# 1AC

### 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)

#### IN FACT THE DOJ JUSTIFIES THE EXTRA JUDICIAL KILLING THROUGH THE DECLARATION OF THEIR IDENTITY 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.).

#### THIRD, BY SEEING THESE IDENTITIES AS A DANGER TO THE CURRENT POLITICAL ORDER AND SURVIVAL, IT INVOKES A SURVIVAL POLITICS IN A GENOCIDAL MANAGEMENT OF THE OTHER

Dillon, 2008

(Michael, “Revisiting Franco’s Death” Foucault on Politics, Security and War. Pg 176-178, mb)

If Foucault is right, that **liberal peace is the extension of war by other means**, then t**hose other means come in the form of** the prevalence of **security discourses**. **Peace becomes the extension of war through the discourse of security.** [Foucault cryptically notes how liberal biopolitics is a dispositif de securite (Foucault, 2007: p. 91). **Its very arts of governance revolve around the securing of life as species existence**.] Here is how and why. **Whatever endangers the promotion of species life endangers liberal biopolitics. The peace for which liberal biopolitics strives is that of the uninterrupted promotion of species existence. Such a peace is endangered when it is challenged by other accounts of existence and by the sheer intractability of species existence itself. Liberal biopolitics makes war on that which endangers species existence through the discursive practices which seeks to secure the promotion of species existence. Peace and war find their biopolitical articulation in the biopolitical discourses of security** (Dillon and Reid, 2008). In sum, **making life live ostensibly rejects war as a virtue and proclaims peace.** The vocation of war is to kill. The vocation of biopolitics is 'to make live'. But **biopolitics cannot make live unless it preserves life from that which threatens it. To do that biopolitics must also seek a command of a refigured death, specifically that of biopoliticised economy of who shall live and who shall die**. Although he acknowledges it, Foucault does not reflect on this necropolitics beyond the observations he made about the state racism of Nazi Germany and the incipient racism of state socialism. My additional argument is that it is their **apparatuses of security** which, therefore**, do the biopolitical work of inscribing the logos of peace with the logos of war**. **Liberal peace is a necropolitics of security which makes permanent war against life on behalf of life. Making life live is therefore a lethal business because the promotion of species existence appears to be threatened on all sides, not only by alternative accounts of existence, but also by the danger which species existence always seems to pose to itself not least in often being resistant to the biopolitical injunction to make life live. For not all life can live if life itself is to be promoted. Some life is inimical to life and has to be exterminated if it cannot be corrected and reformed. Life is like that. To be precise species life is like that and so we have to clarify this basic classification of what it is to be a living being because it is foundational to biopolitics** and how, as such, it has need of the sub-division of species life into more or less functionally utile categories of human life to which the term race applies. Foucault pursues the point through two well formed questions: 'Given this power's objective is essentially to make live, how can it let die? **How can the power of death, the function of death, be exercised in a political system centred upon biopower**?' (Foucault, 2003b: P. 254). **The answer is** prefigured in how he habitually talks about power and politics in terms of **political rationalities and governmental technologies. If governmental technologies regulate, political rationalities ontologise**. They express an understanding of the real. In Foucault ontologies matter but he does not presume that material practices proceed from ontological principles. The world is too messy for that. **There is continual interplay between ontologising and technologising**. An understanding of the real lurks in every technology. Every ontology desires to be operationalised in an appropriate technology.6 **Biopolitics performs the ontologising and technologising thorough the simultaneous refiguration of both life and death**. That is to say through the biopolitical enunciation of the real as species existence (political rationality), and its micro-political practices (governmental technologies). **It is at this point**, Foucault says, that **'racism intervenes' (**2003b: p. 254). **It breaks up the biological continuum, sub-divides the species, according to which forms of life are more fit, more eligible or more disposed to life and which are not; and which are indeed inimical to life and in need of extermination.** Here Foucault says, in addition, that racism enacts the relation of war which templates the modern account of the political: `this relation ("If you want to live you must take lives, you must be able to kill") was not invented by either racism or the modern State. It is the relationship of war' (2003b: p. 255). Enacting the relation of war, the martial imprinting of modern politics in biological terms, **biopolitics differentiates life into categories of living things more and less eligible to live by virtue of the ways in which they live, accounting whether or not that living promotes, diminishes or profoundly threatens species life itself: The fact that the other dies does mean simply that I live** in the sense that his death guarantees my safety; **the death of the other**, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) **is something that will make life in general healthier: healthier and purer.** (2003b: p. 255) **Biopolitics thus enacts a necropolitical audit of living things** in which race functions as a sorting device. Racism is the 'Appel' **which classifies those marked out for biopolitical discrimination, selection, correction and, if necessary, elimination. This necropoliticised peace machine - which runs the gamut from peace-keeping and peace-making to 'operations other than war' and imperial conquest - is the liberal way of war** (Dillon and Reid, 2008).

#### 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

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

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 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

Bunch, 2010

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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.

#### Third, starting with the self is key to changing our relationship with the world, this is a key starting point for affirmation of sheer difference to affirm every life, regardless of difference.

Lawlor 08

[Leonard Lawlor, University of Wisconsin System, “Following the Rats: Becoming-Animal in Deleuze and Guattari”, SubStance, Issue 117 (Volume 37, Number 3), 2008, pp. 171-174, \\wyo-bb]

