# NSD Agamben Kritik

# 1NC Kritik

## 1NC Shell

## Link

### Link --- Suburbs/Housing

#### The aff’s endorsement of the right to a house allows for biopolitical cooption and the state of exception --- the sovereign distributes populations into suburbs such that they can be read and disciplined. KUSWA ’02.

Kuswa 02 – Assistant Professor @ CSU (Kevin, “SUBURBIFICATION, SEGREGATION, AND THE CONSOLIDATION OF THE HIGHWAY MACHINE,” Journal of Law in Society, Winter 2002, Lexis) SIyer

**Detailing the suburb as a primary mechanism for the segregation of people, Lewis Mumford targets the metropolis and its co-option by the military and the state. Citing overvalued land, increasing congestion, a lack of space for recreation, a perpetual cycle of growth and decay, and an elitist distribution of social services, Mumford contends: "The metropolitan regime opposes these domestic and civic functions: it subordinates life to organized destruction, and it must therefore regiment, limit, and constrict every exhibition of real life and culture**." n37 Mumford's articulation of a regimented urban reality was compounded by the massive expansion of road building following World War II and the 1956 solidification of the highway machine. **The rise of the suburb-a place partially produced by (and fueling) the highway's ability to connect the pristine periphery to the central business district-temporarily resolved Mumford's concerns of density and congestion, only to displace those problems with more severe environmental and human costs**. Regardless of the organization of the suburb, the construction of highways in urban areas was a traumatic and oppressive event for the people uprooted by the highway's swath. **The suburb also exacerbated the human displacement wrought by the highway because the resources necessary to soften the blow of urban construction were being consumed by suburban areas.** The suburbs were typically beyond the reach of the poorest residents of the city, a barrier to entry that widened the gap between the rich and the poor, particularly when the poor neighborhoods were often the same neighborhoods torn up by the highway. The paradox was that the highways and the vehicles that traversed them were being promoted under the banners of maximum choice, individual access, and personal mobility. **n38 These ideals were used to build more highways, increasing the demand for automobiles, and removing choice from the inhabitants of the city. Personal and individual choice could not exist on a large scale when part of the process necessitated a destructive dissection of urban areas**. The connections between highways and suburbia are only less plentiful than the connections between suburbia and segregation. This can be diagramed through the highway machine as a mechanism of containment, population accumulation, sprawl, and what Ronald Greene calls "the racing and placing of populations." n39 According to Greene, a **population control apparatus began articulating modes of government to the problems of large American cities. Certain governing logics began to contain these social crises by enforcing the segregation of people based on class and race. While enforcing this stratification, these governing logics were simultaneously lodging blame for the inequality firmly on the shoulders of those communities who had been stripped of access and relegated to the decaying inner city**. These moves gestured to a different sense of power than traditionally deployed. Greene sets up this new intersection of bio-power in two places: the emergence of the inner city as a threat to the health of the social body, and the ways a governing apparatus acts to race and place populations. **The rise of urban pathologies and the segregation of "unhealthy" groups of people were made easier by the automobile's facilitation of suburban communities commuting to predominantly white- collar jobs**. Greene borrows from Mitchell Gordon, a long-time journalist with the Wall Street Journal, to map the emergence of the diseased city. n40 Gordon's work constructs the city as a withering and doomed sign of human destruction, a perspective advocated in the title, Sick Cities. Gordon's immediate concern involves transformations in transportation and automobile expansion, as he explains in his conclusion: "More people in more automobiles, with more time and money to spend keeping them in motion, will speed up the conquest of urban space on earth and, notwithstanding the huge sums that will be poured into new concrete carpeting, compound congestion at critical places."

### Link --- Human Rights

#### Guaranteeing certain ‘inviolable rights’ necessary for life through the state increases the state of exception and reliance on that state and risks biopolitics. CALDWELL ’05.

DRG/E381 Anne Caldwell, Assistant Professor of Political Science, University of Louisville, THEORY AND EVENT 7:2, 2004 p http://muse.jhu.edu/journals/theory\_and\_event/v007/7.2caldwell.html, accessed 5/12/05.

Agamben's account of **the** emergence and **development of** our **tradition's** definition of **politics is** **useful** precisely **because it** can **help us account for** the **paradoxical effects of** apparently **inclusive and beneficial categories**. The concepts of bio-sovereignty and homo sacer provide us with the tools to understand a power and a life of ambiguous character. **Bio-sovereignty, structured by** the **exception rather than law, is** of a different order than liberal power. It is **grounded not in a life** **or set** **of rights** outside of itself, which it is compelled to respect and protect, **but** in the **incorporation of life** **within its field of power**. The basis of **bio-sovereignty in the incorporation of life means its relation to humanity is neither** one of **simple support, nor** simple **opposition**. The **rights of humanity** **are** as **contingent as the rights the people of the nation-state were once ascribed**. Human **life**, like the life of the nation-state citizen, "**is kept safe and protected only to the degree to which it submits itself to the sovereign's** (or the law's) right of **life and death**."

