

AT BAUDRILLARD

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ALT FAILS**The alternatives use of criticism fails- it stops political change by making values meaningless**

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2001, Yale Journal of Law & the Humanities, 13 Yale J.L. & Human. 95

Such a paranoid style may, over time, have a potentially corrosive effect on society. Consider the long-term consequences of repeated exposure to suspicious stories. An appeal to religious ideals is portrayed as an exercise of political power or the result of deluded magical thinking. A canonical work of art is revealed to be the product of a patriarchal "gaze." The programs of politicians are exposed as crass maneuverings for higher office or greater power. The idealistic rhetoric of judicial opinions is depicted as an after-the-fact justification for the exercise of state-sanctioned violence. And the life choices of individuals are shown to be responses to psychological neurosis, or social pathology. All of these are exaggerations, but they increasingly represent the rhetoric that is used to describe human interaction both in contemporary society and in the past. As Richard Rorty describes, In this vision, the two-hundred-year history of the United States - indeed, the history of the European and American peoples since the Enlightenment - has been pervaded by hypocrisy and self-deception. Readers of Foucault often come away believing that no shackles have been broken in the past two hundred years: the harsh old chains have merely been replaced with slightly more comfortable ones. Heidegger describes America's success in blanketing the world with modern technology as the spread of a wasteland. Those who find Foucault and Heidegger convincing often view the United States of America as ... something we must hope will be replaced, as soon as possible, by something utterly different. If that is one's viewpoint, it will inevitably be difficult to muster one's energy to believe in the possibility of positive action in the world, short of revolution (and even revolution is probably inevitably compromised). As Rorty points out, though the writers of supposedly "subversive" works "honestly believe that they are serving human liberty," it may ultimately be "almost impossible to clamber back down from [these works] to a level of abstraction on which one might discuss the merits of a law, a treaty, a candidate, or a political strategy." Of course, one might view this as a positive development. One might think people should stop being lulled into a false sense of believing that the rhetoric of public life really matters. If people began to view such rhetoric as a construction of entrenched power, so the argument might go, they would form the nucleus of a truly revolutionary political movement. I doubt that such an eventuality is likely to occur. Moreover, I am not sure that a culture of suspiciousness is the most effective way to seek political (or personal) change anyway. Suspicious analysis seeks to expose the dangers of our enchantment with reason or truth or collectivity, but there are dangers that arise from relentless disenchantment as well. As Richard K. Sherwin has observed Without the means of experiencing more profound enchantments, without communal rituals and social dramas through which the culture's deepest beliefs and values may be brought to life and collectively reenacted, those beliefs ultimately lose their meaning and die... . Forms of enchantment in the service of deceit, illicit desire, and self-gratification alone must be separated out from forms of enchantment in the service of feelings, beliefs, and values that we aspire to affirm in light of the self, social, and legal realities they help to construct and maintain. If all we have is relentless suspicion, we are unlikely to be inspired to create a better world. Instead, we are likely to feel a kind of collective guilt and self-loathing (or worse a fatalistic apathy) because of the hopelessly compromised system we have created or to which we have acquiesced. Such guilt, self-loathing, and apathy is, as Rorty argues, a luxury that agents who need to act in the world cannot afford to maintain. Paul Kahn, in his recent book, The Cultural Study of Law, indirectly suggests a possible response to this critique. Kahn encourages sociolegal scholars not to worry so much about being political or social agents of the sort Rorty describes. Instead, he argues that scholars studying law as a cultural system should move "away from normative inquiries into particular reforms and toward thick description of the world of meaning that is the rule of law." If we resist being seduced into focusing on the policy ramifications of our work, Kahn believes, we could better study law the way a religious studies scholar studies religion: not from the perspective of one who is a part of the practice under consideration, but as an independent observer seeking to understand the cultural meaning of the practice from a greater distance. Thus, Kahn argues that it is a mistake for scholars to be too invested in legal practice, regardless of whether they see themselves as law's custodians or law's reformers. Rather, Kahn contends that we would be better off suspending our belief in

law's rule altogether, thereby allowing us to analyze legal practice without a normative agenda. Although I agree with Kahn that sociolegal scholarship need not include explicitly

