# Round 6—Aff vs MoState PR

## 1AC

### same

## 2AC

### kappeler

y’re a specific intellectual

Owen 97. David Owen, professor of social sciences at Southampton University, 1997, “Maturity and Modernity: Nietszche, Weber, Foucault and the ambivalence of reason,” Routledge publishers, published July 22, 1997

In our reflections on Foucault’s methodology, it was noted that, like Nietszche and Weber, he commits himself to a stance of value-freedom as an engaged refusal to legislate for others. Foucault’s critical activity is oriented to human autonomy yet his formal account of the idea of autonomy as the activity of self-transformation entails that the content of this activity is specific to the struggles of particular groups and individuals. Thus, while the struggle against humanist forms of power/knowledge relations denotes the formal archiectonic interest of genealogy as critique, the determination of the ‘main danger’ which denotes the ‘filling in’ of this interest is contingent upon the dominant systems of constraint confronted by specific groups and individuals. For example, the constitution of women as ‘hysterical,’ of blacks as ‘criminal,’ of homosexuals as ‘perverted’ all operate through humanist forms of power/knowledge relations, yet the specificity of the social practices and discourses engaged in producing these ‘identities’ entails that while these struggles share a general formal interest in resisting the biopolitics of humanism, their substantive interests are distinct. It is against this context that Foucault’s stance of value-freedom can be read as embodying a respect for alterity. The implications of this stance for intellectual practice became apparent in Foucault’s distinction between the figures of the ‘universal’ and ‘specific’ intellectual. Consider the following comments: In a general way, I think that intellectuals-if this category exists, which is not certain or perhaps even desirable- are abandoning their old prophetic function. And by that I don’t mean only their claim to predict what will happen, but also the legislative function that they so long aspired for: ‘See what must be done, see what is good, follow me. In the turmoil that engulfs you all, here is the pivotal point, here is where I am.’ The greek wise man, the jewish prophet, the roman legislators are still models that haunt those who, today, practice the profession of speaking and writing. The universal intellectual, on Foucault’s account, is that figure who maintains a commitment to critique as a legislative activity in which the pivotal positing of universal norms (or universal procedures for generating norms) grounds politics in the ‘truth; of our being (e.g. our ‘real’ interests). The problematic form of this type of intellectual practice is a central concern of Foucault’s critique of humanist politics in so far as humanism simultaneously asserts and undermines autonomy. *If*, however, this is the case, what alternative conceptions of the role of the intellectual and the activity of critique can Foucault present to us? Foucault’s elaboration of the figure of the ‘specific’ inellectual provides the beginnings of an answer to this question: I dream of the intellectual who destroys evidence and generalities, the one who, in the inertias and constraints of the present time, locates and marks the weak points, the openings, the lines of force, who is incessantly on the move, doesn’t know exactly where he is heading nor what he will think tomorrow for he is too attentive to the present. The historicity of thought, the impossibility of locating an Archimedean point outside of time, **leads Foucault to locate intellectual activity as an ongoing** attentiveness to the present **in terms of what is singular** and arbitrary **in what we take to be universal** and necessary. Following from this, **the intellectual does not seek to offer** grand theories **but** specific analyses**,** not global but local criticism. We should be clear on the latter point for it is necessary to acknowledge that Foucault’s position does not entail the impossibility of ‘acceding to a point of view that could give us access to any complete and definitive knowledge of what may constitute our historical limits’ and, consequently, ‘ we are always in the position of beginning again’ (FR p. 47). The upshot of this recognition of the partial character of criticism is not, however, to produce an ethos of fatal resignation but, in far as it involves a recognition that everything is dangerous, ‘a hyper-and pessimistic activism’ (FR p. 343). In other words, it is the very historicity and partiality of criticism which bestows on the activity of critique its dignity and urgency. What of this activity then? We can sketch the Foucault account of the activity of critique by coming to grips with the opposition he draws between ‘ideal’ critique and ‘real’ transformation. Foucault suggests that the activity of critique ‘is not a matter of saying that things are not right as they are’ but rather ‘of pointing out what kinds of assumptions, what kinds of familiar, unchallenged, uncontested modes of thought and practices we accept rest’ (PPC p. 154). This distinction is perhaps slightly disingenuous, yet Foucault’s point is unintelligible if we recognize his concern to disclose the epistemological grammar which informs our social practices as the starting point of critique. This emerges in his recognition that ‘criticism (and radical criticism) is absolutely indispensable for any transformation’: A transformation that remains within the same mode of thought, a transformation that is only a way of adjusting the same thought more closely to the reality of things can merely be a superficial transformation. (PPC p. 155) The genealogical thrust of this critical activity is ‘to show that things are not as self-evident as one believed, to see that what is accepted as self-evident is no longer accepted as such’ for ‘as soon as one can no longer think things as one formerly thought them, transformation becomes both very urgent, very difficult, and quite possible’ (PPC p. 155). The urgency of transformation derives from the contestation of thought (and the social practices in which it is embedded) as the form of our autonomy, although this urgency is given its specific character for modern culture by the recognition that the humanist grammar of this thought ties us into the technical matrix of biopolitics. The ‘specificity’ of intellectual practice and this account of the activity of critique come together in the refusal to legislate a universal determination of ‘what is right’ in favour of the perpetual problematisation of the present. It is not a question, for Foucault, of invoking a determination of who we are as a basis for critique but of locating what we are now as the basis for a reposing of the question, “who are we?” the role of the intellectual is thus not to speak on behalf of others (the dispossessed, the downtrodden) **but to** create the space **within which** their struggles become visible **such that these others** can speak for themselves. The question remains, however, as to the capacity of Foucault’s work to perform this critical activity through an entrenchment of the ethics of creativity as the structures of recognition through which we recognize our autonomy in the contestation of determinations of who we are.