### Link --- Rights/Democracy

#### Attempts to acquire rights through the state assume a recognition of the state which invariably leads to biopolitics. AGAMBEN.

(Giorgio, prof of philosophy at university of Verona, Homo Sacer: Sovereign Power and Bare Life, pg. 121-123)

The contiguity between mass democracy and totalitarian states, nevertheless, does not have the form of a sudden transformation (as Lewith, here following in Schmitt’s footsteps, seems to maintain); before impetuously coming to light in our century the river of biopolitics that gave homo sacer his life runs its course in a hidden but continuous fashion. It is almost as if, starting from a certain point, every decisivepolitical event were double-sided: the spaces, the liberties, and the rights won by individuals in their conflicts with central powers always simultaneously prepared a tacit but increasing inscription of individuals’ lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves. “The ‘right’ to life,” writes Foucault, explaining the importance assumed by sex as a political issue, “to one’s body, to health, to happiness, to the satisfaction of needs and, beyond all the oppressions or ‘alienation,’ the ‘right’ to rediscover what one is and all that one can be, this ‘right’—which the classical juridical system was utterly incapable of comprehending—was the political response to all these new procedures of power” (La volontt’, p. 191). The fact is that one and the same affirmation of bare life leads, in bourgeois democracy, to a primacy of the private over the public and of individual liberties over collective obligations and yet becomes, in totalitarian states, the decisive political criterion and the exemplary realm of sovereign decisions. And only because biological life and its needs had become the politically decisive fact is it possible to understand the otherwise incomprehensible rapidity with which twentieth-century parliamentary democracies were able to turn[ed] into totalitarian states and with which this century’s totalitarian states were able to be converted, almost without interruption, into parliamentary democracies. In both cases, these transformations were produced in a context in which for quite some time politics had already turned into biopolitics, and in which the only real question to be decided was which form of organization would be best suited to the task of assuring the care, control, and use of bare life. Once their fundamental referent becomes bare life, traditional political distinctions (such as those between Right and Left, liberal­ism and totalitarianism, private and public) lose their clarity and intelligibility and enter into a zone of indistinction. The ex-communist ruling classes’ unexpected fall into the most extreme racism (as in the Serbian program of “ethnic cleansing”) and the rebirth of new forms of fascism in Europe also have their roots here. Along with the emergence of biopolitics, we can observe a displacement and gradual expansion beyond thelimits of thedecision on bare life, in the state of exception, in which sovereignty consisted. If there is a line in every modern state marking the point at which the decision on life becomes a decision on death, and biopolitics can turn[s] into thanatopolitics, this line no longer appears today as a stable border dividing two clearly distinct zones. This line is now in motion and gradually moving into areas other than that of political life, areas in which the sovereign is entering into an ever more intimate symbiosis not only with the jurist but also with the doctor, the scientist, the expert, and the priest. In the pages that follow, we shall try to show that certain events that are fundamental for the political history of modernity (such as the declaration of rights), as well as others that seem instead to represent an incomprehensible intrusion of biologico-scientific principles into the political order (such as National Socialist eugenics and its elimina­tion of “life that is unworthy of being lived,” or the contemporary debate on the normative determination of death criteria), acquire their true sense only if they are brought back to the common biopolitical (or thanatopolitical) context to which they belong. From this perspective, the camp—as the pure, absolute, and im­passable biopolitical space (insofar as it is founded solely on the state of exception)—will appear as the hidden paradigm of the political space of modernity whose metamorphoses and disguises we will have to learn to recognize.

### Link --- Refugee/Safe Camps

#### The aff’s special treatment of refugees of overlooks the way that they can become bare life at any moment. EDKINS 2K

Jenny Edkins 2000 (Department of International Politics, University of Wales). “Sovereign Power, Zones of Indistinction, and the Camp”. 2000. RC

**Refugee camps were eventually set up** in Macedonia not by the UNHCR but **by NATO. The camps were sanctuaries, "specially designated safe areas**, policed by NATO troops and funded by the in- ternational community."67 British, Dutch, French, and German troops from the **NATO** forces **erected tents and installed water facilities** supplied by Oxfam.68 **They** also **erected wire fencing**: 3.5 km of fencing at Brazda camp.69 US Marines distributed food from UNHCR trucks at NATO's Stenkovec camp.70 When NATO established a Refugee Co-ordination Center at its headquarters in Mons, the Russians lodged a complaint in the United Nations that the UNHCR was coming under NATO control. In the camps, **NATO was everything, "the provider of food, water and shelter; the guarantor of peace and security."**71 The NATO military were the camp guards. The inaction of the UNHCR was said to have arisen from NATO's unwillingness to antagonize the Macedonian government, expressed through NATO members on the Security Council. But **it left the refugee camps without legal status under international refugee law.**72 According to Daniel Puillet-Breton, of Action Against Hunger, "**the government** [of Macedonia] **has given a humanitarian status to these people, rather than a refugee status**. . . . **They have no civil rights, no human rights, no access to health services or legal advice**."73 For refugees airlifted out of Macedonia, with no say over their destination, army camps and prisons were considered suitable accommodation.74 Twenty thou- sand refugees were to be housed in a prison camp at the US naval base at Guantanamo Bay in Cuba; the camp did have shops and a McDonald's, but it was "surrounded by high metal fences fes- tooned in barbed wire."75 **The refugees had nothing but bare life: they were homines sacri.**

