# Agamben K

This was one of 4 generic kritiks we wrote for NDCA and TOC that we could read against new affs we lacked case negs to.

# 1NC, Links, Impacts

## 1NC and Overview

### Agamben 1NC – Short

#### The aff constructs basic needs as a political tool to decide the appropriate level of wages – this is a form of biopolitics that constructs workers as mere living bodies

Simmons 9 [(Dana, University of California Riverside) “Wages and the Politics of Life in Postwar France” The Journal of Modern History 81 (September 2009)] AT

In mid-May 1950, the Subcommission on the Non-Dietary Part of the Budget Type held a particularly fractious sitting. Mr. Andre´ Baupaume of the CFTC union (Confe´de´ration franc¸aise des travailleurs chre´tiens) submitted that the standard “minimum dwelling” in France should include a sink with running water and a drain. “A long discussion opened,” the meeting records report. “The CGT [Confe´de´ration ge´ne´rale du travail], CGT-FO [CGT–Force ouvrie`re] and the CFTC consider that a source of running water inside the dwelling is indispensable”—part of a worker’s minimum vital. 1 Representatives from all the country’s major unions, despite wrenching conflicts in the political sphere, coalesced in unity around the water tap. Not the employers. “The CNPF [Conseil national du patronat franc¸ais] and the CGA [Confe´de´ration ge´ne´rale de l’agriculture] think that currently, the question of running water inside the dwelling can be considered only desirable. The majority of dwellings do not contain running water; a sink, in general, is located one to a floor.”2 Indeed, only 18 percent of rural homes boasted of running water in the early 1940s.3 Statistics gathered in the Seine region by tax authorities in 1939 and 1940 suggest that the ratio of apartments with bathrooms to those without was at least one to ten.4 How could one propose running water as a vital, minimal, indispensable good when most French people didn’t even have it! In the end the bosses were overruled by the scientific judgment of experts and hygienic reformers. Commissioners included one cubic meter of water per month, for urban residents only, in their model worker’s budget.5 Tap water thus became part of the national minimum vital. How did water, a substance fundamental to human life, become subject to political conflict, negotiation, and state regulation? Why did social actors— union representatives, employers, and officials—intervene so vigorously and precisely in the design of workers’ bathrooms and their water supply? What forces led the postwar welfare state to legislate exactly one square meter of liquid for each urban dweller? Human life and its essential sustenance were meted out and regulated as political objects. This episode was a literal case of biopolitics. Drinking water, and hence life itself, was subject to hygienic measurement. It was also an object of class conflict, of politics in an older sense of the word. This incident represented more than the scientific construction of the worker as a living body (as the accepted use of “biopolitics” might lead one to expect). The most basic human needs, to drink and eliminate waste, became flashpoints in a broader dispute over wages and welfare. This was a biopolitics instantiated by the welfare state and by competing interests within it. In a state-sponsored space of mediation, a wage commission, union leaders clashed with employers over the most basic consumer needs. I argue that standards of living, like the water measure, served not only a generalized biopower but also a very concrete and material set of class interests. Following Foucault, historians, anthropologists, and philosophers have explored the “power over life” that circulates in the interstices of law, medicine, and the humanistic disciplines. Most ascribe little explanatory value to class and economy for understanding biopower. Foucault pointedly restricted his otherwise massive project to “a noneconomic analysis of power.”6 This article, by contrast, places political economy at the center of what Giorgio Agamben describes as the problem of “bare life.”

#### The living wage is an exercise of sovereign power – it defines a threshold beyond which life is no longer livable, stripping value from these lives

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Take the case of several undocumented migrants in France, who have found themselves on that borderline as a result of some legal changes that grant residency permits to those already living in the country if they have pathologies that are unable to be treated in their home countries (Ticktin 2006). These legal changes, introduced at a time when it has become increasingly difficult for non-citizens to claim legal residency in many European countries, had paradoxical results. Aimed at the preservation of human life, they ended up creating disabled and diseased bodies as some undocumented immigrants have started to resort to self-infliction of pathologies (including HIV/AIDS) to be able to make a claim to legal residency. This case powerfully illustrates how the valorization of life entails a sovereign decision on its value and non-value, and how that question of value can be decided by the sovereign only with "an incomprehensible intrusion of biologico-scientific principles into the political order" and in cooperation with juridical, medical, scientific ￼and religious experts (Agamben 1998: 122). Indeed, as the French case illustrates, what a "life-threatening" disease means cannot be decided without recourse to such biologico- scientific principles and to medical experts. Furthermore, the case also underscores that a discourse of human rights and humanitarianism centered on suffering bodies and biological life can, albeit inadvertently, end up producing its subjects as "bare life” Thus, Agamben's distinctive contribution to the contemporary debates on human rights lies in his attentiveness to the vulnerability of lives that are left at that borderline between biopolitics and thanatopolitics as a result of sovereign decisions on the value of life. The current global political context in which we can no longer be dismissive of such cases as mere exceptions to be remedied on the way to a more universal conception of human rights requires us to question the constitutive terms and conceptual presuppositions of these rights more than ever to be able to understand their political- historical effects. In many ways, Agamben's criticism is in line with the "radical questioning" invoked by Jacques Derrida as a necessary posture to understand the "recent, complex, and unfinished" history of human rights and to resist the predilection to￼understand them as "natural"; To take this history and this perfectibility into account in an affirmative way we must never prohibit the most radical questioning possible of all the concepts at work here: the humanity of man (the "proper of man\* or of the human, which raises the whole question of nonhuman living beings, as well as the question of the history of recent juridical concepts or performatives such as a 'crime against humanity\*), and then the very concept of rights or of law (droit), and even the concept of history (Borradori 2003, 132-3). Agamben's critical scrutiny of the constitutive terms - "man" and "citizen\*1 - and conceptual presuppositions - biopolitical fracture of bios and zoe - of human rights helps 58 us understand the inclusive exclusions of our prevailing conceptions of "human." More ￼than any other contemporary critic of human rights. Agamben effectively demonstrates how the division of human/non-human passes through living beings to leave aside some as less than human to the effect of leaving them exposed to arbitrary violence. As such, he points out how even the well-intentioned attempts to define a human essence or nature by identifying a set of human values, functions, and needs can render certain lives as invaluable and unlivable. Agamben's critical analysis of human rights indicates that we need to inquire into the underlying assumptions, constitutive terms and political-historical effects of human rights precisely to be able to recognize that we do not yet understand all the ways of being "human" and that we need to understand our "humanness" instead as always "in the making" as an "ongoing task" (Butler 2004, 89, 91). It underlines the need to look into the ways in which prevailing conceptions of human rights can entail divisions between political/natural, human/non-human, man/citizen to the effect of banning certain categories of people from politics and rendering certain lives unlivable.

#### The role of scholars should not be to model how to use the law or even how to fix it, but to liberate ourselves from it – the aff’s exercise in law-making increases sovereign power

Kotsko 13 [(Adam,) “How To Read Agamben” LA Review of Books June 4th, 2013] AT

Now may be the time to return to that Kafka story about Alexander the Great’s horse Bucephalus, entitled “The New Attorney.” (The text is available here. I recommend you take a moment to read it — it’s very short, and quite interesting.) In this brief fragment, we learn that Bucephalus has changed careers: he is no longer a warhorse, but a lawyer. What strikes Agamben about this story is that the steed of the greatest sovereign conqueror in the ancient world has taken up the study of the law. For Agamben, this provides an image of what it might look like not to go back to a previous, less destructive form of law, but to get free of law altogether: 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…. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin’s posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical. The law will not be simply done away with, but it is used in a fundamentally different way. In place of enforcement, we have study, and in place of solemn reverence, play. Agamben believes that the new attorney is going the state of emergency one better: his activity not only suspends the letter of the law, but, more importantly, suspends its force, its dominating power. Agamben’s critical work always aims toward these kinds of strange, evocative recommendations. Again and again, we find that the goal of tracking down the paradoxes and contradictions in the law is not to “fix” it or provide cautionary tales of what to avoid, but to push the paradox even further. Agamben often uses the theological term “messianic” to describe his argumentative strategy, because messianic movements throughout history — and here Agamben would include certain forms of Christianity — have often had an antagonistic relationship to the law (primarily, but not solely, the Jewish law, or Torah). Accordingly, he frequently draws on messianic texts from the Jewish, Christian, and Islamic traditions for inspiration in his attempt to find a way out of the destructive paradoxes of Western legal thought.

#### Excluding some life is innate to politics, so political solutions only make the problem worse. Biopolitics brings bare, biological life into the political realm, managing citizens as living bodies or bare life – this makes unlimited and escalating violence inevitable

Ziarek 12 [(Ewa Plonowska, Julian Park Professor of Comparative Literature) “9. Bare Life” Impasses of the Post-Global: Theory in the Era of Climate Change, Vol. 2] AT

For Agamben, bare life constitutes the original but “concealed nucleus” of Western biopolitics in so far as its exclusion founds the political realm. Bare life is always already captured by the political in a double way: first, in the form of the exclusion from the polis—it is included in the political in the form of exclusion—and, second, in the form of the unlimited exposure to violation, which does not count as a crime. Thus, the most fundamental categories of Western politics are not the social contract, or the friend and the enemy, but bare life and sovereign power (7–8). As Agamben’s broad outline of the political genealogy suggests, the position and the political function of bare life changes historically. This genealogy begins with the most distant memory and the first figuration of bare life expressed in ancient Roman law by the obscure notion of homo sacer—that is, the notion of the banned man who can be killed with impunity by all but is unworthy of either juridical punishment or religious sacrifice. Neither the condemned criminal nor the sacrificial scapegoat, and thus outside the human and divine law, homo sacer is the target of sovereign violence exceeding the force of law and yet anticipated and authorized by that law. Banished from collectivity, he is the referent of the sovereign decision on the state of exception, which both confirms and suspends the normal operation of the law. In Agamben’s genealogy, the major shift in the politicization of bare life occurs in modernity. With the mutation of sovereignty into biopower, bare life ceases to be the excluded outside of the political but in fact becomes its inner hidden norm: bare life “gradually begins to coincide with the political realm” (9). However, this inclusion and distribution of bare life within the political does not mean its integration with political existence; rather, it is a disjunctive inclusion of the inassimilable remnant, which still remains the target of sovereign violence. As Agamben argues, “Western politics has not succeeded in constructing the link between zoe and bios” (11). In contrast to the ancient ban, or the inclusive exclusion from the political, a new form of disjunctive inclusion of bare life within the polis emerges with modern democracies. In democratic regimes this hidden incorporation of bare life both into the political realm and into the structure of citizenship manifests itself, according to Agamben, as the inscription of “birth” within human rights—an inscription that establishes a dangerous link between citizenship, nation, and biological kinship. As the 1789 Declaration of the Rights of Man proclaims, men do not become equal by virtue of their political association but are “born and remain” equal. Democratic citizens are thus bearers of both bare life and human rights, they are at the same time the targets of disciplinary power and free democratic subjects. In a political revision of Foucault’s formulation of modern subjectivity as “empirico-transcendental” doublet, [4] Agamben argues that the modern citizen is “a two-faced being, the bearer both of subjection to sovereign power and of individual liberties (Agamben, 1998, 125). The democratic subject of rights is thus characterized by the aporia between political freedom and the subjection of mere life, without a clear distinction, mediation, or reconciliation between them. Since bare life is included within Western democracies as their hidden inner ground and as such cannot mark their borders, modern politics is about the search for new racialized and gendered targets of exclusion, for the new living dead (130). In our own times, such targets multiply with astonishing speed and infiltrate bodies down to the cellular level: from refugees, illegal immigrants, inmates on death row subject to suicide watch, comatose patients on life support, to organ transplants and fetal stem cells. For Agamben, this inclusion of bare life within the bodies of each citizen becomes catastrophically apparent with the reversal of the democratic state into totalitarian regimes at the beginning of the 20th century. As the disasters of fascism and soviet totalitarianism demonstrate, and as the continuous histories of genocide show, by suspending political forms of life, totalitarian regimes can reduce whole populations to disposable bare life that could be destroyed with impunity. This is what according to Agamben constitutes the unprecedented horror of Nazi concentration camps: the extreme destitution and degradation of human life to bare life subject to mass extermination: “Insofar as its inhabitants were stripped of every political status and wholly reduced to bare life, the camp was also the most absolute biopolitical space ever to have been realized, in which power confronts nothing but pure life, without any mediation” (171). If Agamben controversially claims that camps are not just the extreme aberration of modernity but its “fundamental biopolitical paradigm” (181), which shows the “thanatopolitical face”of power (142, 150), it is because concentration camps for the first time actualize the danger implicit in Western politics, namely, the total genocide made possible by the reversal of the exception signified by homo sacer into a new thanato-political norm. Such collapse of the distinction between exception and norm, such transformation of the temporal exception into material space, together with the “absolute” and unmediated subjection of life to death, constitutes the “supreme” political principle of genocide.

#### The impact outweighs:

#### A. Root cause – Bare life is the root cause of violence – people are inevitably exposed to violence when they are bare life which makes mass death inevitable – if poor laborers don’t die as a result of low wages, political authority will ensure famine kills them

Marks 15 [(Shanee, lecturer in Sociology Department, Boğaziçi University) “Biopolitics on the Installment Plan” Posted Feb16, 2015. presented in the series “Sociology Talks” at the Sociology Department, Boğaziçi University, Istanbul on 27th March 2014] AT

Perhaps it is capitalism which is biopolitical and as such both Nazism and liberalism as variants modify its biopolitical dispositif in their contingent ways. Eugenics, Darwinism and historicist race theories, all powerful precedents for Nazi biopolitics – originated in late Victorian liberal imperial Britain. Houston Stewart Chamberlain’s Foundations of the 19th Century was the bible of Nazi propaganda before Rosenberg wrote its sequel – The Myth of the 20th Century. Chamberlain already spoke of the supremacy of the Aryan race – of proto Indo European provenance. Chamberlain rejected Darwinism though in favor of Gestalt – but Rosenberg in The Myth of the 20th Century advocated a mystical Darwinism as the basis of the new Nazi religion. Are perhaps Darwinism and social Darwinism the biopolitics of British imperial liberalism? But already classic liberal political economy presumed the inevitability of periodic mass death as a result of dearth, overabundance of labour (power) hence subsistence wages and semi-natural disasters such as famine. Foucault’s ‘letting die’ was built into Adam Smith’s theodicy of the providential ‘invisible hand’ and the free reign of the market. (See Warren Montag, “Necro-economics, Adam Smith and Death in the Life of the Universal” in Radical Philosophy, 134, (November/December 2005) [Greece’s current ‘humanitarian crisis’ – or the austerity imposed on it by the dictates of the ‘Troika’ (European Commission, European Central Bank and the International Monetary Fund) is an example of such a market-induced ‘state of exception’. Like in the times of Smith, Malthus and Bentham, if the poor refuse to die – the state or other authorities must intervene to assure that the 'regulative market mechanisms' are allowed to take their course. As they continue to so successfully in present day Britain. Some parts of the working class in ‘wealthy’ Britain earn such low wages they no longer can afford a new refrigerator when the old one breaks down – they are lured into ‘rent to own’ schemes, which eventually cost three times as much. But when the Greek population rebels against a much more dire reduction of their living standard – the former Tory chancellor Kenneth Clarke condemns the rescue plans of those he dubs the “latter-day Trotskyites” from Syriza with a latter-day ‘let them die’: “It is nothing to do with just the Germans. I can’t see why any other states should take a huge multibillion-pound hit again for the Greeks so they can hire more civil servants, raise their minimum wage, scrap all their labour market reforms and all the other things they want to do.” (Nicholas Watt, “Kenneth Clarke says Syriza victory risks Greek exit from eurozone” in Guardian online, 15 February 2015)]

#### B. Value to Life – bare life devalues life itself – this makes every life the aff saves totally meaningless – they can’t win an impact

#### C. Extinction – Ziarek says violence resulting from bare life is escalating rapidly until it destroys all life – the impact far outweighs the aff

#### Rejection of the 1AC allows us to access “whatever being” – a form of existence that is relevant whatever it is – this abolishes the separation of bare and qualified life which solves – every instance of rejection is key, which is a disad to any permutation

Caldwell 4 (Anne, prof of poli-sci @ U of Louisville, Theory & Event, vol 7(2))

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier *Coming Community*, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-*such*, for belonging itself." (0.1-1.2).Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of *homo sacer*, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153).We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

#### Alt solves the case – whatever-being cannot be reduced to bare life, which makes violence against it impossible – without bare life, economic violence and denial of access to basic needs becomes impossible

### Agamben 1NC – Long

#### The living wage defines the role of politics as keeping its citizens alive, reducing them to bare life

Davies 11 [(Will, Senior Lecturer at Goldsmiths, University of London) “the 'life-changing wage'” potlatch blog, jan 4] AT

The success of living wage campaigns could be viewed as an example of what Hardt and Negri view as the biopolitical nature of contemporary economic production. As they argue in Empire and Multitude, contemporary capitalism now harnesses and produces our most primitive human capabilities - sociability, speech, care, health, thinking, bio-matter. To be alive is to be a potential source of value (and hence also of resistance) under contemporary relations of production, which is why they define the revolutionary class as a 'multitude' far broader than just the working class. It's interesting that a just wage is now classed as a living wage. It's as if alternative metrics of justice or economic desert have broken down, so we fall back on bare life as our entitlement - but also, Hardt and Negri would add, what capitalism requires in order to continue. Offices will not be cleaned by people who cannot live. To recognise the compatibility of living wage campaigns with contemporary bio-politics is in no way to denigrate the former; Hardt and Negri themselves would agree that bioproduction and immaterial labour can be harnessed in pursuit of justice, merely by following their own logic. Might the centre-left (as opposed to Hardt and Negri's more revolutionary left) be able to articulate something similar at the opposite end of the wage scale? As bonus season approaches, could there be such a thing as a life-changing wage, and might it not also be calculable? The life-changing wage is something that the left could then mobilise against.

#### The aff constructs basic needs as a political tool to decide the appropriate level of wages – this is a form of biopolitics that constructs workers as mere living bodies

Simmons 9 [(Dana, University of California Riverside) “Wages and the Politics of Life in Postwar France” The Journal of Modern History 81 (September 2009)] AT

In mid-May 1950, the Subcommission on the Non-Dietary Part of the Budget Type held a particularly fractious sitting. Mr. Andre´ Baupaume of the CFTC union (Confe´de´ration franc¸aise des travailleurs chre´tiens) submitted that the standard “minimum dwelling” in France should include a sink with running water and a drain. “A long discussion opened,” the meeting records report. “The CGT [Confe´de´ration ge´ne´rale du travail], CGT-FO [CGT–Force ouvrie`re] and the CFTC consider that a source of running water inside the dwelling is indispensable”—part of a worker’s minimum vital. 1 Representatives from all the country’s major unions, despite wrenching conflicts in the political sphere, coalesced in unity around the water tap. Not the employers. “The CNPF [Conseil national du patronat franc¸ais] and the CGA [Confe´de´ration ge´ne´rale de l’agriculture] think that currently, the question of running water inside the dwelling can be considered only desirable. The majority of dwellings do not contain running water; a sink, in general, is located one to a floor.”2 Indeed, only 18 percent of rural homes boasted of running water in the early 1940s.3 Statistics gathered in the Seine region by tax authorities in 1939 and 1940 suggest that the ratio of apartments with bathrooms to those without was at least one to ten.4 How could one propose running water as a vital, minimal, indispensable good when most French people didn’t even have it! In the end the bosses were overruled by the scientific judgment of experts and hygienic reformers. Commissioners included one cubic meter of water per month, for urban residents only, in their model worker’s budget.5 Tap water thus became part of the national minimum vital. How did water, a substance fundamental to human life, become subject to political conflict, negotiation, and state regulation? Why did social actors— union representatives, employers, and officials—intervene so vigorously and precisely in the design of workers’ bathrooms and their water supply? What forces led the postwar welfare state to legislate exactly one square meter of liquid for each urban dweller? Human life and its essential sustenance were meted out and regulated as political objects. This episode was a literal case of biopolitics. Drinking water, and hence life itself, was subject to hygienic measurement. It was also an object of class conflict, of politics in an older sense of the word. This incident represented more than the scientific construction of the worker as a living body (as the accepted use of “biopolitics” might lead one to expect). The most basic human needs, to drink and eliminate waste, became flashpoints in a broader dispute over wages and welfare. This was a biopolitics instantiated by the welfare state and by competing interests within it. In a state-sponsored space of mediation, a wage commission, union leaders clashed with employers over the most basic consumer needs. I argue that standards of living, like the water measure, served not only a generalized biopower but also a very concrete and material set of class interests. Following Foucault, historians, anthropologists, and philosophers have explored the “power over life” that circulates in the interstices of law, medicine, and the humanistic disciplines. Most ascribe little explanatory value to class and economy for understanding biopower. Foucault pointedly restricted his otherwise massive project to “a noneconomic analysis of power.”6 This article, by contrast, places political economy at the center of what Giorgio Agamben describes as the problem of “bare life.”

#### The living wage is an exercise of sovereign power – it defines a threshold beyond which life is no longer livable, stripping value from these lives

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Take the case of several undocumented migrants in France, who have found themselves on that borderline as a result of some legal changes that grant residency permits to those already living in the country if they have pathologies that are unable to be treated in their home countries (Ticktin 2006). These legal changes, introduced at a time when it has become increasingly difficult for non-citizens to claim legal residency in many European countries, had paradoxical results. Aimed at the preservation of human life, they ended up creating disabled and diseased bodies as some undocumented immigrants have started to resort to self-infliction of pathologies (including HIV/AIDS) to be able to make a claim to legal residency. This case powerfully illustrates how the valorization of life entails a sovereign decision on its value and non-value, and how that question of value can be decided by the sovereign only with "an incomprehensible intrusion of biologico-scientific principles into the political order" and in cooperation with juridical, medical, scientific ￼and religious experts (Agamben 1998: 122). Indeed, as the French case illustrates, what a "life-threatening" disease means cannot be decided without recourse to such biologico- scientific principles and to medical experts. Furthermore, the case also underscores that a discourse of human rights and humanitarianism centered on suffering bodies and biological life can, albeit inadvertently, end up producing its subjects as "bare life” Thus, Agamben's distinctive contribution to the contemporary debates on human rights lies in his attentiveness to the vulnerability of lives that are left at that borderline between biopolitics and thanatopolitics as a result of sovereign decisions on the value of life. The current global political context in which we can no longer be dismissive of such cases as mere exceptions to be remedied on the way to a more universal conception of human rights requires us to question the constitutive terms and conceptual presuppositions of these rights more than ever to be able to understand their political- historical effects. In many ways, Agamben's criticism is in line with the "radical questioning" invoked by Jacques Derrida as a necessary posture to understand the "recent, complex, and unfinished" history of human rights and to resist the predilection to￼understand them as "natural"; To take this history and this perfectibility into account in an affirmative way we must never prohibit the most radical questioning possible of all the concepts at work here: the humanity of man (the "proper of man\* or of the human, which raises the whole question of nonhuman living beings, as well as the question of the history of recent juridical concepts or performatives such as a 'crime against humanity\*), and then the very concept of rights or of law (droit), and even the concept of history (Borradori 2003, 132-3). Agamben's critical scrutiny of the constitutive terms - "man" and "citizen\*1 - and conceptual presuppositions - biopolitical fracture of bios and zoe - of human rights helps 58 us understand the inclusive exclusions of our prevailing conceptions of "human." More ￼than any other contemporary critic of human rights. Agamben effectively demonstrates how the division of human/non-human passes through living beings to leave aside some as less than human to the effect of leaving them exposed to arbitrary violence. As such, he points out how even the well-intentioned attempts to define a human essence or nature by identifying a set of human values, functions, and needs can render certain lives as invaluable and unlivable. Agamben's critical analysis of human rights indicates that we need to inquire into the underlying assumptions, constitutive terms and political-historical effects of human rights precisely to be able to recognize that we do not yet understand all the ways of being "human" and that we need to understand our "humanness" instead as always "in the making" as an "ongoing task" (Butler 2004, 89, 91). It underlines the need to look into the ways in which prevailing conceptions of human rights can entail divisions between political/natural, human/non-human, man/citizen to the effect of banning certain categories of people from politics and rendering certain lives unlivable.

#### Every politicization of life creates a threshold that excludes some lives as bare life

Downey 9 [(Anthony, Ph.D from Goldsmiths College and sits on the Editorial Board of Third Text, acts as a Consulting Editor for Open Space (Vienna), and edits Ibraaz, a research forum on the Middle East and North Africa, external assessor for the revalidation of the Royal College of Art’s M.A. in Curating Contemporary Art) “Zones of Indistinction: Giorgio Agamben’s ‘Bare Life’ and the Politics of Aesthetics” Third Text, Vol. 23, Issue 2, March, 2009, 109–125] AT

Exempted from the socius of a political community, not to mention its protection, the individual who entered the camp found himself in that most absolute of bio-political spaces where his ‘bare life’ came into an unmediated relationship with absolute sovereign power. ‘This is why’, Agamben continues, ‘the camp is the very paradigm of political space at the point at which politics becomes biopolitics and homo sacer is virtually confused with the citizen’ (HS 171).9 We move here towards the crux of Agamben’s argument, a thesis that is not so much concerned with the anomalous nature of the camp as historical fact, as it is with the camp as ‘the hidden matrix and nomos of the political space in which we are still living’ (HS 166). The ongoing politicisation of life today demands that a series of decisions be made about the delimitation of the threshold beyond which life ceases to be politically relevant – where life becomes ‘bare life’. These thresholds, moreover, need to be redrawn from epoch to epoch; so much so that every society modulates the limit of the threshold. The camp was the limit in Nazi Germany at a particular moment in time; however, as Agamben argues, ‘every society – even the most modern – decides who its “sacred [people] men” will be’ (HS 139). Politics, in the context of the camp, concerned itself with that which was apparently unpolitical – ‘bare life’ and its abandonment by the political community – and the implications of this reach beyond the singular abjection of the camps: If this is true, if the essence of the camp consists in the materialization of the state of exception and in the subsequent creation of a space in which bare life and the juridical rule enter into a threshold of indistinction, then we must admit that we find ourselves virtually in the presence of a camp every time such a structure is created, independent of the kinds of crime that are committed there and whatever its denomination and specific topography. (HS 174) Jacques Rancière has also detailed the scenario of modernity in terms that expand the nomos of the camp: ‘Correspondingly’, Rancière writes: ... the Holocaust appears as the hidden truth of the Rights of Man – that is, the status of bare, undifferentiated life, which is the correlate of biopower.

#### Attempting to address economic violence through law only re-entrenches the catastrophic politicization of life

Whyte 13 [(Jessica, Lecturer in Cultural and Social Analysis at the University of Western Sydney) “The Politics of Life” Ch1 of Catastrophe and Redemption: The Political Thought of Giorgio Agamben. 2013 State University of New York Press, Albany] AT

Agamben’s identification of a fracture between life and politics that is endemic to Western politics leads him to an unsparing critique of the political tradition, which does not leave its emancipatory resources, such as democracy and human rights, unscathed. The fracture between life and politics is still the key political problem, he writes, because the “centuries that have since gone by have brought only provisional and ineffective solutions.”13 All the historical struggles, political theories, and manifestos of the past two and a half millennia, such is his dramatic claim, have been insufficient to reckon with the originary split between life and politics inaugurated in the Greek polis. Only rethinking the political tradition in its entirety would enable us to challenge the reduction of life to the substance of political calculations. Indeed, his claim is that unless we radically rethink the terms of political action, any attempt to ameliorate the catastrophic dangers of the present will only entrench the politicization of life that is central to sovereign power. “Until a completely new politics—that is a politics no longer founded on the exceptio of bare life—is at hand,” he writes in Homo Sacer: [E]very theory and every praxis will remain imprisoned and immo- bile, and the ‘beautiful day’ of life will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it.14

#### The role of scholars should not be to model how to use the law or even how to fix it, but to liberate ourselves from it – the aff’s exercise in law-making increases sovereign power

Kotsko 13 [(Adam,) “How To Read Agamben” LA Review of Books June 4th, 2013] AT

Now may be the time to return to that Kafka story about Alexander the Great’s horse Bucephalus, entitled “The New Attorney.” (The text is available here. I recommend you take a moment to read it — it’s very short, and quite interesting.) In this brief fragment, we learn that Bucephalus has changed careers: he is no longer a warhorse, but a lawyer. What strikes Agamben about this story is that the steed of the greatest sovereign conqueror in the ancient world has taken up the study of the law. For Agamben, this provides an image of what it might look like not to go back to a previous, less destructive form of law, but to get free of law altogether: 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…. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin’s posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical. The law will not be simply done away with, but it is used in a fundamentally different way. In place of enforcement, we have study, and in place of solemn reverence, play. Agamben believes that the new attorney is going the state of emergency one better: his activity not only suspends the letter of the law, but, more importantly, suspends its force, its dominating power. Agamben’s critical work always aims toward these kinds of strange, evocative recommendations. Again and again, we find that the goal of tracking down the paradoxes and contradictions in the law is not to “fix” it or provide cautionary tales of what to avoid, but to push the paradox even further. Agamben often uses the theological term “messianic” to describe his argumentative strategy, because messianic movements throughout history — and here Agamben would include certain forms of Christianity — have often had an antagonistic relationship to the law (primarily, but not solely, the Jewish law, or Torah). Accordingly, he frequently draws on messianic texts from the Jewish, Christian, and Islamic traditions for inspiration in his attempt to find a way out of the destructive paradoxes of Western legal thought.