If we want to change our relationship to the world, to others, and to animals, we must understand how it is possible for us to change—how it is possible to enter into the experience of becoming. Deleuze and Guattari suggest that the cause or “agent” of becoming may be the experience that drugs produce in us (MP 347/283, see also QPh 156/165). While such a suggestion may seem infamous, one must recognize that hallucinogenic drugs change our perceptions (MP 304/278). Nevertheless, for Deleuze and Guattari, taking such drugs does not constitute a successful becoming. The failure is due to the fact that the drug user, and especially the addict, only enters into a cycle. He or she gets high, comes down, then wants to get high again, and so on. This cycle or circle is all that happens, which means in fact that nothing happens. For Deleuze and Guattari, becomings are never processes of beginning again; they are never processes that move only in a circle. We also see this cyclic behavior in the alcoholic’s idea of the last glass (MP 546/438), based on a subjective evaluation of how much the alcoholic is able to bear. Deleuze and Guattari say, “What can be tolerated is precisely the limit at which, as the alcoholic sees it, he or she will be able to start over again [recommencer] (after a rest, a pause…)” (MP 546/438). Thus with the alcoholic, nothing happens but the same thing over and over again; recommencement is not an event. Although the concepts of limit and recommencement are very important for understanding A Thousand Plateaus—early in the book it’s said that the body without organs is a limit and that one is always attaining it (MP 197/159)—Deleuze and Guattari oppose the concept of limit to that of threshold. The threshold lies beyond the limit, beyond the last glass; crossing the threshold, they say, makes the alcoholic change, to become suicidal or to stop drinking. For Deleuze and Guattari, either choice would break out of the circle. The two choices however are clearly not identical; it is the choice between choice and non-choice (C2 231/177). The choice to commit suicide by drinking oneself to death is to choose to have no more choices, while the choice to stop drinking allows one to choose again and differently. The choice of more choices— to get drunk by drinking water10—constitutes what Deleuze and Guattari call an event (or a line of flight). But when the threshold has been crossed, we can ask “what happened?” The character of the alcoholic does not allude to Proust, but to F. Scott Fitzgerald (although Proust is mentioned in relation to the concept of threshold: the narrator crosses the threshold and chooses to stop having love affairs and to start writing). In Plateau Eight, Deleuze and Guattari tell us that “what happened?” (qu’est-ce qui s’est passé?) is the question that Fitzgerald keeps coming back to, at the end, after having said that “all life of course is a process of breaking down [démolition]” (MP 242/198, see also C2 70/50). With the idea of demolition or destruction or unmaking, we come to the true agent and condition of becoming, which is neither drugs nor alcohol. According to Deleuze and Guattari, in a life, there is a type of cracking that is micrological, like the small, almost imperceptible cracks in a dish (MP 243/198). These cracks in a life are the cracks of aging. Such cracks are not big molar blows like losing all your money in the stock market. The micrological cracks in a life refer us to this sort of experience: you wake up one morning and realize you have gray hair, and now it’s over, you’re old; or you wake up and realize you no longer love the person in bed with you. What has happened is nothing assignable or perceptible; these are molecular changes, “such that when something occurs, the self [moi] that awaited it is already dead, or the one that would await it has not yet arrived” (MP 243/198-199). The micrological cracks of aging, these experiences in which one is finally aware that one has lost something of oneself, are the agent of becoming. But aging also indicates the necessary condition for becoming: the condition in which one’s molar form is destroyed—the condition, in other words, of “desubjectification” (MP 198/159). The condition of the molar form of the subject being destroyed has however a positive side, which we have already encountered—the choice of having more choices.11 But Deleuze and Guattari also call the positive side of desubjectification “rupture,” this being their translation of Fitzgerald’s “clean break” (MP 243/199). The clean break which aging causes—aging being the agent of becoming, while the destruction of the molar form is the necessary condition—does not mean that now one remains forever young. It means that, having shed the form of an adult, one is able to become something other than an adult man. One becomes a child, but becoming-child means that one frees the potentialities that the molar form of adult man was enclosing. Deleuze and Guattari say, with a rupture, I am now no more than a line. I have become capable of loving, not with an abstract, universal love, but a love I shall choose, and that shall choose me, blindly, my double, who has no more self than me [n’a pas plus de moi que moi]. One has been saved by love and for love, by abandoning love and self [.…] One has become like everyone, but in a way in which no one can become like everyone [tout le monde, also translated as “all the world”]. (MP 244/199-200). By means of this quote (whose importance we should not underestimate), we see that becoming involves love; but love in Deleuze and Guattari is no longer a feeling between persons; it is no longer a personal feeling (MP 294/240, also MP 133-134/105-106). Love is now an affect.12 As Deleuze and Guattari say, a feeling (sentiment) is the sense (sens) of a form and its development, the formation of a subject; it is introceptive. In contrast, an affect is informal, setting out ways (rather than the development of a form); an affect is a projectile (instead of a feeling that is introjected), a relation outward to the double (MP 497-498/399-400). But since the double is not an “I” or an ego, since it is not a molar unified self or subject, the double is really a multiplicity. Insofar as the love they are describing is not restricted to a feeling between persons, insofar as the love they are describing is a love of multiplicity, we see as well that becoming in Deleuze and Guattari is hyperbolic; it is the love of the whole world (tout le monde).13 And as love of the whole world (a utopian love), this love frees the potentiality of everyone (tout le monde). So, while aging is the agent that puts in place the condition of the demolished molar form of the subject, the motive or motor of becoming is the affect (as the motor of desubjectification, just as the function is the motor of deterritorialization). The imperceptible events of aging undo the molar form of oneself, which allows one to choose a clean break—to choose to become. And this choice of becoming is a choice to love the whole world; this is a love, as we just saw, that differs from the abstract universal love of persons. This love is no longer a feeling of one molar person or ego for another molar person or ego; it is no longer human love, no longer the love of man. Thus, as Deleuze and Guattari would say, it is a love of the minor. As is well known, all becomings in Deleuze and Guattari are becomings minor, but let us look at their exact definition in A Thousand Plateaus.14 First, they tell us that there is “no becoming-man … because man is majoritarian par excellence.”15 Then they state the positive definition: “all becoming is a becoming-minoritarian” (MP 356/ 291). A minority, for Deleuze and Guattari is not defined by statistics; it is not “quantitative” (MP 133/105) or a “definable aggregate” (MP 357/ 291). Women are a minority for Deleuze and Guattari, not because there are fewer women than men in a given population, but because “the body is stolen first from the girl … The girl’s becoming is stolen first…. The girl is the first victim” (MP 338-339/276, my emphasis). The positive definition of becoming therefore is not really a minor existence; it is that this minor existence is “oppressed” (MP 302/247), “wronged” (indûment) (MP 197/ 159, also C2 281/215); minor existence is one that is undergoing, as Deleuze and Guattari say in What is Philosophy, “abominable sufferings” (QPh 105/110). Abominable suffering is what defines a minority for Deleuze and Guattari. And the affect felt before this extreme suffering is “the shame of being a man” (QPh 102/107).16 The affect of shame at being a man, at being human all too human, with our oppressions, our clichés, our opinions, and our desires, is really the motive for change. 17 II. Negative Definitions, Prepositions, Structure, and the Criterion for Becoming We have just seen one negative definition of becoming; there is no becoming major, no becoming man. But there are several more negative definitions. As we can see with the micrological process of aging, for Deleuze and Guattari, a process of becoming does not terminate in a molar form; in micrological aging, a subject, does not grow up to be an adult, a girl does not grow up to be a woman. So, when speaking of becoming animal, they say, “Becoming can and should be qualified as becoming-animal even in the absence of an endpoint [un terme] that would be the animal which one has become” (MP 291/238). So, the experience of becoming is not an experience directed toward or oriented by a final form. The lack of finalism is why Deleuze and Guattari separate becoming from history (MP 363/296). But they go further. If there is no final form into which one transforms oneself, then becoming is not based in imitation, resemblance, or analogy. The adverb “like” (comme) does not define becoming. In becoming animal, one does not end up looking like a horse or a dog or a rat. Indeed, Deleuze and Guattari reject both the faculty of imagination (which is able to provide analogies of proportion) and the faculty of the understanding (l’entendement, Verstand, intellectus) (which is able to provide analogies of proportionality) (MP 286-87/234). Since becoming is not a process of imitating, there is no eminent term by means of which one could measure or judge what is undergoing the becoming. That there is no eminent term or standard explains why Deleuze and Guattari separate becoming from memory, from what they call “gigantic memory”—memory as the faculty that always recalls one major idea such as man (MP 358-359/293). As we shall see, although becoming is not this kind of memory, it maintains a relation to a strange kind of memory. Nevertheless, just as the experience of becoming is not an experience of “gigantic memory,” it is not an experience of recognition. As Deleuze and Guattari say, “The animal, flower, or stone one becomes are … not molar subjects, objects, or forms that one knows from the outside of us [on connaît hors de nous] and that one recognizes [reconnaît] from experience, through science, or by habit” (MP 337/275, my emphasis). Since the experience of becoming is not recognition, becoming is also not a relation of representation. In becoming I do not become the representative of what I am becoming; it is not a relation of one thing (me) standing in for another (the animal, for example). Finally, since the experience of becoming is not a representation, it is also not perception in the standard sense; it is not a relation in which the subject and the object remain outside of one another. Thus in Deleuze and Guattari, becoming is neither a circular process of recommencement nor a process that comes to an end. Moreover, it is not a process governed by an eminent form or endpoint; it is not a relation of recognition in which the subject and the object would be outside of one another, and it is not a representative relation of one thing standing in for another.