### Link --- Securitization/Terror

#### And, the aff’s focus on protecting society through the use of the state justifies endless intervention and creating the state of exception in the name of preserving society. DIKEN AND LAUSTEN ‘02

Diken and Laustsen 02 -- Bülent Diken (Lancaster University) and Carsten Bagge Laustsen (University of Copenhagen). “Zones of Indistinction: Security, Terror, and Bare Life”. Sage Publications, 2002, Vol. 5, no. 3, 290-30. RC

Forms of life and forms of security are interrelated; **security creates society as much as society creates security** (see Dillon & Reid, 2001). **Yet, in contemporary society**, this relationship is overlooked while **it is firmly held that it is a “moral duty” to wage war against terror**, whose definition, however, remains obscenely indistinct (e.g., Bin Laden: created by CIA and wanted by FBI). The threat against civic culture is, therefore, janus faced: **Terrorism and the** (trans)**politics of security must be thought of together.** Both operate in a smooth space, both speak the language of deterrence (“if you do not . . . ”), and both are inherently opposed to the law. **Security can easily turn into a perversion**: terror: “**The thought of security bears within it an essential risk. A state which has security as its sole task and source of legitimacy is a fragile organism; it can always be provoked by terrorism to become itself terroristic”** (Agamben, 2001, p. 45). **When the police and politics merge, and when the difference between terror and state disappears in obscenity, they start to justify each other, terrorizing the political itself** by transforming it into a hostage: **the state of emergency.** Significantly in this context, the **discourse of security conceptualizes the “networks of terror” in timeless frames devoid of casual explanations and seeks an “infinite” justice fit for the smooth network space. Postpolitical governance** attempts to control disorder through risk management. In other words, it **does not seek political solutions to political problems, and in the absence of a**n original **political strategy** . . . **the state becomes desocialized.** It no longer works on the basis of political will, but instead on the basis of intimidation, dissuasion, simulation, provocation or spectacular solicitation. This is the transpolitical reality behind all official policies: a cynical bias towards the elimination of the social. (Baudrillard, 1993, p. 79) When blackmail, intended as a preemptive form of action (where is the next war going to take place to prevent war?), becomes the law, “society” implodes into the state, and thus both ordinary and political violence turn into terror. **The camp is symptomatic of the fields of both security and terror.**

### Link --- Western Politics

#### Western politics and legal systems are predicated on the state of exception. EDKINS 2K

Jenny EDKINS 2K (Department of International Politics, University of Wales). “Sovereign Power, Zones of Indistinction, and the Camp”. 2000. RC

More than this inclusion by exclusion, **sovereign power** in the West **is constituted by its ability to suspend itself in a state of exception, or ban**: "The originary relation of law to life is not appli- cation but abandonment."15 **The paradox of sovereignty is that the sovereign is at the same time inside and outside the sovereign order: the sovereign can suspend the law. What defines the rule of law is the state of exception** when law is suspended. **The very space in which juridical order can have validity is created and de- fined through** the sovereign **exception.** However, the exception that defines the structure of sovereignty is more complex than the inclusion of what is outside by means of an interdiction.16 **It is not just a question of creating a distinction between inside and out- side: it is the tracing of a threshold between the two, a location where inside and outside enter into a zone of indistinction. It is this state of exception**, or the zone of indistinction between inside and outside, **that makes the modern juridical order of the West possible.**

### Link --- Crime Prevention

#### Politicizing the criminal as the enemy subjects them not to law but unlimited sovereignty, enabling the state to justify sacrifice of the political community and making civil war inevitable. LAJOUS ’12.

Lajous, 12 – doctor of Law at Yale, professor and researcher at Centro de Investigación y Docencia Económica, a Mexican center of research and higher education specialized in social sciences (Alejandro Madrazo, “Criminals and enemies? The Mexican drug trafficker in official discourse and in narcocorridos,” translated by Fernanda Alonso)//bghs-BI