#### Excluding some life is innate to politics, so political solutions only make the problem worse. Biopolitics brings bare, biological life into the political realm, managing citizens as living bodies or bare life – this makes unlimited and escalating violence inevitable

Ziarek 12 [(Ewa Plonowska, Julian Park Professor of Comparative Literature) “9. Bare Life” Impasses of the Post-Global: Theory in the Era of Climate Change, Vol. 2] AT

For Agamben, bare life constitutes the original but “concealed nucleus” of Western biopolitics in so far as its exclusion founds the political realm. Bare life is always already captured by the political in a double way: first, in the form of the exclusion from the polis—it is included in the political in the form of exclusion—and, second, in the form of the unlimited exposure to violation, which does not count as a crime. Thus, the most fundamental categories of Western politics are not the social contract, or the friend and the enemy, but bare life and sovereign power (7–8). As Agamben’s broad outline of the political genealogy suggests, the position and the political function of bare life changes historically. This genealogy begins with the most distant memory and the first figuration of bare life expressed in ancient Roman law by the obscure notion of homo sacer—that is, the notion of the banned man who can be killed with impunity by all but is unworthy of either juridical punishment or religious sacrifice. Neither the condemned criminal nor the sacrificial scapegoat, and thus outside the human and divine law, homo sacer is the target of sovereign violence exceeding the force of law and yet anticipated and authorized by that law. Banished from collectivity, he is the referent of the sovereign decision on the state of exception, which both confirms and suspends the normal operation of the law. In Agamben’s genealogy, the major shift in the politicization of bare life occurs in modernity. With the mutation of sovereignty into biopower, bare life ceases to be the excluded outside of the political but in fact becomes its inner hidden norm: bare life “gradually begins to coincide with the political realm” (9). However, this inclusion and distribution of bare life within the political does not mean its integration with political existence; rather, it is a disjunctive inclusion of the inassimilable remnant, which still remains the target of sovereign violence. As Agamben argues, “Western politics has not succeeded in constructing the link between zoe and bios” (11). In contrast to the ancient ban, or the inclusive exclusion from the political, a new form of disjunctive inclusion of bare life within the polis emerges with modern democracies. In democratic regimes this hidden incorporation of bare life both into the political realm and into the structure of citizenship manifests itself, according to Agamben, as the inscription of “birth” within human rights—an inscription that establishes a dangerous link between citizenship, nation, and biological kinship. As the 1789 Declaration of the Rights of Man proclaims, men do not become equal by virtue of their political association but are “born and remain” equal. Democratic citizens are thus bearers of both bare life and human rights, they are at the same time the targets of disciplinary power and free democratic subjects. In a political revision of Foucault’s formulation of modern subjectivity as “empirico-transcendental” doublet, [4] Agamben argues that the modern citizen is “a two-faced being, the bearer both of subjection to sovereign power and of individual liberties (Agamben, 1998, 125). The democratic subject of rights is thus characterized by the aporia between political freedom and the subjection of mere life, without a clear distinction, mediation, or reconciliation between them. Since bare life is included within Western democracies as their hidden inner ground and as such cannot mark their borders, modern politics is about the search for new racialized and gendered targets of exclusion, for the new living dead (130). In our own times, such targets multiply with astonishing speed and infiltrate bodies down to the cellular level: from refugees, illegal immigrants, inmates on death row subject to suicide watch, comatose patients on life support, to organ transplants and fetal stem cells. For Agamben, this inclusion of bare life within the bodies of each citizen becomes catastrophically apparent with the reversal of the democratic state into totalitarian regimes at the beginning of the 20th century. As the disasters of fascism and soviet totalitarianism demonstrate, and as the continuous histories of genocide show, by suspending political forms of life, totalitarian regimes can reduce whole populations to disposable bare life that could be destroyed with impunity. This is what according to Agamben constitutes the unprecedented horror of Nazi concentration camps: the extreme destitution and degradation of human life to bare life subject to mass extermination: “Insofar as its inhabitants were stripped of every political status and wholly reduced to bare life, the camp was also the most absolute biopolitical space ever to have been realized, in which power confronts nothing but pure life, without any mediation” (171). If Agamben controversially claims that camps are not just the extreme aberration of modernity but its “fundamental biopolitical paradigm” (181), which shows the “thanatopolitical face”of power (142, 150), it is because concentration camps for the first time actualize the danger implicit in Western politics, namely, the total genocide made possible by the reversal of the exception signified by homo sacer into a new thanato-political norm. Such collapse of the distinction between exception and norm, such transformation of the temporal exception into material space, together with the “absolute” and unmediated subjection of life to death, constitutes the “supreme” political principle of genocide.

#### A. Turns case – the lack of a living wage is a result of the citizens being constituted as bare life. The sovereign can cause violence by refusing to enforce laws at any time, which means the aff can’t solve

Driver 14 [(Alice Driver, Postdoctoral Fellow at the Universidad Nacional Autónoma de México in Mexico City where she worked with the Centro de Investigaciones sobre América del Norte to conduct research about the U.S-Mexico border, immigration, poverty and violence against women) “Más o Menos Muerto: Bare Life in Roberto Bolaño's 2666” Journal of Latin American Cultural Studies: Travesia 13 Feb 2014] AT

There is an academic debate concerning the use of the term feminicide. 5 While some argue that the term is necessary to describe a particular type of physical violence, often involving the rape of women, others believe that it is too speciﬁc and does not address the relationship to other types of violence committed against men and children. Bolaño never uses the terms femicide or feminicide in 2666. However, I do think it is appropriate to use these terms to discuss his work given his obsession with describing violence against women, often involving vaginal and anal rape. His treatment of other violence is never equally detailed or graphic. The chapter ‘La parte de los crı´menes’ recounts the disappearance and murder of hundreds of women. For example, Mary Sue Bravo is looking for a friend, Kelly, who disappeared in Santa Teresa. She meets with detective Loya and asks him if Kelly is dead. Loya replies that she is ‘ma´s o menos muerto’ (779). What does it mean to be ‘more or less’ dead? In both the context of the novel and of the actual situation in Ciudad Jua´rez, it refers to the state of bare life of the victims, who are often considered ‘disappeared’ or ‘missing’ for years due to the ineptness of the police and/or other public institutions that fail to properly investigate, ﬁnd and identify victims of kidnapping and feminicide. Even before their death, Bolano describes in detail the economic circumstances and the lack of basic services that put the women in precarious circumstances. Often they work in maquiladoras, don’t make a living wage, and, due to lack of reliable public transportation (a real problem in Jua´rez), walk long distances to and from work. Bolaño employs Pedro Pa´ramo as a metaphor in 2666 to signal that Santa Teresa (Ciudad Jua´rez) is the 21st-century manifestation of the more or less dead. In the process, he demonstrates how the slow erosion of basic human rights contributes to the precarious situation of many citizens of Jua´rez. They exist in a state that Italian philosopher Giorgio Agamben describes in Homo sacer: Sovereign Power and Bare Life (1998) as ‘bare life,’ which he posits in juxtaposition to political existence. People who exist in the state of bare life have been excluded from the political workings of society and stripped of the rights that make them citizens. As Gavin Keeney describes, ‘What is truly exceptional in Agamben’s analysis is how this bio-political frontier has been crossed today in the form of all life becoming bare life – or, how present-day politics and the metamorphosis of nation-states to economic machines has led to citizens being de facto exiles within states.’ In this state of bare life, Agamben describes the problem of ‘a primacy of the private over the public and of individual liberties over collective obligations’ (122). This essay explores the role of bare life in 2666 and argues that bare the economic roots of physical violence and the way in which victims are blamed for crimes. To understand the relationship between economic and physical violence requires a discussion of sovereign power. The distribution of sovereign power as seen in 2666 demonstrates time and again the ways in which the state makes its priorities clear through inaction. By doing nothing, by not enforcing laws, the state is in fact deciding which lives have value and which do not. In addition, there is a level of complicity between wealthy business owners and politicians that demonstrates the way in which sovereign power has become something shared by the parallel structures of government and big business, two powers that often deﬁne bare life, because, in excluding certain elements of the population, their own power grows. According to Agamben, the sovereign is the one who can proclaim the state of exception and relegate people to bare life. In 2666 it becomes evident that the sovereign or the State is an entity composed of various business and political interests, and that it is in their interest to employ economic violence (i.e., not paying a living wage, not providing basic services). Why does Bolaño reference Juan Rulfo’s Pedro Pa´ramo (1955), a quintessential novel that deﬁnes 20th-century Mexico? In interviews, Bolaño often spoke of his admiration for Rulfo,6 and in 2666 he mentions Pedro Pa´ramo to establish the relationship between Rulfo’s Comala, a town populated by ghosts, and his own Santa Teresa. The situation is not the same. The time period is not the same. However, the issue of disappearance in Santa Teresa makes it the modern version of Comala, a town populated by ghosts, the ghosts kept alive by unresolved crimes. In Pedro Pa´ramo, Juan Preciado goes to Comala to fulﬁll his mother’s dying wish, and there he ﬁnds a town haunted by ghosts. At the novel’s opening, he states, ‘Vine a Comala porque me dijeron que aca´ vivı´a mi padre, un tal Pedro Pa´ramo. Mi madre me lo dijo. Y yo le prometı´ que vendrı´a a verlo en cuanto ella muriera’ (5).7 In 2666, Amalﬁtano, who came to Santa Teresa with his daughter Rosa, asks a question that makes a clear reference to the opening lines of Pedro Pa´ramo: ‘¿que´ me impulso´ a venir aquı´? ¿Por que´ traje a mi hija a esta ciudad maldita? “¿Porque´ era uno de los pocos agujeros del mundo que me faltaba por conocer?” ¿Porque´ lo que deseo, en el fondo, es morirme?’ (252).8 There is an inversion of expectations in these two novels: in Pedro Pa´ramo Juan goes to Comala, a town which he believes, based on his mother’s descriptions, is a lovely place, whereas in 2666 Amalﬁtano is aware that Santa Teresa is a kind of hell before he moves there with his daughter. Amalﬁtano’s ﬁrst words in the novel are to admit that he does not know why he moved to Santa Teresa: ‘no se´ que´ he venido a hacer a Santa Teresa’ (211).9 Both Juan and Amalﬁtano ﬁnd themselves thrown into a kind of purgatory populated by the voices of the more or less dead. As Noquer Ferrer Marta and Carlos Guzma´n Moncada discuss, in Pedro Pa´ramo ‘el mensaje es claro y poderoso: por nuestras culpas, nuestra avidez de poder y dinero, nuestra crueldad y nuestra incomprensio´n, hemos convertido en purgatorio lo que antes era un paraı´so; hemos convertido en amargos los antes dulces frutos y nada tiene remedio’ (486).10 Whereas in Pedro Pa´ramo the literary innovation involves presenting the reader with dead characters while never making it fully clear that they are dead, in 2666 many women in Santa Teresa are dead or disappeared, but often the two concepts are entangled as bodies are people are maybe dead, maybe alive, or maybe missing. Valde´s discusses how ‘By setting his novel in Santa Teresa, a ﬁctional town in Sonora, rather than in Jua´rez, Bolaño was able to blur the lines between what he knew and what he imagined. But he was deeply concerned with understanding the circumstances facing Jua´rez and its inhabitants’ (13). 2666 represents the failure of the State to protect the basic rights of its citizens, a failure very much based on the reality of Jua´rez and the Mexican State. At one point, a resident of Santa Teresa explains: Bien – dijo el tipo canoso –. Compartire´contigo tres certezas. A: esa ciudad esta´ fuera de la sociedad, todos, absolutamente todos son como los antiguos cristianos en el circo. B: los crı´menes tienen ﬁrmas diferentes. C: esa ciudad parece pujante, parece progresar de alguna manera, pero lo mejor que podrı´an hacer es salir una noche al desierto y cruzar la frontera, todos sin excepcio´n, todos, todos. (339)11 He asserts that everyone is living outside society, because the citizens of Santa Teresa do not have access to the basic rights of citizenship (justice, police protection, access to clean water, electricity, sewage, etc.) and have been cut off from the right to participate in political life. They have been silenced, made into a living absence, their voices and their actions negated in life. According to Agamben, ‘Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion’ (10). The murdered and disappeared women in 2666 are representative of bare life, of inclusion only through exclusion. In an essay on the meaning of absence and silence in the representation of violence in Ciudad Jua´rez, Jorge Torres Sae´nz argues that: El objeto, como mercancı´a a consumir, promete traer consigo una signatura fantasma´tica: la promesa de una vida que valga ma´s. Si en este desplazamiento del objeto, la jerarquı´a sacerdotal perdio´ autoridad y poder, el Estado no resulto´ menos dan˜ado en una operacio´n por la que el individuo es hoy considerado ma´s, en te´rminos de su poder de consumo, que en su condicio´n de ciudadanı´a. (138)12 In the case of 2666 the bodies of feminicide victims are marked by anonymity, by their lack of value in the market known as citizenship. For example, many of the victims are described in this anonymous manner: ‘La primera muerta de mayo no fue jama´s identiﬁcada, por lo que supuso que era una emigrante de algu´n estado del centro o del sur que paro´ en Santa Teresa antes de seguir viaje rumbo a los Estados Unidos. Nadie la acompan˜aba, nadie la echo´ en falta’ (450).13 For the victims of violence in 2666, their status and value in society are clearly marked: they are migrants, dark-skinned women, and maquiladora workers, and their clothing and makeup is exquisitely detailed and cataloged to provide evidence that they are potential prostitutes, that they exist outside the realm of acceptable citizens who merit a police investigation into their murders. These victims of physical violence are often subject to economic violence that makes them more vulnerable. The term ‘economic violence’ appears in a 2010 interview with Jua´rez photojournalist Julia´n Cardona. He discusses the photo essay Jua´rez: The Laboratory of 4 LATIN AMERICAN CULTURAL STUDIES Downloaded by [Alice Driver] at 10:09 18 February 2014 Our Future (1998) with text by Charles Bowden and photos by Cardona and other photographers. As Cardona explained, in the photo essay: Bueno, hay fotos de violencia fı´sica evidente, pero tambie´n hay fotos de violencia econo´mica evidente. Cuando esta´s retratando a una sociedad en la que el sistema econo´mico es totalmente inoperante, debes considerar no so´lo la violencia fı´sica que se produce tal sociedad que es totalmente desigualitaria, sino tambie´n la violencia econo´mica que da vı´a a la primera. Por ejemplo, para mostrarte algo, al inicio del libro en esta fotografı´a hay una casa de carto´n hecha con desechos de la maquiladora con una nin˜a mostrando una mun˜eca raı´da. Esto es tan violento como esta imagen de Jaime Bailleres [la cara de una mujer muerta, violada, quemada]. (‘En Jua´rez la fotografı´a como tal muestra sus lı´mites’)14 The way that Cardona equated a dead woman with a house built of cardboard, arguing that both were representative of violent acts, was a relationship echoed in several interviews about Jua´rez. In an interview about his ﬁrst documentary Bola negra: El musical de Ciudad Jua´rez(2013) Mexican writer Mario Bellatin said he arrived in Jua´rez to ﬁlm and realized that ‘es mentira que es un estado fuera de control, que la violencia se ha exacerbado, que va a tratar de combatirla. No, es un gran negocio. Esta´ todo armado. Esta´ todo perfecto. O sea es una sociedad perfecta’ (Personal interview, Oct. 24, 2013).15 He described Juarez as representative of a particular sort of postmodern horror, one that could be seen in other regions such as Palestine. He explained, ‘Nada esta´fuera de control. Nada esta´ que se ha excedido. Sino que ası´como esta´funcionando en medio de este horror es lo que hace posible que muchas personas saquen ganancias.’16 The problem in Jua´rez is that the State is absent (inaction says as much about the state of rights as action and what is not done carries equal weight to what is) in providing basic rights to citizens. The situation described by Bellatin is similar to how Agamben describes the state of exception. According to Agamben, the state of exception ‘is thus not the chaos that precedes order but rather the situation that results from its suspension.’ Bellatin describes chaos as something orchestrated by the State, by the lack of action of the State (an orchestrated inaction). He also emphasizes that the inaction and absence is tied to capitalist interests. In 2666 the State fails to provide basic rights to its citizens, judging people and bodies on the basis of a system of implied economic values (the value of dark skin, of red ﬁngernail polish, of a lacy thong, of a woman’s body being discovered in a particular part of the city). 2666, although it is rooted in Santa Teresa, is a critique of international systems and ﬂows of value, of the way horror ﬂows through time and place, moving location throughout time, but never lessening. Santa Teresa ties the entire 1,000-page narrative together, but the ﬁnal chapter of the novel, ‘La parte de Archimboldi,’ where the narrator explores the horrors of World War II, asks the reader to recognize that horror is not a location, is not Santa Teresa (is not Ciudad Jua´rez): it is a human condition. As A´ngeles Donoso Macaya discusses, 2666 mirrors horror in both style and form, representing it as both international and timeless: Por un lado, la ﬁccio´n de 2666 se construye a partir de laexhibicio´n macabra de los excesos de la violencia y el mal en sus distintas formas, tanto dome´sticas como estatales. Esta violencia es ejercida en los cuerpos de numerosas mujeres y jo´venes en una ciudad fronteriza mexicana, Santa Teresa, y en los cuerpos de centenares de judı´os griegos en un pueblo de Europa del Este durante la Segunda Guerra Mundial. Por otro lado, la violencia es reproducida en la escritura a partir de la repeticio´n de los fragmentos en los cuales el narrador describe e identiﬁca a cada una de las vı´ctimas de los distintos crı´menes. (132)17 In 2666 the violence against women in Santa Teresa and that committed against Greek Jews in a European city is mirrored in a way that points out how the concept of bare life can be applied to any population to exclude them to the point of death. Agamben explains that, At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conﬂicts of the political order, the one place for both the organization of State power and emancipation from it. (7) How is this state of exception achieved in 2666? The 108 female victims meticulously described in ‘The Part About the Crimes’ are categorized as an exception by being described by the police and citizens as prostitutes, a categorization that is used to explain and dismiss the violence leveled against them. In 2666, the city of Santa Teresa is populated by characters, predominantly women, who make the products the global market demands, and yet, at the same time, the value of their own lives is so slight that they live on the periphery of everything (of the city, of access to basic rights and services). The characters in Santa Teresa such as Amalﬁtano and his daughter Rosa are deﬁnitively alive. However, the quality of their lives and those of other citizens is put into question when people and places are constantly described in the context of death. For example, Bolaño showcases his continued obsession with cemeteries when the narrator describes how ‘La Universidad de Santa Teresa parecı´a un cementerio que de improviso se hubiera puesto vanamente a reﬂexionar’ (239).18 This obsession was ﬁrst evident in Los detectives salvajes, where the inspiration for the title 2666 can be found. At another point, Fate, a journalist who visits Santa Teresa, describes the city as ‘entre un cementerio olvidado y un basurero’ (362).19 The citizens of Santa Teresa, the more or less dead, populate a cemetery, a place where warm bodies exist and have some function, but where they are relegated to bare life. They are an absence, a silence – those devalued bodies. They speak to us about what cannot be done, about what the market does and does not allow, about the geographies of poverty, about where feminicide victims live (informal housing on the periphery), where they walk (long distances late at night or in the early hours of the morning to arrive at menial paying jobs), and how their bodies are read like treatises, as if underwear and makeup were formal discourses on guilt. For example, the last body discovered by the police in the chapter discussing 108 feminicides is described as, ‘El cuerpo estaba desnudo, pero en el interior de la bolsa se encontraron un par de zapatos de taco´n alto, de cuero, de buena calidad, por lo que se penso´ que podı´a tratarse de una puta’ (790 –91).20 Although the narrator of 2666 tries to give names and ﬁll in the outlines of the lives of the murdered women, their lives, like their deaths, remain skeletal frames that invite the imagination to run wild. Were their organs harvested? Did they form part of a satanic sex ritual? Were they prostitutes? In the absence of facts, the ghosts that haunt assume various forms. The citizens of Santa Teresa can be categorized as ‘more or less dead’ in three different ways: (1) they are alive but poor and thus denied the rights of citizenship, leaving them in a state of being politically ‘more or less dead’; (2) they are among the hundreds or thousands of disappeared women and men whose disappearance has gone uninvestigated, thus nobody knows if they are dead or alive, leaving them ‘more or less dead’; (3) they have been murdered, but their deaths have not been investigated nor their bodies identiﬁed, leaving them also ‘more or less dead.’ As Avery Gordon, the author of Ghostly Matters, notes, ‘Death exists in the past tense, disappearance in the present’ (113). Haunting is a seemingly unquantiﬁable phenomenon, for how can one prove that it exerts inﬂuence on the living, that it, in fact, can be yielded to inﬂuence the basic rights of citizenship? In the case of Santa Teresa/Ciudad Jua´rez, the unresolved nature of the crimes leads to a haunting in which citizens are both driven to understand the nature of the crimes and conversely reminded of the continual failures of the justice system to protect even their minimum rights as citizens. According to Gordon, ‘Haunting is a constituent element of modern social life. It is neither premodern superstition nor individual psychosis; it is a generalizable social phenomenon of great import. To study social life one must confront the ghostly aspects of it’ (7). These ‘ghostly aspects’ have a real inﬂuence on the way citizens experience and access basic human rights. They also motivate a complex web of writers, human rights activists, academics, ﬁlmmakers, and other artists to engage with those ghosts. And they do this in spite of the fact that ‘The disappeared have lost all social and political identity: no bureaucratic records, no funerals, no memorials, no bodies, nobody’ (Gordon 1996: 80). Gordon introduces to the paradox of haunting the power to be found in invisibility, in disappearance, in being ‘more or less’ dead. The devaluation of life in Santa Teresa begins with an absence, with the lack of basic services that provide citizens with a safe, stable living environment. For example, in 2666 a neighborhood where one of the feminicide victims lived is described in the following terms: La mayorı´a de las casas de la parte norte de la colonia Guadalupe Victoria carecen de luz ele´ctrica. Las salidas del parque industrial, salvo la que conecta e´ste con la carretera a Nogales, tambie´n son deﬁcitarias tanto en el alumbrado como en la pavimentacio´n, ası´ como tambie´n en su sistema de alcantarillas: casi todos los desperdicios del parque van a caer en la colonia Las Rositas, donde forman un lago de fango que el sol blanquea. (469)21 Feminicide victims in the novel are characterized by acts of economic violence such as lack of electricity, sewerage, paved roads, and running water, all elements that leave women in a precarious situation considering that many of them work later or early shifts and travel long distances on foot and in public transportation. These absences are complemented by silences, the silence of legal and political bodies when confronted with their own shortcomings, the silence of the police who fail to investigate the murders, the silence of the judges who imprison men for crimes without producing any point of forgetting. For example, in 2666 the local media gives more attention to the case of an attacker of churches who pisses inside sacred spaces than to the murders of women: ‘El ataque a las iglesias de San Rafael y San Tadeo tuvo mayor eco en la prensa local que las mujeres asesinadas en los meses precedentes’ (459).22 Bolaño forces readers to examine what lives and what stories are assigned worth in our culture, in essence, what stories we demand, what stories we devour. Mario Bellatin, when interviewed about Bola negra, his musical documentary about violence in Ciudad Jua´rez, discussed the myth of senseless and uncontrolled violence in the city.23 He talked about the double exclusion of citizens, one in which the most impoverished sectors of society are subject both to physical violence and later to the criminalization of the victim. Bellatin explained, ‘Y entonces todos estos problemas se convierten como en un asunto de una poblacio´n indefensa, que se pelean entre ellos y pues una crueldad au´n mayor de este gobierno cuando trata de criminalizar a las vı´ctimas. O sea, no solamente te matan sino que eres ano´nimo y encima eres criminal o sea tu´ tienes la culpa de haberte muerto. Eso es algo sumamente perverso’ (Personal Interview, Oct. 24).24 This act of simultaneously being killed/criminalized/made anonymous is exactly what Agamben discusses. As he explains, It is as if every valorization and every ‘politicization’ of life (which, after all, is implicit in the sovereignty of the individual over his own existence) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only ‘sacred life.’ Every society sets this limit; every society – even the most modern – decides who its ‘sacred men’ will be. (139) In the case of Jua´rez and 2666 the ‘sacred men’ are written off as criminals, making their death self-explanatory and therefore freeing institutions like the police and the justice system from any form of investigation. The narrative of unexplained violence, of disappeared bodies, of prostitutes on dark streets and narcos who behave like beasts, is one that allows the State to shirk its responsibilities, to claim that such inhuman actions, such horror, is both outside its realm of control and also a horror that involves the murder of people who already deserve to be killed. Bellatin discussed the importance of Bolaño’s 2666 and argued ‘yo siento que es el u´nico homenaje que han recibido las victimas, las muertas de Jua´rez, sobre todo en la seccio´n de 2666 donde les da cuerpo, les da nombre a estas muertas ano´nimas. Es algo espantoso el anonimato, es algo que va ma´s alla´ de la muerte. Siempre son cifras o nu´meros’ (Personal Interview, Oct. 4).25 The importance of combating the anonymity of the victims is tied to the need to break the narrative of criminalization of victims, a pattern in which Bellatin described how ‘En este caso el gobierno en los u´ltimos tiempos trato´ de criminalizar a todas las victimas, a decir a parte de que los mataron eran delincuentes que es un poco la estrategia u´ltima, esta´ bien que se mueran porque estaban dedicados a algu´n tipo de actividad ilı´cita’ (Personal Interview, Oct. 4).26 Part of what makes 2666 so powerful is that the violence that consumes the novel is based closely on the real phenomenon of feminicide in Ciudad Jua´rez

#### B. Root cause – Bare life is the root cause of violence – people are inevitably exposed to violence when they are bare life which makes mass death inevitable – if poor laborers don’t die as a result of low wages, political authority will ensure famine kills them

Marks 15 [(Shanee, lecturer in Sociology Department, Boğaziçi University) “Biopolitics on the Installment Plan” Posted Feb16, 2015. presented in the series “Sociology Talks” at the Sociology Department, Boğaziçi University, Istanbul on 27th March 2014] AT

Perhaps it is capitalism which is biopolitical and as such both Nazism and liberalism as variants modify its biopolitical dispositif in their contingent ways. Eugenics, Darwinism and historicist race theories, all powerful precedents for Nazi biopolitics – originated in late Victorian liberal imperial Britain. Houston Stewart Chamberlain’s Foundations of the 19th Century was the bible of Nazi propaganda before Rosenberg wrote its sequel – The Myth of the 20th Century. Chamberlain already spoke of the supremacy of the Aryan race – of proto Indo European provenance. Chamberlain rejected Darwinism though in favor of Gestalt – but Rosenberg in The Myth of the 20th Century advocated a mystical Darwinism as the basis of the new Nazi religion. Are perhaps Darwinism and social Darwinism the biopolitics of British imperial liberalism? But already classic liberal political economy presumed the inevitability of periodic mass death as a result of dearth, overabundance of labour (power) hence subsistence wages and semi-natural disasters such as famine. Foucault’s ‘letting die’ was built into Adam Smith’s theodicy of the providential ‘invisible hand’ and the free reign of the market. (See Warren Montag, “Necro-economics, Adam Smith and Death in the Life of the Universal” in Radical Philosophy, 134, (November/December 2005) [Greece’s current ‘humanitarian crisis’ – or the austerity imposed on it by the dictates of the ‘Troika’ (European Commission, European Central Bank and the International Monetary Fund) is an example of such a market-induced ‘state of exception’. Like in the times of Smith, Malthus and Bentham, if the poor refuse to die – the state or other authorities must intervene to assure that the 'regulative market mechanisms' are allowed to take their course. As they continue to so successfully in present day Britain. Some parts of the working class in ‘wealthy’ Britain earn such low wages they no longer can afford a new refrigerator when the old one breaks down – they are lured into ‘rent to own’ schemes, which eventually cost three times as much. But when the Greek population rebels against a much more dire reduction of their living standard – the former Tory chancellor Kenneth Clarke condemns the rescue plans of those he dubs the “latter-day Trotskyites” from Syriza with a latter-day ‘let them die’: “It is nothing to do with just the Germans. I can’t see why any other states should take a huge multibillion-pound hit again for the Greeks so they can hire more civil servants, raise their minimum wage, scrap all their labour market reforms and all the other things they want to do.” (Nicholas Watt, “Kenneth Clarke says Syriza victory risks Greek exit from eurozone” in Guardian online, 15 February 2015)]