Continued...

normative policy ramifications to be effective, his approach still requires the scholar to choose a hermeneutic stance. Even if we adopt the more distanced "observer" perspective Kahn advocates, we still must choose to analyze legal and cultural practices through a suspicious lens or through one that is more sympathetic. And this choice inevitably has social and political consequences of the sort described above. Moreover, I am concerned about Kahn's particular articulation of the legal scholar's task: to suspend belief in law's rule. Such a formulation seems to invite a more skeptical stance than I find appropriate. Nonetheless, there is nothing about his call to study law as a cultural system rather than as a set of policy prescriptions that requires us to study law from the perspective of disbelief. Indeed, as I argue below, studying any cultural practice (whether literature or religion or law) from a perspective of belief - as long as it is not completely uncritical belief - may ultimately be more fruitful. Regardless of one's position on that issue, however, it seems to me that, at the very least, the move toward less normative scholarship cannot extricate scholars from the fundamental questions that I am discussing. IV. A Hermeneutics of Meaning, Faith, and Sympathetic Interpretation Ricoeur contrasts the hermeneutics of suspicion with a hermeneutics of meaning. This hermeneutics is based on a conception of faith. In Ricoeur's words, "The contrary of suspicion, I will say bluntly, is faith. What faith? No longer, to be sure, the first faith of the simple soul, but rather the second faith of one who has engaged in hermeneutics, faith that has undergone criticism, postcritical faith." Such faith is difficult if one employs the hermeneutics of suspicion because such a skeptical approach tends to promote "knowingness" rather than belief. Once one has exposed or demystified a cultural practice, it will inevitably be more difficult to believe in that practice wholeheartedly. One might accept it as the best of a bunch of poor alternatives, but it will lose its power to inspire. As Rorty argues, Knowingness is a state of soul which prevents shudders of awe. It makes one immune to romantic enthusiasm. For example, he points out that it is difficult to be inspired by a cultural practice while at the same time viewing that practice "as the product of a mechanism of cultural production." To view a work in this way, he contends, may yield understanding, but not self-transformation. The hermeneutics of suspicion tends to require that the cultural practices under observation be placed within the framework of the critic. But if a practice, such as the work of the United States Supreme Court, is to have inspirational value, it must be allowed to recontextualize much of what the observer previously thought she knew; it cannot, at least at first, be itself recontextualized by what the observer already believes. Thus, if begin with the suspicious premise that justices of the U.S. Supreme Court are articulating hopelessly indeterminate legal principles that merely mask the inevitable assertion of power inscribed within legal discourse, then we will have precluded the possibility that we could be surprised or inspired by the beauty, poetry, or idealism of the Court's project.

Berman continues

Let me use an example that is closer to home. My experience has been that, at academic conferences, reading groups or colloquia, or in humanities or law classes, much of the conversation centers on all the issues the book or article under discussion failed to address. Thus, we hear that the author left out a consideration of X, which would have complicated her analysis, or that she failed to recognize the ways in which issues of power were embedded in Y, so she missed a key part of what was "really" going on, etc. Almost inevitably, the piece that was "left out" happens to be the focus of the critic's own scholarly agenda. These are not sympathetic readings. Because human experience is widely varied and multi-faceted, there will always be aspects of an issue that are omitted in any given scholarly account. But instead of focusing on what the author failed to do, we might look at what her particular project was and see if we can form the best possible understanding of that project. I remember when I was in an undergraduate anthropology course, we would read book after book from the history of anthropological theory, and for each book, all we would discuss was what that account had missed. By the end of the semester, I was left feeling that there were no examples of worthwhile anthropology scholarship. This is precisely what can happen if the stories we tell are unrelentingly suspicious. We deprive our listeners of a sense of inspiration, of models to follow, of belief in possibilities.