II. The criminal and the enemy in the political imaginary8 The temptation to label a criminal as an enemy and point him out as "public enemy number 1”, is enormous, especially when the threat he represents is perceived as overwhelming. But the distinction between a criminal and an enemy in the political imaginary is crucial: it reflects and supports the distinction between sovereignty and law, between political action –in its strictest sense— and legal action. Criminals and enemies may do the same violent acts, destroying property and persons. Nevertheless, the modern political imaginary carefully maintained the distinction as a matter of both formal law and informal representation. (Kahn, 2010; 1) In the modern political imaginary, the criminal and the enemy occupy different spaces: the criminal faces the law; the enemy faces sovereignty. Law is restricted, predetermined, it cannot overturn the rules that it is made up of; sovereignty is unlimited, unrestricted, subject only to its ability to affirm itself. The criminal is not the enemy; the enemy is not the criminal. The enemy can be killed but not punished. (…) On the other hand, the criminal can be punished but, in most of the West, he cannot be killed. (Kahn, 2010; 1)9 The distinction lies precisely on the difference between the criminal’s relationship to law and the enemy’s relationship to sovereignty. The criminal is a citizen, a part of the political community, and therefore enjoys the protection of the very laws which he infringes; the enemy is the opposite of a citizen, located outside the political community and posing a threat to it; consequently the enemy does not enjoy the protection of the law, nor is he under obligation to abide by it. Moreover, the enemy has the right to resist the violence of a political community to which he does not belong to; the criminal does not. Informally, warfare is imagined as a sort of duel: a reciprocal relationship of threat, of killing and being killed. (…) This is why every war is imagined as “self-defense” by both sides of the conflict. The confrontation with the criminal, on the other hand, is certainly not imagined as a duel. Criminals have no right of self-defense against the police. The force of law is asymmetrical. For this reason, we think of the violence of law – policing – as “depoliticized.” There is a corresponding depoliticalization of the violence of crime: it is not political threat, but personal pathology. Law enforcement aims to prevent the violence of the criminal from becoming a source of collective self-expression. Were it to become so, we would confront an enemy. (Kahn, 2010; 2) The law in a political community says nothing to its enemies, nor does it say anything about its enemies. The enemy does not operate in the restricted field of law, operating instead in the unrestricted space of sovereignty. Contrastingly, the criminal is determined by the law he infringes: Everything about the criminal is defined by law, from the elements of the crime, to the procedure of adjudication, to the character of punishment. His depoliticalization is accomplished through his complete juridification. The law, however, will not tell us who are our enemies. It will not define the conditions of victory or defeat. It will not tell us how seriously to take a threat or how devastating to make the response. The enemy, despite the efforts of international law, is not a juridical figure at all. (Kahn, 2010; 2) The enemy is located outside the political community and threatens it. Because of this, the enemy endows members of the community with an identity: they are ultimately identified in contrast to the person who is not a member of the political community: the enemy (who is in turn, identified in contrast to the first). The criminal does not fulfill that role in the political imaginary. His existence does not identify us, and he does not identify himself as opposed to the political community, but rather he participates in it. True, he participates from a marginal and stigmatized position, but he is part of the community that punishes him. Against the enemy, the state may legitimately require sacrifices from us –including our lives— so as to protect the continuity of the political community. Against the criminal, we require the State’s protection, not vice versa. We are presented then, with two very different categories, which must not be confused. The criminal is a member of the political community; the enemy is not. The criminal is subject to the law of the community and is simultaneously protected and bound by it; the enemy is not. The criminal should be punished; the enemy destroyed or subdued. The criminal is completely juridified (he is regulated and precisely constraint by the law) and, therefore, depoliticized; the enemy is necessarily a politicized subject (he defines the polis by opposing it) and cannot be understood through the law. But the distinction between criminal and enemy is not only important to them; the distinction is fundamental –foundational even– to the political community, i.e. to "us", all individuals belonging to it: At stake in the criminal/enemy distinction, I will argue, is the relationship of sovereignty to law. These are not just categories of theory, but the organizing principles of political and personal narrative. When we lose control of the categories, we can lose the sense of who we are. (Kahn, 2010; If we collapse the two categories, we lose our political identity. We no longer know who belongs to the "us" (the political community, which in principle, includes criminals) and who belongs to the "they" (the enemies). When the criminal becomes an enemy, the community’s action is no longer the application of law, but that of a civil war: Indeed, under some circumstances criminals do become enemies: the order of law becomes the disorder of civil war. (Kahn, 2010; 5) When the criminal is politicized, [t]he[y] is mistaken for the enemy; he becomes the enemy. He is no longer identified by the law (which signals him as an offender), but instead he is identified as that which opposes sovereignty, that is the political community; against which he is now "entitled" to confront. The community can no longer demand obedience from him. He goes from being in an asymmetrical relationship governed by the law to a symmetric relation (symbolically) analogous to a duel, in which the law disappears and all that remains is the contrast of two competing wills in the field of sovereignty. That is, in a space in which only a civil war can be deployed, no longer a normative system.

## Impact

### Impact --- Violence [GENERIC]

#### Biopolitics enlists infinite violence to maintain sovereignty. CLOUGH.

[Patricia J., Professor of sociology, the coordinator of the Women's Studies Certificate Program, and the director of the Center for Research on Women and Society at the Graduate Center, City University of New York.” THE AFFECTIVE TURN Political Economy, Biomedia, and Bodies”. The Affect Reader p. 221-4.]