#### Specific intellectual is uniquely key to war powers—without that specific intellectual capacity to reveal that the emperor in fact has no cloths, irruptions against the executive branch are ineffective and cannot but capitulate to the status quo—our evidence uses the example of Daniel Ellsberg—this is the only way to make the ballot matter ethically

Weiskopf and Willmott 13. Richard Wesikopf, professor of organization and learning at the University of Innsbruck, and Hugh Willmott, professor of organization studies at Cardiff University, Ethics as Critical Practice: The “Pentagon Papers”, Deciding Responsibly, Truth-telling, and the Unsettling of Organizational Morality 34(4) pg. 486

When conceiving of ethics as a critical practice, there is no concern to judge organization(s), or ¶ organizational members, from the high ground of moral theory. Nor is there any interest in developing (universal) criteria for determining whether organizational phenomena, such as (Ellsberg’s) ¶ whistleblowing, are morally correct or ethically defensible. In considering morality as contingent ¶ and power-infused practice, our “ethics as critical practice” approach does not deny the possibility, ¶ and indeed necessity, of morality and the associated exercise of (moral) judgements. What it does¶ deny is the transcendental grounding or guarantee of such judgements. Accordingly, the approach ¶ commended here eschews the assumption of centred, “autonomous” individuals as a condition of ¶ ethics in organizations (Alford, 2001; see Knights and Willmott, 2002, for a critique). It also ¶ departs from virtue-based studies that attribute ethical acts to character strengths of particularly ¶ “virtuous” individuals, and so heroize them as “saints of a secular culture” (Grant, 2002) “who ¶ stand out from the rest of us” (2002: 398). Our approach acknowledges how disciplinary practices ¶ establish and sustain “moralities-in-use” and the modes of being that conform with their demands. ¶ But it insists that normative demands, such as the demands for loyalty and secrecy that permeated ¶ the morality of the Pentagon, can never fully determine human action and so occupy the “undecided space of ethics” (Iedema and Rhodes, 2010).¶ Daniel Ellsberg’s leaking of the Pentagon Papers, a case of whistleblowing that “interrupted” ¶ widely shared understandings of the operation of US democratic government, has been deployed ¶ to illustrate how the grip of institutionalized normative demands upon subjectivity may be weakened through participation in countervailing practices. To question established practices – and the ¶ norms that they articulate and reproduce – is, we have argued, to engage in ethics as a critical ¶ practice. Such questioning does not rely upon, or appeal to, some alternative standard or yardstick ¶ but, instead, manifests an “ethical sensibility” (Connolly, 1993) that is responsive to the other, and has the courage to speak out when practices are perceived as “intolerable” (Foucault, 2001b). To engage in ethics as critical practice involves acting – as Ellsberg did – as a “specific intellectual”, in Foucauldian terms. This possibility is by no means restricted to an elite cadre of “intellectuals”, as it may include the actualization of the critical attitude in various practices and professional con- texts. As Foucault observes,