ALT FAILS- IVORY TOWER

Deconstruction without action for material justice blocks political escape from oppression and reinforces ivory tower elitism

Anthony Cook, Associate Professor at Georgetown Law, New England Law Review, Spring, 1992

The effect of deconstructing the power of the author to impose a fixed meaning on the text or offer a continuous narrative is both debilitating and liberating. It is debilitating in that any attempt to say what should be done within even our insular Foucaultian preoccupations may be oppositionalized and deconstructed as an illegitimate privileging of one term, value, perspective or narrative over another. The struggle over meaning might continue ad infinitum. That is, if a deconstructionist is theoretically consistent and sees deconstruction not as a political tool but as a philosophical orientation, political action is impossible, because such action requires a degree of closure that deconstruction, as a theoretical matter, does not permit. Moreover, the approach is debilitating because deconstruction without material rootedness, without goals and vision, creates a political and spiritual void into which the socially real power we theoretically deconstruct steps and steps on the disempowered and dispossessed. To those dying from AIDS, stifled by poverty, dehumanized by sexism and racism, crippled by drugs and brutalized by the many forms of physical, political and economic violence that characterizes our narcissistic culture, power hardly seems a matter of illegitimate theoretical privileging. When vision, social theory and political struggle do not accompany critique, the void will be filled by the rich, the powerful and the charismatic, those who influence us through their eloquence, prestige, wealth and power.

ALT DESTROYS AGENCY

Stanford Encyclopedia of Philosophy No Date Given

[<http://plato.stanford.edu/entries/baudrillard/>]

Yet in some writings, Baudrillard has a somewhat more active theory of consumption than that of the Frankfurt School's that generally portrays consumption as a passive mode of social integration. By contrast, consumption in Baudrillard's early writings is itself a kind of labor, "an active manipulation of signs," a way of inserting oneself within the consumer society, and working to differentiate oneself from others. Yet this active manipulation of signs is not equivalent to postulating an active human subject that could resist, redefine, or produce its own signs, thus Baudrillard fails to develop a genuine theory of agency.

Baudrillards wrong- simulation doesn't replace reality it becomes reality

Francesca Wodtke 1998

[<http://www.scholars.nus.edu.sg/cpace/theory/baudrillard/wodtke.htm>]

I like Baudrillard's ideas regarding simulation. More often than not, we strive to achieve simulation in life: photographs as a copy of real places and real times, copies of paintings, postcards, posters as an emulation of the real thing, actions which portray us as what we want to be rather than what we really are, leading to a simulated persona. However, I think Baudrillard fails in his claims that simulation has replaced reality, for once this has occurred, it surely follows that the simulation becomes reality in itself. A photograph of the Mona Lisa, may not carry the aura of the actual painting, but it is still in itself an new embodiment of the painting. It does not pretend to be the real painting, but it exists in reality, as a copy of the original: no more, no less.

Baudrillard is wrong- the proximity to real tragedy alters ones experience- this destroys his whole theory on simulation

JM Tyree fatal strategies no date given

http://www.bloomsbury.com/Ezine/Articles/Articles.asp?ezine_article_id=704

Baudrillard and Burke are an odd association, but the former's frisson contains echoes of the latter's sublime. The relish with which Baudrillard contemplated the fall of the Twin Towers conforms to Burke's model; it is Baudrillard's explanations of that thrill that separate him from Burke, in two fundamental ways. Central to Burke's theory is the condition that in order to enjoy terror, one cannot be in danger oneself: terror is 'delightful [only] when we have an idea of pain and danger without being actually in such circumstances.' Baudrillard fails to acknowledge that proximity to real tragedy alters one's experience and interpretation of the events. No frisson, no thrill can exist for the people who are really there, afraid for their lives or their loved ones.

Perhaps for others far enough away — and the distance is measured not in physical but in mental space — a frisson is possible. Everything hinges on a shift of perspective, yet Baudrillard's only acknowledgement that other viewpoints may exist refers to the causes of the attacks, not the effects.