If capital accumulation in the domain of affect means that there is an "assimilation of powers of existence, at the moment of their emergence (their phased passing):' this assimilation, Massumi argues, also serves biopolitical governance, as the powers of existence are made to pass "into a classificatory schema determining normative orbits around which procedural parameters for negotiation and advocacy are set" (1998, 57). Biopolitical control is not the production of subjects whose behaviors express internalized social norms; rather, biopolitical control is an effect and cause of the "normative" undergoing "rapid inflation, as classificatory and regulative mechanisms are elaborated for every socially recognizable state of being. ... 'Normal' is now free-standing, no longer the opposite and necessary complement of' abnormal: 'deviant: or 'dysfunctional: as it was under disciplinary power, except in limit cases" (57). For Massumi, control transforms the subject of discipline into "generic figures of affective capture" that provide a "gravitational pull around which competing orbits of affect and thought are organized" (54). These figures are not individual subjects but rather what Deleuze referred to as "dividuals" (1995> 18o), statistically configured in populations that surface as profiles of bodily capacities, indicating what a body can do now and in the future. The affective capacity of bodies, statistically simulated as risk factors, can be apprehended as such without the subject, even without the individual subject's body, bringing forth competing bureaucratic procedures of control and political command in terms of securing the life of populations. The linking of control and political command with the risk factors of statistically produced populations is a form of power that Michel Foucault called biopolitics. In contrast to disciplining, biopolitics turns power's grasp from the individual subject to “life itself” As Foucault put it: "So after a first seizure of power over the body in an individualizing mode, we have a second seizure of power that is not individualizing, but, if you like, massifying, that is directed not at man-as-body but at man-as-species" (2003> 243). But bio- politics is not without any interest in the individual; biopolitics individualizes as it massifies. In linking biopolitics to biomedia, Thacker argues that "biopolitics accounts for 'each and every' element of the population, the individual and the group, and the groups within the group (the poor, the unemployed, the resident alien, the chronically ill)" (Thacker 2005b, 25). However, if populations, in this gradated approach, "can exist in a variety of contexts, defined by territory, economic class groupings, ethnic groupings, gender based divisions, or social factors:' they do so "all within a framework analyzing the flux of biological activity characteristic of the population"(25). What makes the biopolitics of the biomediated body a political economy, then, is the break into biology or "life itself' by carving out various populations in order to estimate the value of their capacities for life, or more precisely, their capacities to provide life for capital. Foucault described this deployment of populations as racism (see Mbembe 2003). For Foucault, racism permits a return of something like the sovereign right to kill in the context of biopolitics. As he put it: "If the power of normalization wished to exercise the old sovereign right to kill, it must become racist" (2003, 256). Although speaking to events of the first half of the twentieth century, even while remembering nineteenth-century colonialism, Foucault offers an important take on the racism at play in contemporary biopolitics. He argues that it is "far removed" from the racism that takes the"form of mutual contempt or hatred between races:'or the sort of "ideological operation that allows states or a class to displace the hostility that is directed toward them or which is tormenting the social body onto a mythical adversary" (258). This racism deploys something like a crude evolutionism that permits the healthy life of some populations to necessitate the death of others, marked as nature's degenerate or unhealthy ones. Of course, the mutual hatred among races, or the projection of hate and fear onto a population that makes it into a mythical adversary, may come to function as a support of evaluations of populations, marking some for death and others for life. If this racism is central to the political economy of the biomediated body, it is because it is a racism that is deployed each and every time a differentiation is made among and in populations, constituting additional bodies of data. In contrast to the racism linked to the body-as-organism and its skin- morphology, the racism that Foucault points to gives the biomediated body its differences, even as the biomediated body gives racism its informatic existence. Although the visibility of the body-as-organism still plays a part, the biomediated body allows the raced body to be apprehended as information. Here the very technologies of surveillance and security, which presently operate to race populations, do so by monitoring bodily affect as information, ranging from DNA testing to brain fingerprinting, neural imaging, body heat detection, and iris or hand recognition-all are proliferating as "total/terrorism information awareness technologies:'•• The biopolitical racism of the biomediated body engages populations in terms of their "vulnerable biologies"-vulnerable not only to illness, life, and death, but also to national and international regulatory policies, military research pro- grams,and a range of social anxieties concerning the level of threat(Thacker 2005b, 228).