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

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.

# 2AC

## Case

### Case extension

#### Targeted killing under the AUMF has resurrected the banishment of identities through ascribed values, in which those identities are considered to be outside the law for crimes of potential crime or rebellion against the state.

#### This serves to make being different a crime, as deviating from the majoritarian is to rebel against the state. In the instances of targeted killing the president then serves as judge, jury and executioner as he exterminates those outlaws. That’s Cole and Chong

#### There are two impacts to this ethic of engagement:

#### 1.Genocide- Creating a docile community and one without fracture leads to genocidal management of the other through like the Nazis did to the Jews- That’s Agamben.

#### 2.Ressentiment- Trying to control the world and other identities with a will to order creates ressentiment and hatred of the world. Also when we try to tame these identities then it creates spaces for them to be “cleansed” of their negativity.- That’s Tubbs

#### 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 pushing the boulder up the hill. This resolves the cleansing portion of the Ressentiment impact where we no longer enforce the will to order upon them.

#### 2. Universal Recognition of Worth – An outlaw ethic pushes to beings to treat other beings as having intrinsic worth regardless of difference.

#### In this world the genocidal management of the outlaw through targeted killing would be resolved by not trying to cleanse the world of difference and healing the fracture of the community

#### This would resolve the ressentiment impact by removing the will to order and affirming the world in all of its difference.

#### Finally Ethics of the Self first- There is nothing an individual can do to force the world to change, nor can we change power structures without changing the ethics in which we operate with. We must change the ethics that we ourselves use first, before the world can change. That’s Lawor and Bunch

#### This also makes a key community change first, before any state action which will be impacted on the Framework

## Framework

### Topicality

#### 1.We Meet- We’re germane to the topic. We theorize the rejection of the outlaw which is integral to understand current targeted killing practices. That’s Cole and Chong

#### AND, good is good enough- They get TK good, counterplans comparing macro/micro action, and criticism of our action- it is sustainable.

#### 2. Counter interp – The role of the ballot should be whoever has most ethical relationship to beings.

#### A. Predictability and limits create a search for the ‘truth’ that is coated in totalizing logic, which masks effective political dialogue and is exclusive. This destroys education-

Bunch 10

[Mary Bunch, PhD Candidate in Philosophy at The School of Graduate and Postdoctoral Studies The University of Western Ontario, “OUTLAWRY AND THE EXPERIENCE OF THE (IM)POSSIBLE: DECONSTRUCTING BIOPOLITICS,” 2010, wyo-sc]

In addition to the constitutive exclusions of western societies, a totalizing impulse infiltrates even the domain of citizenship and inclusion. This calls into question the efficacy of concepts like democracy, human rights, and popular sovereignty. The totalizing impulse seems to be inherent to western metaphysics, and is transferred from the philosophical to the political domain. Jean Luc Nancy suggests the west’s totalizing impetus has its roots in Platonic Idealism; it is tightly linked to conceptions of subjectivity, and the need to ground propositions in ‘truth,’ including the self-certainty of an individual ego. The consequences in western democracies are twofold, as David Ingram elaborates. First, models of the political that prioritize public debate among equals are increasingly precluded through a “total infusion of scientific strategies of prediction and control in economy, polity, society, and culture.” Secondly, Ingram continues, “dialogic pluralism” is suppressed “by the totalitarian logic of a political practice aimed at strategically realizing some unquestioned global ideology” (95). Western democracies are thus structured according to a totalizing logic, this time in the form of bureaucracy instead of the tradition and authority emphasized in totalitarian regimes (96). The effects are insidious; what is taken to be the democracy and pluralism that Arendt once celebrated as non-totalitarian are revoked as masking the coercive manipulation of the population by the state; a variation on the infiltration of the interior of the individual by totalitarian political tactics. The implication is that the public consensus that is so fundamental to democracy is false; it has been orchestrated through limiting the real political choices available, controlling and oversimplifying the information on which the public bases its decisions, and reducing elections to the spectacle of personality (96).

