide what issues are worthwhile to be assessed in the first place. Thus, as soon as one addresses academic disciplines on their own terms, one has to play according to the rules of a discursive “police” which is reactivated each time one speaks.** In this case, **[O]ne cuts off any innovative thinking spaces that exist on the other side of this margin.**