#### C. Value to Life – bare life devalues life itself – this makes every life the aff saves totally meaningless – they can’t win an impact

#### D. Extinction – Ziarek says violence resulting from bare life is escalating rapidly until it destroys all life – the impact far outweighs the aff

#### Biopolitical capitalism produces value by dealing out death – the aff’s individualizing approach masks its violence

Charkiewicz 5 [(Ewa, economist, Green Party leader, researcher and university lecturer combining academic engagement in social movements) “Corporations, the UN and Neo-liberal Bio-politics” Development (2005) 48, 75–83] AT

One of my biggest puzzles about CSR is why this discourse, founded on the principle of merging profits and morals, does not investigate how profits are made. The spotlight is on individual companies and not on the systemic problems in the generation of value. I have in part explained it by referring to the operations of pastoral power which individualizes, surveys and differentiates between the good and bad flock, assigns blame, offers confession as the road to redemption, and absolution by audit. Individualizing and normative approaches are static and do not lend themselves to the analysis of processes and power relations, which are contested and dynamic. As Foucault argued pastoral power has historically been imported from the economy of household (oikos), to the economic theories and regulations of the market, and subsequently to the organization of the global economy. It has been concerned with the maintenance of the flock, the household or populations as sources of wealth. Nowadays, the source of wealth and the goal to which pastoral power is deployed is the maintenance and multiplication of financial capital. According to the theory of value developed by Karl Marx profits are made because of what labour adds to production. Marx attributed the sources of profits or surplus value to the difference between what labour added to production within a given time and the time it takes to maintain and reproduce labour-power. Teresa Brennan reworked this theory by introducing the concept of interactive economy linked by the exchange of energy in the living (human and non-human) nature. She argued that the reproduction of labour power cannot take place without or outside the cycles of natural reproduction. Capital intervenes in these cycles, and draws on energy to turn living nature into commodities and money. Value is therefore derived not only from time and energy provided by human labour but from the energy provided by nature as well. In these processes, control over time has been augmented by an ever-increasing spatial expansion. The range and speed in circulation of capital is key to how surplus value is extracted and profits are made (Brennan, 1997, 2000). Theresa Brennan's theory of energetics (generation of value by extracting it from time and energies of human bodies and nature, which she calls living nature) shows that adding value to money requires the input of living nature (human and non-human) into products or services (Marx, 1993; Brennan, 2003). Speed and expansion increase pressures on living nature. Life is consumed and killed in the processes of the reproduction of capital. Those without spending power are redundant human waste. Hidden therefore behind the caring face of biopolitics is its double, the control of life by means of dispensation of death.5

#### Rejection of the 1AC allows us to access “whatever being” – a form of existence that has no particular essence and must be relevant whatever it is – a being that dissolves the terms of the sovereign exception because it abolishes the separation of bare and qualified life – every instance of rejection is key which is a disad to any permutation

Caldwell 4 (Anne, prof of poli-sci @ U of Louisville, Theory & Event, vol 7(2))

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier *Coming Community*, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-*such*, for belonging itself." (0.1-1.2).Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of *homo sacer*, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153).We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

#### Implications: A. Alt solves the case – whatever-being cannot be reduced to bare life, which makes violence against it impossible – without bare life, economic violence and denial of access to basic needs becomes impossible

#### B. The Ziarek evidence also proves politics is inevitably violent and you shouldn’t use it to achieve political ends – permutation has zero solvency and any risk of a link means the alt is net preferable

#### Bracketing off the critique is enabled by the state of exception and legitimizes brutal cycles of governmentality

Elmer 8 (Greg Elmer, associate professor of communication and culture at Ryerson University, PhD in communication from the University of Massachusetts at Amherst, director of the Infoscape Research Lab at Ryerson University, Andy Opel, associate professor of communication at Florida State University, PhD in mass communication from the University of North Carolina, member of the International Communication Association, November 2008, “Preempting Dissent: The Politics of an Inevitable Future,” pages 29-41)

SHORTLY AFTER THE LARGE-SCALE PROTESTS against the World Trade Organization in Seattle in late November 1999, police, law enforcement agencies, the military, and global weapons manufacturers began to rethink their responses to public protests. Since the Seattle protests, similar semi—annual gatherings of government officials and corporate trade lawyers have consistently attracted large public protests, organized by public-interests groups denied participation in the decision-making process of trade agreements such as the Global Agreement on Trade and Tariffs (GATT), the North American Free Trade Agreement (NAFTA), and the Free Trade Area of the Americas (FTAA). Wide—scale protests were seen in Prague, Genoa, Cancun, Quebec City, Miami, and, most recently, Mar Del Plata, Argentina. Moreover, as we will see in this chapter, as the size and sophistication of resistance grew, so too did political and legal responses to that resistance. Responses to such protests have been greatly influenced by military and so—called ‘homeland’ security strategies enacted after the terrorist attacks of 9/11 and the initiation of the controversial second Gulf War. As we see in this chapter, the combination of a changing political climate in response to war and terrorism, particularly the expansion of preemptive forms of social control and political containment, has resulted in a new set of practices that have reconfigured public space and criminalized multiple aspects of free speech and public assembly in the United States. This chapter argues that in the shadow of 9/11, the war in Iraq, and the ongoing “War on Terror,” a disturbing form of geopolitical apartheid has emerged in the United States. At the core of this trend is a set of micro-political strategies and technologies that attempt to contain spaces of dissent and detain protestors (Boghosian, 2004). Some activists and critics have labeled these anti-democratic tendencies the “Miami Model,” after the strategies deployed in November 2003 against Free Trade of the Americas protestors by federal, state, and local law enforcement agencies stationed in Miami. The Miami model of law enforcement was characterized by 1) the deployment of overwhelming numbers of law enforcement officers, 2) preemptive arrests of peaceful and law—abiding protestors, and 3) widespread police surveillance techniques before, during, and after protests (Getzan, 2004). And while these three pillars—overwhelming force, preemptive arrests, and surveillance—-provide a good overview of police and law enforcement strategies, in this chapter we focus on the manner in which spaces of dissent, debate, and democracy are being regulated and policed through the courts, going into more depth in the next chapter, through a study of the introduction of weapons meant to easily contain and detain protestors and, more broadly, immobilize dissent. Of greater concern is the degree to which such strategies systematically marginalize dissent, spatially and politically speaking. From the creation of “free speech zones” and the proposal for protest free “Pedestrian Safety Zones”2° to the political screening of participants in political “town hall meetings,” space has increasingly become a tool to limit open debate, freedom of speech, and political dissent in the US. Part of our interest in exposing the strategies of political segregation, first through the containment of protest spaces, and second, through the deployment of preemptive hand-held weapons, is theoretical. The segregation of deviance has often been influenced by Foucaultian theories of panopticism and social control. An increasing number of scholars, however, are arguing that Foucault’s panoptic prison, even deployed in metaphorical terms, has been overextended, particularly when considering broader geographic perspectives (Haggerty & Ericson, 2000; Elmer, 2004). Many scholars arguing that panopticism must move beyond architectures or institutions of social control, do so in large part to theorize emerging technological, “virtual,” or simulated forms of surveillance and discipline (e.g., Bogard; Gandy). While we find such arguments to be productive, they typically juxtapose their ideas against corporeal surveillance and monitoring of the past. Human surveillance and policing factors, conversely, play a key role in monitoring political organizing activities and training, peaceful protests, and acts of civil disobedience (Boghosian, 2004, p. 29). Moreover, Foucault’s metaphorical use of a penitentiary as the historical trope or dispositif for social discipline, reformation, and self-actualization, while providing a broad conceptual framework for a dispersed theory of self-discipline, control, and conformity, has little to say about that which escapes conformity, namely public protest, civil disobedience, and other forms of social and political dissent. Under the constant gaze of social mores and values, Foucault’s subjects are implored to change and police their own behaviour. The proliferation of surveillance technologies (such as closed-circuit TV, CCTV), preemptive policing, programs that attempt to anticipate future social and geopolitical risks (Elmer Opel, 2006), and the presumption of guilt instead of innocence, are in part a response to past intelligence failures. The inability to gain adequate and up-to-date intelligence on domestic and international risks in the US, UK, Iraq, Pakistan, North Korea, Iran, etc., continues to highlight the limits and shortcomings of surveillance programs and intelligence—gathering techniques. The recognition of decentred and distributed network infrastructures and relationships among protesters, migrants, and terrorists in the US and elsewhere, has similarly stretched conventional thinking about the structure and deployment of surveillance programs and technologies. In short, members of such feared networks are not typically considered panoptic subjects, that is to say, they are not clients, candidates, or inmates in need of reform, or self-discipline. Rather, it is argued that such networked subjects have become increasingly influenced by strategic and indefinite forms of containment and detainment. Didier Bigo’s (2006) extension of Foucault’s theories of social control provides a helpful point of departure. While Bigo shares the goal of extending theories of social and political control outside of the prison and other social institutions, he maintains an interest in the social control of populations, specifically through the mobility, capture, and detainment of specific populations. By introducing the concept of the “ban-opticon,” Bigo succeeds in moving outside the panoptic walls of punishment, to question the optics and governmentality of indefinite detainment, a questionable spatial and legal tactic used in the “War on Terror” and with migrant communities. Such detainees, be they in Guantanamo Bay or in immigrant holding centres in the EU and elsewhere, have no intention of turning their subjects into law-abiding, productive citizens (Miller, 1993), rather their goal is both to remove individuals from war, or to merely return them to their previous location—to ban them. In both cases, individuals are immobilized and excluded from participating in war and/ or entering Western societies. Although political protestors produce a different set of challenges from domestic law enforcement and forces of political control in the US—primarily their visibility in the media as increased evidence of opposition to the political status quo—they are similarly immobilized, contained, and in some cases detained without charge. Such detainments, further, in many instances are not subject to punishment (fines, etc.); rather, they are increasingly used to preemptively, and temporarily remove protestors from public spaces until the conclusion of protests (Boghosian, 2004, p. 29). The operationalization of preemptive tactics in the US further highlights the limitations of Foucault’s decentred model of power, in which sovereignty is manifest through dispersed disciplinary technologies. Strategies of political containment and detainment, spatially and individually speaking, are in large part enabled by what Giorgio Agamben (2005) refers to as the “state of exception,” the “no [one’s]man’s land between public law and political fact” (p. 1). Ironically, while conservatives in the US continue to argue against a “living constitution,” where interpretations over the nation’s law change over time,21 the Bush administration actively sought to reinterpret executive powers during the so-called War on Terror. Following Agamben, Didier Bigo (2006) argues that such interpretations are enacted through explicit declarations by political rulers, a declaration that invokes an exception to the rule of law. Broadly construed, the US administration continues to invoke the War on Terror to blur the line between law and politics. In defence of the secret wiretapping program, the Bush administration has argued that an exception to the rule of law was enacted by the legislation, giving the president preemptive powers to carry out surveillance. Similar arguments have been made in the UK, Canada, and France. The Boston Globe and other media in the US also reported about the growing use of “signing statements” by the US president, as a means to state his exception to the new law. For example, after the signing of US Senator John McCain’s anti—torture bill in the January 2006, the president declared that “The executive branch shall construe [the law] in a manner consistent with the constitutional authority of the President as Commander in Chief.” He also added that this interpretation “will assist in achieving the shared objective of the Congress and the President ... of protecting the American people from further terrorist attacks” (Savage, 2004). Of course, many American laws that govern executive power, public debate, and, as we see next, dissent and protest in public space, are so broadly written that they practically cultivate political exceptionalism. For example, as an adjunct to debates over the US Patriot Act, the “spatial tactics” of law enforcement have recently produced a series of controversial rulings about the accessibility of public spaces for the purposes of political protest. Thus, at a time when public advocates and intellectuals have reinforced the importance of understanding the democratic and political aspects of various geographies——most notably innovative and tolerant ones (Florida, 2003) and environmentally sustainable ones (Gore, 2007)—the American legal system continues to downplay or altogether avoid spatial considerations in First Amendment cases. Timothy Zick (2005), for example, argues that “The reason courts fail to properly scrutinize spatial tactics is that they have accepted the common conception of place as mere res—a neutral thing, an undifferentiated mass, a backdrop for expressive scenes” (p. 3). Results of this legal conception of place as a “neutral thing” include the protest zones (some resembling cages”) established at both the Democratic and Republican national conventions during the summer of 2004 as well as the now routine practice of keeping protestors many blocks and often miles away from free trade, WTO, or GATT meetings. Later in the same year the G8 summit was held on the tiny (private) Sea Island, just off the coast near Savannah, Georgia, a choice that made it nearly impossible——given the security noose around the island——to stage a meaningful and visible protest. In South Carolina, the well-known activist Brett Bursey gained nationwide attention for a series of attempts to protest against President Bush at Republican Party organized rallies, the last of which, in 2004, resulted in his arrest and conviction under a statute that enables the Secret Security to establish a security perimeter or zone around the president. Mirroring Zick’s argument about the court’s treatment of space as an objective or neutral equation in contemporary politics, an aide to the former South Carolina Senator Strom Thurmond, was quoted on National Public Radio as saying that: The statute under which Mr. Bursey’s been charged alleges that he failed to vacate an area that had been cordoned off for a visit by the president of the United States. It is a content—neutral statute, and Mr. Bursey is charged not because of what he was doing but because of where he was doing it. The US statute in question—-USC 18: 1 752(a)(l)(ii), “Temporary residences and offices of the President and others”—while not a new, post-9/11 law, nevertheless raises obvious questions and concerns about its use as a political tool for spatially and politically marginalizing dissent. The law in effect establishes a temporary “residence” for the president as he goes about his business across the country. The law forbids groups or individuals from entering or remaining with an area (defined as “building,” “grounds,” or “any posted, cordoned off. . .” area where the president is visiting).24 Moreover, the law does not apply universally, only to those who intend “to impede or disrupt the orderly conduct of Government business or official functions.” Interestingly, in the course of preparing Bursey’s defence, lawyers were able to gain access to the Secret Service’s policy manual on protests. The South Carolina Progressive Network subsequently used the document to highlight the means by which the Bush administration was interpreting the above mentioned law to segregate protestors away from the president’s supporters and the media. Moreover, The Progressive Network also maintained that while the law did give the Secret Service the power to cordon off access to the president, “There is no limitation to the size of the restricted area.” Furthermore, “In the Bursey case, the restricted area was approximately 70 acres and stretched for a mile.”25 With no spatial limits on the separation of protestors from the US president, political marginalization becomes a distinct possibility. The spatial segregation of speakers according to the content of their messages all too easily bifurcates voices and perspectives into “two sides,” mirroring the dominant red/ blue political culture of the US. Thus in the absence of political leaders, protests, and, perhaps more importantly, acts of civil disobedience, lose their publicity, all too often becoming marginalized spectacles distanced from the machinations of political parties, candidates, and government. Zick put it this way: “In these places, protests and demonstrations become staged events, bland and neutered substitutions for the passionate and, yes, sometimes chaotic face-to—face confrontations that have characterized our country’s past” (Zick, 2005, p. 45). The process of segregating public space according to political message and turning public gatherings into “staged events” is contrasted with the actual political strategy of the staged event or “town hall meeting,” where pre-screened publics appear to ask government officials “authentic” questions, a practice that has many online examples as well.26 This illusion of public participation is another quality of the spatial turn in free speech politics where city streets are cordoned off to become de facto “stages” for media cameras. By literally separating the demonstrators from the object of their demonstration, the protest zone becomes “a way of controlling the content of the debate without really acknowledging that is what is being done” (Mitchell, 2003, p. 39). In addition to creating media frames and stages, protest zoning also facilitates preemptive police tactics, placing all potential protestors in one location in the name of security. Fencing in protestors or zoning them away from a given site implies a threat or danger that requires preemptive zoning, thus “assuming guilt until innocence is proven” (Mitchell, 2003, p. 39). Mitchell refers to this zoning as the “ghettoization” of protest; we prefer the South African analogy of an apartheid as more accurate. Whereas a ghetto is often viewed as the result of low-income people clustered together out of necessity and a lack of resources, apartheid was an explicit legal and spatial strategy that segregated settlements and produced a second-class citizenry. Parallels can be drawn to the state of liberal democracy in the United States, where protestors and political dissidents are legally restrained and contained outside of the so-called mainstream political stage. Yet, as we will see in the next chapter, preemptive arrests, facilitated by segregationist spatial tactics and exceptionalist forms of governmentality, often move beyond the realm of the panoptic to the violent repressive use of weaponry, what are creatively termed “less-lethal technologies.” As we shall see, many new crowd control technologies have incorporated decidedly preemptive logics that explicitly reinforce our belief that the preemptive doctrine is as much about controlling behaviours and seeking broader political compliance as it is a technique for reducing actual risks and dangers.

### 1NC Contracts K

#### The contractarian justification of sovereignty falsely assumes sovereign power as the solution to a violent state of nature, and the free consent of subjects – these hide the violence of sovereign power and should be rejected

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

As Agamben identifies the production of bare life as the "originary," or constitutive and foundational activity grounding sovereign power, (1998, 6. 83), he aims to provide a counternarrative of the origins of political power, targeting in particular the social contractarian "myth" of founding: "The time has come (...) to reread from the beginning the myth of the foundation of the modern city from Hobbes to Rousseau" (1998, 109). Agamben's analysis of sovereignty in terms of exception and bare life undermines at least two major presuppositions of contractarian thinking: The transition￼from the state of nature to a civil state for the protection of individual subjects from violence, and the establishment of a legitimate rule with a pact that relies on the consent of the equally free individuals.32In his rereading of Hobbes, Agamben points out how the state of nature, which is usually presumed to be chronologically prior to the civil state, survives as a principle internal to sovereignty after the founding moment and becomes manifest in the state of exception when the civil state is considered vas if it were dissolved" (1998, 36; sec also￼37, 106, 109). The foundation of sovereignty does not indicate the transcendence but rather the incorporation of this condition. If life is irreparably exposed to a death threat in the state of nature due to the limitless right of everybody over everything, it is still under this threat once the civil state is founded due to the right of life and death now exclusively held by the sovereign (Agamben 2000: 5). By drawing an analogy between the state of nature and state of exception, Agamben aims to unsettle the physislnomos (nature/law) antinomy, which establishes an identity between violence and the state of nature and opposes this to the juridico-political order of the civil state, and thereby, legitimates the absolute power of sovereign as necessary to overcome this natural violence (1998, 35). Sovereignty can assume the character of "second nature," or create the effect of innatencss and inevitability, only by incorporating a "first" nature that it invents so as to naturalize and justify its violence. Agamben underlines the inimical effects of this ''second nature" especially when he points out that the sovereign power does not protect its subjects from violence but instead "abandons" them. He draws on Jean-Luc Nancy to suggest that "abandonment" does not mean merely to be excluded or￼set outside; that would indeed indicate the possibility of being outside of or indifferent to law. Instead, with the institution of sovereignty, individual subjects are "abandoned1\* in the sense that they are at the mercy or free disposal of the absolute power of sovereign law (Nancy 1993, 43-44: Pryor 2004; Stramignoni 2001). It is this abandonment that leaves them exposed to sovereign violence. When Agamben points out that it is the bare life of homo sacer that lies at the foundation of the political community, he challenges the contractarian assumption that it is equally free individuals who establish legitimate rule with their consent. In his interpretation of "vitae neci.sque potestas" or the "right over life and death," which￼indicates the unconditional authority that fathers had over their sons in Roman law, Agamben implicitly targets the contractarian assumption of natural equality (1998, 88). He draws an analogy between the status of citizens or political subjects and that of sons as they both find themselves "in a state of virtually being able to be killed" (1998. 89). Agamben’s reading of Hobbes also underlines that it is bare life, understood in terms of the fragility of the human body and its capacity to be killed, that underlies both the presumed natural equality and the necessity to found the civil state (1998, 125). Agamben puts into question the principle of consent as well when he challenges the assumption that subjects freely renounce their natural rights to gain civil rights. The founding of the sovereign power does not consist in such a pact but rather in "the sovereign's preservation of ~~his~~ [her] natural right to do anything to anyone" (1998. 106): thus, the sovereign's right to punish was not "given" but rather "left'" to him (1998, 106). Agamben turns to key figures of the contractarian tradition to offer a rereading that aims to demystify or uncover what has become hidden, unveiled, or invisible with "our modern habit of representing the political realm in terms of citizens, rights, free will,￼and social contracts" (1998, 106). These powerful myths, he suggests, posit sovereignty as necessary and inevitable for politics. In other words, what is only "second nature"' assumes the character of "first nature'' with the inextricable ties that these myths weave between sovereignty and politics. Agamben concludes that we cannot effectively respond to "the bloody mystification of a new planetary order," if we let these myths continue to obstruct our political imagination in thinking of a non-sovereign politics without any reference to rights, citizenship, state, and national belonging (1998, 12).

#### Bare life is innate to politics as the original exclusion, so political solutions only make the problem worse. Biopolitics brings bare, biological life into the political realm, managing citizens as living bodies or bare life – this makes unlimited and escalating violence inevitable

Ziarek 12 [(Ewa Plonowska, Julian Park Professor of Comparative Literature) “9. Bare Life” Impasses of the Post-Global: Theory in the Era of Climate Change, Vol. 2] AT

For Agamben, bare life constitutes the original but “concealed nucleus” of Western biopolitics in so far as its exclusion founds the political realm. Bare life is always already captured by the political in a double way: first, in the form of the exclusion from the polis—it is included in the political in the form of exclusion—and, second, in the form of the unlimited exposure to violation, which does not count as a crime. Thus, the most fundamental categories of Western politics are not the social contract, or the friend and the enemy, but bare life and sovereign power (7–8). As Agamben’s broad outline of the political genealogy suggests, the position and the political function of bare life changes historically. This genealogy begins with the most distant memory and the first figuration of bare life expressed in ancient Roman law by the obscure notion of homo sacer—that is, the notion of the banned man who can be killed with impunity by all but is unworthy of either juridical punishment or religious sacrifice. Neither the condemned criminal nor the sacrificial scapegoat, and thus outside the human and divine law, homo sacer is the target of sovereign violence exceeding the force of law and yet anticipated and authorized by that law. Banished from collectivity, he is the referent of the sovereign decision on the state of exception, which both confirms and suspends the normal operation of the law. In Agamben’s genealogy, the major shift in the politicization of bare life occurs in modernity. With the mutation of sovereignty into biopower, bare life ceases to be the excluded outside of the political but in fact becomes its inner hidden norm: bare life “gradually begins to coincide with the political realm” (9). However, this inclusion and distribution of bare life within the political does not mean its integration with political existence; rather, it is a disjunctive inclusion of the inassimilable remnant, which still remains the target of sovereign violence. As Agamben argues, “Western politics has not succeeded in constructing the link between zoe and bios” (11). In contrast to the ancient ban, or the inclusive exclusion from the political, a new form of disjunctive inclusion of bare life within the polis emerges with modern democracies. In democratic regimes this hidden incorporation of bare life both into the political realm and into the structure of citizenship manifests itself, according to Agamben, as the inscription of “birth” within human rights—an inscription that establishes a dangerous link between citizenship, nation, and biological kinship. As the 1789 Declaration of the Rights of Man proclaims, men do not become equal by virtue of their political association but are “born and remain” equal. Democratic citizens are thus bearers of both bare life and human rights, they are at the same time the targets of disciplinary power and free democratic subjects. In a political revision of Foucault’s formulation of modern subjectivity as “empirico-transcendental” doublet, [4] Agamben argues that the modern citizen is “a two-faced being, the bearer both of subjection to sovereign power and of individual liberties (Agamben, 1998, 125). The democratic subject of rights is thus characterized by the aporia between political freedom and the subjection of mere life, without a clear distinction, mediation, or reconciliation between them. Since bare life is included within Western democracies as their hidden inner ground and as such cannot mark their borders, modern politics is about the search for new racialized and gendered targets of exclusion, for the new living dead (130). In our own times, such targets multiply with astonishing speed and infiltrate bodies down to the cellular level: from refugees, illegal immigrants, inmates on death row subject to suicide watch, comatose patients on life support, to organ transplants and fetal stem cells. For Agamben, this inclusion of bare life within the bodies of each citizen becomes catastrophically apparent with the reversal of the democratic state into totalitarian regimes at the beginning of the 20th century. As the disasters of fascism and soviet totalitarianism demonstrate, and as the continuous histories of genocide show, by suspending political forms of life, totalitarian regimes can reduce whole populations to disposable bare life that could be destroyed with impunity. This is what according to Agamben constitutes the unprecedented horror of Nazi concentration camps: the extreme destitution and degradation of human life to bare life subject to mass extermination: “Insofar as its inhabitants were stripped of every political status and wholly reduced to bare life, the camp was also the most absolute biopolitical space ever to have been realized, in which power confronts nothing but pure life, without any mediation” (171). If Agamben controversially claims that camps are not just the extreme aberration of modernity but its “fundamental biopolitical paradigm” (181), which shows the “thanatopolitical face”of power (142, 150), it is because concentration camps for the first time actualize the danger implicit in Western politics, namely, the total genocide made possible by the reversal of the exception signified by homo sacer into a new thanato-political norm. Such collapse of the distinction between exception and norm, such transformation of the temporal exception into material space, together with the “absolute” and unmediated subjection of life to death, constitutes the “supreme” political principle of genocide.

#### The alternative is to demystify sovereignty through counternarratives that expose the violence at the heart of sovereign power

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

In his analysis of biopolitical sovereignty, Agamben provides us with a "counternarrative" of Western politics with the explicitly stated goal of "unveiling" or •'unmasking" what has become mystified, hidden, secret, or invisible particularly with the prevalence of contractarian accounts of political power (1998, 8; 2005, 88). Agamben describes this critical task in terms of "disenchantment," or the "patient work" of unmasking the fiction or myth that covers up and sustains the violence of sovereignty (2005, 88). What underlies this urge to unmask, demystify, and unveil is a particular understanding of myth as a deceptive narrative naturalizing and legitimizing violence in the name of the preservation of life. I use the term "counternarrative" to call attention to￼what Agamben's account aims to do: This is a critical analysis, as Agamben himself insists, that proceeds at the level of philosophy-of-history; in that sense, it is not an account that claims historical accuracy or factual verifiability (1998, 11). This is a crucial distinction that is at times overlooked by Agamben's critics.3 Indeed, most of Agamben's critics either turn to history' or to the conceptual resources of another theoretical tradition in contesting his analysis.31 In analyzing Agamben's account as a￼"counternarrative," I aim to attend to the goals that it sets for itself. It is these goals - particularly the goal of freeing human potentialities from myths, or deceptive narratives justifying sovereignty as necessary and veiling its violence - that provide the starting point for my critical engagement with Agamben. Instead of resorting to an "outside" whether this be an alternative historical account or another theoretical tradition - I aim to read Agamben on his own terms, and suggest that as he tries to free human potentialities from contractarian myths, he might be entrapping them in another narrative of fated necessity.

#### The role of scholars should not be to model how to use the law or even how to fix it, but to liberate ourselves from it – the aff’s exercise in law-making increases sovereign power

Kotsko 13 [(Adam,) “How To Read Agamben” LA Review of Books June 4th, 2013] AT

Now may be the time to return to that Kafka story about Alexander the Great’s horse Bucephalus, entitled “The New Attorney.” (The text is available here. I recommend you take a moment to read it — it’s very short, and quite interesting.) In this brief fragment, we learn that Bucephalus has changed careers: he is no longer a warhorse, but a lawyer. What strikes Agamben about this story is that the steed of the greatest sovereign conqueror in the ancient world has taken up the study of the law. For Agamben, this provides an image of what it might look like not to go back to a previous, less destructive form of law, but to get free of law altogether: 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…. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin’s posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical. The law will not be simply done away with, but it is used in a fundamentally different way. In place of enforcement, we have study, and in place of solemn reverence, play. Agamben believes that the new attorney is going the state of emergency one better: his activity not only suspends the letter of the law, but, more importantly, suspends its force, its dominating power. Agamben’s critical work always aims toward these kinds of strange, evocative recommendations. Again and again, we find that the goal of tracking down the paradoxes and contradictions in the law is not to “fix” it or provide cautionary tales of what to avoid, but to push the paradox even further. Agamben often uses the theological term “messianic” to describe his argumentative strategy, because messianic movements throughout history — and here Agamben would include certain forms of Christianity — have often had an antagonistic relationship to the law (primarily, but not solely, the Jewish law, or Torah). Accordingly, he frequently draws on messianic texts from the Jewish, Christian, and Islamic traditions for inspiration in his attempt to find a way out of the destructive paradoxes of Western legal thought.