#### The impact is destruction of debate-

Secomb 00

(Linnell, a lecturer in Gender Studies at the University of Sydney “Fractured Community” Hypatia – Volume 15 Number 2 Spring 2000 pg. 138-139. //RC)

This reformulated universalist model of community would be founded on "a moral conversation in which the capacity to reverse perspectives, that is, the willingness to reason from the others' point of view, and the sensitivity to hear their voice is paramount" (1992, 8). Benhabib argues that this model does not assume that consensus can be reached but that a "reasonable agreement" can be achieved. This formulation of community on the basis of a conversation in which perspectives can be reversed, also implies a new understanding of identity and alterity. Instead of the generalized other, Benhabib argues that ethics, politics, and community must engage with the concrete or particular other. A theory that only engages with the generalized other sees the other as a replica of the self. In order to overcome this reductive assimilation of alterity, Benhabib formulates a universalist community which recognizes the concrete other and which allows us to view others as unique individuals (1992, 10). Benhabib's critique of universalist liberal theory and her formulation of an alternative conversational model of community are useful and illuminating. However, I suggest that her vision still assumes the desirability of commonality and agreement, which, I argue, ultimately destroy difference. Her vision of a community of conversing alterities assumes sufficient similarity between alterities [End Page 138] so that each can adopt the point of view of the other and, through this means, reach a "reasonable agreement." She assumes the necessity of a common goal for the community that would be the outcome of the "reasonable agreement." Benhabib's community, then, while attempting to enable difference and diversity, continues to assume a commonality of purpose within community and implies a subjectivity that would ultimately collapse back into sameness. Moreover, Benhabib's formulation of community, while rejecting the fantasy of consensus, nevertheless privileges communication, conversation, and agreement. This privileging of communication assumes that all can participate in the rational conversation irrespective of difference. Yet this assumes rational interlocutors, and rationality has tended, both in theory and practice, to exclude many groups and individuals, including: women, who are deemed emotional and corporeal rather than rational; non-liberal cultures and individuals who are seen as intolerant and irrational; and minoritarian groups who do not adopt the authoritative discourses necessary for rational exchanges. In addition, this ideal of communication fails to acknowledge the indeterminacy and multiplicity of meaning in all speech and writing. It assumes a singular, coherent, and transparent content. Yet , as Gayatri Spivak writes: "the verbal text is constituted by concealment as much as revelation. . . . [T]he concealment is itself a revelation and visa versa" (Spivak 1976, xlvi). For Spivak, Jacques Derrida, and other deconstructionists, all communication involves contradiction, inconsistency, and heterogeneity. Derrida's concept of différance indicates the inevitable deferral and displacement of any final coherent meaning. The apparently rigorous and irreducible oppositions that structure language, Derrida contends, are a fiction. These mutually exclusive dichotomies turn out to be interrelated and interdependent: their meanings and associations, multiple and ambiguous (Derrida 1973, 1976).While Benhabib's objective is clearly to allow all groups within a community to participate in this rational conversation, her formulation fails to recognize either that language is as much structured by miscommunication as by communication, or that many groups are silenced or speak in different discourses that are unintelligible to the majority. Minority groups and discourses are frequently ignored or excluded from political discussion and decision-making because they do not adopt the dominant modes of authoritative and rational conversation that assume homogeneity and transparency.

#### AND These forms of political death outweigh

Dillon, 2008

(Michael, “Revisiting Franco’s Death” Foucault on Politics, Security and War. Pg 169-170, mb)

He briefly experimented with calling this refiguration of death 'thanato-politics'. Biopolitics does not, however, simply refigure death in the process of refiguring life. It begins to establish a new economy of life and death. In relation to how biopolitics newly instrumentalises killing and death, for example, Foucault observed: When I say killing I obviously do riot mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or quite simply political death, expulsion, rejection, and so on. (Foucault, 2003b: p. 256) Thus, as Achille Mbembe and others following Foucault have noted, since you cannot make life live biopolitically unless you simultaneously also 'let die', biopolitics does not simply offer a thanato-political refiguration of death. It does that and more. Its newly emergent political economy of life and death systematically installs what Mbembe has called a necropolitics of dead life. The life of the living dead now characterises our global biopolitical economy quite as much as the living life of biopolitics (Mbembe, 2001, 2003; Montag, 2005). Necropolitics is the `letting die' required by the biopolitical injunction to 'make live'. Making live must systematically adjudicate the living in respect of their contribution or otherwise to the project of making 'life' live. Just as making live can be a violent process, so letting die is no mere accident. It is here that racial markers are commonly employed to operationalise the biopolitical adjudication required to follow the injunction to make life live. Hence biopolitics, necropolitics and race are closely correlated phenomena. Race contributes directly to the triangulation of biopolitics with its necropolitics. That triangulation helps strip biopolitics of any assumed innocence in respect of its project of making life live.

#### C. We’re key to broad education—we will never be policy makers, or affect the institutions, we should focus on better ourselves—that’s Bunch

### Stasis

#### State focus leads to fascism .

D&G 80

Deleuze & Guattari, A Thousand Plateaus (1980. p214-5.)

Doubtless, fascism invented the concept of the totalitarian State, but there is no reason to define fascism by a concept of its own devising: there are totalitarian States, of the Stalinist or military dictatorship type, that are not fascist. The concept of the totalitarian State applies only at the macrophysical level, to a rigid segmentarity and a particular mode of totalization and centralization. But fascism is inseparable from a proliferation of molecular forces in interaction, which skip from point to point, before beginning to resonate together in the National Socialist State. Rural fascism and city or neighborhood fascism, youth fascism and war veteran's fascism, fascism of the Left and fascism of the Right, fascism of the couple, family, school, and office: every fascism is defined by a micro-black hole that stands on its own and communicates with the others, before resonating in a great, generalized central black hole. There is fascism when a *war machine* is installed in each hole, in every niche. Even after the National Socialist State had been established, microfascisms persisted that gave it unequaled ability to act upon the "masses." Daniel Guerin is correct to say that if Hitler took power, rather then taking over the German State administration, it was because from the beginning he had at his disposal microorganizations giving him "an unequaled, irreplaceable ability to penetrate every cell of society," in other words, a molecular and supple segementarity, flows capable of suffusing every kind of cell. Conversely, if capitalism came to consider the fascist experience as catastrophic, if it preferred to ally itself with Stalinist totalitarianism, which from its point of view was much more sensible and manageable, it was because the segementarity and centralization of the latter was more classical and less fluid. What makes fascism dangerous is its molecular or micropolitical power, for it is a mass movement: a cancerous body rather than a totalitarian organism. American film has often depicted these molecular focal points; band, gang, sect, family, town, neighborhood, vehicle fascisms spare no one. Only microfascism provides an answer to the global question: Why does desire desire its own repression, how can it desire its own repression? The masses certainly do not passively submit to power; nor do they "want" to be repressed, in a kind of masochistic hysteria; nor are they tricked by an ideological lure. Desire is never separable from complex assemblages that necessarily tie into molecular levels, from microformations already shaping postures, attitudes, perceptions, expectations, semiotic systems, etc. Desire is never an undifferentiated instinctual energy, but itself results from a highly developed, engineered setup rich in interactions: a whole supple segmentarity that processes molecular energies and potentially gives desire a fascist determination. Leftist organizations will not be the last to secrete microfascisms. It's too easy to be antifascist on the molar level, and not even see the fascist inside you, the fascist you yourself sustain and nourish and cherish with molecules both personal and collective.