[w]ithin these different forms of activity, I believe it is quite possible ... to do one’s job as a psychiatrist, lawyer, engineer, or technician, and to carry out in that specific area work that may properly be called intellectual, an essentially critical work. [...] a work of examination that consists of suspending as far as possible the system of values to which one refers when ... assessing it. In other words: What am I doing at the moment I’m doing it? (Foucault, 1988: 107; quoted in Chan, 2000: 1071, emphasis added)

Conceiving of ethics as a critical practice invites a rethinking of established, morality-centric conceptions of ethics, including much thinking about “business ethics” and “professional ethics” (e.g. of executives) (Cooper, 2012). Instead of associating ethics with compliant enactment of a particular, privileged morality, the challenge is to engage in critical work within such mundane settings. When conceived as critical practice, ethics is an ongoing agonistic 21 struggle played out in relation to established moralities embedded within relations of power and domination.

### transhum

**We’ll impact turn this argument – living without strife destroys the reason to live**

**Smuts 11 –** Assistant Professor in the Department of Philosophy at Rhode Island College

(Aaron, “Immortality and Significance,” Philosophy and Literature, 35:1 134–149, dml)

Through an examination of Borges’s “The Immortal” I argued that an immortal life would be unbearably light, as our actions would be without a crucial form of significance. In addition, the lack of risk and the shrinking range of significant new projects, combined with the threat of eternal frustration, would be motivationally devastating for those of limited powers. If our powers are limited, the number of significant projects that we are capable of completing is finite, but the time span of an immortal life is infinite. As for immortals of unlimited potential, it is equally difficult to fathom what would get the omnipotent out of bed in the morning. The same fundamental problem extends to all forms of immortality that could support anything even vaguely recognizable as a “human life”: Eternal existence would sap our experiences and decisions of significance. An immortal life would be either frustrating or boring, and long. Very long.

**Immortality destroys agency and value to life**

**Smuts 11 –** Assistant Professor in the Department of Philosophy at Rhode Island College

(Aaron, “Immortality and Significance,” Philosophy and Literature, 35:1 134–149, dml)

Non-fixed Abilities: On the other hand, if the abilities of immortals were not fixed, then they would eventually become godlike, omnipotent beings, guaranteed of success in every endeavor. Supposing that our best theory of personal identity would allow us to consider ourselves numerically identical with such radically transformed creatures, it is not clear that immortals capable of indefinitely expanding their powers would fare any better than those of fixed abilities. For those capable of infinite growth, all obstacles could be overcome, except, of course, for those that were imposed by creatures of similar strength. If there were other equally powerful immortals with conflicting desires, then eternal frustration would again be the result. The godlike immortals would butt heads indefinitely. Eternal frustration would result in motivational collapse for gods and mortals alike. However, if the wills of omnipotent immortals were in harmony, they could accomplish anything that is logically possible. As for the desirability of the life of such gods, I hesitate to speculate—they certainly could not lead anything recognizable as a human life. But it is clear that none of their decisions could carry any weight, as they are nearly all revocable and altogether unsatisfying. Where is the satisfaction in exercising boundless powers? Of course, an omnipotent entity could always do something new, but it could not develop its powers any further. Although feeling one’s powers expand can be a source of great satisfaction, one can only move a mountain or destroy a galaxy so many times before it loses its novelty. An expanding range of abilities may be intoxicating to tyrants and gods alike, but unless one’s powers are ever-increasing, it is hard not to eventually sober up.