### Impact --- Dehumanization [GENERIC]

#### Biopolitics renders some fit to live and others fit to die

**DILLON ‘05** (Michael – Professor of Politics and International Relations at Lancaster University, “Cared to Death: The Political Time of Your Life,” in Foucault Studies, No. 2, p. 37-38, May 2005, http://rauli.cbs.dk/index.php/foucault-studies/article/viewFile/858/876)

One might say in Heideggerian fashion that life is the stuff of biopolitics. In the process of reducing life to stuff, **biopolitics must determine the quality** of the stuff **so that investment in its extraction, promotion and refinement may itself be continuously assessed**. It follows that **some life will be found to be worth investment**, some life less worth investment, **while other life may prove intractable to the powers of investment and the demands it makes on life**. Here, assaying morphs into evaluating the eligibility and not simply the expected utility of life forms. Ultimately, **some life may turn out to be positively inimical to the circulation of life in which this investment driven process of biopolitics continuously trades, and have to be removed from life if its antipathy to biopoliticised life cannot otherwise be adapted**, correctedor contained. **Behind the life-charged rhetoric of biopolitics, lies the biologisation of life to which biopolitics is committed, the violence of that biologisation and the reduction of the classical political question concerning the good life** (and the good death) **to that of the endlessly extendable, fit and adaptable life**. The good life Agamben refigures in terms of the pure - he also says 'profane' but note that there is no profanity without sanctity - immanence of 'happy life'.

### Impact --- No Rights/Genocide

#### Rights are always conditional. The state holds the power to strip rights and give rights to those deemed fit clearing the way for genocide.

Giorgio Agamben 12 (Italian continental philosopher best known for his work investigating the concepts of the state of exception, form-of-life and homo sacer. The concept of biopolitics informs many of his writings). “Beyond Human Rights”. 2012. http://novact.org/wp-content/uploads/2012/09/Beyond-Human-Rights-by-Giorgio-Agamben.pdf RC

“The reasons for such impotence lie not only in the selfishness and blindness of bureaucratic apparatuses, but also in the very ambiguity of the fundamental notions regulating the inscription of the native (that is, of life) in the juridical order of the nation-state. Hannah Arendt titled the chapter of her book Imperialism that concerns the refugee problem ‘The Decline of the Nation State and the End of the Rights of Man’. 2 One should try to take seriously this formulation, which indissolubly links the fate of the Rights of Man with the fate of the modern nation-state in such a way that the waning of the latter necessarily implies the obsolescence of the former. Here **the paradox is that precisely the figure that should have embodied human rights** more than any other – namely, the refugee – **marked instead the radical crisis of the concept. The conception of human rights based on the supposed existence of a human being as such**, Arendt tells us, **proves to be untenable as soon as those who profess it find themselves confronted for the first time with people who have** really **lost every quality and** every specific **relation except for the pure fact of being human.** 3 **In the** system of the **nation-state**, so called sacred and inalienable **human rights are** revealed to be **without any protection precisely when it is no longer possible to conceive of them as rights of the citizens of a state.** This is implicit, after all, in the ambiguity of the very title of the 1789 Déclaration des droits de l’homme et du citoyen, in which it is unclear whether the two terms are to name two distinct realities or whether they are to form, instead, a hendiadys in which the first term is actually always already contained in the second. That there is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, **the status of refugee has always been considered a temporary condition** that ought to lead either to naturalization or to repatriation. **A stable statute for the human in itself is inconceivable in the law of the nation-state.”**

### Impact --- Turns Deleuze

#### Sovereign management and biopolitics imposes self-regulation upon the populace --- we become objectified through the gaze of an unseen seer that is the state’s surveil apparatus. DOUGLAS ‘09

Douglas, independent scholar, 2009 – (Jeremy, “Disappearing Citizenship: surveillance and the state of exception”, published in Surveillance & Society Vol 6, No 1, p. 34-35 http://library.queensu.ca/ojs/index.php/surveillance-and-society/article/view/3402/3365)//roetlin

Yet what emerges is, on the one hand, a theory of the top-down management of a population that is controlled through governmental mechanisms such as statistics-guided surveillance and police practices, and, on the other hand, the bottom-up subjectivization of population through the regulation of actions confronted with state power relations; this may also be regarded as biopolitical population control and individualizing discipline, respectively. These two streams of governmentality surface in Foucault’s later writings from time to time, but he never clearly reconciles the art of government and subjectivization. This subjective ‘conduct’ or ‘governing the self’ is a self-disciplining that is made possible through the knowledge of oneself as ‘the other’, as the object of an unseen seer (as is discussed with the panoptic model in Discipline and Punish). This self-conduct, however, is framed in terms of the problematic of government that uses the power relation techniques of governing others to govern themselves (Foucault 2000, 340-342); but again, where do these two points converge and differ? It seems as though we must look to surveillance to answer this question. We know that surveillance is certainly a governmental ‘technique’ for the management and control of the population, but we also see that subjectivization is only possible via surveillance, as just mentioned with the panoptic model. However, panoptic surveillance is an ancient notion, developed at least as far back as EBII, sometime around 3000-2650BC (Yekutieli 2006, 78). The relation between the seer and the subject is no longer that of a physical perspective from a point fixe, nor is it localised in a contained space, as with Bentham’s prison model. Rather, as Paul Virilio would argue, surveillance is making the traditionally confined space of the camp the very centre of the city. However, before examining the juridical-political applications of this notion, we must understand Giorgio Agamben’s conception of biopolitics in terms of “bare life” and “the state of exception”.