### 1NC Human Rights K

#### Human rights only re-inscribe sovereign power, which inevitably produces bare life as its constitutive feature

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Giorgio Agamben makes a distinctive contribution to these contemporary debates by inquiring into the more inimical effects of a politics of human rights as he demonstrates how they participate in the production of lives that are irredeemably exposed to violence. Agamben locates the starting point of this troublesome development in modern rights declarations, which make natural life the foundation of the modern nation-state. As a result, every aspect of life becomes politicized and is subjected to sovereign power to an unprecedented degree. Sovereign decisions with regards to who is to be included in and excluded from citizenship and humanity produce various categories of human beings as "bare life," or life that is left at the threshold of politics and nature,￼law and life, right and fact, and as such, vulnerable to an unpunishable violence. Agamben concludes his critique with a call for a politics beyond human rights to sever the link that holds human life in the grip of sovereign power. This chapter turns to Agamben’s critical inquiry for two main reasons: First, in many ways, Agamben provides us with one of the most challenging and persuasive criticisms of the account of human rights analyzed in the previous chapter. As his starting point, he takes the contemporary plight of those who are turned into "unfortunate exceptions" in a progressively evolving system of human rights. Agamben centers on these figures to argue that their precarious condition is not anomalous; it is instead emblematic of the pervasive violence of sovereign politics that human rights are inextricably tied to. One of the questions that this chapter aims to address is the extent to which Agamben provides us with the main contours of the critical inquiry of human rights that the last chapter called for. Second, Agamben significantly draws on the work of Hannah Arendt. He is particularly interested in Arendfs attempts to read the pervasive condition of rightlessness encountered by stateless persons as symptomatic of the￼"perplexities,” or constitutive tensions, that have pervaded human rights since their early formulations in the eighteenth century declarations. Agamben ends up reading Arendt for the purposes of a critical inquiry calling for a politics beyond human rights. Since his reading is significantly different than the one I provide, a close engagement with his critical inquiry of human rights is crucial for preparing the groundwork for the interpretive analysis 1 undertake in the rest of the dissertation. With these two concerns in mind, this chapter aims to offer a critical evaluation of Agamben's inquiry into the underlying assumptions, constitutive terms, and political effects of human rights. My goal is not only to understand Agamben's distinctive intervention in the contemporary debates on human rights but also to inquire into the problematical aspects of his concluding call for a politics beyond human rights. I argue that this call is necessitated by a counternarralive of Western politics that ties human rights inextricably to the "logic" Agamben ascribes to biopolitical sovereignty. Within this stringent logic, any politics organized around human rights cannot help but reproduce sovereign violence. I show how this counternarrative, which aims to demystify or unveil all the myths that sustain sovereignty, ends up repeating what it identifies as the distinctive mythologizing gesture: rendering the contingent necessary. Agamben's conclusion that rights struggles eventually contribute to the further entrenchment of a biopolitical "logic," I argue, evades the possibility that rights, including human rights, can indeed be reclaimed in inventive and unanticipated ways by various groups who are excluded from the prevailing definitions of their constitutive terms (e.g. "man" and "citizen") and yet who can dispute their exclusion by resignifying these terms in imaginative ways. Agamben provides us with significant insights into how the￼contemporary predicament of several categories of non-citizens shed light on the constitutive terms, underlying assumptions, and political effects of human rights. However, his imposition of a biopolitical "logic" on sovereignty and human rights is no less problematical than the assumption of evolutionary temporality in the scholarly accounts discussed in the previous chapter. Bare Life at the Intersection of Biopower and Sovereignty Giorgio Agamben's critical inquiry of sovereignly and human rights counters the tempting move that turns refugees, along with asylum-seekers, undocumented migrants, and other disadvantaged groups of non-citizens, into anomalous cases in a progressively evolving system of human rights. Agamben centers his critique on these marginalized figures. Indeed, takes the refugee as a "limit concept" revealing the crises of the traditional political-juridical categories, including sovereignty, citizenship, and human rights (Agamben 1098. 134; 2000, 16). Drawing on Hannah Arendfs analysis of twentieth-century statelessness, Agamben argues that whenever refugees can no longer be represented as individual cases and become a "mass phenomenon," international organizations have failed to provide a solution to their plight despite all the declarations of inalienable human rights (1998, 133; 2000, 19). Agamben's critical inquiry also poses a challenge to the conventional explanation of this incapacity - i.e. implementation or enforcement deficit, which denotes a gap that will be slowly but surely closed as the currently imperfect practice will gradually meet the ideal state embodied by human rights norms - that appears in the scholarship discussed in Chapter 1. Agamben argues that the incapacity to address and resolve the￼refugee problem effectively cannot be understood merely in terms of "the selfishness and blindness of bureaucratic apparatuses" (Agamben 2000, 19). In other words, it is not merely the flawed individual practices of states or international organizations that constitute the problem. Drawing on Arendt's critical analysis of the "perplexities of the Rights of Man," which will be analyzed at length in the next chapter, Agamben argues that the problem instead lies 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" (Agamben 2000, 19). This argument strikes a blow against the widely shared assumption that the problem is one of implementation, and draws our attention to the ambiguities,￼paradoxes, and constitutive tensions, or "perplexities" to use Arendt's term, at the heart of human rights. Finally, Agamben's account also challenges the prevailing conception of human rights as normative setbacks to sovereignty that underlies the major arguments of the scholarship discussed in the previous chapter: "[It] is time to stop regarding declarations of rights as proclamations of eternal, metajuridical values binding the legislator (in fact, without much success) to respect eternal ethical principles, and to begin to consider them according to their real historical function in the modern nation-state" (Agamben 1998, 127). Warning against the temptation to read the post-1945 ascendancy of human rights as a sign heralding a postnational order, Agamben instead underlines that human rights have been inextricably intertwined with the nation-state (and its biopolitical sovereignty) from their early origins in the eighteenth century declarations. These rights do not work against sovereignty, Agamben contends; they instead reinscribe it in new ways. To understand how Agamben links human rights to sovereignty and biopolitics, we need to understand what he exactly means by these two terms. Below I outline the￼main contours of Agamben's analysis of biopolitical sovereignty to provide the groundwork for a discussion of his arguments regarding the complicity of human rights in the perpetuation and augmentation of sovereign violence. Agamben, particularly in his Homo Sacer, argues that sovereignty consists in a decision over life and that this decision always produces bare lives that can be irredeemably exposed to violence. To understand the insidious effects of a power that centers on decisions over life, Agamben draws on the work of Michel Foucault (1998, 3). Of particular interest for his purposes is Foucault's contention that biopower historically￼succeeds sovereignty and emerges in the modern era with the increasing inclusion of natural life in the mechanisms and calculations of state power. Contra Foucault, Agamben argues that biopower is not a distinctively modern form of power but is always already implicated in sovereignty. It is the type of power at work not only in modern democracies but also in absolute monarchies. To the extent that sovereignty, in its archaic and modern forms, always consists in a decision on life, it is indeed inseparable from biopower. Agamben argues that Foucault's failure to analyze the ways in which these two forms of power have always interacted with each other is a "blind spot" or a "vanishing point" in his theory (1998, 6).22 It is this theoretical contestation that provides the starting point for Agamben's inquiry of the intersection between juridico-institutional power and biopower. Agamben starts off his analysis with the premise that "the production of a biopolitical body is the originary activity of sovereign exception" (1998, 6; emphasis in the original). As he works on this premise, he leaves aside Foucault's genealogy, and opts￼instead for a formal-logical analysis that aims to delineate what is always already biopohtical in the permanent structure of sovereignty throughout Western politics. To do this, he draws on Carl Schmitt \s definition of sovereignty as the decision on the exception (Agamben 1998, 19, 67, 83; Schmitt 2005, 5). For both Agamben and Schmitt, sovereignty has a paradoxical logic: "I, the sovereign, who am outside the law, declare that there is nothing outside the law" (Agamben 1998, 15). This paradoxical structure of sovereignty can be particularly seen in states of exception when the sovereign can suspend the validity of positive law (Agamben 1998. 15). Agamben underlines the ambivalent relationship that the sovereign has to law in deciding on the exception: On the one hand, the sovereign suspends the legal order and thus can be said to be existing outside it; on the other hand, the sovereign still belongs to the legal order in this extraordinary moment since the order itself presupposes and inscribes this suspension as its very condition of possibility (1998, 15-17).": To underscore the second point, we can think of the constitutional clauses that attribute the sovereign a (constitutional) power to suspend the legal order. ￼From Agamben's Schmittian perspective, this impossibility to locate the sovereign exception either inside or outside the legal order reveals the limits of any analysis that aims to fix the location of sovereignty according to the "topographical opposition (inside/outside)" (Agamben 2005, 23). Sovereignty instead needs to be understood as a "limit-concept" denoting both the constitutive principle and boundary of the juridico-political order (1998, 15). As the boundary of the juridico-political order, it￼points to a gray zone between law and fact at the very origins of this order. As the constitutive principle of this order, it denotes a fundamental activity through which the very space in which the juridico-political order can have any validity is created and defined (1998, 19). Only on the basis of such a fundamental activity, which involves the "ordering of space," the topological categories of inside and outside, defining what is to be included in and excluded from the juridico-political order, acquire their meaning (1998, 19). By highlighting the paradoxical nature of sovereignty as manifested in states of exception, Agamben aims to challenge particularly liberal-normative accounts of sovereignty that aim to ground its law-making and law-preserving powers in generalizable norms. He would include, for example, the scholarly account of human rights discussed in Chapter 1 among such attempts to normatively ground and contain sovereign decision. He instead underscores the exteriority or factuality that grounds and animates the sovereign law and escapes any such normative attempt. To understand the relation between sovereign law and this exteriority. Agamben turns to the etymological￼origins of ""exception.'' Exception literally means ""taken outside (ex-capere)." This etymology indicates that sovereign exception is not merely exclusion: it is more precisely an "inclusive exclusion," which signifies a double movement - maintaining or capturing at the very moment of excluding (1998, 21). On the basis of this etymology, Agamben argues that the logic of sovereignty consists in capturing and taking in what is outside of or exterior to the juridico-political order. What is this "exteriority" or "factuality" that is captured in sovereign law? This question is indeed key to Agamben's inquiry of the intersection between biopolitics and￼activities of the political association (1998, 7). In the context of the Greek polis, Agamben"s analysis would suggest, polis can only be constituted on the basis of the constitutive exclusion of women and slaves, among others. It is this biopolitical division of political and natural life that always produces remainders and turns certain categories of living beings into "bare life” ' Bare life is neither simple natural life of zoe nor politically qualified life of bios (1998, 90, 106, 109); rather it is a life that is left at the threshold of these two, dwelling in a "zone of indistinction" and marking a "continuous transition between man and beast, nature and culture" (1998, 109). The production of bare life constitutes the foundation of Western politics and metaphysics, according to Agamben. In both individual and collective terms, sovereignty consists in separating a "natural" life that will be set in opposition to a "political" way of life.26 Since it is this originary exclusion that founds, sustains, and defines the political community, Agamben uses the term "inclusive exclusion," reminding us again of the etymological origins of "exception," to describe the relationship between bare life and political life (1998, 7). By arguing that the "inclusive exclusion" of life has been the permanent characteristic of biopolitical sovereignty, Agamben contests Foucault and argues that the novelty of modern biopolitics consists neither in the inclusion of zoe in the political sphere nor in the fact that politics is concerned with life (Agamben 1998. 9). What is the distinctive nature of modern power, however, if not, as Foucault suggests, the inclusion ￼of natural life in mechanisms and calculations of state power? Agamben argues that with modernity the meaning of politics goes through a dramatic transformation, as natural life, which was confined to the sphere of the oikos in the classical world, becomes the foundation of politics. Healing the biopolitical fracture between political and natural life becomes the distinctive goal of modern democracies, which dedicate themselves to the task of "vindication and liberation of zoe' (1998, 9). However, in doing this, modern democracies end up subjecting every aspect of life to sovereign power and turn each political subject virtually into bare life (1998, 111). As a result of this unprecedented politicization of life, what was exceptional bare life becomes the rule and can no longer be contained in a state of exception (1998, 9). What was relegated to oikos in the ancient world, in other words, comes to dwell in the polis. Agamben attributes a significant role to some modern juridico-political innovations such as habeas corpus and declarations of rights in this major historical transformation, and it is to these I now turn to discuss Agamben's distinctive contribution to contemporary debates on human rights.

#### Human rights thus causes all life to become bare, necessitating a thanatopolitics that destroys lives considered unlivable

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Agamben argues for the need to understand these decisions, the lethal consequences of which became most explicit with modern eugenics and concentration camps, within the context of modern biopoiitics inaugurated by rights declarations that invest life with the principle of sovereignly: Life itself can become "the place of a sovereign decision" only because it is politicized, valorized, and sacralized to an unprecedented degree in the first place (1998, 142). As modern biopolitics constantly attempts to define the juridical value of life, it turns human populations into homines sacri9 or sacred ~~men~~ [people], who can be killed without impunity and whose death cannot be memorialized as sacrifice (1998: 139; sec also 71, 82). In Agamben’s words, |it| is as if every valorization and every "politicization" of life (...) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only "sacred life," and can as such be eliminated without punishment, every society sets this limit; every society - even the most modern decides who its "sacred men" will be (1998, 139). At the end of his critical analysis of the constitutive terms, conceptual presuppositions ￼and political-historical effects of modern rights declarations, Agamben concludes that modern democracy has not only failed in healing the biopolitical fracture between bios and zoe but also repeated it in an unprecedented fashion precisely by valorizing life. Modern rights declarations have turned "the care of nation's biological body" (1998, 142) into an essentially political task as they attributed the principle of sovereignty to life. Insofar as these declarations have made it possible for the sovereign state to extend its regulative powers into every sphere of life, Agamben suggests, they have become complicit in the production of bare life. ￼By insisting on the political-historical effects of human rights and humanitarianism that have come to be celebrated as moral shields against the vagaries of politics, Agamben joins several other prominent critics: Wendy Brown, for instance, has recently argued that the discourse of human rights, which presents itself as "an antipolitical and expressly moral antidote to abusive political power," works indeed as a form of political power when it constitutes us as subjects in need of protection and undermines political projects of collective empowerment (Brown 2004. 454). Along similar lines, Jacques Ranciere, leaving aside his several disagreements with Agamben's account, has also criticized the ascendancy of a depoliticizing humanitarianism that turns the "Rights of Man" into humanitarian rights and represents the subjects of these rights as passive victims lacking the power to enact or actualize them and in need of those who can act on their behalf (Ranciere 2004, 307). Agamben's distinctive contribution to this critical scholarship has been his analysis of the exceptions or remainders of progressivist histories of human rights - e.g. comatose, refugees, concentration camp inmates - so as to point to a more sinister aspect ￼of the ascendancy of human rights and humanitarianism: What is at stake in the normative ascendancy of human rights is not merely de-politicization, de-democratization, or disempowerment, as various critics have already suggested, but also "life\*" itself. Agamben's biopolitical analysis aims to show how human rights, by making life itself the place of sovereign decision, increasingly pave the way for the blurring of the line between biopolitics and thanatopolitics, or between politics of life and politics of death (1998. 122). Agamben's account, situating human rights and humanitarianism within the project of biopolitical sovereignty, achieves an eerie pragmatic soundness in the current ￼global context in which the prevailing definitions of "human" and "citizen" have left many on the continuously shifting borderline between biopolitics and thanatopolitics.

#### Rejection of the 1AC allows us to access “whatever being” – a form of existence that is relevant whatever it is – this abolishes the separation of bare and qualified life which solves – every instance of rejection is key, which is a disad to any permutation

Caldwell 4 (Anne, prof of poli-sci @ U of Louisville, Theory & Event, vol 7(2))

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier *Coming Community*, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-*such*, for belonging itself." (0.1-1.2).Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of *homo sacer*, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153).We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

#### Alt solves the case – whatever-being cannot be reduced to bare life, which makes violence against it impossible – without bare life, economic violence and denial of access to basic needs becomes impossible

### 1NC Humanism K

#### The aff assumes there exists a category of “human” from which value is derived. Maintenance of this category

#### ~~The aff is a project of including more people into the category of “the human” – this project is fundamentally flawed and cannot challenge the exclusion of certain lives from the political order~~

#### ~~First, auto-immunity – defining some people as human requires constantly re-drawing the lines of the human to purify the category of “human”. Trying to protect lives by defining them as “human”~~ requires violently reproducing the concept of the human by destroying its impurities – humanism turns in on itself and murders the very people it tries to protect

Stanescu 13 [James, Ph.D. from Binghamton University’s Program in Philosophy, Interpretation, and Culture and Former Senior Lecturer in Philosophy and Communication Studies at Mercer University, Fall/Winter, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life,” *PhaenEx*, Vol. 8 No. 2, pg. 137-42]

The human is not a pre-given subject position. It is not a category that exists outside of political contestations and ontological battles. Rather, the human is produced, and is the site of great struggles, violence, and hierarchy. The human comes to name the category of beings we seek to protect and foster, and as such the idea of human exceptionalism can only be understood as related to the concept of biopolitics. When Foucault introduced our contemporary understanding of biopolitics in the 1970s, it was used to describe a new category of power, of the binding together of bio-power and anatamo-power. Biopolitics stitched together the disciplinary power over the individual body and a broader governmentality of the life and health of the population. If earlier versions of power rooted in sovereignty had the power to let live or make die, then biopower’s supplement had the power to make live and let die. As Foucault put it, “One might say that the ancient right to take life or let live was replaced by a power to foster life or disallow it to the point of death” (Foucault History of Sexuality 138, emphasis in the original). Foucault’s triad of power— sovereign, disciplinary, and bio—are all spatially and historically contingent. They also all overlap and interlace, supplementing and substituting, playing out this relationship in both historicity and ontology. To explain all the nuances of differences would require a book in itself, but I want to focus on one commonality among the triad of power: its abhorrence of contagion. The power of the sovereign is based upon the model of societal relationships to leprosy. Lepers were cast out of society; they were excluded. In contrast, when a plague strikes, it must be regulated; it must be contained. A series of precise partitions must be created and scrupulously upheld in order to keep the plague from spreading. It is this plague society that disciplinary power is modeled after (Discipline and Punish 195-200; Abnormal 43-48). Moreover, biopower is modeled first of all on the fear of racial impurity (Foucault, “Society Must Be Defended” 254-263). With the rise of State racism, fears are produced about how races will mix. Therefore, a variety of controls are born in order to precisely regulate populations. What we have at all points are power’s reactions to fears of contamination. Biopolitics is, therefore, constituted through what Roberto Esposito has called an immunization paradigm (see his Communitas, Immunitas, and Bios). While Esposito believes that “the paradigm of ‘immunization’ … seems to have eluded Foucault”, we see that even in Foucault, it is clear that the issue of immunity is central to the apparatuses of power (Bios 45). Foucault understood this point well when he wrote: “Behind the disciplinary mechanisms can be read the haunting memory of ‘contagions’, of the plague, of rebellions, crimes, vagabondage, desertions, people who appear and disappear, live and die in disorder” (Discipline and Punish 198). An opposition to contagion is, therefore, a principle linking together the triad of power, and serves as a fundamental drive of biopolitics. Biopolitics proceeds not through connections and contagions, but rather produces subjectivity through separation and disavowal. From an etymological standpoint, immunity combines the mūnus that is the root of common and community, with the privative force of the prefix im- (Esposito, Communitas 3-8). Immunity functions, therefore, not through a positive construction, but rather through a negation, through a production of deciding what it is not. As Niklas Luhmann, a major influence on Esposito, powerfully put it: “The system does not immunize itself against the no but with the help of the no; … it protects through negation against annihilation” (Social Systems 371-372). This becomes clearest when we turn our attention to the work of Agamben, and how we define the human. From its original taxonomical designation under Carolus Linnaeus, the human has not been given any positive definition, but rather is the being that knows itself human against all other creatures (Agamben, The Open 23-27). This is a common philosophical anthropological trick, defining the human as that being which is indefinable. However, as Adorno points out, "That we cannot tell what man is does not establish a peculiarly majestic anthropology; it vetoes any anthropology" (Negative Dialectics 124). The human stands at exactly this place of negation, a taxonomical creation that claims existence based entirely upon defining what it is not. As Agamben explained: “Homo sapiens, then, is neither a clearly defined species nor a substance; it is, rather, a machine or device for producing the recognition of the human. ... It is an optical machine constructed of a series of mirrors in which man, looking at himself, sees his own features always already deformed in the features of an ape. Homo is a constitutively ‘anthropomorphous’ animal … who must recognize himself in a non-man in order to be human” (The Open 26-27). And Agamben goes further, pointing out that, [t]he anthropological machine of humanism is an ironic apparatus that verifies the absence of a nature proper to Homo, holding [her] him suspended between a celestial and a terrestrial nature, between animal and human—and thus, his being always less and more than himself. (29) The “anthropological machine” is the name that Agamben gives for the specifically biopolitical task of producing the human. If the panopticon is the optical machine of disciplinary power, we can posit that the anthropological machine is the optical machine of biopolitics. Let us now turn to examine in more detail how this anthropological machine operates. As I have argued elsewhere, the anthropological machine “begin[s] with nothingness”. I go on to explain: This kenomatic emptiness is exactly what powers the machine; it is what gives the machine purpose and function. If the machines contained a specific content, if there were actual delineated differences that the machines were trying to separate out, they wouldn’t function at all. Rather, they work by drawing and redrawing lines, by producing caesura after caesura. It works upon a zone of indifference, deciding what counts as legal and illegal, human and animal, bios and zoë. These machines don’t just draw the line once, but rather constantly redraw the lines, so there is no way to ever know which side of the line one stands on. (Stanescu, “Species Trouble” 573). These zones of indifference are thoughts of the immune. The logic of inoculation is in obvious display here, as we try to protect ourselves by excluding exactly what we include. The problem is not with inoculation; the problem emerges because, as Derrida warns, “nothing immune, safe and sound, heilig and holy, nothing unscathed in the most autonomous living present without a risk of auto-immunity” (“Faith and Knowledge” 82). The problem is not with immunity; it is rather that immunity carries with it the risk of auto-immunity. In medicine, when an otherwise healthy immune system becomes confused and starts attacking healthy cells, it is referred to as an autoimmune disorder. What concerns us here is the ways in which when the machinery of power protects itself through immunization logic and slips into an auto-immune logic. Indeed, from a political standpoint, the auto-immune is the fullest understanding of the immune. The biopolitical is the auto-immune of the social. On the one hand, we have the biopolitics of bare life, the move towards denaturalization, towards the removal of citizenship (as Agamben always states, the Nazis made sure all citizenship had been removed before one went into the death camp), and in general, a fusion of the human into the animal (Homo Sacer 132). On the other hand, we cannot forget the biopolitical project of colonialism, that is to say, a project dedicated to producing the human, understood here in its full European terms. There exists an “anthropocentrism in alliance with Europocentrism” (Said, Orientalism 98). This sort of move led Aimé Césaire to talk about a “pseudo-humanism” and also to claim that “the human” is always a “sordidly racist” concept (Discourse on Colonialism 37). There seem to be two co-supplementary movements of the biopolitical, both inherently violent and imperialist: one is a move of rendering someone as inhuman and therefore disposable, and the other is a move of rendering someone as human and, therefore, in need of training and eradicating all traces of the inhuman. These moves are not oppositional discourses; instead the two notions of the biopolitical merge (or are better understood as connected through a linchpin) into that of the thanatopolitical. The immunization discourses of humanism, as expressed through the movements of the two biopolitics, are fulfilled in the moment of auto-immunity. And the camps are an important site to understand this linchpin. As Arendt argued in her article, “Mankind and Terror”: [T]he camps serve, among other purposes, as laboratories in which human beings of the most and varied kinds are reduced to an always constant collection of reactions and reflexes. ... The concentration camps not only eradicate people; they also further the monstrous experiment, under scientifically exacting conditions, of destroying spontaneity as an element of human behavior and of transforming people into something that is even less than animal, namely, a bundle of reactions that, given the same set of conditions, will always react in the same way. (304) She concludes that the “purity of the experiment would be compromised if one admitted even as a remote possibility that those specimens of the species homo sapiens had ever existed as real human beings” (305). The purpose of the death camps was not just an elimination of peoples, but also a production of the human as such.

#### Second, anthropocentrism – identifying humanity as the ultimate source of value devalues animals – the intersection of biopolitics and anthropocentrism is the logic of necropolitics – life created for death – relegating the other to death-worlds is the root of colonial domination

Stanescu 13 [James, Ph.D. from Binghamton University’s Program in Philosophy, Interpretation, and Culture and Former Senior Lecturer in Philosophy and Communication Studies at Mercer University, Fall/Winter, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life,” *PhaenEx*, Vol. 8 No. 2, pg. 146-9]

This, then, is how biopolitics functions: human exceptionalism is stapled to eugenicism which is stapled to the active production of the human against the human as animal. It becomes clear how the factory farm becomes part and parcel of the biopolitical system. As Cary Wolfe has contended: Rather, such practices [of the factory farm] must be seen not just as political but as in fact constitutively political for biopolitics in its modern form. Indeed, the practices of maximizing control over life and death, of “making live”, in Foucault’s words, through eugenics, artificial insemination and selective breeding, pharmaceutical enhancement, inoculation, and the like are on display in the modern factory farm as perhaps nowhere else in biopolitical history. (Before the Law 46) All of this that Wolfe contends is true. However, is all that is going on with the factory farm the same biopolitical argument we have been exploring so far? The same argument of autoimmunity and the logic of making live and letting die? Foucault always insisted that the historicity of the present must be at the center of producing our philosophical concepts. In the same late essay as cited earlier, Foucault argued, “we have to know the historical conditions that motivate our conceptualization. We need a historical awareness of our present circumstance” (“The Subject and Power” 327). While thinkers who have taken up the biopolitical as thanatopolitical, such as Agamben and Esposito, have greatly added to our understanding of many violences, they risk making disappear the theoretical specificity for which Foucault has called. In Agamben and Esposito we get what Peter Gratton, speaking of Agamben, refers to as his hyperbole (State of Sovereignty 161-200). In other words, we risk having our historical awareness obviated by metaphysical absoluteness. If we do not produce new concepts in the face of new apparatuses and dispositifs of power, there is a real danger of turning the camp into a platonic truth of atrocity for which all other violence is merely a reflection. The realities of the factory farm challenge this metaphysical absoluteness, and therefore provokes a need for thinking beyond the biopolitical. Max Horkheimer, in a fairly famous metaphor of the global system, compares it to a skyscraper. The ceiling of the skyscraper is a cathedral, and the people living on the top, executives and other capitalist magnates, are able to look out their windows and see starry nights. Underneath them are the political henchmen, the military, the professors, and on and on. In the bottom floors live those in the colonized world. “And below the rooms, live the coolies of the earth, who die in the millions”. And below them? Who lives in the very foundations and basement of this skyscraper? The animals, who live in “unspeakable, unthinkable, suffering” and all that remains are their “sweat, blood, and despair” (Dämmerung 379-380). While I have no doubt about the suffering of animals in our global system, I want to push this image from Horkheimer in a different direction. What if the suffering of the animals is not just the basement, but also the base of the skyscraper? What if, in other words, the suffering of animals is one of the bases for the suffering and exploitation of the world? What would be the present ontologies that exist? In other words, if we understand our disavowal of animals as the basis for a certain biopolitics, what is the current ontological production that our treatment of animals herald? What does the factory farm, as opposed to human genocide, allow us to understand? If we take seriously Foucault’s claim that biopolitics is about politics taking life itself as its object, then the obvious question arises: what is life? In the strange tension between biopolitics and thanatopolitics, we seem to be presented with a theoretical buffet with which to explore and understand what politicized life means. We have Agamben’s bare life, Judith Butler’s precarious life, Walter Benjamin’s mere life, Balibar’s disposable life, Eugene Thacker’s after life, Timothy Campbell’s improper life, and Deleuze’s a life.3 I want us to turn our attention to another conception of life: deading life. This is to say, life whose production is fundamentally about its death, its consumption. Within the realm of the factory farm, what we have discovered is life completely denaturalized, life as completely produced and constructed. Indeed, compared to the other conceptions of forms of life we have mentioned, what makes deading life different is that it isn’t left alone, let to die in the language of Foucault, rather it is thoroughly fabricated and artificial. In order to understand factory farms, it is important to start not from the production of life, but from its telos, from the consumption of life. In other words, factory farms are simply a manifestation of a classical question, one which even Cicero takes up. When reading Cicero on animals, we see that he replicates the common Stoic belief that all other animals exist for the purpose of being used by humans. Cicero would say of pigs: “What is the swine good for but to eat? whose life, Chrysippus says, was given it but as salt to keep it from putrefying; and as it is proper food for man, nature hath made no animal more fruitful” (On the Nature of the Gods 61). In other words, not only is salt good for keeping animals from purification, life is another pretty good way. In such a view, though, life is not living. Life is salt, life is refrigeration, life is merely a process and precursor to death. Life is but an adjunctment to the end product, death. When we turn our attention to factory farms, what we are turning our attention to is a different sense of life from living, one in which life is pure resource for death. In Achille Mbembe’s famous argument in “Necropolitics”, the colonized live in death worlds. As Mbembe explains: Moreover I have put forward the notion of necropolitics and necro-power to account for the various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead. (40, emphasis in the original) Cicero’s pig may live in a death-world, but it does not live as the living dead. The death-world that Cicero’s pig, and the factory-farmed pig, live in is uniquely different from Mbembe’s death world.