**True immortality is impossible – the universe will inevitably die – instead of trying to avoid this, reorient yourself towards death**

**Brassier, ‘7** Research Fellow at the Centre for Research for Modern European Philosophy (Ray Brassier, 26 December 2007, “Nihil Unbound: Enlightenment and Extinction,” 228-229)

Vitalism would restrict the scope of extinction by relocating the infinite horizonal reserve that fuels philosophical questioning from the local, terrestrial scale, to the global, cosmic scale. But given the aforementioned prospect of universal annihilation, this attempt to evade the levelling power of extinction – understood as the corollary of the claim that ‘everything is dead already’ – by expanding the horizon of creative becoming from a terrestrial to a cosmic habitat, reveals the spiritualist rationale behind the vitalist’s denial of the possibility of physical annihilation – for what else is the assertion that the termination of physical existence as such presents no obstacle to the continuing evolution of life, if not a spiritualist declaration? Since cosmic extinction is just as much of an irrecusable factum for philosophy as biological death – although curiously, philosophers seem to assume that the latter is somehow more relevant than the former, as though familiarity were a criterion of philosophical relevance **– every horizonal reserve upon which embodied thought draws to fuel its quest will be necessarily finite. Why then should thought continue investing in an account whose dwindling reserves are circumscribed by the temporary parameters of embodiment? Why keep playing for time?** A change of body is just a way of postponing thought’s inevitable encounter with the death that drives it in the form of the will to know. And a change of horizon is just a means of occluding the transcendental scope of extinction, precisely insofar as it levels the difference between life and death, time and space, revoking the ontological potency attributed to temporalizing thought in its alleged invulnerability to physical death.

### t

#### the targeted killing debate needs to be situated outside of the juridical matrix to make this space politically productive

**Krasmann 12**—prof. Dr, Institute for Criminological Research, University of Hamburg

(Susanne, “Targeted Killing and Its Law: On a Mutually Constitutive Relationship”, Leiden Journal of International Law (2012), 25, pp. 665–682, dml)

Giorgio Agamben maintains that a legal norm, because abstract, does not stipulate its application.102 ‘Just as between language and world . . . there is no internal nexus’ between them. The norm, in this sense, exists independent of ‘reality’. This, according to Agamben, allows for the norm in the ‘state of exception’ both to be applied with the effect of ‘ceasing to apply’103 – ‘the rule, suspending itself, gives rise to the exception’104 – and to be suspended without being abolished. Although forming part of and, in fact, being the effect of applying the law, the state of exception, in Agamben’s view, disconnects from the norm. Within a perspective on law as practice, by contrast, **there is no such difference between norm and reality**. Even to ignore a pertinent norm constitutes an act that has a meaning, namely that the norm is not being enforced. It affects the norm. **Targeted killing operations**, in this sense, can never be extra-legal.105 On the contrary, provided that illegal practices come up systematically, they eventually will effectuate the transformation of the law. Equally, the exception from the norm not only suspends the norm, transforming it, momentarily or permanently, into a mere symbol without meaning and force, but at the same time also **impinges upon the validity of that norm**. Moreover, focus on the exception within the present context falls short of capturing a rather gradual transitional process that both **resists a binary deciphering of either legal or illegal and is not a matter of suspending a norm**. As practices deploying particular forms of knowledge, **targeted killing and its law** mutually constitute each other, **thus re-enforcing a new security dispositif**. **The** appropriate research question **therefore is** how positive law changes its framework of reference. Targeted killing, once perceived as illegal, **now appears to be a legal practice** on the grounds of a new understanding of international law’s own elementary concepts. The crux of the ‘compulsion of legality’ is that **legality itself is a shifting reference**.

Seen this way, the United States does not establish targeted killing as a legal practice on the grounds of its internationally ‘possessing’ exceptional power. Rather the reverse; it is able to employ targeted killing as a military tactic, **precisely because this is** accepted by the legal discourse. As a practice, targeted killing, in turn, reshapes our understanding of basic concepts of international law. **Any dissenting voice** will now be heard with more difficulty, since targeted killing is a no longer an isolated practice but, **within the now establishing security dispositif, appears to be** appropriate **and** rational. **To counter the legal discourse**, then, **would require** to interrupt it**,** rather than to respond to it, and to move on to its political implications that are rather tacitly involved in the talk about threats and security, and in the dispute about targeted killing operations’ legality.