### Impact --- Race

#### Biopolitics utilizes racism in order to kill --- turns case. MENDIETA ’02.

Mendieta, 4/25/2002 – associate professor of Philosophy at Stony Brook University (Eduardo, “‘To make live and to let die’ –Foucault on Racism”, American Psychological Association Central Division Meeting, p. 6-7)//roetlin

I have thus far discussed Foucault’s triangulation between the discourses of the production of truth, the power that these discourse enact and make available to social agents, and the constitution of a political rationality that is linked to the invention and creation of its horizon of activity and surveillance. I want now to focus on the main theme of this courses’ last lecture. This theme discloses in a unique way the power and perspicacity of Foucault’s method. The theme concerns the kind of power that biopower renders available, or rather, how biopolitics produces certain power effects by thinking of the living in a novel way. We will approach the theme by way of a contrast: whereas the power of the sovereign under Medieval and early Modern times was the power to make 7 die and to let live, the power of the total state, which is the biopower state, is the power to make live and to let die. Foucault discerned here a telling asymmetry. If the sovereign exercised his power with the executioner’s axe, with the perpetual threat of death, then life was abandoned to its devices. Power was exhibited only on the scaffold, or the guillotine –its terror was the shimmer of the unsheathed sword. Power was ritualistic, ceremonial, theatrical, and to that extent partial, molecular, and calendrical. It was also a power that by its own juridical logic had to submit to the jostling of rights and claims. In the very performance of its might, the power of the sovereign revealed its limitation. It is a power that is localized and circumscribed to the theater of its cruelty, and the staging of its pomp. In contrast, however, the power of the biopower state is over life [expand]. And here Foucault asks “how can biopolitics then reclaim the power over death?” or rather, how can it make die in light of the fact that its claim to legitimacy is that it is guarding, nurturing, tending to life? In so far as biopolitics is the management of life, how does it make die, how does it kill? This is a similar question to the one that theologians asked about the Christian God. If God is a god of life, the giver of life, how can he put to death, how can he allow death to descend upon his gift of life –why is death a possibility if god is the giver of life? Foucault’s answer is that in order to re-claim death, to be able to inflict death on its subjects, its living beings, biopower must make use of racism; more precisely, racism intervenes here to grant access to death to the biopower state. We must recall that the political rationality of biopower is deployed over a population, which is understood as a continuum of life. It is this continuum of life that eugenics, social hygiene, civil engineering, civil medicine, military engineers, doctors and nurses, policeman, and so on, tended to by a careful management of roads, factories, living quarters, brothels, red-districts, planning and planting of gardens and recreation centers, and the gerrymandering of populations by means of roads, access to public transformations, placement of schools, and so on. Biopolitics is the result of the development and maintenance of the hothouse of the political body, of the body-politic. Society has become the vivarium of the political rationality, and biopolitics acts on the teeming biomass contained within the parameters of that structure built up by the institutions of health, education, and production.

## Alternative

### Alt --- Playful Interaction

#### The alternative is reject the use of the state to grant rights in favor of playful interaction with the law—when the law asks us to engage, we should “prefer not to”. We take the potentiality of the law and render it inoperative. Rather than reading the resolution as a question of policy, approach it from the political --- the alt’s affirmation of studious play can reclaim politics from sovereign power. MORGAN ’07.

(Benjamin, University of California, Berkeley, “Undoing Legal Violence: Walter Benjamin's and Giorgio Agamben's Aesthetics of Pure Means”, Journal Of Law And Society, volume 34, Number 1, March, [www.academia.edu/1111547/Undoing\_Legal\_Violence\_Walter\_Benjamin\_s\_and\_Giorgio\_Agamben\_s\_Aesthetics\_of\_Pure\_Means](http://www.academia.edu/1111547/Undoing_Legal_Violence_Walter_Benjamin_s_and_Giorgio_Agamben_s_Aesthetics_of_Pure_Means)