An even more telling difference from 'L'esprit du Terrorisme' is that Burke's sublime is a

meditation on a sometimes disturbing human passion. It is not necessarily something we ought to trumpet, nor can it be taken as evidence that the victims are malefactors finally getting their due punishment. For Burke, another person's suffering is unwished for, even while it is being relished: 'We do not sufficiently distinguish what we would by no means choose to do, from what we would be eager enough to see if it were once done. We delight in seeing things which, so far from doing, our heartiest wishes would be to see redressed.' That one could experience pleasure in reaction to catastrophe in the way that Baudrillard responded to the mass-murder of September 11 is a centuries-old idea. That he should attempt to justify that pleasure with a purely political pseudo-statement indicates, at best, an utter failure to take into account the complexity of previous approaches to the same problem.

For a poster boy of postmodernism, Baudrillard writes in terms of binary extremes, asserting with finality a position without exceptions. Where Derrida had urged care in the naming of September 11, Baudrillard is certain that he knows exactly what it means. One could try to see his entire essay as an exercise in devil's advocacy. In the passage cited above as cut from the Harper's version of his essay, Baudrillard offered the spirit of terrorism as an antidote to a Western mode of conceptualizing the attacks. But an air of Freudian narcissism at odds with the postmodern project hangs over his enterprise. Gilles Deleuze and Felix Guattari, whose *Anti-Oedipus* (1972) and *A Thousand Plateaus* (1980) constitute key postmodern texts, were relentlessly critical of the 'devious despotic agency' they found in Freud. For Deleuze and Guattari, the spirit of philosophy lies in multiplicity, a move away from concepts that reduce meaning to a 'dismal unity.' In this light, Baudrillard's essay seems regressive, a return to a totalitarian structure of meaning, an insistence on a single key to all mythologies. Although 'L'esprit du Terrorisme' tears us away from 'our Western perspective,' it refuses to account for multiplicity within the Western perspective itself.

Baudrillards theory on reality is wrong- war causes death and the destruction

Ashiline 1995 [Virtual Worlds- book reviews]

The concept of hyperreality expresses the totalizing claim of the French sociologist Jean Baudrillard that no reality underlies the world of appearances in the age of postmodernity. Appearance is the only reality. To be more precise in a Baudrillardian sense, there is no reality, only the simulation of reality. The dominant in postmodernity is the virtual over the actual, a reversal of the classical progression to the actual from the virtual. Thus, at his most extravagant moment, Baudrillard argued that the Persian Gulf War did not actually take place since the war was waged primarily on the television screen. The real effects of the bombardment of the Iraqis were superseded by mass media images that appeared as a sort of Nintendo game on CNN. The hyperreal event of the war that effaced the tangible human suffering of the Iraqis is presumed to be an instance of Baudrillard's third stage in the history of signification: the sign that hides the absence of reality. But critics of Baudrillard, such as Christopher Norris, have pointed out that there is indeed a reality underlying the hyperreal event of the war that cannot be so readily dispelled. This reality for Norris was the decimation of humans and infrastructure. Thus, Baudrillard's hyperbolic denial of the event serves unwittingly to reinforce the social-psychological denial produced in a technologically overdetermined society.

Your alternative reifies western privilege by viewing reality through the lens of the spectacle

Sontag, Susan 2004, "Regarding the Pain of Others" New York, NY Picador Publishers

In the more radical-cynical-spin on this critique, there is nothing to defend: the vast maw of modernity has chewed up reality and spat the whole mess out as images. According to a highly influential analysis, we live in a "society of spectacle." Each situation has to be turned into a spectacle to be real—that is, interesting even attractive—to us. People themselves aspire to become images: celebrities. Reality has abdicated. There are only representations: media.