6. CONCLUSION

Analysing targeted killing that has asserted itself as a tactic in the US fight against terrorism within a Foucauldian perspective challenges common normative approaches in legal theory towards this phenomenon. Identifying the tactic as residing between the alternatives of either being accomplished illegally or being legal **misses** some important points – first of all, **that** there is a process at work. While presenting itself as a military tactic employed in the name of defending a threatened population, targeted killing today appears to be a new phenomenon that discarded its historical association with political assassination. As a security dispositif, second, it displaces some of the established co-ordinates of international law that are able to formally stick to established legal principles. The identification of a new dimension of threats thereby marked the turning point for a new reading of international law, as it provided a space for transforming the unknowable threat into new forms of knowledge. Third, legal reasoning **that tries,** whether in supportive or critical terms**, to make sense of the current incoherence in international law** contributes to the legal acceptance of targeted killing. This is because legal reasoning, couching the issue in legal terms, **constitutes a normative reality of its own**. There is, then, finally, no superior normativity the law could be measured against and therefore **nothing principally unlegalizable**. Instead, the normative authority resides in the law itself. It is, though, neither a quality of law as such nor merely something society attributes to the law. It lies in the very moment of law’s enactment, whereas its significance depends upon the knowledge and claims thus brought into play.

#### This links to our sovereign decisionmaking disad

**Maggio 7**—University of Florida

(J., “The Presidential Rhetoric of Terror: The (Re)Creation of Reality Immediately after 9/11”, Politics & Policy Volume 35, Issue 4, pages 810–835, December 2007, dml)

Zarefsky's (2004) argument that the president has the power of “definition” should not be taken as the power to “persuade” in the standard way this is understood. Rather, the power lies in setting the limits of debate and/or reality. In fact, Zarefsky agrees with Edwards (2003) that explicit votes or opinions are not often changed by presidential rhetoric. Yet Zarefsky argues that presidential rhetoric has an even more important role: the role to shape reality. On his account, social reality is not a predetermined set of ideas; it is a contingent set of social indicators. In this sense, all people participate in the creation of reality and its political ramifications. This “reality creation” is especially true for the president. Naming a situation provides the basis for understanding it and determining the appropriate response. Because of his prominent political position and his access to the means of communication, the president, by defining a situation, might be able to shape the context in which events or proposals are viewed by the public. (Zarefsky 2004, 611) Social reality is therefore not fixed—especially social reality that is mediated through news outlets and government spokesmen. “Reality” is fluid, and it is often shaped by presidential rhetoric (Miroff 2003, 278-80; Rubenstein 1989). The president's greatest power in shaping reality rests in the power of definition. To “define” something is to set the limits of cognition regarding that concept. Zarefsky (2004, 612) articulates his theory of “definition” in the following way. To choose a definition is, in effect, to plead a cause, as if one were advancing a claim and offering support for it. But no explicit claim is offered and no support is provided. The presidential definition is stipulated, offered as if it were natural and uncontroversial rather than chosen and contestable. Hence, to “define” is to assert without argument that something is “true” or “real.” It is to claim, in a Jeffersonian sense, that such statements are “self-evident.” Of course, at the moment of definition those terms often become the parameters of definition. It is through this moment that the president creates a kind of intellectual sovereignty. As both the chief executive and the national spokesperson, the president occupies a unique position in which to create a moment of singular definition.

#### Bare life low—limits uniquely trigger it—voter for fairness

**Hyvönen 11**—University Tampere School of Management

(Ari-Elmeri, “POLITICS OF BOUNDARIES, BOUNDARIES OF POLITICS: Examining Political Communities with Arendt and Rorty”, <http://tutkielmat.uta.fi/pdf/gradu05489.pdf>, dml)