#### X apply Tubbs evidence taming difference L2 Ressentiment- By taming and cleansing difference throught the will to order it breeds ressentiment because there is no way that F/W will ever resolve or stop K teams from doing what they’re doing.

#### Focusing on stasis kills innovation, and leads to bad education.

Riggio 12

[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. 155-158 <http://digitalcommons.mcmaster.ca/cgi/viewcontent.cgi?article=8602&context=opendissertations>, \\wyo-bb]

One cannot understand dynamic processes by considering them as static bodies. Self understood as a process is not a subject, and subjecthood is an imposition on the dynamism of the self. Self-consciousness is an ongoing process because each act of reflective thought or perception discovers a body different from the previous reflective act. Time has passed: one’s field of perceptual affects has moved and so changed. Understood as a stable entity, a subject is a unity imposed on the continually shifting field of affects that the body generates. Deleuze and Guattari concentrate significant portions of A Thousand Plateaus on understanding the relationship between the apparent unity of a subject and the multiplicity of its generation. In this discussion, they continue the inquiry Michel Foucault described as the major project of Anti-Oedipus: analyzing any attempt to build a universal and necessary concept of subjectivity — whether in philosophy, psychology, or everyday morality — as a means of oppression, and devising ways of thinking that escape from this oppression of imposed necessity in identity and subjecthood.446 As they develop these concepts, that purpose forces them to assume the following. 1) Homogeneity or conformity is a needlessly imposed unity that harms the freedom of one’s personality; and therefore 2) one becomes free by breaking from accepting unity of any kind.447 However, I believe unity per se is nothing to be feared necessarily, although one should best approach any kind of conformity with a critical eye. All assemblages are unities of a sort: unities that preserve the multiplicity of the processes that brought them together, as in Aldo Leopold’s example of the many creatures living in the husk of a dead tree. But some processes force a destructive, homogenizing unity on its constituents, as in Leopold’s example of the monoculture farm: a diverse land is totalized according to a single, exclusive program. I come to Deleuze and Guattari’s account of how to liberate subjectivity from conformity to find tools people can use to break away from destructive, homogenizing unities and instead create unities that are multifaceted, diverse, and flexible. Not all unities are destructive, but one must have the tools to break apart a unity that has become destructive. For Deleuze and Guattari, the subject is a unity that reduces all transformations of a field of perceptual affects to the internal consistency of a unified set of possibilities: the I. Standing against this kind of unity opposes them to phenomenological philosophy. Self-consciousness, in considering itself to be a unified I, prioritizes consistency over internal diversity and flexibility. Becoming consistent homogenizes the transformative dynamism of perceptual affects. In considering oneself to be a unified I, one suppresses the dynamism of one’s own body. Deleuze and Guattari call this homogenizing conception of self the phenomenon of faciality: personal and social norms endorsing consistency and authenticity of identity that ignore and suppress the internal diversity of one’s personality.448 The content of one’s actual experience is a field of continually fluctuating affects. For the practical matter of maintaining the stability of one’s identity in daily life, one must understand oneself as a static personality. One often turns away from the flux of experience to maintain the minimum stability required to survive in the world. In times of danger and chaos, one is able to act only after concentrating on a calm centre in one’s thinking. One might think that because a body totalizes itself by conceiving of itself as a homogeneously unified I, it is easy to extricate oneself from such thinking: “I can stop anytime I want!” But the postulate of a homogeneous I is more powerful an addiction than any mere drug, because it is easy to confuse the minimal stability that is required in most cases to build any kind of sane life with a fear of change that is unhealthy both for subjectivities and ecosystems. For example, a stable focus of perception or thought is required to carry out any kind of intentional action. If one takes stability of any kind to be essentially restrictive or oppressive, and also an inescapable aspect of one’s existence, then all one can do is offer promises of escape through transcending existence. But these promises ultimately come up empty.449 Stability should be treated as a relative concept, because a system that is absolutely stable, that does not change or move in any way, is a dead system, and so not even really a system at all. On even the most conservative definition of autopoiesis, where the stable and constant structure of an autopoietic body’s boundary is static, that stasis has as its condition the metabolic chemical reaction continually roiling underneath it.450 The totalization of a homogenous self-identity is worth escaping because embracing the homogeneity of identity requires imagining oneself as an unchangeable unity, where what one is, is all that one can be. The current crisis of humanity’s enormous industry teaches the lesson that reality can throw up problems that cannot be solved with the ideas and philosophies of the past. A homogenous self-identity cannot adapt to novelty. Valorizing the stability of one’s identity above all other concerns suppresses any dynamisms in those fields of affects on which it can act. If any process diverges from the parameters of one’s identity, the force of homogenizing unity shuts it down. Such a unity seeks to make all fields it contacts into copies of its own homogeneity: “It propagates waves of sameness until those who resist identification have been wiped out.”451 Opposing this kind of homogenization, no matter where it occurs, is an ethical stance, a way of conducting oneself that informs every level of one’s self-conscious identity. There has to be some minimal stability to any system to prevent a catastrophic collapse of its dynamic movements. Destabilize a system too quickly or without sufficient care to avoid catastrophe and all is destroyed.452 This is so whether one considers the destabilization of a single organism’s subjectivity or an entire society’s economic, political, or ecological order.453 One way to articulate this ethical stance against homogeneity is in the creation of a moral system whose norms encourage actions to increase and safeguard diversity. Safeguarding diversity is a widespread normative principle in environmental moral philosophy. Examples of such norms include respect for the nonhuman subject-matter of scientific inquiry,454 experimenting with the different ways cultural traditions regard nature and the nonhuman,455 or using