#### Third, the threshold link – the living wage merely redraws the line of humanity by using it to include more lives within the political sphere – this inevitably deems some lives as non-valuable, namely those that don’t earn a living wage

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Take the case of several undocumented migrants in France, who have found themselves on that borderline as a result of some legal changes that grant residency permits to those already living in the country if they have pathologies that are unable to be treated in their home countries (Ticktin 2006). These legal changes, introduced at a time when it has become increasingly difficult for non-citizens to claim legal residency in many European countries, had paradoxical results. Aimed at the preservation of human life, they ended up creating disabled and diseased bodies as some undocumented immigrants have started to resort to self-infliction of pathologies (including HIV/AIDS) to be able to make a claim to legal residency. This case powerfully illustrates how the valorization of life entails a sovereign decision on its value and non-value, and how that question of value can be decided by the sovereign only with "an incomprehensible intrusion of biologico-scientific principles into the political order" and in cooperation with juridical, medical, scientific ￼and religious experts (Agamben 1998: 122). Indeed, as the French case illustrates, what a "life-threatening" disease means cannot be decided without recourse to such biologico- scientific principles and to medical experts. Furthermore, the case also underscores that a discourse of human rights and humanitarianism centered on suffering bodies and biological life can, albeit inadvertently, end up producing its subjects as "bare life” Thus, Agamben's distinctive contribution to the contemporary debates on human rights lies in his attentiveness to the vulnerability of lives that are left at that borderline between biopolitics and thanatopolitics as a result of sovereign decisions on the value of life. The current global political context in which we can no longer be dismissive of such cases as mere exceptions to be remedied on the way to a more universal conception of human rights requires us to question the constitutive terms and conceptual presuppositions of these rights more than ever to be able to understand their political- historical effects. In many ways, Agamben's criticism is in line with the "radical questioning" invoked by Jacques Derrida as a necessary posture to understand the "recent, complex, and unfinished" history of human rights and to resist the predilection to￼understand them as "natural"; To take this history and this perfectibility into account in an affirmative way we must never prohibit the most radical questioning possible of all the concepts at work here: the humanity of man (the "proper of man\* or of the human, which raises the whole question of nonhuman living beings, as well as the question of the history of recent juridical concepts or performatives such as a 'crime against humanity\*), and then the very concept of rights or of law (droit), and even the concept of history (Borradori 2003, 132-3). Agamben's critical scrutiny of the constitutive terms - "man" and "citizen\*1 - and conceptual presuppositions - biopolitical fracture of bios and zoe - of human rights helps 58 us understand the inclusive exclusions of our prevailing conceptions of "human." More ￼than any other contemporary critic of human rights. Agamben effectively demonstrates how the division of human/non-human passes through living beings to leave aside some as less than human to the effect of leaving them exposed to arbitrary violence. As such, he points out how even the well-intentioned attempts to define a human essence or nature by identifying a set of human values, functions, and needs can render certain lives as invaluable and unlivable. Agamben's critical analysis of human rights indicates that we need to inquire into the underlying assumptions, constitutive terms and political-historical effects of human rights precisely to be able to recognize that we do not yet understand all the ways of being "human" and that we need to understand our "humanness" instead as always "in the making" as an "ongoing task" (Butler 2004, 89, 91). It underlines the need to look into the ways in which prevailing conceptions of human rights can entail divisions between political/natural, human/non-human, man/citizen to the effect of banning certain categories of people from politics and rendering certain lives unlivable.

#### The aff can’t solve their own impacts – politics inevitably produces bare life as its constitutive feature so political solutions can’t solve. A politics of assigning rights to more humans participates in sovereign power and reinscribes the ability of the sovereign to produce bare life

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Giorgio Agamben makes a distinctive contribution to these contemporary debates by inquiring into the more inimical effects of a politics of human rights as he demonstrates how they participate in the production of lives that are irredeemably exposed to violence. Agamben locates the starting point of this troublesome development in modern rights declarations, which make natural life the foundation of the modern nation-state. As a result, every aspect of life becomes politicized and is subjected to sovereign power to an unprecedented degree. Sovereign decisions with regards to who is to be included in and excluded from citizenship and humanity produce various categories of human beings as "bare life," or life that is left at the threshold of politics and nature,￼law and life, right and fact, and as such, vulnerable to an unpunishable violence. Agamben concludes his critique with a call for a politics beyond human rights to sever the link that holds human life in the grip of sovereign power. This chapter turns to Agamben’s critical inquiry for two main reasons: First, in many ways, Agamben provides us with one of the most challenging and persuasive criticisms of the account of human rights analyzed in the previous chapter. As his starting point, he takes the contemporary plight of those who are turned into "unfortunate exceptions" in a progressively evolving system of human rights. Agamben centers on these figures to argue that their precarious condition is not anomalous; it is instead emblematic of the pervasive violence of sovereign politics that human rights are inextricably tied to. One of the questions that this chapter aims to address is the extent to which Agamben provides us with the main contours of the critical inquiry of human rights that the last chapter called for. Second, Agamben significantly draws on the work of Hannah Arendt. He is particularly interested in Arendfs attempts to read the pervasive condition of rightlessness encountered by stateless persons as symptomatic of the￼"perplexities,” or constitutive tensions, that have pervaded human rights since their early formulations in the eighteenth century declarations. Agamben ends up reading Arendt for the purposes of a critical inquiry calling for a politics beyond human rights. Since his reading is significantly different than the one I provide, a close engagement with his critical inquiry of human rights is crucial for preparing the groundwork for the interpretive analysis 1 undertake in the rest of the dissertation. With these two concerns in mind, this chapter aims to offer a critical evaluation of Agamben's inquiry into the underlying assumptions, constitutive terms, and political effects of human rights. My goal is not only to understand Agamben's distinctive intervention in the contemporary debates on human rights but also to inquire into the problematical aspects of his concluding call for a politics beyond human rights. I argue that this call is necessitated by a counternarralive of Western politics that ties human rights inextricably to the "logic" Agamben ascribes to biopolitical sovereignty. Within this stringent logic, any politics organized around human rights cannot help but reproduce sovereign violence. I show how this counternarrative, which aims to demystify or unveil all the myths that sustain sovereignty, ends up repeating what it identifies as the distinctive mythologizing gesture: rendering the contingent necessary. Agamben's conclusion that rights struggles eventually contribute to the further entrenchment of a biopolitical "logic," I argue, evades the possibility that rights, including human rights, can indeed be reclaimed in inventive and unanticipated ways by various groups who are excluded from the prevailing definitions of their constitutive terms (e.g. "man" and "citizen") and yet who can dispute their exclusion by resignifying these terms in imaginative ways. Agamben provides us with significant insights into how the￼contemporary predicament of several categories of non-citizens shed light on the constitutive terms, underlying assumptions, and political effects of human rights. However, his imposition of a biopolitical "logic" on sovereignty and human rights is no less problematical than the assumption of evolutionary temporality in the scholarly accounts discussed in the previous chapter. Bare Life at the Intersection of Biopower and Sovereignty Giorgio Agamben's critical inquiry of sovereignly and human rights counters the tempting move that turns refugees, along with asylum-seekers, undocumented migrants, and other disadvantaged groups of non-citizens, into anomalous cases in a progressively evolving system of human rights. Agamben centers his critique on these marginalized figures. Indeed, takes the refugee as a "limit concept" revealing the crises of the traditional political-juridical categories, including sovereignty, citizenship, and human rights (Agamben 1098. 134; 2000, 16). Drawing on Hannah Arendfs analysis of twentieth-century statelessness, Agamben argues that whenever refugees can no longer be represented as individual cases and become a "mass phenomenon," international organizations have failed to provide a solution to their plight despite all the declarations of inalienable human rights (1998, 133; 2000, 19). Agamben's critical inquiry also poses a challenge to the conventional explanation of this incapacity - i.e. implementation or enforcement deficit, which denotes a gap that will be slowly but surely closed as the currently imperfect practice will gradually meet the ideal state embodied by human rights norms - that appears in the scholarship discussed in Chapter 1. Agamben argues that the incapacity to address and resolve the￼refugee problem effectively cannot be understood merely in terms of "the selfishness and blindness of bureaucratic apparatuses" (Agamben 2000, 19). In other words, it is not merely the flawed individual practices of states or international organizations that constitute the problem. Drawing on Arendt's critical analysis of the "perplexities of the Rights of Man," which will be analyzed at length in the next chapter, Agamben argues that the problem instead lies 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" (Agamben 2000, 19). This argument strikes a blow against the widely shared assumption that the problem is one of implementation, and draws our attention to the ambiguities,￼paradoxes, and constitutive tensions, or "perplexities" to use Arendt's term, at the heart of human rights. Finally, Agamben's account also challenges the prevailing conception of human rights as normative setbacks to sovereignty that underlies the major arguments of the scholarship discussed in the previous chapter: "[It] is time to stop regarding declarations of rights as proclamations of eternal, metajuridical values binding the legislator (in fact, without much success) to respect eternal ethical principles, and to begin to consider them according to their real historical function in the modern nation-state" (Agamben 1998, 127). Warning against the temptation to read the post-1945 ascendancy of human rights as a sign heralding a postnational order, Agamben instead underlines that human rights have been inextricably intertwined with the nation-state (and its biopolitical sovereignty) from their early origins in the eighteenth century declarations. These rights do not work against sovereignty, Agamben contends; they instead reinscribe it in new ways. To understand how Agamben links human rights to sovereignty and biopolitics, we need to understand what he exactly means by these two terms. Below I outline the￼main contours of Agamben's analysis of biopolitical sovereignty to provide the groundwork for a discussion of his arguments regarding the complicity of human rights in the perpetuation and augmentation of sovereign violence. Agamben, particularly in his Homo Sacer, argues that sovereignty consists in a decision over life and that this decision always produces bare lives that can be irredeemably exposed to violence. To understand the insidious effects of a power that centers on decisions over life, Agamben draws on the work of Michel Foucault (1998, 3). Of particular interest for his purposes is Foucault's contention that biopower historically￼succeeds sovereignty and emerges in the modern era with the increasing inclusion of natural life in the mechanisms and calculations of state power. Contra Foucault, Agamben argues that biopower is not a distinctively modern form of power but is always already implicated in sovereignty. It is the type of power at work not only in modern democracies but also in absolute monarchies. To the extent that sovereignty, in its archaic and modern forms, always consists in a decision on life, it is indeed inseparable from biopower. Agamben argues that Foucault's failure to analyze the ways in which these two forms of power have always interacted with each other is a "blind spot" or a "vanishing point" in his theory (1998, 6).22 It is this theoretical contestation that provides the starting point for Agamben's inquiry of the intersection between juridico-institutional power and biopower. Agamben starts off his analysis with the premise that "the production of a biopolitical body is the originary activity of sovereign exception" (1998, 6; emphasis in the original). As he works on this premise, he leaves aside Foucault's genealogy, and opts￼instead for a formal-logical analysis that aims to delineate what is always already biopohtical in the permanent structure of sovereignty throughout Western politics. To do this, he draws on Carl Schmitt \s definition of sovereignty as the decision on the exception (Agamben 1998, 19, 67, 83; Schmitt 2005, 5). For both Agamben and Schmitt, sovereignty has a paradoxical logic: "I, the sovereign, who am outside the law, declare that there is nothing outside the law" (Agamben 1998, 15). This paradoxical structure of sovereignty can be particularly seen in states of exception when the sovereign can suspend the validity of positive law (Agamben 1998. 15). Agamben underlines the ambivalent relationship that the sovereign has to law in deciding on the exception: On the one hand, the sovereign suspends the legal order and thus can be said to be existing outside it; on the other hand, the sovereign still belongs to the legal order in this extraordinary moment since the order itself presupposes and inscribes this suspension as its very condition of possibility (1998, 15-17).": To underscore the second point, we can think of the constitutional clauses that attribute the sovereign a (constitutional) power to suspend the legal order. ￼From Agamben's Schmittian perspective, this impossibility to locate the sovereign exception either inside or outside the legal order reveals the limits of any analysis that aims to fix the location of sovereignty according to the "topographical opposition (inside/outside)" (Agamben 2005, 23). Sovereignty instead needs to be understood as a "limit-concept" denoting both the constitutive principle and boundary of the juridico-political order (1998, 15). As the boundary of the juridico-political order, it￼points to a gray zone between law and fact at the very origins of this order. As the constitutive principle of this order, it denotes a fundamental activity through which the very space in which the juridico-political order can have any validity is created and defined (1998, 19). Only on the basis of such a fundamental activity, which involves the "ordering of space," the topological categories of inside and outside, defining what is to be included in and excluded from the juridico-political order, acquire their meaning (1998, 19). By highlighting the paradoxical nature of sovereignty as manifested in states of exception, Agamben aims to challenge particularly liberal-normative accounts of sovereignty that aim to ground its law-making and law-preserving powers in generalizable norms. He would include, for example, the scholarly account of human rights discussed in Chapter 1 among such attempts to normatively ground and contain sovereign decision. He instead underscores the exteriority or factuality that grounds and animates the sovereign law and escapes any such normative attempt. To understand the relation between sovereign law and this exteriority. Agamben turns to the etymological￼origins of ""exception.'' Exception literally means ""taken outside (ex-capere)." This etymology indicates that sovereign exception is not merely exclusion: it is more precisely an "inclusive exclusion," which signifies a double movement - maintaining or capturing at the very moment of excluding (1998, 21). On the basis of this etymology, Agamben argues that the logic of sovereignty consists in capturing and taking in what is outside of or exterior to the juridico-political order. What is this "exteriority" or "factuality" that is captured in sovereign law? This question is indeed key to Agamben's inquiry of the intersection between biopolitics and￼activities of the political association (1998, 7). In the context of the Greek polis, Agamben"s analysis would suggest, polis can only be constituted on the basis of the constitutive exclusion of women and slaves, among others. It is this biopolitical division of political and natural life that always produces remainders and turns certain categories of living beings into "bare life” ' Bare life is neither simple natural life of zoe nor politically qualified life of bios (1998, 90, 106, 109); rather it is a life that is left at the threshold of these two, dwelling in a "zone of indistinction" and marking a "continuous transition between man and beast, nature and culture" (1998, 109). The production of bare life constitutes the foundation of Western politics and metaphysics, according to Agamben. In both individual and collective terms, sovereignty consists in separating a "natural" life that will be set in opposition to a "political" way of life.26 Since it is this originary exclusion that founds, sustains, and defines the political community, Agamben uses the term "inclusive exclusion," reminding us again of the etymological origins of "exception," to describe the relationship between bare life and political life (1998, 7). By arguing that the "inclusive exclusion" of life has been the permanent characteristic of biopolitical sovereignty, Agamben contests Foucault and argues that the novelty of modern biopolitics consists neither in the inclusion of zoe in the political sphere nor in the fact that politics is concerned with life (Agamben 1998. 9). What is the distinctive nature of modern power, however, if not, as Foucault suggests, the inclusion ￼of natural life in mechanisms and calculations of state power? Agamben argues that with modernity the meaning of politics goes through a dramatic transformation, as natural life, which was confined to the sphere of the oikos in the classical world, becomes the foundation of politics. Healing the biopolitical fracture between political and natural life becomes the distinctive goal of modern democracies, which dedicate themselves to the task of "vindication and liberation of zoe' (1998, 9). However, in doing this, modern democracies end up subjecting every aspect of life to sovereign power and turn each political subject virtually into bare life (1998, 111). As a result of this unprecedented politicization of life, what was exceptional bare life becomes the rule and can no longer be contained in a state of exception (1998, 9). What was relegated to oikos in the ancient world, in other words, comes to dwell in the polis. Agamben attributes a significant role to some modern juridico-political innovations such as habeas corpus and declarations of rights in this major historical transformation, and it is to these I now turn to discuss Agamben's distinctive contribution to contemporary debates on human rights.

#### Vote negative to jam the anthropological machine – this refuses the aff’s humanist dogma by affirming the potentiality of all forms of life

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 118-21]

Agamben, however, is not envisaging this in terms of humanity leaving the world at all but of humanity leaving behind its political concerns with its own nature in order to inhabit a world of possibilities that are not governed by the workings of the anthropological machine. This, he thinks, necessarily involves both the letting be of nature as such and the recognition that there is more to life than the (natural) world as it appears to human concerns. “How the world is—this is outside the world" (2000, 105). How might this inform radical ecology’s interest in saving the (natu- ral) world? A clue emerges in the way Agamben (2004, 82) speaks of this abandonment in terms of Benjamin’s notion of the “saved night," that is, the “nature that has been given back to itself," to its own transient appearances and rhythms. This giving back to itself first involves the recognition that there is so much more to nature, to the operations of those concealed rhythms, to life, than how it appears to us-- especially in the very limited mode of appearance forced on nature in its technological enframement. It also recognizes that we have to abandon the attempt to represent nature fully or fix it in its relation to us as having a certain identity. In Heidegger’s terminology, the natural world in itself is neither ready-to—hand nor present-at-hand: it cannot be fully captured instrumentally or conceptually such as it is. But we can only come to think this possibility through our ecological suspension. In one sense, and despite Agamben’s anthropocentric intentions, this offers possibilities for truly ethical recognition of the importance of letting nature be, not just, as Evernden suggests, in terms of saving those aspects of a world that have meaning for us, but going beyond this, of recognizing in Murdoch’s and Levinas’s sense a relation of infinity rather than totality (see chapter 2). We cannot save the world by bewailing the loss of just those elements that have meaning for us (as Evernden sometimes seems to suggest); we must recognize that how the world is, is also outside the human world. As naive ontologists, we had always felt something of this world that is “alive to us” but had not yet been able to conceive of its implications in ethical terms. So while Agamben lacks an ecological ethics or any explicit concern for the natural world, while he seems to think it possible that we can inhabit a world where ecology has no political meaning whatsoever, he still points a way to understanding how human and animal, politics and nature, history and natural history might eventually be reconciled. This reconciliation does not entail, as critics of radical ecology (and fundamentalist primitivists) claim, an impossible return to a mythic state of nature or any reversion to animality. It requires that we reject the claims of sovereignty in all its forms, natural and political. It requires the political mastery of politics as an ethically informed practice by all the world’s people rather than the (bio)political mastery of the world, the ethical recognition of the necessary openness of politics and nature. This means that those capable of doing so accept responsibility for the (pure) means of political "production" in such a way that they let nature be, free from any claims to sovereign power over it. Agamben’s position is not as Hegelian as it initially seemed because he, like Bataille, concerns himself with what exceeds and resists the claims of any purportedly universal or totalizing dialectic: What does this "mastery of the relation between nature and humanity" mean? That neither must [humanity] ~~man~~ master nature nor nature [humanity] ~~man~~. Nor must both be surpassed by a third term that would represent their synthesis. Rather, according to the Benjaminian model of a “dialectic at a standstill,” what is decisive here is only the “between,” the interval or, we might say, the play between the two terms, their immediate constellation in a non-coincidence. The anthropological machine no longer articulates nature and [humanity] ~~man~~ in order to produce the human through the [political] suspension and capture of the inhuman. The machine is, so to speak, stopped; it is "at a standstill." And, in the reciprocal suspension of the two terms, something for which we perhaps have no name and which is neither animal nor [hu]man settles in between nature and humanity and holds itself in the mastered relation, in the saved night. (2004, 83) Perhaps we might find a name for this "reciprocal suspension," the ecological suspension that enables ethics and politics and the political suspension that frees nature into the creative exuberance of the saved night. We might refer to this reconciliation too as a form of “suspended animation," not in the sense of bare life nor of a cryogenic stopping of life’s rhythms or even of leaving nature hanging over the abyss of ecological destruction, but as an image of the ethical and political holding open of life’s possibilities for both human and more-than-human worlds, as the ethicopolitical suspension of that originary ecological suspension-- those events that initially open the world from its captivation. In this way we might still, naively, attempt to save the (natural) world.

### Anti-Blackness Module

#### The status of bare life underlies anti-Black violence and disposability

Alves 14 [(Jaime, Brazilian freelance journalist and holds a PhD in Social Anthropology from the University of Texas at Austin) “Neither Humans nor Rights: Some Notes on the Double Negation of Black Life in Brazil” Journal of Black Studies 2014 45: 143 originally published online 10 March 2014] AT

While his insightful intervention helps us to unveil the generalized state of exception (“the dominant paradigm of government in contemporary politics” [Agamben, 2005, p. 14]), by way of conclusion I call attention to the limits of this claim when confronted with the Black experience, as exemplified by Dona Maria’s and Dona Lurdinha’s encounters with the state. If bare life is the unconditional exposition of life to death—and if its inclusion in politics is made through the exception—how do we account for those racialized populations whose life receives the ontological inscription of death? Since when has the exception become the rule for those in permanent exclusion from law and life? How can we account for those who have been so alienated from the national imagined community (see Holland, 2000)18 that they cannot even be included in the juridical category of the refugee? That is to say, our grammar for speaking about contemporary regimes of power needs to be fundamentally reframed. If the “state of exception has become the rule” in Western democracies (Agamben, 1998), because some lives have been suspended in a permanent ban from (and exposed to the cruelty of) law, it is imperative to highlight the logic of Black disposability ingrained in the juridico-political structure of modern sovereignty (p. 169). As some scholars have argued, the paradigmatic state of exception is the nomos for those racialized populations ontologically located outside the domain of the law (see Mbembe, 2003; Sexton, 2010; Silva, 2009).19 In relation to this question, analyses of the “original violence” of Black slavery are particularly incisive and invite further discussion on the gendered production of modern sovereignty.20 Before Agamben, Hortense Spiller’s critical work on Black captivities called attention to the racial structure of terror—based on the “cunning difference” between humanity and the Other—that constituted modernity. Spiller (1984) highlights the interstitial zone where (sovereign) patriarchal power transforms Black bodies into flesh and annihilates gender difference through an indiscriminate subjugation to death. The captive Black female body, she contends, becomes the interstices, or “the principal point of passage between the human and the non-human world (p.70).” Spiller argues that the Black female’s “issue became the focus of a cunning difference—visually, psychologically, ontologically—as the route by which the dominant male decides the distinction between humanity and the other” (p. 76). I concur with Spiller’s analysis in my reading of the experiences of black women like Dona Maria and Dona Lurdinha. Their racial/gendered/spatial status as favelada, searching for the remains of their loved ones, is a direct Journal of Black Studies 45(2) reflection of the political topography in which the gendered black body becomes the locus for the production of sovereign power and thus the foundation of "the city of men".21 “Interstices,” then, serve as a theoretical device to account for the intertwined configurations of sovereign violence - in its gendered, classed, racialized forms - and the nexus between Black death and White citizenry.22 In this sense, rather than a symptom of the low intensity of Brazilian democracy, as the human rights activists believed, the killing of young Black men such as Alex and Betinho is illustrative of its functionality. Is it not the case that police killings are simply reiterations of the racial order in the necropolitical city? As the ultimate expression of the sovereign right to kill and to let live (Foucault, 1990), killings by police officers give coherence to the foundational relation between White (civil) life and Black (social) death (Martinot & Sexton, 2003). Dona Maria’s call for the state to bring her son back alive—and my interlocutors’ inability to understand her “demand”—reveal precisely these moments in which a reclaimed Black right to existence becomes odd (to the eyes of the White subject) given Black meaningless lived experience. That is to say, the endurance of day-to-day pervasive violence against Black Brazilians, the lack of access to health care, mass incarceration, residential segregation, and police killings are some of the mundane practices that render Black life “unlivable life” (Butler, 2006).

#### The regularity with which Black CITIZENS—who are supposed to merit legal protection—are harmed economically, excluded from basic rights, and murdered proves this argument – these are not aberrations but integral to a system in which the law and its officers and violence have become indistinguishable, where Black life is rendered into bare life, and where the sovereign state is originally built by excluding Black people from politics

#### The Alt is to reimagine a world in which Blackness is the basis of a new ethics of life

Alves 14 [(Jaime, Brazilian freelance journalist and holds a PhD in Social Anthropology from the University of Texas at Austin) “Neither Humans nor Rights: Some Notes on the Double Negation of Black Life in Brazil” Journal of Black Studies 2014 45: 143 originally published online 10 March 2014] AT

It may be the case, then, that this ontological impossibility contains promises for reimagining a world in which Blackness can be the basis for a new ethics of life. This new ethics may even require a refusal of a “global humanity”—as proposed by Butler through the recognition of a collective vulnerability to death—and ought to first center the Black paradigmatic experience as the departure point, the interstices, for reinventing life itself.

### OV – Case Interaction

#### Any risk of a link is enough to vote neg since it’s a DA to the perm and K impacts come first

#### The alt solves the entirety of the case case – that’s Caldwell -without the logic of bare life, the type of economic violence the aff criticizes become impossible as all life becomes worthy of protection. There’s no net benefit to a perm since case is non-unique

#### Try or die for the K – its impact is extinction– Ziarek says bare life is rapidly expanding to encompass everyone, which makes total extermination inevitable as the ultimate decision upon life

#### Root cause – When workers are designated as bare life, violence against them is inevitable –violence operates not just through lack of wages, but also through differential access to basic needs – that’s Ziarek - if the sovereign doesn’t destroy their life through low wages it’ll be through famine, which means links turn case

#### Value to Life – that’s Gungodgu - Bare life is the worst devaluation of life since it makes life totally meaningless – this makes every life the aff preserves meaningless, and is terminal defense to their solvency since the aff has zero improvement on the lives of people

### Regular OV

#### A living wage uses the standard of basic needs to decide the appropriate level of wages – this uses basic human needs for a political purpose and brings the biological into the political to be managed – that’s Simmons

#### Moreover, the living wage creates a threshold beyond which life is no longer livable, which defines some life as lacking value, re-creating a division between life that deserves political protection and life that does not and can be destroyed – that’s Gundogdu

#### Every politicization of life creates a division between bare and qualified life, which necessarily means some life becomes irrelevant – political status becomes a precondition of life – that’s Downey

#### *This answers their “biopolitics good” turns – even benign uses of biopolitics move the threshold between bare and qualified life which causes bare life to be excluded*

#### The impact is the Ziarek evidence – when political status become a precondition of life, those outside politics become threat to health of the polis – this makes genocide inevitable, as a structural result of sovereign power. K outweighs – management of biological life treats citizens as natural life that must be managed, bringing bare life into the body of every citizen which means anyone can be excluded

### ---A2 Biopolitics Good

#### Politics inevitably requires the production of disposable life – it consists in defining politically protected life of citizens against natural, unprotected life – political power derives its authority from the separation of bare and qualified life – using politics to stop exclusion only makes exclusion worse because politics is founded in exclusionary violence – that’s Ziarek

#### This answers their biopolitics good offense – 1. This impact to the kritik isn’t biopolitics bad, it’s the production of bare life – they are reading the wrong impact turns

#### 2. Biopolitics incorporates bare life into the political order, which constructs all citizens as bare life and exterminates them – their “biopolitics good” offense assumes biopolitics values life, which the thesis of the kritik denies

#### 3. All the other links to the kritik proves the aff is a bad form of biopolitics since it defines and excludes bare life – this allows biopolitics to destroy bare life

#### call the Ziarek evidence, it explains why they’re not responsive.

### Impact---Short Version

#### The impact outweighs:

#### A. Root cause – Bare life the root cause of violence – when workers are designated as bare life, violence against them is inevitable. The aff has zero solvency – it’s just a stopgap measure that does nothing to solve bare life. Marks says violence operates not just through lack of wages, but also through differential access to basic needs – if the sovereign doesn’t destroy their life through low wages, it’ll be through famine

#### B. Value to Life – Bare life is the worst devaluation of life since it makes life totally meaningless – this makes every life the aff preserves meaningless

#### C. Extinction – bare life is rapidly expanding to encompass everyone, which makes total extermination inevitable– our impact FAR outweighs theirs – try or die for the kritik

### Impact---Long Version

#### The impact outweighs:

#### A. Turns case – Driver says people are exposed to economic violence when they are seen as bare life – the aff has zero solvency, it’s just a stopgap measure that does nothing to address the bare life of workers – bare life means the sovereign will just refuse to enforce laws, making aff impacts inevitable

#### B. Root cause – When workers are designated as bare life, violence against them is inevitable – Marks says violence operates not just through lack of wages, but also through differential access to basic needs – if the sovereign doesn’t destroy their life through low wages it’ll be through famine

#### C. Value to Life – Bare life is the worst devaluation of life since it makes life totally meaningless – this makes every life the aff preserves meaningless

#### D. Extinction – bare life is rapidly expanding to encompass everyone, which makes total extermination inevitable– our impact FAR outweighs theirs – try or die for the kritik

### Alternative OV

#### The alternative is to reject the aff to access whatever-being, a form of being that matters, whatever it is. This form of being unifies bare and qualified life instead of dividing the two, preventing people from being reduced to bare life.