In relation to the competing theories, it was argued that the combined Arendtian-Rortian perspective can question the deadlock between the two existing, almost incommensurable thought-paradigms. From the perspective built in the present work, the p‘ost-structural ’criticism of Critical Theory is certainly correct in pointing out the dangers of its universalist outlook, and its overly consensus-and-validity-emphasizing way of looking at political discourse. At the same breath, we must also abstain from the opposite tenden- cy to escape the muddy waters of political reality into a formal, metaphysical analysis and to averse from an idea of political debate and institutional approaches altogether. The Arendtian-Rortian position devel- oped above is not a third way, an easy middle ground, between these two positions. It calls not for a compromise between the existing positions, but by acknowledging the strengths and weaknesses of both positions, it seeks to go beyond their horizon. That is, it seeks to approach the topic from an altogether **different angle**, urging us to start from where we are, from current institutions, and trying to ameliorate them, **increasing their inclusivism** **and** creating more possibilities for action. Political space will always have territorial-cum-institutional limits**, but we must constantly try to overcome** the form **and** the shape **of its present embodiments**, assessing them from the point of view of the idea of democratic and cosmo- politan existence. On this basis, we can re-approach the research questions that were set in the introduction. Firstly, in Arendts’ and Rortys’ conceptualizations, ethical-political communities are not merely political surround- ings or environments for individuals – they form the basis (but do not determine) for the use of judg- ment, **the ability to communicate**, and the ability to form beliefs. They are the primary openings from which things gain their meanings. Thus, **a life that is deprived of the possibility for speech and action**, like that of the stateless, **is a life that has been imposed to** one of the worst kinds of cruelty known. Both writers also envision a constellation of various communities, instantiating different ethical/political tasks on different scales. Moreover, even though limited communities are the main locus for politics, ethical- political communities should not delimit their membership **based on any** pre-given or n‘atural **’attribute**. Democracy works most effectively at the immediate level, but just for this **reason a great deal of atten- tion must be paid to the** institutional arrangements **that ensure the communication and responsiveness between different levels**. It is of utmost ethical and political urgency **that those who are kept out from public discourse**, **excluded from the community in the sense that** they are not taken as participants in public deliberation**, are listened to**. Refugees, for instance, are not to be taken as voiceless victims, but as potentially active participants in political deliberation, voicing from their own perspective what kind of aid and what kind of rights they should be granted. Paraphrasing Arendt, we could speak of a right to demand rights, a right that is the minimal step that needs to be taken before we can even talk about a right to have rights.

#### They situate decisionmaking in terms of sovereign power—that precludes deliberation and replicates violent preemptive politics

**Stockdale 10**—Department of Political Science at McMaster University

(Liam, “Securitizing the Future? A Critical Interrogation of the Pre-emptive Turn in the Theory and Practice of Contemporary Security”, Presented at the Canadian Political Science Association Annual Conference Concordia University, Montréal, QC 1-3 June 2010, dml)

A second broader consequence of pre-emptive security that can be extrapolated from the account developed here is the emergence of **a depoliticizing impetus that** significantly curbs the influence **of democratic deliberative forces** on the governance of security. In this regard, the points made in this paper relating to the narrative of imminence that underpins pre-emptive security and the related account of **the “lightning decision”** are of particular import, as they make clear that **the political space for democratic deliberation regarding the governance of security is** diminished **by the adoption of a pre-emptive rationality**. Specifically, there are two related ways in which this is the case. Firstly, under the rationality of pre-emptive security, **any debate as to whether or not to act is** all but preordained, as the narrative of imminent catastrophe that characterizes the logic of pre-emption implies that **action must be taken, regardless of the prevailing uncertainty**. Under such circumstances, “there is little need for public deliberation and debate,” since **the potential imminence of catastrophe suggests that there is no alternative but to act now** (Elmer & Opel 2006: 479).

Secondly, the radical uncertainty against which this imperative emerges unavoidably **locates the basis for the ultimate decision regarding what precisely is to be done** in the realm of the sovereign imagination. This vests in the sovereign decider(s) **a radical decisional subjectivity**, rendering the prospect of democratic deliberation ultimately irrelevant, since the informational basis that frames the terms of the decision **consists of** imagined futures **and** affective facts **that are necessarily** of the sovereign’s own construction. Once again, the façade of (inter)national debate in the lead-up to the 2003 invasion of Iraq is perhaps the best illustration of these dual, anti-democratic aspects of preemptive security (see Ehrenberg et al. 2010: passim; Kessler & Daase 2008: 226); although it merits emphasizing once more that such de-politicization is to a significant degree **inherent in the logic of preemption itself** rather than limited to the decisions behind that one particular case. Accordingly, **critical interventions** must remain cognizant **of this process of democratic closure**, while also recognizing that it is at least as much a structural result of the logic of pre-emptive security as it is a specific effect of the idiosyncratic policy decision(s) of a particular governmental authority.