emotional responses of wonder at the diversity of life to justify moral commands.456 Næss’ norms for his Ecosophy T supply further examples of the moral endorsement of diversity.457 In the context of this discussion, the moral systems of environmental philosophy have a clear ontological dimension, and so become a perspective that one can articulate across all four domains of philosophy I delineated at the beginning of this work. These and similar attempts to build normative systems that value diversity can be understood as experiments in overcoming the totalizing effects of self consciousness. Self-consciousness open to understanding difference must overcome this fear of divergence, and embrace the heterogeneity of its own existence. Key to overcoming the fear of change is understanding that divergence is not inherently destructive or diminishing. The development of new capacities can be a productive divergence from a formerly stable identity, as an individual breaks with old habits of living to move in new ways. Such a break can make a controlled transformation of identity. Even such simple acts as learning to drive, to swim, or to speak a foreign language are experiments in identity creation.458 Experiments in breaking down and reconstituting oneself can be more easily botched the more they depart from one’s usual actions. Deleuze and Guattari discuss experimentation focused on the disintegration of a subject. Their intention is to spark inspiration, not imitation.459 Two of their extreme examples: A sexual masochism that forcibly seals all entrance and exit points for the body, and covers or blocks all perceptual organs except touch; and a totalized freezing of the subject, personality annihilated by an all-encompassing heroin addiction and opiate coma as described in the work of William Burroughs.460 Guattari discovered other examples of the disintegration of the subject in his work as a doctor at La Borde clinic. In treating the severely mentally ill, Guattari came to understand schizophrenic behaviour as an escape from all constraints of identity and society. His patients give in to forces that fragment the subject at amazing degrees of intensity.461 “The forces of attraction and repulsion, of soaring ascents and plunging falls, produce a series of intensive states . . . The subject spreads itself out along the entire circumference of the circle, the centre of which has been abandoned by the ego.”462 In these examples, Deleuze and Guattari seek to show the potential for dynamic affects to disintegrate the totalizing field of the subject. Even if the examples turn out to be caused by entirely different underlying processes, what matters for breaking down a homogenizing subjecthood is what explorations they can inspire in others. Of course, such extreme examples are easy to botch. When that happens, the organism destroys itself and the entire field of perceptual affects along with their totalizing element. Such disasters would appear to justify the fear of any departure from homogeneity whatsoever. But as Deleuze, Guattari, and DeLanda stress, botching can be avoided with processual control appropriate to the transformation. But one cannot end the transformation of one’s subjectivity at the point when it has been broken down. Any homogenizing forces have been purged from the process, but the process will dissipate if some new unity is not constituted. This new unity must not make the old mistakes of conformity and homogenization for their own sake, which would be another way of botching the change. Having removed the destructively totalizing elements of one’s personality, one must rebuild a unity that includes diversity, a genuine gestalt body. In the vocabulary developed in A Thousand Plateaus, this creative regeneration of subjectivity is called becoming-animal. But even this term is not quite adequate to the work Deleuze and Guattari ask it to do, because the term implies that one is becoming like an animal. Their examples are of people abandoning human identities and places in conformity to human society for what appear to be imitations of the ways of animals. They begin with a description of the film Willard, in which the protagonist alienates himself from human society and lives according to the social structures of rats.463 But these examples taken on their own are too easily understood to imply that they recommend imitating an animal way of life, learning rules of movement and thought by which Willard would live like a rat. Such a transformation, becoming like an animal, would simply trade a human mode of totalizing subjectivity for some other totality. Both would require smoothing away diversity into a single way of life. Imitation is no way to escape from totalization into heterogeneity.464 A body — any assemblage at all — has a greater range of capacities than it can ever articulate in its lifetime. These possible actions include all articulations which that body’s internal processes can generate, all interactions with every other body with which it could ever come into contact, and all the resultant actions those worldly interactions could enable. These limit points of possible motion, described using topological mathematics, constitute a quantifiable phase space for the body in question.465 Someone open to the heterogenity of her identity may, when these possibilities are available, consider changing herself. Such a person does not understand herself as a subject in the sense of a totalizing identity. A totalizing identity ignores enormous numbers of possible movements for itself, and if she does notice them, she may convince herself that those movements are impossible. Maintaining that inconceivability is what a totalizing identity does. The social and ecosystemic environment of a subject, and a subject’s physical abilities constitute impediments to the divergence of an individual identity from established totalizations. Many of these impediments cannot be overcome: I cannot teach myself to fly, or raze an urban industrial facility to build a nature preserve by myself. But many other impediments are one’s own habits of thought that prevent the internal diversification of a personality, which one can overcome through self-conscious thinking. If one believes that some divergence from one’s identity is impossible, one will never achieve it. Any kind of homogenization that proceeds through self conscious thinking produces the subject as a totalizing figure. One can escape one’s self-totalizing regime to become a new kind of field of perceptual affects when one begins to think about oneself in a new way.

#### Stasis is a lie- infinite number of politics D/As, advantages, mechanisms aren’t words of art so it justifies anything that restricts or the court does as an aff.

#### Throw away your legal positivism cards- Aff is an impact turn and says that those of the minoritarian don’t have a voice in the current democracy

#### ANALYZING POWER FROM THE STANDPOINT OF INSTITUTIONS FAILS

John D. **Caputo and** Mark **Yount**, Villanova University, St. Joseph’s University, “Institutions, Normalization, and Power.” Foucault and the Critique of Institutions. 19**93**; mac//sam