Giorgio Agamben's State of Exception paints an ominous picture. Agamben asks whether law can regulate its own suspension not because this is an interesting, if abstract, legal problem, but because the state of exception has become a worldwide `paradigm of government'. According to Agamben, a global state of exception is the only way to explain our current state of affairs, in which: law can ... be obliterated and contradicted with impunity by a governmental violence tha**t,** while ignoring international law externally and producing a permanent state of exception internally**,** nevertheless still claims to be applying the law**.** The state of exception enables this contradiction since it is neither inside nor outside law. On the one hand, it is not a `special kind of law' since it is `a suspension of the juridical order itself'; on the other, it is not merely the absence of law, since law contains provisions for its suspension. This topographical paradox means that law functions unusually within the state of exception. The state of exception doesn't create chaos or anarchy; it sepa-rates the law's force from its application. Law's purely formal applicability comes loose from its direct impact on life. As a result, acts that are not authorized by any law can employ the force of legal action: in extreme situations `force of law' floats as an indeterminate element that can be claimed by both the state authority ... and by a revolutionary organization. Agamben argues that this ultimately makes law and life indistinguishable: every action is potentially a legal action. Unfortunately, however, we can't simply return to a situation prior to the state of exception: from the real state of exception in which we live, it is not possible to return to the state of law, for at issue now are the very concepts of `state' and `law'. If we take Agamben's claims about the reach of the state of exception seriously, we are left to grapple with the odd solution that Agamben suggests. This solution is what I would like to interrogate here. Agamben argues that to get beyond the state of exception we must do something more radical than modify the law, since the exception has revealed that the normal functioning of law depends on violent force. As a consequence, we must pursue `the only truly political action ... which severs the nexus between violence and law'. But it is difficult to imagine how we might actually take this `truly political' action, which Agamben calls `play': One day, humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them from it for good... . [T]his studious play is the passage that allows us to arrive at ... justice. `Play' is a surprising answer to the problems that Agamben has dramatically sketched: it seems simultaneously too abstract and not serious enough. But can we take play seriously? Play might be able to counteract the law's violent application to life because of its lack of seriousness: play suspends both instrumentality and normativity. In this sense, play deinstrumentalizes what Agamben frequently calls the `machine' or `apparatus' of the state of exception.

## Framework

### ROTB --- Agamben Shit

#### The role of the ballot is to vote for the debater who best affirms an ethics beyond sovereign violence. AGAMBEN 2k.

Agamben 2k (Giorgio – Ph.D., Baruch Spinoza Chair at the European Graduate School, Professor of Aesthetics at the University of Verona, Italy, Professor of Philosophy at Collège International de Philosophie in Paris, and at the University of Macerata in Italy, Means Without End: Notes on Politics, p. 93-95)

Exposition is the location of politics. If there is no animal politics, that is perhaps because animals are always already in the open and do not try to take possession of their own exposition; they simply live in it without caring about it. That is why they are not interested in mirrors, in the image as image. Human beings, on the other hand, separate images from things and give them a name precisely because they want to recognize themselves, that is, they want to take possession of their own very appearance. Human beings thus transform the open into a world, that is, into the battlefield of a political struggle without quarter. This struggle, whose object is truth, goes by the name of History. It is happening more and more often that in pornographic photographs the portrayed subjects, by a calculated stratagem, look into the camera, thereby exhibiting the awareness of being exposed to the gaze. This unexpected gesture violently belies the fiction that is implicit in the consumption of such images, according to which the one who looks surprises the actors while remaining unseen by them: the latter, rather, knowingly challenge the voyeur’s gaze and force him to look them in the eyes. In that precise moment, the insubstantial nature of the human face suddenly comes to light. The fact that the actors look into the camera means that they show that they are simulating; nevertheless, they paradoxically appear more real precisely to the extent to which they exhibit this falsification. The same procedure is used today in advertising: the image appears more convincing if it shows openly its own artifice. In both cases, the one who looks is confronted with something that concerns unequivocally the essence of the face, the very structure of truth. We may call tragicomedy of appearance the fact that the face uncovers only and precisely inasmuch as it hides, and hides to the extent to which it uncovers. In this way, the appearance that ought to have manifested human beings becomes for them instead a resemblance that betrays them and in which they can no longer recognize themselves. Precisely because the face is solely the location of truth, it is also and immediately the location of simulation and of an irreducible impropriety. This does not mean, however, that appearance dissimulates what it uncovers by making it look like what in reality it is not: rather, what human beings truly are is nothing other than this dissimulation and this disquietude within the appearance. Because human beings neither are nor have to be any essence, any nature, or any specific destiny, their condition is the most empty and the most insubstantial of all: it is the truth. What remains hidden from them is not something behind appearance, but rather appearing itself, that is, their being nothing other than a face. The task of politics is to return appearance itself to appearance, to cause appearance itself to appear. The face, truth, and exposition are today the objects of a global civil war, whose battlefield is social life in its entirety, whose storm troopers are the media, whose victims are all the peoples of the Earth. Politicians, the media establishment, and the advertising industry have understood the insubstantial character of the face and of the community it opens up, and thus they transform it into a miserable secret that they must make sure to control at all costs. State power today is no longer founded on the monopoly of the legitimate use of violence — a monopoly that states share increasingly willingly with other nonsovereign organizations such as the United Nations and terrorist organizations; rather, it is founded above all on the control of appearance (of doxa). The fact that politics constitutes itself as an autonomous sphere goes hand in hand with the separation of the face in the world of spectacle — a world in which human communication is being separated from itself. Exposition thus transforms itself into a value that is accumulated in images and in the media, while a new class of bureaucrats jealously watches over its management.

# NR Frontlines