#### The perm is impossible---1. Caldwell says we must reject bare life in every instance –whatever-being is all around us but can only be accessed in the absence of sovereign power. Any link to the aff would make alt solvency impossible

#### 2. Ziarek proves politics is inevitably violent, which proves you shouldn’t use state power to achieve political ends – if I win the thesis of the kritik they have no offense. The perm is impossible since it also uses the state, or else it’s severance which is a voting issue since it makes it impossible to be neg.

#### 3. The alt solves the case – without the logic of bare life, the type of economic violence the aff criticizes become impossible as all life becomes worthy of protection. There’s no net benefit to a perm.

### XT Davies Link

#### The living wage participates in the logic of sovereign power. The Davies evidence says a living wage is part of an economic logic wherein people should be given just enough to sustain themselves as living beings, which is exactly the biopolitical management of natural life I criticize

### XT Whyte Link

#### The Whyte evidence proves legal solutions to economic violence only reinscribe sovereign power by ultimately letting the sovereign decide upon who counts and who doesn’t. This takes out aff solvency – ending wage exploitation does nothing to address the way the sovereign can declare any citizens outside of the law, so they have no ability to address economic violence.

### XT Kotsko Link

#### Scholarly inquiry shouldn’t just decide how to use law in a less harmful way, but to use the law in a fundamentally different – this allows humanity to be freed of law. The 1AC is an exercise in fixing and enforcing law, which is incompatible with the kritik’s use of law, which makes the perm impossible

#### This is also the role of the ballot since it delineates what academic activities should do – evaluate the kritik before the aff’s imaginary post-fiat impacts.

### Humanism OV

#### The goal of the 1AC is to include those currently excluded into humanity – extending the definition of the “human” in a futile attempt to include everyone – this fails and re-inscribes violence for three reasons – if I win any one of them it proves the aff has zero solvency and the kritik turns the root cause of the aff

#### First is auto-immunity – the definition of the human requires constantly policing and purifying its own identity to attain an idealized figure of humanity by re-drawing the line that defines humanity. The aff’s project of defining the “human” requires excluding the “non-human” – colonialism and genocide were designed to produce a perfect conception of the human, destroying anyone who didn’t live up to an idealized conception of the human – that’s Stanescu

#### Defining some people as human to protect them fails – 1. the line will inevitably be redrawn to exclude them – the aff is at best a temporary fix that requires inevitable destruction later; 2. The aff necessitates the exclusion of everyone else the aff doesn’t protect – the aff is a pyrrhic victory that destroys countless other lives in an attempt to protect some – any definition of the human, no matter how it shifts, relies on a binary that causes exclusion

#### Second is anthropocentrism – the aff’s humanism devalues animals by defining them as value-less – the lives of other beings become meaningless to us which causes limitless violence – the resulting necropolitics manufactures lives for no other purpose than killing them – these death-worlds provide a model for the destruction of the colonized, who become the living dead

#### The impact outweighs – necropolitics is worse than anything the aff solves – it is murder on an incomprehensible scale – even if the aff solves, they solve at the cost of genocide

#### Third is the threshold link - the living wage creates a threshold beyond which life is no longer livable, which defines some life as lacking value, re-creating a division between life that deserves political protection and life that does not and can be destroyed – that’s Gundogdu

#### By assigning value to some by giving them a living wage, the aff also moves the line for who counts as valuable and who does not – any life not worth the living wage becomes value-less and disposable which turns the case – [it also super-charges the impact to all the unemployment turns on case]

#### Finally, politics is inevitably exclusionary – that’s Gundogdu 2 – granting people the status of human or human rights does NOT protect them from violence which proves zero aff solvency – the aff treats human value as eternal metaphysical protections that bind power, which they are not

#### Moreover, sovereign power is paradoxically outside the law since it has the legal power to suspend law – the power to kill and devalue life cannot be restricted by norms like the living wage, even if they supposedly assign value to people

#### Politics inevitably requires disposable life – it consists in separating politically protected life from natural, unprotected life – which means the aff’s impacts are inevitable – using politics to stop exclusion only makes exclusion worse because politics is founded in exclusionary violence

#### It’s try or die for the alt – only it has the possibility of solving anything – jamming the anthropological machine requires recognizing the potentiality of all forms of life – rather than defining a fixed human essence or assigning value to it, the alt affirms the radical possibilities of both human life and the natural world – this prevents the machine from capturing and destroying either animal or human life through biopolitics; and by affirming the possibilities of ALL life it prevents the machine from separating human and animal, jamming the machine

## --Topic Links

### Link – Biopolitics

#### The aff constructs basic needs as a political tool to decide the appropriate level of wages – this biopolitical tool constructs workers as mere living bodies

Simmons 9 [(Dana, University of California Riverside) “Wages and the Politics of Life in Postwar France” The Journal of Modern History 81 (September 2009)] AT

In mid-May 1950, the Subcommission on the Non-Dietary Part of the Budget Type held a particularly fractious sitting. Mr. Andre´ Baupaume of the CFTC union (Confe´de´ration franc¸aise des travailleurs chre´tiens) submitted that the standard “minimum dwelling” in France should include a sink with running water and a drain. “A long discussion opened,” the meeting records report. “The CGT [Confe´de´ration ge´ne´rale du travail], CGT-FO [CGT–Force ouvrie`re] and the CFTC consider that a source of running water inside the dwelling is indispensable”—part of a worker’s minimum vital. 1 Representatives from all the country’s major unions, despite wrenching conflicts in the political sphere, coalesced in unity around the water tap. Not the employers. “The CNPF [Conseil national du patronat franc¸ais] and the CGA [Confe´de´ration ge´ne´rale de l’agriculture] think that currently, the question of running water inside the dwelling can be considered only desirable. The majority of dwellings do not contain running water; a sink, in general, is located one to a floor.”2 Indeed, only 18 percent of rural homes boasted of running water in the early 1940s.3 Statistics gathered in the Seine region by tax authorities in 1939 and 1940 suggest that the ratio of apartments with bathrooms to those without was at least one to ten.4 How could one propose running water as a vital, minimal, indispensable good when most French people didn’t even have it! In the end the bosses were overruled by the scientific judgment of experts and hygienic reformers. Commissioners included one cubic meter of water per month, for urban residents only, in their model worker’s budget.5 Tap water thus became part of the national minimum vital. How did water, a substance fundamental to human life, become subject to political conflict, negotiation, and state regulation? Why did social actors— union representatives, employers, and officials—intervene so vigorously and precisely in the design of workers’ bathrooms and their water supply? What forces led the postwar welfare state to legislate exactly one square meter of liquid for each urban dweller? Human life and its essential sustenance were meted out and regulated as political objects. This episode was a literal case of biopolitics. Drinking water, and hence life itself, was subject to hygienic measurement. It was also an object of class conflict, of politics in an older sense of the word. This incident represented more than the scientific construction of the worker as a living body (as the accepted use of “biopolitics” might lead one to expect). The most basic human needs, to drink and eliminate waste, became flashpoints in a broader dispute over wages and welfare. This was a biopolitics instantiated by the welfare state and by competing interests within it. In a state-sponsored space of mediation, a wage commission, union leaders clashed with employers over the most basic consumer needs. I argue that standards of living, like the water measure, served not only a generalized biopower but also a very concrete and material set of class interests. Following Foucault, historians, anthropologists, and philosophers have explored the “power over life” that circulates in the interstices of law, medicine, and the humanistic disciplines. Most ascribe little explanatory value to class and economy for understanding biopower. Foucault pointedly restricted his otherwise massive project to “a noneconomic analysis of power.”6 This article, by contrast, places political economy at the center of what Giorgio Agamben describes as the problem of “bare life.”

#### Also, the living wage is the sovereign decision on bare life – it decides a threshold beyond which life is no longer livable, which defines some life as bare life, re-instituting the division between bare and qualified line

#### Every politicization of life creates a threshold that excludes some lives as bare life

Downey 9 [(Anthony, Ph.D from Goldsmiths College and sits on the Editorial Board of Third Text, acts as a Consulting Editor for Open Space (Vienna), and edits Ibraaz, a research forum on the Middle East and North Africa, external assessor for the revalidation of the Royal College of Art’s M.A. in Curating Contemporary Art) “Zones of Indistinction: Giorgio Agamben’s ‘Bare Life’ and the Politics of Aesthetics” Third Text, Vol. 23, Issue 2, March, 2009, 109–125] AT

Exempted from the socius of a political community, not to mention its protection, the individual who entered the camp found himself in that most absolute of bio-political spaces where his ‘bare life’ came into an unmediated relationship with absolute sovereign power. ‘This is why’, Agamben continues, ‘the camp is the very paradigm of political space at the point at which politics becomes biopolitics and homo sacer is virtually confused with the citizen’ (HS 171).9 We move here towards the crux of Agamben’s argument, a thesis that is not so much concerned with the anomalous nature of the camp as historical fact, as it is with the camp as ‘the hidden matrix and nomos of the political space in which we are still living’ (HS 166). The ongoing politicisation of life today demands that a series of decisions be made about the delimitation of the threshold beyond which life ceases to be politically relevant – where life becomes ‘bare life’. These thresholds, moreover, need to be redrawn from epoch to epoch; so much so that every society modulates the limit of the threshold. The camp was the limit in Nazi Germany at a particular moment in time; however, as Agamben argues, ‘every society – even the most modern – decides who its “sacred [people] men” will be’ (HS 139). Politics, in the context of the camp, concerned itself with that which was apparently unpolitical – ‘bare life’ and its abandonment by the political community – and the implications of this reach beyond the singular abjection of the camps: If this is true, if the essence of the camp consists in the materialization of the state of exception and in the subsequent creation of a space in which bare life and the juridical rule enter into a threshold of indistinction, then we must admit that we find ourselves virtually in the presence of a camp every time such a structure is created, independent of the kinds of crime that are committed there and whatever its denomination and specific topography. (HS 174) Jacques Rancière has also detailed the scenario of modernity in terms that expand the nomos of the camp: ‘Correspondingly’, Rancière writes: ... the Holocaust appears as the hidden truth of the Rights of Man – that is, the status of bare, undifferentiated life, which is the correlate of biopower.

### ---Extra I/L Card

#### Sovereign politicization of life necessarily entails the devaluation and sacrifice of life

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

It is as if every valorization and every "Politicization" of life (which, after all, is implicit in the sovereignty of the individual over his own existence) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only "sacred life," and can as such be eliminated without punishment. Every society sets this limit; every society -- even the most modern -- decides who its "sacred men" will be. It is even possible that this limit, on which the politicization and the exception of natural life in the juridical order of the state depends, has done nothing but extend itself in the history of the West and has now -in the new biopolitical horizon of states with national sovereignty -- moved inside every human life and every citizen. Bare life is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being.

### Link – Sovereignty [Whyte]

#### Attempting to address economic violence through law only re-entrenches the catastrophic politicization of life

Whyte 13 [(Jessica, Lecturer in Cultural and Social Analysis at the University of Western Sydney) “The Politics of Life” Ch1 of Catastrophe and Redemption: The Political Thought of Giorgio Agamben. 2013 State University of New York Press, Albany] AT

Agamben’s identification of a fracture between life and politics that is endemic to Western politics leads him to an unsparing critique of the political tradition, which does not leave its emancipatory resources, such as democracy and human rights, unscathed. The fracture between life and politics is still the key political problem, he writes, because the “centuries that have since gone by have brought only provisional and ineffective solutions.”13 All the historical struggles, political theories, and manifestos of the past two and a half millennia, such is his dramatic claim, have been insufficient to reckon with the originary split between life and politics inaugurated in the Greek polis. Only rethinking the political tradition in its entirety would enable us to challenge the reduction of life to the substance of political calculations. Indeed, his claim is that unless we radically rethink the terms of political action, any attempt to ameliorate the catastrophic dangers of the present will only entrench the politicization of life that is central to sovereign power. “Until a completely new politics—that is a politics no longer founded on the exceptio of bare life—is at hand,” he writes in Homo Sacer: [E]very theory and every praxis will remain imprisoned and immo- bile, and the ‘beautiful day’ of life will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it.14

### Link - Productivity

#### The focus on economic productivity reduces laborers into mere life

HS 13 [(HumanStrike Blog, blog on neoliberalism, capitalism, and critical theory; cites Giorgio Agamben, prof of philosophy at Univ of Vienna, and Christian Mazzari, Director of Socio-Economic Research at the Scuola Universitaria della Svizzera Italiana) “bare life, immaterial labour, foxconn. first draft” Human Strike Blog, July 24, 2013] AT

Contemporary capital depends on a combination of rigid management structures and absolute flexibility. It requires the existence of populations who can be employed, scrutinized, and put to work in the most extreme taylorised space yet invented, yet can be dismissed without warning, discarded during a lull or put into overdrive at the whims of amazon orders or facebook ‘likes’. This is the pure potentiality, the bare life, that is represented by migrants and so-called ‘surplus populations’: with no guarantees for reproduction, they are the most extreme reserve army of labor to ever exist, sheer productive capacity that can be flicked on and off like the electronic circuits they assemble. A detailed dissection of labor processes and subject formation in China provides a foil to understand class composition on a global scale, as well as providing more extreme examples of super-exploitation and self-entrepreneurship. Specifically, I contrast the development of a neoliberal ‘entrepreneur of the self’ framework in the United States with a discourse around improving quality, or suzhi, in China. Additionally, I contrast the urban, middle class focus on investing in human capital and making oneself marketable with the need for hidden, raw potential labour-power in the form of the migrant, racialized, or gendered labor in both the United States and China. The logic of availability and potentiality that is at play in the extraction of value from every part of our lives is equally present, but manifested with important differences, in the superexploitation of the bare lives of migrant family workers and domestic laborers. Finally, I use Agamben’s understanding of bare life and the camp as the absolute biopolitical space to understand the logic of export processing zones and contemporary industrial production.

### Link – Law

#### The role of scholars should not be to model how to use the law or even how to fix it, but to liberate ourselves from it – the aff’s exercise in law-making increases sovereign power

Kotsko 13 [(Adam,) “How To Read Agamben” LA Review of Books June 4th, 2013] AT

Now may be the time to return to that Kafka story about Alexander the Great’s horse Bucephalus, entitled “The New Attorney.” (The text is available here. I recommend you take a moment to read it — it’s very short, and quite interesting.) In this brief fragment, we learn that Bucephalus has changed careers: he is no longer a warhorse, but a lawyer. What strikes Agamben about this story is that the steed of the greatest sovereign conqueror in the ancient world has taken up the study of the law. For Agamben, this provides an image of what it might look like not to go back to a previous, less destructive form of law, but to get free of law altogether: 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…. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin’s posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical. The law will not be simply done away with, but it is used in a fundamentally different way. In place of enforcement, we have study, and in place of solemn reverence, play. Agamben believes that the new attorney is going the state of emergency one better: his activity not only suspends the letter of the law, but, more importantly, suspends its force, its dominating power. Agamben’s critical work always aims toward these kinds of strange, evocative recommendations. Again and again, we find that the goal of tracking down the paradoxes and contradictions in the law is not to “fix” it or provide cautionary tales of what to avoid, but to push the paradox even further. Agamben often uses the theological term “messianic” to describe his argumentative strategy, because messianic movements throughout history — and here Agamben would include certain forms of Christianity — have often had an antagonistic relationship to the law (primarily, but not solely, the Jewish law, or Torah). Accordingly, he frequently draws on messianic texts from the Jewish, Christian, and Islamic traditions for inspiration in his attempt to find a way out of the destructive paradoxes of Western legal thought.

#### By its very existence, law can be suspended by the sovereign, who is outside the law – it is impossible for even the strictest of laws to restrict sovereign power

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online. All parantheses except those modifying gendered language in original. \*we don’t endorse gendered language] AT

Juridical = relating to the administration of law

1.1 The paradox of sovereignty consists in the fact the sovereign is, at the same time, outside and inside the juridical order. If the sovereign is truly the one to whom the juridical order grants the power of proclaiming a state of exception and, therefore, of suspending the order’s own validity, then “the sovereign stands outside the juridical order and, nevertheless, belongs to it, since it is up to [it] him to decide if the constitution is to be suspended in toto” (Schmitt, Politische Theologie, p. 13). The specification that the sovereign is “at the same time outside and inside the juridical order” (emphasis added) is not insignificant: the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law. This means that the paradox can also be formulated this way: “the law is outside itself,” or: “I, the sovereign, who am outside the law, declare that there is nothing outside the law [che non ce unfiiori legge].” The topology implicit in the paradox is worth reflecting upon, since the degree to which sovereignty marks the limit (in the double sense of end and principle) of the juridical order will become clear only once the structure of the paradox is grasped. Schmitt presents this structure as the structure of the exception (Ausnahme): The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specifically juridical formal element: the decision in absolute purity. The exception appears in its absolute form when it is a question of creating a situation in which juridical rules can be valid. Every general rule demands a regular, everyday frame of life to which it can be factually applied and which is submitted to its regulations. The rule requires a homogeneous medium. This factual regularity is not merely an “external presupposition” that the jurist can ignore; it belongs, rather, to the rule’s immanent validity. There is no rule that is applicable to chaos. Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective. All law is “situational law.” The sovereign creates and guarantees the situation as a whole in its totality. He has the monopoly over the final decision. Therein consists the essence of State sovereignty, which must therefore be properly juridically defined not as the monopoly to sanction or to rule but as the monopoly to decide, where the word “monopoly” is used in a general sense that is still to be developed. The decision reveals the essence of State authority most clearly. Here the decision must be distinguished from the juridical regulation, and (to formulate it paradoxically) authority proves itself not to need law to create law. . . . The exception is more interesting than the regular case. The latter proves nothing; the exception proves everything. The exception does not only confirm the rule; the rule as such lives off the exception alone. A Protestant theologian who demonstrated the vital intensity of which theological reflection was still capable in the nineteenth century said: “The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself. After a while, one becomes disgusted with the endless talk about the general – there are exceptions. If they cannot be explained, then neither can the general be explained. Usually the difficulty is not noticed, since the general is thought about not with passion but only with comfortable superficiality. The exception, on the other hand, thinks the general with intense passion.” (Politische Theologie, pp. 19-22) It is not by chance that in defining the exception Schmitt refers to the work of a theologian (who is none other than Søren Kierkegaard). Giambattista Vico had, to be sure, affirmed the superiority of the exception, which he called “the ultimate configuration of facts,” over positive law in a way which was not so dissimilar: “An esteemed jurist is, therefore, not someone who, with the help of a good memory, masters positive law [or the general complex of laws], but rather someone who, with sharp judgment, knows how to look into cases and see the ultimate circumstances of facts that merit equitable consideration and exceptions from general rules” (De antiquissima, chap. 2). Yet nowhere in the realm of the juridical sciences can one find a theory that grants such a high position to the exception. For what is at issue in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of State authority. Through the state of exception, the sovereign “creates and guarantees the situation” that the law needs for its own validity. But what is this “situation,” what is its structure, such that it consists in nothing other than the suspension of the rule? The Vichian opposition between positive Law (ins theticum) and exception well expresses the particular status of the exception. The exception is an element in law that transcends positive law in the form of its suspension. The exception is to positive law what negative theology is to positive theology. While the latter affirms and predicates determinate qualities of God, negative (or mystical) theology, with its “neither ... nor ... ,” negates and suspends the attribution to God of any predicate whatsoever. Yet negative theology is not outside theology and can actually be shown to function as the principle grounding the possibility in general of anything like a theology. Only because it has been negatively presupposed as what subsists outside any possible predicate can divinity become the subject of a predication. Analogously, only because its validity is suspended in the state of exception can positive law define the normal case as the realm of its own validity.

### Link – Politics/Reps

#### The affirmative badly misreads the structure of politics – State order is not founded on law, but on the control of representations and expositions – this also means the affirmative’s representations should be the object of evaluation of the debate

Agamben 2000 [(Giorgio, professor of philosophy at the College International de Philosophie in Paris) “Means Without End: Notes on Politics” p. 93-95] AT

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 dissimulares 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. If what human beings had to communicate to each other were always and only something, there would never be politics properly speaking, but only exchange and con­ flict, signals and answers. But because what human beings have to communicate to each other is above all a pure communicability (that is, language), politics then arises as the communicative emptiness in which the human face emerges as such. It is precisely this empty space that politicians and the media establishment are trying to be sure to control, by keeping it separate in a sphere that guarantees its unseizability and by preventing communicativity itself from coming to light. This means that an integrated Marxian analysis should take into consideration the fact that capitalism (or whatever other name we might want to give to the process dominating world history today) not only was directed to the expropriation of productive activity, but was also and above all directed to the alienation of language itself, of the communicative nature of human beings. Inasmuch as it is nothing but pure communicability, every human face, even the most noble and beautiful, is always suspended on the edge of an abyss. This is precisely why the most delicate and graceful faces sometimes look as if they might suddenly decompose, thus letting the shapeless and bottomless background that threatens them emerge. But this amorphous background is nothing else than the opening itself and communicability itself inasmuch as they are constituted as their own presuppositions as if they were a thing. The only face to remain uninjured is the one capable of taking the abyss of its own communicability upon itself and of exposing it without fear or complacency. This is why the face contracts into an expression, stiff­ ens into a character, and thus sinks further and further into itself. As soon as the face realizes that communica­ bility is all that it is and hence that it has nothing to ex­ press thus withdrawing silently behind itself, inside its own mute identity-it turns into a grimace, which is what one calls character. Character is the constitutive ret­ icence that human beings retain in the word; but what one has to take possession of here is only a nonlatency, a pure visibility: simply a visage. The face is not some­ thing that transcends the visage: it is the exposition of the visage in all its nudity, it is a victory over charac­ ter-it is word. Everything for human beings is divided between proper and improper, true and false, possible and real: this is be­ cause they are or have to be only a face. Every appearance that manifests human beings thus becomes for them improper and factitious, and makes them confront the task of turning truth into their own proper truth. But truth itself is not something of which we can take possession, nor does it have any object other than appearance and the improper: it is simply their comprehension, their exposition. The totalitarian politics of the modern, rather, is the will to total self-possession: here either the improper extends its own rule everywhere, thanks to an unrestrainable will to falsification and consumption (as happens in advanced industrialized democracies), or the proper demands the exclusion of any impropriety (as happens in the so-called totalitarian states). In both these grotesque counterfeits of the face, the only truly human possibility is lost: that is, the possibility of taking possession of impropriety as such, of exposing in the face simply your own proper impropriety, of walking in the shadow of its light.

### Link – rights for refugees

#### Ascribing rights to refugees dissociates human rights from citizenship and reinscribes sovereign decisions on the non-value of life

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

￼If modern biopolitics was linked intricately to the nation-state in its origins, does the crisis of the "birth-nation" link bring it to an end? Agamben answers this question in the negative, and demonstrates how this crisis has actually intensified the politicization of natural life. One of the problematical effects of this crisis is the increasing deployment of human rights outside the context of citizenship. The dissociation of human rights from citizenship paves the way for modern humanitarianism, in which human rights stand for the rights of those who are isolated as bare life - e.g. refugees. As a result, human rights have come to be understood as universal moral standards to be deployed by a (^politicized humanitarianism "for the sake of the supposed representation and protection of a bare life'1 (1998, 133). Agamben turns his gaze to the contemporary representations of the refugee - ''imploring eyes of the Rwandan child" - to underscore the attempts to turn human rights to the rights of those who arc denied a political life and whose "humanity" is reduced to a biological minimum that is to be represented and protected by a compassionate humanitarianism that posits itself as a-political (1998, 133). Historical transformations of human rights show, according to Agamben, that there is no ￼autonomous space for "something like the pure human life" or "the human in itself\* in the political-juridical order of the nation-state (2000, 20). Within this order, human rights are either the rights of citizens (i.e. "man" becomes the "vanishing ground" of the 54 citizen), or, in their de-politicized form, the rights of those who can be rendered bare life (1998, 128). Another effect of the dissolution of the fictional unity between birth and nation is the regulation and administration of life in the name of its valorization to an unprecedented degree. Once the fictional unity loses its "mechanical force and power of ￼self-regulation/' nation-states need more than ever to be engaged in sovereign decisions discriminating between "a so-to-speak authentic life and a life lacking every political virtue" (1998, 132).