Fancy rhetoric, this. And very persuasive to many, because one of the characteristics of modernity is that people like to feel they can anticipate their own experience. (This view is associated in particular with the writings of Jean Baudrillard, who claims to believe that images, simulated realities, are all that exist now.) It is common to say that war, like everything else that appears to be real, is *médiatique*. This was the diagnosis of several distinguished French day

trippers to Sarajevo during the siege, among them Andre Glucksman: that the war would be won or lost not by anything that happened in Sarajevo, or indeed in Bosnia, but by what happened in the media. It is often asserted that "the West" has increasingly come to see war and violence themselves as spectacles.

Reports of the death of reality- like the death of reason, the death of the intellectual, the death of serious literature- seems to have been accepted without much reflection by many who are attempting to understand what feels wrong, or empty, or idiotically triumphant in contemporary politics and culture.

To speak of reality becoming a spectacle is a breathtaking provincialism. It universalizes the viewing habits of a small, educated population living in the rich part of the world, where news has been converted into entertainment- that mature style of viewing which is a prime acquisition of "the modern," and a prerequisite for dismantling traditional forms of party-based politics that offer real disagreement and debate. It assumes that everyone is a spectator. It suggests, perversely, unseriously, that there is no real suffering in the world. But it is absurd to identify the world with those zones in the well-off countries where people have the dubious privilege of being spectators, or of declining to be spectators, of other people's pain, just as it is absurd to generalize about the ability to respond to the sufferings of others on the basis of the mind-set of those consumers of news who know nothing at first hand about war and massive injustice and terror. There are hundreds of millions of television watchers who are far from inured to what they see on television. They do not have the luxury of patronizing reality

Your criticsm fails- we need realistic solutions to solve problems like aids

Kellner 2000 [‘Reflections of Jean Baudrillard and Critical Theory

<http://www.uta.edu/huma/illuminations/kell2.htm>]

Consequently, while New French Theory has attempted to cross the borderline and to chart out the terrain of the new, their claims for an absolute break between modernity and postmodernity are not always convincing. Although we may be living within a borderline, or transitional space, between the modern and the postmodern, and may be entering a terrain where old modes of thought and language are not always useful, it seems at this point in time that in many ways, New French Theory is itself flawed and not of much use in helping us to understand and resolve many of the crucial theoretical and political problems that we currently face (i.e. moving beyond the current age of

conservative hegemony, learning to use and live with new technologies in ways that will enhance human life, and understanding and dealing with a wide range of social problems from technological unemployment to AIDS). Thus while we clearly need new theories and politics to understand the conflicts, problems, and developments of the contemporary era I believe that we need new concatenations of Marxism, Critical Theory, and New French theory to solve the theoretical and political problems which confront us today.

Your Alternative Fails- Post Modernists like Baudrillard ignore the role of capitalism in terms of society

Kellner 2000 [“Reflections of Jean Baudrillard and Critical Theory

<http://www.uta.edu/huma/illuminations/kell2.htm>]

The attempts of New French Theory, however, to conceptualize these new phenomena in terms of a "post," and often anti-Marxian discourse and framework, however, are highly problematical as is their frequent denunciation of macro-social theory in favor of micro theory and politics (this is particularly true of Lyotard, Deleuze and Guattari, and others). It is my view that New French Theorists like Baudrillard, Lyotard and Foucault have made a serious theoretical and political mistake in severing their work from the Marxian critique of capitalism precisely at a point when the logic of capital has been playing an increasingly important role in structuring the new stage of society which I conceptualize as a new stage of capitalism -- capitalism as techno-capital (Kellner 1989a).

Indeed, I would argue that Marxian categories are of central importance precisely in analyzing the phenomena focused on by Baudrillard and New French Theory: the consumer society, the media, information, computers, etc. For it is capitalism that is determining what sort of media, information, computers, etc. are being produced and distributed precisely according to their logic and interests. That is, in techno-capitalist societies, information, as Herbert Schiller and others have shown, is being more and more commodified, accessible only to those who can pay for it and who have access to it. Education itself is becoming more and more commodified as computers become more essential to the process of education, while more and more domains of knowledge and information are commodified and transmitted through computers (I'm thinking both of computer learning programs which force consumers to buy programs to learn typing, math, history, foreign languages, etc. as well as modem-programs and firms like Compu-Serve which make access an abundance of information, entertainment, networking, etc. via computer for those who can afford to pay its per minute information prices).