The connection between Foucault and institutions seems an obvious one, but not because he wanted to make the institution the basic unit of analysis. On the contrary, Foucault situated institutions within the thin but all-entangling web of power relations. He did so explicitly in Discipline and Punish, and he subsequently read his later analysis between the lines of his earlier works. In this genealogy, institutions are the more readily definable macro-objects, grosser instruments for the finer, more elemental workings of power. Power is the thin, inescapable film that covers all human interactions, whether inside institutions or out. Institutional structures are saturated with sexual relations, economic relations, social relations, etc., and are always established of these power relations: relations between men and women, old and young, senior and junior, well-born and starved, colorless and colored, Occident and Orient. Institutions are the means that power uses, and not the other way around, not sources or origins of power. The analysis of power is thus always more fine-grained than any analysis of classes, of states, or of institutions in their own terms would be. That is why for Foucault--and for all of the studies that follow here--the workings of power cannot be described from the standpoint of a master discipline, especially a perspective that would seek an origin for power, or take political power to be its initial or privileged form. It is always a question of analyzing institutions from the standpoint of power, and not of analyzing power from the standpoint of institutions.' But we ought not to speak of power in the substantive, for there is no such thing. Instead, sets of "power relations" bathe the structures and edifices of human life, without power ever amounting to a thing or substance. It is not the very substance- and- subject of the historical process, like the Hegelian spirit, not the driving movement of contradictory social relations, as in Marx, not the unifying- gathering power that holds sway over all in Heidegger's history of Being. (The similarities might not be entirely accidental, though: see Mohanty's paper herein, 'Foucault as Philosopher, 1) Power is not one thing, but multiple and multiplied, scattered and disseminated. This means that power is not concentrated at a central point of organization and domination. Power is not first of all the power of the sovereign, There is power over freedom, and action on the action of others, but this is a domination that traverses the fields of power, that operates variably in various relationships. "In so far as power relations are an unequal and relatively stable relation of forces, it's clear that this implies an above and a below, a difference of potentials."' These potentials of power cannot be understood as brute force, though brutality is among their possible outcomes-as is seduction. Power relations are embedded in the very heart of human relationships, springing into being as soon as there are human beings. Power need not be harsh and abrasive or constrain narrowly and painfully; without overt violence it seeks its objectives in the more subtle, thus all the more effective, mode of "suasion," of "conduction " Power relations clear the ways for human behavior (conduire) to be subtly conducted (conduit), so that human actions are led as surely and effortlessly through their channels as water through a "duct" (ducere).

### Stasis

#### Instead of playing a game of the state, with fixed positions and strategies, we should play go, and affirm more tactical forms of resistance

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.

### CP

#### 1.Doesn’t solve the aff- It’s a question of static identity and how we operate in the world, not just one policy on targeted killing or detention.

#### 2.Case is an impact turn-

#### This onto-epistemological criticism is a necessary prerequisite to any solution we imagine. The solutions are constrained by the ontological assumptions that precede their formation. Prioritizes certain forms of knowledge over others and results in serial policy failure.

Michael **Dillon**, Professor of Politics, University of Lancaster **and** Julian **Reid**, “Global Governance, Liberal Peace, and Complex Emergency,” ALTERNATIVES: SOCIAL TRANSFORMATION & HUMANE GOVERNANCE v. 25 n. 1, January/March 20**00**, npg.

As a precursor to global governance, governmentality, according to Foucault's initial account, poses the question of order not in terms of the origin of the law and the location of sovereignty, as do traditional accounts of power, but in terms instead of the management of population. The management of population is further refined in terms of specific problematics to which population management may be reduced. These typically include but are not necessarily exhausted by the following topoi of governmental power: economy, health, welfare, poverty, security, sexuality, demographics, resources, skills, culture, and so on. Now, where there is an operation of power there is knowledge, and where there is knowledge there is an operation of power. Here discursive formations emerge and, as Foucault noted, in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality.[34] More specifically, where there is a policy problematic there is expertise, and where there is expertise there, too, a policy problematic will emerge. Such problematics are detailed and elaborated in terms of discrete forms of knowledge as well as interlocking policy domains. Policy domains reify the problematization of life in certain ways by turning these epistemically and politically contestable orderings of life into "problems" that require the continuous attention of policy science and the continuous resolutions of policymakers. Policy "actors" develop and compete on the basis of the expertise that grows up around such problems or clusters of problems and their client populations. Here, too, we may also discover what might be called "epistemic entrepreneurs." Albeit the market for discourse is prescribed and policed in ways that Foucault indicated, bidding to formulate novel problematizations they seek to "sell" these, or otherwise have them officially adopted. In principle, there is no limit to the ways in which the management of population may be problematized. All aspects of human conduct, any encounter with life, is problematizable. Any problematization is capable of becoming a policy problem. Governmentality thereby creates a market for policy, for science and for policy science, in which problematizations go looking for policy sponsors while policy sponsors fiercely compete on behalf of their favored problematizations. Reproblematization of problems is constrained by the institutional and ideological investments surrounding accepted "problems," and by the sheer difficulty of challenging the inescapable ontological and epistemological assumptions that go into their very formation. There is nothing so fiercely contested as an epistemological or ontological assumption. And there is nothing so fiercely ridiculed as the suggestion that the real problem with problematizations exists precisely at the level of such assumptions. Such "paralysis of analysis" is precisely what policymakers seek to avoid since they are compelled constantly to respond to circumstances over which they ordinarily have in fact both more and less control than they proclaim. What they do not have is precisely the control that they want. Yet serial policy failure--the fate and the fuel of all policy--compels them into a continuous search for the new analysis that will extract them from the aporias

in which they constantly find themselves enmeshed.[35] Serial policy failure is no simple shortcoming that science and policy--and policy science--will ultimately overcome. Serial policy failure is rooted in the ontological and epistemological assumptions that fashion the ways in which global governance encounters and problematizes life as a process of emergence through fitness landscapes that constantly adaptive and changing ensembles have continuously to negotiate. As a particular kind of intervention into life, global governance promotes the very changes and unintended outcomes that it then serially reproblematizes in terms of policy failure. Thus, global liberal governance is not a linear problem-solving process committed to the resolution of objective policy problems simply by bringing better information and knowledge to bear upon them. A nonlinear economy of power/knowledge, it deliberately installs socially specific and radically inequitable distributions of wealth, opportunity, and mortal danger both locally and globally through the very detailed ways in which life is variously (policy) problematized by it. In consequence, thinking and acting politically is displaced by the institutional and epistemic rivalries that infuse its power/ knowledge networks, and by the local conditions of application that govern the introduction of their policies. These now threaten to exhaust what "politics," locally as well as globally, is about.[36] It is here that the "emergence" characteristic of governance begins to make its appearance. For it is increasingly recognized that there are no definitive policy solutions to objective, neat, discrete policy problems. The "subjects" of policy increasingly also become a matter of definition as well, since the concept population does not have a stable referent either and has itself also evolved in biophilosophical and biomolecular as well as Foucauldian "biopower" ways.