## --FW links

### Link – Security

#### The discourse of security necessity institutes a permanent state of exception

Agamben 14 [(Giorgio, prof of philosophy at the Univ of Verona) “From the State of Control to a Praxis of Destituent Power” Feb 2, 2014] AT

A reflection on the destiny of democracy today here in Athens is in some way disturbing, because it obliges us to think the end of democracy in the very place where it was born. As a matter of fact, the hypothesis I would like to suggest is that the prevailing governmental paradigm in Europe today is not only non-democratic, but that it cannot either be considered as political. I will try therefore to show that European society today is no longer a political society; it is something entirely new, for which we lack a proper terminology and we have therefore to invent a new strategy. Let me begin with a concept which seems, starting from September 2001, to have replaced any other political notion: security. As you know, the formula “for security reasons” functions today in any domain, from everyday life to international conflicts, as a codeword in order to impose measures that the people have no reason to accept. I will try to show that the real purpose of the security measures is not, as it is currently assumed, to prevent dangers, troubles or even catastrophes. I will be consequently obliged to make a short genealogy of the concept of “security”. A Permanent State of Exception One possible way to sketch such a genealogy would be to inscribe its origin and history in the paradigm of the state of exception. In this perspective, we could trace it back to the Roman principle Salus publica suprema lex – public safety is the highest law — and connect it with Roman dictatorship, with the canonistic principle that necessity does not acknowledge any law, with the comités de salut publique during French revolution and finally with article 48 of the Weimar republic, which was the juridical ground for the Nazi regime. Such a genealogy is certainly correct, but I do not think that it could really explain the functioning of the security apparatuses and measures which are familiar to us. While the state of exception was originally conceived as a provisional measure, which was meant to cope with an immediate danger in order to restore the normal situation, the security reasons constitute today a permanent technology of government. When in 2003 I published a book in which I tried to show precisely how the state of exception was becoming in Western democracies a normal system of government, I could not imagine that my diagnosis would prove so accurate. The only clear precedent was the Nazi regime. When Hitler took power in February 1933, he immediately proclaimed a decree suspending the articles of the Weimar constitution concerning personal liberties. The decree was never revoked, so that the entire Third Reich can be considered as a state of exception which lasted twelve years. What is happening today is still different. A formal state of exception is not declared and we see instead that vague non-juridical notions — like the security reasons — are used to install a stable state of creeping and fictitious emergency without any clearly identifiable danger. An example of such non-juridical notions which are used as emergency producing factors is the concept of crisis. Besides the juridical meaning of judgment in a trial, two semantic traditions converge in the history of this term which, as is evident for you, comes from the greek verb crino; a medical and a theological one. In the medical tradition, crisis means the moment in which the doctor has to judge, to decide if the patient will die or survive. The day or the days in which this decision is taken are called crisimoi, the decisive days. In theology, crisis is the Last Judgment pronounced by Christ in the end of times. As you can see, what is essential in both traditions is the connection with a certain moment in time. In the present usage of the term, it is precisely this connection which is abolished. The crisis, the judgement, is split from its temporal index and coincides now with the chronological course of time, so that — not only in economics and politics — but in every aspect of social life, the crisis coincides with normality and becomes, in this way, just a tool of government. Consequently, the capability to decide once for all disappears and the continuous decision-making process decides nothing. To state it in paradoxical terms, we could say that, having to face a continuous state of exception, the government tends to take the form of a perpetual coup d’état. By the way, this paradox would be an accurate description of what happens here in Greece as well as in Italy, where to govern means to make a continuous series of small coups d’état. This is why I think that, in order to understand the peculiar governmentality under which we live, the paradigm of the state of exception is not entirely adequate. I will therefore follow Michel Foucault’s suggestion and investigate the origin of the concept of security in the beginning of modern economy, by François Quesnais and the Physiocrates, whose influence on modern governmentality could not be overestimated. Starting with Westphalia treaty, the great absolutist European states begin to introduce in their political discourse the idea that the sovereign has to take care of its subjects’ security. But Quesnay is the first to establish security (sureté) as the central notion in the theory of government — and this in a very peculiar way. One of the main problems governments had to cope with at the time was the problem of famines. Before Quesnay, the usual methodology was trying to prevent famines through the creation of public granaries and forbidding the exportation of cereals. Both these measures had negative effects on production. Quesnay’s idea was to reverse the process: instead of trying to prevent famines, he decided to let them happen and to be able to govern them once they occurred, liberalizing both internal and foreign exchanges. “To govern” retains here its etymological cybernetic meaning: a good kybernes, a good pilot can’t avoid tempests, but if a tempest occures he must be able to govern his boat, using the force of waves and winds for navigation. This is the meaning of the famous motto laisser faire, laissez passer: it is not only the catchword of economic liberalism; it is a paradigm of government, which conceives of security (sureté, in Quesnay’s words) not as the prevention of troubles, but rather as the ability to govern and guide them in the right direction once they take place. We should not neglect the philosophical implications of this reversal. It means an epochal transformation in the very idea of government, which overturns the traditional hierarchical relation between causes and effects. Since governing the causes is difficult and expensive, it is safer and more useful to try to govern the effects. I would suggest that this theorem by Quesnay is the axiom of modern governmentality. The ancien regime aimed to rule the causes; modernity pretends to control the effects. And this axiom applies to every domain, from economy to ecology, from foreign and military politics to the internal measures of police. We must realize that European governments today gave up any attempt to rule the causes, they only want to govern the effects. And Quesnay’s theorem makes also understandable a fact which seems otherwise inexplicable: I mean the paradoxical convergence today of an absolutely liberal paradigm in the economy with an unprecedented and equally absolute paradigm of state and police control. If government aims for the effects and not the causes, it will be obliged to extend and multiply control. Causes demand to be known, while effects can only be checked and controlled. One important sphere in which the axiom is operative is that of biometrical security apparatuses, which increasingly pervade every aspect of social life. When biometrical technologies first appeared in 18th century in France with Alphonse Bertillon and in England with Francis Galton, the inventor of finger prints, they were obviously not meant to prevent crimes but only to recognize recidivist delinquents. Only once a second crime has occurred, you can use the biometrical data to identify the offender. Biometrical technologies, which had been invented for recividist criminals, remained for a long time their exclusive privilege. In 1943, US Congress still refused the Citizen Identification Act, which was meant to introduce for every citizen an Identity Card with finger prints. But according to a sort of fatality or unwritten law of modernity, the technologies which have been invented for animals, for criminals, strangers or Jews, will finally be extended to all human beings. Therefore, in the course of 20th century, biometric technologies have been applied to all citizens, and Bertillon’s identification photographs and Galton’s fingerprints are currently in use everywhere for ID cards. But the extreme step has been taken only in our days and it is still in the process of full realization. The development of new digital technologies, with optical scanners which can easily record not only finger prints but also the retina or the eye’s iris structure, biometrical apparatuses tend to move beyond the police stations and immigration offices and spread into everyday life. In many countries, the access to student’s restaurants or even to schools is controlled by a biometric apparatus on which the student just puts his or her hand. The European industries in this field, which are quickly growing, recommend that citizens get used to this kind of control from their early youth. The phenomenon is really disturbing, because the European Commissions for the development of security (like the ESPR, European Security Research Program) include among their permanent members the representatives of the big industries in the field, which are just the old armaments producers like Thales, Finmeccanica, EADS et BAE System, that have converted to the security business. It is easy to imagine the dangers represented by a power that could have at its disposal the unlimited biometric and genetic information of all its citizens.

#### This also destroys the possibility of political identity and democracy

Agamben 14 [(Giorgio, prof of philosophy at the Univ of Verona) “From the State of Control to a Praxis of Destituent Power” Feb 2, 2014] AT

The growing extension to citizens of technologies which were conceived for criminals inevitably has consequences for the political identity of the citizen. For the first time in the history of humanity, identity is no longer a function of the social personality and its recognition by others, but rather a function of biological data, which cannot bear any relation to it, like the arabesques of the fingerprints or the disposition of the genes in the double helix of DNA. The most neutral and private thing becomes the decisive factor of social identity, which loses therefore its public character. If my identity is now determined by biological facts that in no way depend on my will and over which I have no control, then the construction of something like a political and ethical identity becomes problematic. What relationship can I establish with my fingerprints or my genetic code? The new identity is an identity without the person, as it were, in which the space of politics and ethics loses its sense and must be thought again from the ground up. While the classical Greek citizen was defined through the opposition between the private and the public, the oikos, which is the place of reproductive life, and the polis, place of political action, the modern citizen seems rather to move in a zone of indifference between the private and the public, or, to quote Hobbes’ terms, the physical and the political body. The materialization in space of this zone of indifference is the video surveillance of the streets and the squares of our cities. Here again an apparatus that had been conceived for the prisons has been extended to public places. But it is evident that a video-recorded place is no more an agora and becomes a hybrid of public and private; a zone of indifference between the prison and the forum. This transformation of the political space is certainly a complex phenomenon that involves a multiplicity of causes, and among them the birth of biopower holds a special place. The primacy of the biological identity over the political identity is certainly linked to the politicization of bare life in modern states. But one should never forget that the leveling of social identity on body identity begun with the attempt to identify the recidivist criminals. We should not be astonished if today the normal relationship between the state and its citizens is defined by suspicion, police filing and control. The unspoken principle which rules our society can be stated like this: every citizen is a potential terrorist. But what is a state ruled by such a principle? Can we still define it as democratic state? Can we even consider it as something political? In what kind of state do we live today? You will probably know that Michel Foucault, in his book Surveiller et Punir and in his courses at the Collège de France, sketched a typological classification of modern states. He shows how the state of the Ancien Regime, which he calls the territorial or sovereign state and whose motto was faire mourir et laisser vivre, evolves progressively into a population state and into a disciplinary state, whose motto reverses now into faire vivre et laisser mourir, as it will take care of the citizen’s life in order to produce healthy, well-ordered and manageable bodies. The state in which we live now is no more a disciplinary state. Gilles Deleuze suggested to call it the État de contrôle, or control state, because what it wants is not to order and to impose discipline but rather to manage and to control. Deleuze’s definition is correct, because management and control do not necessarily coincide with order and discipline. No one has told it so clearly as the Italian police officer, who, after the Genoa riots in July 2001 declared that the government did not want for the police to maintain order but for it to manage disorder. From Politics to Policing American political scientists who have tried to analyze the constitutional transformation involved in the Patriot Act and in the other laws which followed September 2001 prefer to speak of a security state. But what does security here mean? It is during the French Revolution that the notion of security – sureté, as they used to say — is linked to the definition of police. The laws of March 16, 1791 and August 11, 1792 introduced thus into French legislation the notion of police de sureté (security police), which was doomed to have a long history in modernity. If you read the debates which preceded the vote on these laws you will see that police and security define one another, but no one among the speakers (Brissot, Heraut de Séchelle, Gensonné) is able to define police or security by themselves. The debates focused on the situation of the police with respect to justice and judicial power. Gensonné maintains that they are “two separate and distinct powers,” yet, while the function of the judicial power is clear, it is impossible to define the role of the police. An analysis of the debate shows that the place and function of the police is undecidable and must remain undecidable, because, if it were really absorbed in the judicial power, the police could no more exist. This is the discretionary power which still today defines the actions of police officer, who, in a concrete situation of danger for the public security act, so to speak, as a sovereign. But, even when he exerts this discretionary power, the policeman does not really take a decision, nor prepares, as is usually stated, the judge’s decision. Every decision concerns the causes, while the police acts on effects, which are by definition undecidable. The name of this undecidable element is no more today, like it was in 17th century, raison d’État, or state reason. It is rather “security reasons”. The security state is a police state, but, again, in the juridical theory, the police is a kind of black hole. All we can say is that when the so called “science of the police” first appears in the 18th century, the “police” is brought back to its etymology from the Greek politeia and opposed as such to “politics”. But it is surprising to see that “police” coincides now with the true political function, while the term politics is reserved for foreign policy. Thus Von Justi, in his treatise on Policey-Wissenschaft, calls Politik the relationship of a state with other states, while he calls Polizei the relationship of a state with itself. It is worthwhile to reflect upon this definition: “Police is the relationship of a state with itself.” The hypothesis I would like to suggest here is that, placing itself under the sign of security, the modern state has left the domain of politics to enter a no man’s land, whose geography and whose borders are still unknown. The security state, whose name seems to refer to an absence of cares (securus from sine cura) should, on the contrary, make us worry about the dangers it involves for democracy, because in it political life has become impossible, while democracy means precisely the possibility of a political life.

### Link - Kant

#### Kant’s philosophy places those who will contradictory maxims outside of the political order – this justifies endless war to exterminate all enemies

Moreiras 4 (Alberto, Director of European Studies at Duke “A God without Sovereignty. Political Jouissance. The Passive Decision”, CR: The New Centennial Review 4.3, p.81-83, Project MUSE)

\*Nomos = the concept of law itself

Is the unjust enemy, as opposed to the just enemy, whose definition is entirely contained at the level of the nomic order, precisely the enemy that fights against a given order and wants an alternative order? Or is the unjust enemy the enemy of all nomic orders, of all principles of political order and orientation? Schmitt says that Kant’s concept of the unjust enemy might in fact be already “a presentiment of a new nomos of the earth” (2003, 169), that is, of a new order of the political. But is it? Or is this disingenuous or inconsistent on Schmitt’s part? Is Kant prefiguring nothing less than the arrival of nihilistic terrorists, adversarial foes of the nomic order whose intent cannot be to produce an alternative nomic configuration but rather, precisely, the return to an impossible state of nature, a murderous chaos, disorder and disorientation for all? If so, the Kantian unjust enemy is the intuition of the end of all possible orders, and certainly not the presentiment of any new or emerging order. For Kant, the unjust enemy is one “whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated” (Schmitt 2003, 169). On the face of it—that is, strictly according to Kant’s definition—the unjust enemy is the enemy of the order of the political: not of a given order, but of every possibility of an order of the political. Schmitt says: “A preventive war against such an enemy would be considered to be even more than a just war. It would be a crusade, because we would be dealing not simply with a criminal, but with an unjust enemy, with the perpetuator of the state of nature” (169). The notion of the unjust enemy, Kant’s discovery, throws into disarray the very presupposition of an order of the political in a very specific sense. A limit figure, the unjust enemy stands outside the nomos, in the sense that it refuses to recognize nomic authority itself. But the nomos is a totalizing principle outside which, by definition, nothing stands: even the principle of nomic dissolution is produced by the nomos itself, in every case. The nomos, if such, must produce its own antithesis, as a function of its own totalizing division. Something, then, has happened: the Kantian unjust enemy stands outside the jurisdiction of the nomos. It is a scandal. But the scandal gets worse, and this is something that Schmitt does not point out. He does quote, with high praise (“it is impossible to understand the concept of a just enemy better than did Kant” [169]), Kant’s definition of the just enemy. But Kant’s definition of the just enemy is itself scandalous, and potentially throws Schmitt’s differentiation into disarray. For Kant, “a just enemy would be one that I would be doing wrong by resisting, but then he would also not be my enemy” (2003, 169). With this, with what we could call Schmitt’s refusal to deal with the implications of the Kantian definition, although he himself provides it, Schmitt shows a double face. It stands to reason that, if the notion of the just enemy is an impossibility, that is, if the enemy, in virtue of his very justice, is always already a friend, then all enemies, in order to be enemies, must be unjust. If all enemies are unjust, then every single enemy stands outside the jurisdiction of the nomos. The nomic order has then effective jurisdiction only over friends, and it loses its universality. It loses, indeed, more than its universality: it loses its position as a political concept, since it cannot account for, it can only submit to, the friend/enemy division. Hence, the order of the nomos and the order (or, rather, the state) of any concrete politics are radically incompatible. If there is politics, then there is no binding nomos. If there is a nomos, the unjust enemy—and that means any enemy—falls outside the political order. Schmitt’s position in The Nomos of the Earth seems to contradict his earlier position on the political successfully: the notion of anomos of the earth, of an order of the political, accomplishes, perhaps against Schmitt’s own will, a deconstruction of his notion of the political. Or perhaps, on the contrary, we are faced with the fact that Schmitt’s own indications of the Kantian position deconstruct the notion of an order of the political beyond every concrete friend-enemy grouping and send us back to the absolute primacy of the friend/enemy division in terms of a determination of the political. Do we prefer to uphold the notion of a nomic order, or do we prefer to abide by a savage, anomic notion of the political? Is there a choice?4 If all enemies are unjust enemies, all enemies must be exterminated. There is no end and no limitation to war: war is total, and that is so both for the friends of the nomos, and for their unjust enemies. But total war cannot be a fundamental orientation and a principle of order. The notion of total war announces the end of any possible reign of nomic order. It also announces a radicalization of the political, precisely as it opens itself to its most extreme determination as war, now total. But a total war without a nomos is a totally unregulated, totally nondiscriminatory war, without legality. And a war under those conditions cannot abide by a concept of friendship, since it has generalized the friend/enemy division into their complete disruption. Friendship presupposes legality. Faced with total war, humanity finds itself deprived of amity, just as it finds itself deprived of enmity. At the logical end of the concept, the political division finds its own end. Total war is the end of the political. The whole notion of an order of the political has now been placed beyond the line. Total war is an absolute threat.

### Link – Util

#### Util is biopolitical

Marks 15 [(Shanee, lecturer in Sociology Department, Boğaziçi University) “Biopolitics on the Installment Plan” Posted Feb16, 2015. presented in the series “Sociology Talks” at the Sociology Department, Boğaziçi University, Istanbul on 27th March 2014]

And of course Esposito does not exclude philosophy from the biopolitical dispositif – particularly philosophy or rather its Heideggerian end – is at the heart of biopolitics. But when he reflects philosophy’s turning within and towards biopolitics – it is not a biopolitical liberalism, which informs the new philosophical naturalism – it is once again simply Nazism. Although, as he writes, Nazism suffered an absolute military and political defeat – it still commands a potent cultural and linguistic force – so much so that he recognizes in Nazism “the unprecedented attempt to liberate the natural features of existence from their historical distinctiveness” (Terms of the Political, ibid., p. 107). But Esposito claims that Nazism’s biopolitical being epitomized the 20th century even more profoundly – by far surpassing the totalitarian paradigm of the West – enacting the century’s real antithesis of nature and history, touching the deep vein of ‘the preservation of life’. But what Esposito describes, as Nazism’s singular deep attunement to the 20th century question of ‘the preservation of life’ in other words self-preservation would hardly amount to the specificity of Nazism or the 20th century. Self-preservation is what Adorno and Horkheimer in Dialectic of Enlightenment call the Spinozist presupposition, the “true maxim of all Western civilization” (Theodor W. Adorno and Max Horkheimer, Dialectic of Enlightenment, Stanford, 2002, p. 22). “Conatus sese conservandi primum et unicum virtutis est fundamentum” (Baruch Spinoza, Ethics, Part IV, Proposition XXII, Coroll.) “The endeavor of preserving oneself is the first and only basis of virtue.” Indeed preservation of life, freedom and property were the negative objectives of the liberalistic state of the 19th century. ‘Self-preservation’, as the ultimate rationale, sacrifices myth, nature and eventually bourgeois subjectivity itself to its self-alienated form in the capitalist technical apparatus. As such, the preservation of life leads to utter denaturisation. Adorno relentlessly criticizes the tautological nature of the self-preservation principle – its rudimentary identity postulate – the means (self) and end (self) are the same/identical. It is a crucial element of his critique of a certain kind of materialism or forms of ‘naturalism’ in philosophy – that are once again very popular or still popular today as one can see in Esposito or philosophies of the animal or the brain among others. Naturalism (in philosophy) attaches itself to the idea of Life and the natural sciences/Life sciences – Bare Life – and is predominantly biologistic – hence ultimately the ‘birth of biopolitics’ is an aspect of this naturalism.

### Link – Contracts

#### [SHORT] Bare life, not free subjects, are at the foundation of the state – contractarianism merely justifies state power

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Agamben's analysis of modern juridico-political developments, including rights declarations, aims to reveal the inimical effects of the often-celebrated transformation of the "subject" into a "citizen" with the birth of modern democracy. He argues that with this transformation modern democracy does not abolish bare life but instead "shatters it and disseminates it into every individual body" (1998, 125). With the introduction of habeas corpus, for example, modern democracy turns corpus or body into the new political subject (1998. 124), and repeats the fundamental biopolitical fracture at the heart of Western politics: It isolates a corpus, which Agamben interprets in terms of the￼concept of bare life, and compels law to "assume the care of this body" (1998, 125). Challenging contractarian accounts, Agamben asserts that it is not the freely consenting individuals but rather bare life that can be killed without impunity that lies at the foundation of modern democracy. Thus, what lies in this passage from "subject" to "citizen" is not "man as a free and conscious political subject but, above all, man's bare life" (1998, 128). If habeas corpus introduces corpus as the bare life founding the body politic, modern rights declarations identify this body politic with the nation-state (1998, 127; 2000, 20)

#### [LONG] The contractarian justification of sovereignty falsely assumes sovereign power as the solution to a violent state of nature, and the free consent of subjects – these hide the violence of sovereign power and should be rejected

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

As Agamben identifies the production of bare life as the "originary," or constitutive and foundational activity grounding sovereign power, (1998, 6. 83), he aims to provide a counternarrative of the origins of political power, targeting in particular the social contractarian "myth" of founding: "The time has come (...) to reread from the beginning the myth of the foundation of the modern city from Hobbes to Rousseau" (1998, 109). Agamben's analysis of sovereignty in terms of exception and bare life undermines at least two major presuppositions of contractarian thinking: The transition￼from the state of nature to a civil state for the protection of individual subjects from violence, and the establishment of a legitimate rule with a pact that relies on the consent of the equally free individuals.32In his rereading of Hobbes, Agamben points out how the state of nature, which is usually presumed to be chronologically prior to the civil state, survives as a principle internal to sovereignty after the founding moment and becomes manifest in the state of exception when the civil state is considered vas if it were dissolved" (1998, 36; sec also￼37, 106, 109). The foundation of sovereignty does not indicate the transcendence but rather the incorporation of this condition. If life is irreparably exposed to a death threat in the state of nature due to the limitless right of everybody over everything, it is still under this threat once the civil state is founded due to the right of life and death now exclusively held by the sovereign (Agamben 2000: 5). By drawing an analogy between the state of nature and state of exception, Agamben aims to unsettle the physislnomos (nature/law) antinomy, which establishes an identity between violence and the state of nature and opposes this to the juridico-political order of the civil state, and thereby, legitimates the absolute power of sovereign as necessary to overcome this natural violence (1998, 35). Sovereignty can assume the character of "second nature," or create the effect of innatencss and inevitability, only by incorporating a "first" nature that it invents so as to naturalize and justify its violence. Agamben underlines the inimical effects of this ''second nature" especially when he points out that the sovereign power does not protect its subjects from violence but instead "abandons" them. He draws on Jean-Luc Nancy to suggest that "abandonment" does not mean merely to be excluded or￼set outside; that would indeed indicate the possibility of being outside of or indifferent to law. Instead, with the institution of sovereignty, individual subjects are "abandoned1\* in the sense that they are at the mercy or free disposal of the absolute power of sovereign law (Nancy 1993, 43-44: Pryor 2004; Stramignoni 2001). It is this abandonment that leaves them exposed to sovereign violence. When Agamben points out that it is the bare life of homo sacer that lies at the foundation of the political community, he challenges the contractarian assumption that it is equally free individuals who establish legitimate rule with their consent. In his interpretation of "vitae neci.sque potestas" or the "right over life and death," which￼indicates the unconditional authority that fathers had over their sons in Roman law, Agamben implicitly targets the contractarian assumption of natural equality (1998, 88). He draws an analogy between the status of citizens or political subjects and that of sons as they both find themselves "in a state of virtually being able to be killed" (1998. 89). Agamben’s reading of Hobbes also underlines that it is bare life, understood in terms of the fragility of the human body and its capacity to be killed, that underlies both the presumed natural equality and the necessity to found the civil state (1998, 125). Agamben puts into question the principle of consent as well when he challenges the assumption that subjects freely renounce their natural rights to gain civil rights. The founding of the sovereign power does not consist in such a pact but rather in "the sovereign's preservation of ~~his~~ [her] natural right to do anything to anyone" (1998. 106): thus, the sovereign's right to punish was not "given" but rather "left'" to him (1998, 106). Agamben turns to key figures of the contractarian tradition to offer a rereading that aims to demystify or uncover what has become hidden, unveiled, or invisible with "our modern habit of representing the political realm in terms of citizens, rights, free will,￼and social contracts" (1998, 106). These powerful myths, he suggests, posit sovereignty as necessary and inevitable for politics. In other words, what is only "second nature"' assumes the character of "first nature'' with the inextricable ties that these myths weave between sovereignty and politics. Agamben concludes that we cannot effectively respond to "the bloody mystification of a new planetary order," if we let these myths continue to obstruct our political imagination in thinking of a non-sovereign politics without any reference to rights, citizenship, state, and national belonging (1998, 12).

### Link – Humanism

#### Humanism defines humans as valuable – this leaves aside some non-humans to be excluded

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

n many ways, Agamben's criticism is in line with the "radical questioning" invoked by Jacques Derrida as a necessary posture to understand the "recent, complex, and unfinished" history of human rights and to resist the predilection to￼understand them as "natural"; To take this history and this perfectibility into account in an affirmative way we must never prohibit the most radical questioning possible of all the concepts at work here: the humanity of man (the "proper of man\* or of the human, which raises the whole question of nonhuman living beings, as well as the question of the history of recent juridical concepts or performatives such as a 'crime against humanity\*), and then the very concept of rights or of law (droit), and even the concept of history (Borradori 2003, 132-3). Agamben's critical scrutiny of the constitutive terms - "man" and "citizen” 1 - and conceptual presuppositions - biopolitical fracture of bios and zoe - of human rights helps us understand the inclusive exclusions of our prevailing conceptions of "human." More ￼than any other contemporary critic of human rights. Agamben effectively demonstrates how the division of human/non-human passes through living beings to leave aside some as less than human to the effect of leaving them exposed to arbitrary violence. As such, he points out how even the well-intentioned attempts to define a human essence or nature by identifying a set of human values, functions, and needs can render certain lives as invaluable and unlivable. Agamben's critical analysis of human rights indicates that we need to inquire into the underlying assumptions, constitutive terms and political-historical effects of human rights precisely to be able to recognize that we do not yet understand all the ways of being "human" and that we need to understand our "humanness" instead as always "in the making" as an "ongoing task" (Butler 2004, 89, 91). It underlines the need to look into the ways in which prevailing conceptions of human rights can entail divisions between political/natural, human/non-human, man/citizen to the effect of banning certain categories of people from politics and rendering certain lives unlivable.

### Link – Rights

#### Ziarek says human rights are dangerous – they exist by virtue of a person’s existence, which establishes a link between biological existence and citizenship – this is exactly the inscription of bare life into the political order that causes my impacts

#### Mor ev – Individual liberties inscribes lives into the sovereign order, causing violence

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

The contiguity between mass democracy and totalitarian states, nevertheless, does not have the form of a sudden transformation (as Lowith, 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 decisive political 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 volonte, p. 191). The fact is that one and the same affirmation of bare life leads, in bourgeois democracy, to a primacy of the private ovr 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 edecisions. 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 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 the limits of the decision 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 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 ol 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 elimina-tion 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.

#### Even the inscription of rights into the political order marks the insertion of homo sacer into politics

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

If anything characterizes modern democracy as opposed to classical democracy, then, it is that modern democracy presents itself from the beginning as a vindication and liberation of zoē, and that it is constantly trying to transform its own bare life into a way of life and to find, so to speak, the bios of zoē. Hence, too, modern democracy’s specific aporia: it wants to put the freedom and happiness of men into play in the very place – “bare life” – that marked their subjection. Behind the long, strife-ridden process that leads to the recognition of rights and formal liberties stands once again the body of the sacred [hu]man with his double sovereign, his life that cannot be sacrificed yet may, nevertheless, be killed. To become conscious of this aporia is not to belittle the conquests and accomplishments of democracy. It is, rather, to try to understand once and for all why democracy, at the very moment in which it seemed to have finally triumphed over its adversaries and reached its greatest height, proved itself incapable of saving zoē, to whose happiness it had dedicated all its efforts, from unprecedented ruin. Modern democracy’s decadence and gradual convergence with totalitarian states in post-democratic spectacular societies (which begins to become evident with Alexis de Tocqueville and finds its final sanction in the analyses of Guy Debord) may well be rooted in this aporia, which marks the beginning of modern democracy and forces it into complicity with its most implacable enemy. Today politics knows no value (and, consequently, no nonvalue) other than life, and until the contradictions that this fact implies are dissolved, Nazism and fascism – which transformed the decision on bare life into the supreme political principle – will remain stubbornly with us. According to the testimony of Robert Antelme, in fact, what the camps taught those who lived there was precisely that “calling into question the quality of man provokes an almost biological assertion of belonging to the human race” (L’espèce humaine, p. II).

### Link – Identity

#### Constituting an identity for a certain group creates a mode of being for that can be stripped away of them by the Sovereign to legitimize their extermination

Norris, 2000 (Andrew, Ass Prof of Poli Sci @UPenn, diacritics, winter, Giorgio Agamben and the Politics of the Living Dead)

If Agamben's analysis and description of this dilemma of the formation of the political and of political identity is strikingly original, the nonmetaphysical alternative toward which he gestures in response is more familiar. In an earlier discussion of the politics of the sacred, he argues that the sacred bears within itself subversive potential, in that as a marginal supplement of political identity, it itself lacks identity. This opens up the possibility of a mode of being that escapes the metaphysics of politics, and hence of thanatology. "In the final instance the State can recognize any claim for identity. . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without an representable condition of belonging." The Allied response to the Nazi extermination of the Jews is instructive in this regard. Rather than acknowledge the sacred character of the Jewish people (as a people whose extermination "was not conceived as a homicide by [either] the executioners [or] the judges"), they "tried to compensate for this lack of identity with the concession of a State identity, which itself became the source of new massacres" [*Coming Community* 87-88; cf. *Homo Sacer* 114]. To break out of this vicious cycle, Agamben follows Jean-Luc Nancy in attempting to "think" community without unity. 30 In so doing, both will follow Heidegger (though hardly without criticism) in his attempt to develop a poetic mode of speech beyond metaphysics. What Agamben adds to this is his emphasis upon bare life: Only a reflection [una rifflessione] that . . . thematically interrogates the link between bare life[nuda vita] and politics, a link that secretly governs [governa] the modern ideologies seemingly most distant from one another, will be able to . . . return thought to its practical calling [restituire il pensiero alla sua vocazione practica]. [Homo Sacer 4-5]

### Link – Ethics of Care

#### The concept of care is co-opted by the Sovereign to legitimize violence

Smith 10 [(Anna Marie Smith, Professor of Government at Cornell University, is a political theorist, with research interests in the fields of jurisprudence and normative political theory) “Neo-eugenics: A Feminist Critique of Agamben” Occasion: Interdisciplinary Studies in the Humanities v. 2 (December 20, 2010)] AT

For Agamben, sexual regulation in welfare policy constitutes only one moment within the State’s timeless campaign to produce “bare life.”[2] Agamben claims that Aristotle’s distinction between life as mere subsistence, which could be lived to its fullest even if one found oneself outside the polis, and the pursuit of the “good life,” which is only possible in a formally constituted polis, serves as the structure of any possible governance. Indeed, with his attempt to transcend historical specificity, Agamben’s theory could be called a “metaphysics of governance.”[3] For Agamben, Aristotle’s distinction refers to a fundamental tension between two institutional postures that the State adopts toward “the people.” In Aristotle’s account, the male citizen could perfect himself only within the polis. If he left the city—or if his government descended into anarchistic chaos and effectively dissolved itself—he would revert back to a life in which his highest good would be nothing more than subsistence, or “bare life.” It appears, then, that one enters the condition of bare life only in the absence of government, and that the social contract secures us from the descent into the state of nature. That appearance achieves its ideological perfection in modern liberal democratic legitimation discourse, for the latter promises to safeguard the life, liberty, and happiness of “the people” by prohibiting arbitrary state intervention. Agamben would argue, however, that the liberal democratic form of governance inevitably betrays itself. Even as it promises to embrace “laissez-faire,” it busily measures its population, tracks reproductive rates, controls immigration, manages the markets in food, housing, transportation, and energy, and takes steps to ensure the ready supply of able-bodied military recruits. Ironically enough, caregiving is thereby politicized, and for all the ideological disavowal, biopolitics is established yet again as the essence of governmental interest by the modern nation-state. The latter “assume[s] directly the care of the nation’s biological life as one of its proper tasks.”[4] But this is hardly the politicization of caregiving that is envisioned by feminism. Agamben is particularly interested in the way in which the modern nation-State prioritizes its population management interests when it singles out demon figures and treats them as objects that can be legally exterminated. The Jewish inmates in Nazi Germany's concentration camps were designated, by public opinion and law, as nothing more than the bearers of mere existence. These were, in effect, disposable nonpersons who had such a tenuous moral claim on the community that the state could, with impunity, strip them of the very basic rights that make human life worth living, consume their energies, and then treat what remained as waste products. They seem to be exceptional cases, for the fascist State reserved for itself comprehensive and unlimited sovereignty over their lives. And yet they were, at the same time, the exception that proved the rule, for the definition of their juridical status was simply the reverse side of the Reich’s deliberate cultivation of its living human wealth.[5] Agamben would also caution us against any complacency and unwarranted self-congratulation where allegations about liberal democracy’s resilience against authoritarianism are concerned. Some of the medical experiments carried out by the Nazis, for example, were invented by doctors who lived in the liberal democratic societies, and modern medicine continues to sign up death row inmates as trial subjects.[6] In addition, we are now well aware that the Bush administration sought to establish a legal basis for torturing its “detainees.” As it produces bare life, the State claims that it is advancing its fundamental objective of “caring” for the nation. However, every last trace of the egalitarian and solidaristic dimension of the feminist concept of care is thereby eviscerated, such that we are left with nothing more than brutal exclusion.