Perm solves best incorporating and combining political strategies and theory can we solve

Best and Kellner 1998 [Illuminations The Critical Theory Website
<http://www.uta.edu/huma/illuminations/kell28.htm>]

Yet we would insist that it is not a question of micro vs macropolitics, as if it were an either/or proposition, but rather both dimensions are important for the struggles of the present and future.^[15] Likewise, we would argue that we need to combine the most affirmative and negative perspectives, embodying Marcuse's declaration that critical social theory should be both more negative and utopian in reference to the status quo.^[16] There are certainly many things to be depressed about in the negative and cynical postmodernism of a Baudrillard, yet without a positive political vision merely citing the negative might lead to apathy and depression that only benefits the existing order. For a dialectical politics, however, positive vision of what could be is articulated in conjunction with critical analysis of what is in a multioptic perspective that focuses on the forces of domination as well as possibilities of emancipation.

Postmodernism fails because it excludes action- combining both is the best way to solve

Best and Kellner 1998 [Illuminations The Critical Theory Website

<http://www.uta.edu/huma/illuminations/kell28.htm>]

Indeed, both modern and postmodern positions have strengths and limitations, and we should seek a creative combination of the best elements of each. Thus, we should combine modern notions of solidarity, alliances, consensus, universal rights, macropolitics and institutional struggle with postmodern notions of difference, plurality, multiperspectivalism, identity, and micropolitics. The task today is to construct what Hegel called a "differentiated unity," where the various threads of historical development come together in a rich and mediated way. The abstract unity of the Enlightenment, as expressed in the discourse of rights or human nature, produced a false unity that masked and suppressed differences and privileged certain groups at the expense of others. The postmodern turn, conversely, has produced in its extreme forms warring fragments of difference, exploding any possible context for human community. This was perhaps a necessary development in order to construct needed differences, but it is now equally necessary to reconstruct a new social whole, a progressive community in consensus over basic values and goals, a solidarity that is richly mediated with differences that are articulated without being annulled.

YOUR ALT DOESN'T SOLVE- IT CREATES SUB CLASSES OF MOVEMENTS AND PREVENTS ANY CHANGE

Best and Kellner 1998 [Illuminations The Critical Theory Website

<http://www.uta.edu/huma/illuminations/kell28.htm>]

Various forms of postmodern politics have been liberatory in breaking away from the abstract and ideological universalism of the Enlightenment and the reductionist class politics of Marxism, but they tend to be insular and fragmenting, focusing solely on the experiences and political issues of a given group, even splintering further into distinct subgroups such as divide the feminist community. Identity politics are often structured around simplistic binary oppositions such as Us vs. Them and Good vs. Bad that pit people against one another, making alliances, consensus, and compromise difficult or impossible. This has been the case, for example, with tendencies within radical feminism and ecofeminism which reproduce essentialism by stigmatizing men and "male rationality" while exalting women as the bearers of peaceful and loving value and as being "closer to nature." [18] Elements in the black nationalist liberation movement in the 1960s and the early politics of Malcolm X were exclusionist and racist, literally demonizing white people as an evil and inferior race. Similarly, the sexual politics of some gay and lesbian groups tend to exclusively focus on their own interests, while the mainstream environmental movement is notorious for resisting alliances with people of color and grass roots movements. [19]

Even though each group needs to assert their identity as aggressively as possible, postmodern identity politics should avoid falling into seriality and sheer fragmentation. These struggles, though independent of one another, should be articulated within counterhegemonic alliances, and attack power formations on both the micro- and macro-levels. Not all universalistic appeals are ideological in the sense criticized by Marx; there are common grounds of experience, common concerns, and common forms of oppression that different groups share which should be articulated -- concerns such as the degradation of the environment and common forms of oppression that stem from capitalist exploitation and alienated labor.