#### ROLE-PLAYING AS POLICYMAKERS MUST BE ABANDONED AS A METHODOLOGY IN FAVOR OF DYNAMIC CRITIQUE.

Michel **Foucault**, french philosopher, “Body/Power,” POWER KNOWLEDGE: SELECTED INTERVIEWS AND OTHER WRITINGS 1972-1977, 19**80**, p. 62

The intellectual no longer has to play the role of an advisor. The project, tactics and goals to be adopted are a matter for those who do the fighting. What the intellectual can do is to provide instruments of analysis, and at present this is the historian's essential role. What's effectively needed is a ramified, penetrative perception of the present, one that makes it possible to locate lines of weakness, strong points, positions where the instances of power have secured and implanted themselves by a system of organisation dating back over 150 years. In other words, a topological and geological survey of the battlefield— that is the intellectual's role. But as for saying, `Here is what you must do!', certainly not.

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#### transvaluation of community values, as all actors can redefine standards for excellence in the struggle

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(Christa Davis, professor of philosophy at City University of New York, CRITICAL AFFINITIES: NIETZSCHE AND AFRICAN-AMERICAN THOUGHT, pp. 183-4 uw/mjs)

Given that, he asks, what form of struggle might best advance human possibilities generally? Several features of productive contest emerge, although Nietzsche never offers a full exposition of the relevant question?' Beyond potentially inspiring excellence, which would presumably be relative to some previously existing standard, agonistic contest is supposed to be radically open, at least this seems to be a feature that Nietzsche specifically designates as exceptional about the view he finds in ancient Greece.21 The openness is achieved in two respects: first, the viability of challenge must be preserved; second, the contest must be flexible enough to generate decisions about excellence that are relative not only to past performances but also in accordance with new standards produced through the contest itself. 22 In other words, although rare and exceptional, every contest at least extends the possibility that the prevailing standards of measure themselves could be reformed. The significance of this openness to the community as a whole is evident to Nietzsche in what Diogenes Laertius reports as the original purpose of ostracism: anyone who emerged as an undefeatable opponent had to be banished, as great as such a person might be. This was not because greatness itself was despised; rather, it was out of concern for cultivating the pursuit of excellence as a whole. The latter was to be effected not through reduction to the lowest common denominator but by ever extending the prospect of being able to earn a title to great- ness, to participate in creating the standard for what would count as best. Moreover, those standards of judgment were being constantly formulated and renegotiated in every instance of rendering a decision. Nietzsche cites the most exemplary contestants as those who not only offered an exceptional performance in the contest but also revised the very standards by which they were judged. Nietzsche's admiration of these features of contest makes it clear that he is not simply nostalgic for a heroic ethic of nobility lost, and he is not pining for a return to the good old days of Homer. Moreover, it is worth considering the relations between victors, competitors, and the community that will provide the institutional framework for such agonistic enterprises to occur.

#### Framework is an attempt to enclose and enframe debate, it paves the way for disciplinary techniques from the state

Reid, 2008

(Julian, “Life Struggles” Foucault on Politics, Security and War. Pg 68-70, mb)

The chapter of Discipline and Punish titled 'Docile Bodies' carefully records the emergence of these techniques with attention to their specifically military remit. It was through the technique of enclosure that men came to be assembled under one roof in the form of the barracks. This technique of enclosure allowed for new forms of control and security: the prevention of theft and violence; the dissipation of fears of local populations at the incursions of marauding bands of troops; the prevention of conflict with civil authorities; the stopping of mass desertion, and the management of expenditure (1991b: p. 142). Through the technique of partitioning, militarised groups of men were individualised. Knowing where and how to locate individuals, to control communication between individuals, to supervise the conduct not only of the mass body but the life of bodies individually, comprised an essential technique in the development of modern military organisation. The innovation of new systems of rank represented a further technique by which bodies were not only individualised but cast within a network of relations of exchange, allowing for their better distribution and circulation. The organisation of serial spaces providing fixed positions for individuals but permitting their circulation and interchange allowed for new forms of tactical arrangements in the composition of military forces. Foucault demonstrates with ample reference to the work of the French military tactician, Comte de Guibert, how the modern military science of tactics encapsulated this newfound understanding of the potentialities of techniques of ranking and partitioning in the production of recombinant forms of order. 'Blinded by the immensity, dazed by the multitude... the innumerable combinations that result from the multiplicity of objects' Guibert mused at the end of the eighteenth century (1991b: p. 148). The advent of these new disciplinary techniques in the military sciences was, as Discipline and Punish shows, much concerned with the re-ordering of relations between bodies and space. Yet they were also as interested in the disciplining of relations between time and bodily activity, or what Foucault called 'the temporal elaboration of the act' (p. 151). He documents how modern military organisation was predicated upon the creation of meticulously detailed 'programmes' according to which the 'correct use of the body' would be specified in order to allow for 'a correct use of time' (p. 152). For example, between the mid-seventeenth and mid-eighteenth century, ordinances developed to refine the movements across space and time of marching soldiers. While in the seventeenth century marching was only vaguely regulated to assure conformity, by the eighteenth century ordinances specified distinctions between four different sorts of marching step; the short step, the ordinary step, the double step and the marching step, each differentiated according to duration, extension and comportment (p. 151). As disciplinary power was concerned with the correct use of time so it was also concerned with what Foucault called 'the instrumental coding of the body' through the creation of a 'body-machine complex' (p. 153). Foucault considered that traditional forms of subjection involved only the extraction of the product of labour, the exploitation of bodies for their surpluses. Disciplinary power, on the other hand, is about more than that. Its aim is to assure and regulate the correct procedure by which the body carries out its labour as an end in itself. In this vein, Foucault focused again on innovations occurring in the domain of military organisation — centrally on the specifications made in the same late eighteenth-century military ordinances as to how to fire a weapon, which were meticulous in their detailing of how body and weapon interact (p. 153). All of these new innovations, reflecting what Foucault identified as a new 'positive economy' of time through which modern societies attempted to intensify their use of time with increased speeds and increased efficiencies, resulted he argued from changes that were occurring in the domain of war. The mid-eighteenth century successes of Prussia enabled by the military systems of Frederick II were the harbinger of most of these developments (p. 154). Through the development of these techniques with which to organise for and conduct war emerged a new object for the organisation of power relations. That new object was as Foucault described, 'the natural body, the bearer of forces and the seat of duration; it is the body susceptible to specified operations, which have their order, their stages, their internal conditions, their constituent elements' (p. 155).