### Link - VTL

#### The decision on the value of life reinforces the fundamental biopolitical structure

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

Yet from this particular sovereignty of man over his own existence, Binding derives -- and this is the second, and more urgent, reason for our interest in this book -- the necessity of authorizing the annihilation of life unworthy of being lived." The fact that Binding uses this disquieting expression to designate merely the problem of the lawfulness of euthanasia should not lead one to underestimate the novelty and decisive importance of the concept that here makes its first appearance on the European juridical scene: life that does not deserve to be lived (or to live, as the German expression lebensunwerten Leben also quite literally suggests), along with its implicit and more familiar correlate -- life that deserves to be lived (or to live). The fundamental biopolitical, structure of modernity -- the decision on the value (or nonvalue) of life as such -- therefore finds its first juridical articulation in a well-intentioned pamphlet in favor of euthanasia.

## --Environment Link

### Link – Eco Impact

#### Their crisis discourse invokes a state of eco-exceptionalism which epistemically filters political utterances to bolster inequality and sovereign exploitation – this reduces the other to bare life to permit its extermination while deploying threats of apocalypse as apparatuses of total biopolitical control

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 126-7]

In a technologically enframed (and politically diminished) condition, crises of all kinds are manufactured in the dual sense that they are produced, deliberately or as side effects of socioeconomic processes that constantly transform reality, and employed, as Benjamin argues, as fictions (Agamben 2005, 3) to justify political repression. Discussion of whether the ecological reality of any particular situation merits the suspension of politics and ethics is, to some extent, beside the radical ecological political point (such a suspension must always be resisted), although the question of the extent of sovereign power’s involvement in manufacturing a crisis situation, including an ecological crisis like global warming, is clearly not. The real concern is that sovereign power (and, remember, Agamben is thinking primarily of state power) has, as part of its self-definition as "sovereign,” accrued the sole right to decide this question. There is thus a real and devastatingly ironic possibility that the idea of an ecological crisis, so long and so vehemently denied by every state, will now find itself recuperated by the very powers responsible for bringing that crisis about, as the latest and most comprehensive justification for a political state of emergency, a condition that serves to insulate those powers against all political and ethical critique. We may find that the global war on terror will segue seamlessly into the crisis of global warming, a condition produced by previous technological interventions in the natural world, interventions of a kind that were initially deemed politically unchallengeable by everyone except radical ecologists. The growing (political and ecological) danger is that this emergency is used to legitimate further technocratic interventions, to further extend the state and corporate management of biological life, including the continuing reduction of humanity to bare life. We should be clear what is at stake here: nothing less than the ecological future of the natural world and the ethicopolitical future of humanity. The dry bed of the Aral Sea, the burning forests of Southeast Asia, the devastated landscape wrought by the exploitation of the Athabasca oil tar sands, the industrial-scale slaughter of seal pups on Canada’s east coast, and a million other examples all reveal the likely destiny of the natural world without ethicopolitical intervention. As for the reduction of humanity to bare life, this is, as Agamben claims, already well underway. Here too we find states moving toward the biopolitical management of populations; here too the procedures are justified by “exceptional” circumstances that become the new rule(s). A more spatially and temporally localized (and hence more intense) example might be found in the state of emergency declared in New Orleans after hurricane Katrina. What was portrayed as a failure to predict or manage a natural event led to the ethical and political abandonment of a largely African American urban population and the simultaneous imposition of martial law on that same population. The concern, if Agamben is right, is that the disastrous consequences of such instances increase the likelihood of further technological interventions and the call for more rigorous bureaucratic control and police powers on ever-increasing scales. That environmentalists now frequently find themselves labeled as ecoterrorists, as the new enemy within the state, only supports this contention (Vanderheiden 2005; Miller, Rivera, and Yelin 2008).

### Link—“Anthropocene”

#### Starting from “the Anthropocene” hides and sanctions increasing modes of technocratic environmental destruction – retrenches speciesism

Smith 12 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, “Editorial Profile,” http://environmentalhumanities.org/about/profiles/ep-smith]

Coining a new term, the Anthropocene, to describe humanity’s transformative effects on the Earth’s climate and ecology opens some intriguing possibilities. There are certainly reasonable scientific grounds for accepting the term since recent human impacts will leave their marks (most notably in terms of mass extinctions, but also radioactive traces, chemical pollution, a kind of fossilised archaeology, and so on) in the geological record. Politically, the term also works to bring to mind the immense global and temporal extent of the destructive effects of current economic and industrial activities. It may, therefore, have some affect as an ecological wake-up call. Having said this, the term seems anthropocentric in another (presumably unintended) way that may suggest its use is less justifiable, since in terms of geological time scales these impacts will probably appear as an almost instantaneous event not so very different from the impact of the meteor that wiped out the dinosaurs, rather than as an “age”. That is to say, the Anthropocene (if we understand this as the period where humans are the dominant driving force on the planet) will almost certainly turn out to be a far shorter period even than the Holocene, which itself covers just the 12,000 years since the last ice age. There is, after all, no way that the current scale of impacts can be sustained for very long and no way that humans can escape the negative ecological impacts that will result if such changes continue. Either we will succeed (via science and ethics and politics) in reducing these impacts (and therefore stop being the dominant planetary driving force) or we will face ecological and social collapse on a scale humans have never before witnessed. Some think there are other (technological) alternatives but this actually illustrates a possible danger of uncritically accepting the term Anthropocene, for some may come to regard it as a badge of honour that (en)titles a new epoch of human technical mastery over the planet. There are, for example, those who refer to themselves as “geo-engineers”, neo-Promethean fantasists who have learnt little or nothing from the failures of past attempts to provide technical fixes to ecologically and socially complex problems. For them, the idea of the Anthropocene may merely offer new opportunities to acquire funding for their own pet schemes for planetary engineering, such as flooding the oceans with iron filings to deliberately (rather than “accidentally”) encourage algal blooms. Disastrous past interventions are simply adduced as reasons for larger and even more far reaching interventions in the future. These science fiction schemes pose a very real danger to both planet and politics, but they may well be taken seriously precisely because they seem to offer a model of business as usual for those profiting from the ecologically destructive economic system whose advent, for reasons that are far from coincidental, closely matches the date proposed for the beginning of the Anthropocene (that is, some 200 years ago). Perhaps, then, the term Anthropocene may actually serve to hide the social, historical, and economic developments underlying these destructive interventions, for it is not humans per se that are responsible for the scale of this climatic and ecological impact but certain ways of organizing human societies that have become both divorced from ecological considerations and global in extent. The current economic system, which recognises only a single imperative – financial profit – is what needs questioning, re-engineering and to be radically changed. In this sense capitalism might be thought of as the ecologically obscene (hidden, offensive, unmentionably appalling) aspect of scientific discussions about the Anthropocene. Perhaps the roles of the humanities in providing a critical edge to these discussions might, rather ironically, include puncturing the inflated self-understandings of a hubristic humanism that celebrates technical mastery, bringing the “coincidences” between ecology and economy to light, reminding us about (environmental) history, sustaining and developing forms of (ecological) ethics to counter anthropocentric forms of dominance, and offering political (and never just technical) analyses and alternatives.

#### The “Anthropocene” is the new colonialism – homogenizes beings and leads to eco-genocide – turns case – we will eradicate nature while trying to save it

Suckling 14 [Kieran, Executive Director of the Nonprofit Center for Biological Diversity, July 7, “Against the Anthropocene,” http://blog.uvm.edu/aivakhiv/2014/07/07/against-the-anthropocene/]

If there has been more push back against the name from within the humanities than the sciences, it is likely because humanities scholars are more aware of the history of western anthropocentrism and efforts to move away from it in a diverse array of often intensely conflicting movements – such as post-structuralism, post-humanism, post-modernism, eco-criticism, deep ecology, biocentrism, et al. From this critical perspective, the term “Anthropocene” raises suspicions about the reinscription of anthropocentrism. In distinction to Homogenocene (or a similar term), Anthropocene reflects this dominant Western paradigm. The same self-centered, providential belief in human exceptionalism that drove “us” to homogenize the planet’s species is now driving “us” to dismiss the planet’s species as the base geologic naming premise in favor of naming the planet after ourselves and our mighty power. Thus “Anthropocene” is not an anecdote to or struggle with anthropocentrism, it is its culmination. Anthropocene is also suspect because — to the extent that “we” wish to name the new epoch after a force, it generically identifies that force as humanity as a whole, rather than the identifiable power structures most responsible for the geological Anthropocene traces: extinction, greenhouse gas emissions, creating/distributing nitrogen, etc. Whether one looks at the issue from a gender, race, economic, or geographic perspective, the genericizing of causality always benefits power by hiding power. (\*See Note 2.) From another angle, consider the assertion that the name “Anthropocene” breaks down the division of humans and nature by recognizing that humans are a geological force. There is a unity in this to be sure, but only at the cost of eradicating one of the binary terms: nature. Does it really make sense in any philosophical, political, emotive context to say we have accomplished the conceptual unification of humans and nature by denying the existence of nature, by proclaiming that we humans are now the sole, or at least most dominant “natural” force? How is it that we only got around to feeling at one with nature at the moment when we decided we were the most powerful force in nature? If the human/nature divide is fundamentally untenable at all times, why did we not embrace our naturalness at an earlier moment when we believed ourselves a species among species rather than the uber-species? It seems to me that “Anthropocene” does not signal a unity of humans and nature or a breaking down of conceptual barriers. It is the proclamation of dominance. Finally, in thinking through the name “Anthropocene,” we must also note that in parallel to the formal geologic epochs, there have always been informal names. Buffon, in the late 1700s, was the first the posit a semi-modern, semi-scientific earth history, and his seventh and last historical stage was defined by humans governing nature. At no point from then to the present have geologists not informally named the current time something translatable as the “Age of Man.” From the very moment it became possible to imagine an Age of Man — from the moment we discovered that the Earth was old and humans young — geologists have informally named the current period as the Age of Man. Prior to that knowledge, there were no known ages preceding humans, thus no possibility of a human age. The last incarnation before Anthropocene was Anthropogene (with a “g”). The term has been around since the early 20th century, but caught fire in the 1950s and 60s. To this day it is used in geology publications in Eastern Europe. So is Anthropozoic, the prior popular turn. Geology journals were even named after it as they are now named after Anthropocene. Other such terms have included Anthropolithic, Age of the Human Species, Psychozoic, Periode Anthropeian, Human Period, and Terrain Humain. In this light, “Anthropocene” is more fundamentally the continuation of a long trend — a trend coextensive with modernity, colonialism, and geology as modern science — not a divergence or awakening. As such, the term “Anthropocene” is the latest incarnation of anthropocentric thinking.

#### Their images of catastrophe in the “Anthropocene” turn humanity into consumers of death and suffering – social and political action is redirected towards the progression of planetary annihilation – star this card

Rose 13 [Deborah, Adjunct Professor in Environmental Humanities at the University of New South Wales, July, “Anthropocene Noir,” *Global Cities Research Institute*, pg. 3-5]

Actually, I think that the term Anthropocene opens our attention to a much darker vision of people and planet. Rather than giving agency to the human, it seems rather that the earth is speaking language so powerful and expressive that human pretensions to mastery and control are shattered (think Frankenstorm, or Katrina, or ‘Angry Summer’ for example). Indeed, the geographer Nigel Clark reminds us that much that happens on this dynamic and volatile planet that is not caused by us, either directly or indirectly—tsunamis, for example (Clark 2011). Philosophically, this is extremely interesting. For decades now, environmental philosophers, activists and many others have developed strong critical analysis of the mindset that has been at work in setting the Anthropocene crisis in motion, particularly the narrative which has offered visions of progress and held forth the hope that technology would engineer the world and deliver the happy ending promised by modernity. The Anthropocene is now doing what decades of insightful critique never quite succeeded in doing: it is forcing the truth upon us. The Anthropocene is something of a mirror, and the image it is giving of human agency is grotesque—an agency that outstrips its capacity to manage itself, which wrecks, pillages, loots, and destroys, that has very little idea what it is doing, and that carries with it, in contradiction to all reason, an expectation of immunity. Almost all of my research these days involves extinctions, and I am acutely aware of living in a time of imminent and extremely unhappy endings. I have been noticing a growing use of the term ‘dark’ or ‘noir’ in contexts that go well beyond the film origin. ‘It's not dark yet, but it’s getting there’, to quote Bob Dylan. Ever the master of the arts of multiple dimensions, Dylan sings ‘Well my sense of humanity / Is going down the drain’.4 His words open a murky vista of shadows sliding across the world, and the approach of a moment when they coalesce, as a different, darker, world envelops us. From one perspective, this has been the story of the twentieth century. Heidegger spoke of a darkened of the world by which he meant that we have all come to see, and understand, the world around us simply as a resource (discussed in Rowlands 2002, p. 196). This is true, but it only goes so far. Because it is clear that we also have seen the world around us as full of impediments to our access to resources, and so we have embarked on something of a death cult: everything that can be consumed will be consumed, everything that gets in the way of consumption, will be killed. And this is true, too, but only goes so far. Jean Baudrillard writes that global capitalism has become ‘a vehicle and alibi for an other, much more ferocious form of moral predation’ (1994, p. 66). This ferocious moral predation ‘extracts the spiritual raw material that is the misery of peoples’ (p. 67). It has constructed the third and fourth worlds as a catastrophe-bearing stratum, and we western or privileged peoples ‘are the consumers of the ever delightful spectacle of poverty and catastrophe, and of the moving spectacle of our own efforts to alleviate it…’ (p. 67). Baudrillard’s hideous vision pretty well sums up what ‘reconciliation’ has become under regimes of coercion, control, incarceration, and on-going racism. In saying that, I do not intend to denigrate the sincerity of many committed people. It is not motives that are in question, but rather the wider cultural contexts of power and spectacle which grasp, shape, and direct them. Our position at this time is something akin to the dark tourism that takes people to sites of death, disaster, and suffering. There are some complex and, indeed, beautiful reasons for dark tourism, including pilgrimage, memory, the desire to witness, and a refusal to turn one’s back on past and present suffering. At the same time, one inevitably experiences a disconcerting shadow. The close proximity of pilgrimage and voyeurism are a kind of shorthand for the many sides of this complex phenomenon—guilt, respect, love, fear, and the face-to-face encounter with unanswerable questions (why am I alive, why are they dead or suffering?). This soulscape of responses that dash all over the place leaves us all tangled up in uncertainties, commitments, questions, and more questions. The Anthropocene parallel is this: we are spectators in the unmaking of the world we have known; we are spectators in the mass deaths of other creatures and in the misery of numerous and diverse forms of life including humans; we may indeed become spectators of our own demise. We know we are doing this, and we are unable to take effective political or social action in areas that we know would be helpful. Along with the anthropocentrism, and the ethnocentrism, there is also a weird egalitarian aspect to this. Baudrillard contends, ‘Man is without prejudice: he is using himself as a guinea-pig, just as he is using the rest of the world, animate and inanimate. He is cheerfully gambling with the destiny of his own species as he is with that of all the others…He cannot be accused of being a superior egoism. He is sacrificing himself, as a species, to an unknown experimental fate…’ (1994, p. 83) Perhaps this is the ultimate ‘cannibal tour’: we watch as our species consumes everything, including ourselves.

#### Low internal link threshold – the term “Anthropocene” normalizes human mastery over the environment while discarding the negative impacts of development

Palmer 12 [Claire, Professor of Philosophy at Texas A&M University, “Editorial Profile,” http://environmentalhumanities.org/about/ep-palmer/]

I was initially skeptical about the idea of “the Anthropocene”; I doubted that that human impacts on the Earth really were on a geological scale. I now think I was mistaken; humans are influencing the structures and materials that will become future rock and fossils – and we also affect what fossils won’t be there, given current and future anthropogenic species extinction. Emerging from geology into diverse disciplines, the idea of “the Anthropocene” will inevitably be contested and interpreted differently; so it will certainly be productive of meanings. And I think the concept is useful as a way of capturing the sheer scale and pervasiveness of human activities on Earth. However, some interpretations of the Anthropocene might be troubling; and here’s where critical thinking from the Humanities could be especially important. For instance, it might be argued that if we are already in the Anthropocene, further human impacts don’t matter, or won’t register; or that rather than aiming for more restraint, humans in the Anthropocene should aim at more and better control. The idea of “The Anthropocene” might therefore begin to slide from being descriptive to becoming normative. It’s here that I think Humanities disciplines – especially Philosophy – have a particularly important role to play in unpacking how the term is being used, offering critical responses, and articulating alternative meanings.

#### Critique is a prior question – the idea of “the Anthropocene” facilitates managerialism under the veil of sustainability – we must interrogate the 1AC’s discursive regime

Crist 12 [Eileen, Associate Professor in the Department of Science and Technology in Society at Virginia Tech, “Editorial Profile,” http://environmentalhumanities.org/about/ep-crist/]

The Anthropocene may be a buzzword, but this name and the endeavor to have it approved as the official appellation of our epoch are developments not to be taken lightly. The seductiveness of the concept flows from its following features: it is catchy; on the surface it is empirically valid; it is being proposed by a cadre of vocal and influential scientists; and it contains that magic word anthropos, pulling the strings of humanity’s infatuation with its own self-image. Is it a productive concept? It is an extremely dangerous one. Geological epochs last thousands of years: if humanity informally endorses this one, and/or it is formally vetted by the relevant scientific bodies, we are likely stuck with it forever. The concept of the Anthropocene communicates the message: bye-bye Holocene, we have left you behind. It says this: our collective goal is not to drastically scale back our overwhelming presence, but rather to inscribe it in the annals of geological time. It also says this: we are a “force of nature” on the planet and we accept the part, thereby turning the fated course of human history into human destiny. Those who are closely tracking the Anthropocene primary literature hear it saying this as well: we will use science and technology to manage the Earth system as a whole; yes, we need to do the research first, maybe even consult the humanists on the non-scientific dimensions, but if need be we will geoengineer, so that key planetary variables are kept within thresholds that can sustain the existence and march of human civilization as we know it. The “Anthropocene” is the worst news in years. It adds insult to the planet’s injury. The humanities have a lot to contribute because we are acutely aware of the importance of language. But let’s please not join “the legal, ethical, and social” subcommittee of the Earth System’s Management Task Force. Let’s please not put our names on publications about the Anthropocene and planetary management, no matter how illustrious the coauthors and enticing the rewards of fame. Let’s instead diligently investigate the discourse of the Anthropocene (and it is a discourse not simply a concept), and uncover its foundations, implications, worldview, and consequences.

#### We need a new approach to systemic critique – their framing of the “Anthropocene” absolves us of the need to change – that’s based in a faulty epistemic backing which must be rejected – any revolutionary potential gets coopted by right-wing politics

Hamilton 14 [Clive, Professor of Public Ethics at Charles Sturt University, June 19, “The New Environmentalism Will Lead Us to Disaster,” http://www.scientificamerican.com/article/the-new-environmentalism-will-lead-us-to-disaster/]

Fourteen years ago, when a frustrated Paul Crutzen blurted out the word “Anthropocene” at a scientific meeting in Mexico, the famous atmospheric chemist was expressing his despair at the scale of human damage to Earth. So profound has been the influence of humans, Nobelist Crutzen and his colleagues later wrote, that the planet has entered a new geologic epoch defined by a single, troubling fact: The “human imprint on the global environment has now become so large and active that it rivals some of the great forces of nature in its impact on the functioning of the Earth system.” The science behind Crutzen’s claim is extensive and robust, and it centers on the profound and irreversible changes brought by global warming. Yet almost as soon as the idea of the Anthropocene took hold, people began revising its meaning and distorting its implications. A new breed of ecopragmatists welcomed the epoch as an opportunity. They have gathered around the Breakthrough Institute, a “neogreen” think tank founded by Michael Shellenberger and Ted Nordhaus, the authors of a controversial 2004 paper, “The Death of Environmentalism.” They do not deny global warming; instead they skate over the top of it, insisting that whatever limits and tipping points the Earth system might throw up, human technology and ingenuity will transcend them. As carbon dioxide concentrations pass 400 ppm for the first time in a million years, and scientists warn of a U.S. baking in furnace-like summers by the 2070s, Shellenberger and Nordhaus wrote that by the end of the century “nearly all of us will be prosperous enough to live healthy, free and creative lives.” The answer, they say, is not to change course but to more tightly “embrace human power, technology and the larger process of modernization.” The argument absolves us all of the need to change our ways, which is music to the ears of political conservatives. The Anthropocene is system-compatible. This technoutopian vision depends on a belief that, with the advent of the new geologic epoch, nothing essential has changed. This reimagined Anthropocene rests on a seamless transition from the fact that humans have always modified their environments to a defense of a postmodern “cyber nature” under human supervision, as if there is no qualitative difference between fire-stick farming and spraying sulfate aerosols into the stratosphere to regulate Earth’s temperature. For this reason, respected palaeoclimatologist William Ruddiman’s hypothesis that the Anthropocene began some 8,000 years ago with the onset of farming and forest clearing has immediate appeal to ecopragmatists. It seems to give scientific grounding to the desire to defend the status quo against the evidence that the culprit is technoindustrialism’s aggressive fossil fuel–driven expansionism, which began at the end of the 18th century. The early-Anthropocene hypothesis effectively dissolves the distinction between the Holocene, which started some 11,700 years ago and encompasses the beginning of agriculture, and the Anthropocene, enabling ecopragmatists to argue that there is nothing inherently preferable about a Holocene Earth—a moral claim that permits the conscious creation of a different kind of planet. Hence, their attraction to geoengineering schemes aimed at regulating solar radiation or changing the chemical composition of the oceans. In the words of the most vocal ecopragmatist, the environmental scientist Erle Ellis, “We will be proud of the planet we create.” Ellis speaks of “the good Anthropocene,” a golden era in which we relinquish nostalgic attachments to a nature untouched by humans and embrace the new epoch as “ripe with human-directed opportunity.” But the idea of a good Anthropocene is based on a fundamental misreading of science. It arises from a failure to make the cognitive leap from ecological thinking—the science of the relationship between organisms and their local environments—to Earth system thinking, the science of the whole Earth as a complex system beyond the sum of its parts. The early Anthropocene hypothesis goes against strong evidence, provided by Crutzen, Will Steffen and other researchers, that only with the beginning of the industrial revolution can we detect a human influence on the functioning of the Earth system as a whole. The revolutionary meaning of Earth-system science is lost on the ecopragmatists. In reality, the arrival of the new epoch represents not merely the further spread of human influence across the globe but a fundamental shift in the relationship between humans and the Earth system—one in which human activity now accelerates, decelerates and distorts the great cycles that make the planet a dynamic entity. The radical distinctiveness of the Anthropocene lies in the fact that humans have become a novel “force of nature,” one that is shaping the geologic evolution of the planet. So far-reaching is the impact of modern humans that esteemed palaeoclimatologist Wally Broecker has suggested that we have not entered a new geologic epoch, a relatively minor event on the geologic time scale, but a new era—the Anthropozoic—on a par in Earth history with the development of multicellular life. Some climate science deniers believe only God can change the climate; ecopragmatists, by contrast, see humans as “the god species.” Here is what the god species and this kind of thinking are certain to give us: an atmosphere with 500 ppm of CO2 (probably closer to 700 ppm) and a climate that is hot, sticky and chaotic. It will indeed take omnipotence to fix the problem without calamity. For those who prefer orthodox climate science, such unbounded optimism is dangerous, wishful thinking.

### Link—Marine Biodiversity

#### Marine biodiversity protectionism is motivated by an instrumentalizing desire to spike technocapitalist innovation – romanticist sentiment is deployed to fix the empty signifier of nature to the terms of corporate needs

Helmreich 07 [Stefan, Associate Professor of Anthropology at the Massachusetts Institute of Technology, September, “Blue-green Capital, Biotechnological Circulation and an Oceanic Imaginary: A Critique of Biopolitical Economy,” *BioSocieties*, pg. 287-302]

But the primary biotic substrate imagined for biotech capital accumulation, at least in the formal proceedings of the conference, was ‘biodiversity’, described by Eric Mathur, from the San Diego-based biotech firm Diversa, as ‘the basic building block for biotechnology’. Because the ocean constitutes the majority of Earth’s biosphere, marine biotechnologists imagine marine biodiversity to be immense—and largely undiscovered. Marine biologist William Fenical, from Scripps Oceanographic Institute, articulated this view in an interview in Discover. A full-page photo showing Fenical holding a sea fan against his aloha shirt has him declaring, ‘The ocean’s right there, It’s diverse as hell, and it’s waiting for us’ (Mestel, 1999: 75). This enthusiasm for diversity is a key sentiment animating biotech capitalism. Since its coinage, biodiversity has become infectiously polyvalent. Cori Hayden lists meanings it has accreted: ‘an ecological workhorse, essential raw material for evolution, a sustainable economic resource, the source of aesthetic and ecological value, of option and existence value, a global heritage, genetic capital, the key to the survival of life itself’ (2003: 52). For marine biotechnologists in America, marine biodiversity represents a frontier form of biodiversity: healing waters writ large, full of new genes awaiting amplification, delivering what marine microbiologist Rita Colwell (director of NSF 1998–2004) early on called ‘entirely new ‘‘harvests’’ from the sea’ (1984: 3). Insofar as humans make use of this new nature by capitalizing it, the prevailing sentiment goes, they must do so ‘sustainably’ by protecting ‘diversity’, understood as a positive value. No wonder a biotech company named itself Diversa. Biological oceanographer Paul Falkowski from Rutgers University, in his conference lecture, was impatient with such views. Marine biotechnology, he said, ‘is fundamentally idea-limited. We don’t think in terms of an array of products and this is because most of us are in academia.’ More, marine biologists ‘always want to work with their favorite organisms, because they’ve learned to sentimentalize nature, especially the sea’. We have to look closely, he said, at microbes, ‘the workhorses of the ocean’. Academia and industry must work together; practitioners must recognize that—Falkowski underscored the point by shouting it—‘Markets are not sentimental!’ Falkowski poured cold water on the usual PR for marine biotechnology, which emphasizes the unique bounty of the sea while also trading on a romantic, conservationist sentiment. But much as Falkowski might wish otherwise, marine biotech is difficult to disentangle from such sentiment. TheMaryland center is founded on such views; their mission statement argues that the ‘tools of biotechnology allow researchers to clone . . . genes, reproduce them, and produce desired substances in the laboratory, leaving the organisms where they belong—in the environment’.6 Anthropologist Sylvia Yanagisako has argued that capitalist enterprise fundamentally involves sentiment. Economic action, ‘including capital accumulation, firm expansion, and diversification’, she writes, is ‘constituted by both deliberate, rational calculation and by sentiments and desires’ (2002: 21; see also Paxson, 2006). After Falkowski’s talk, scientists persisted in speaking about biotech in ways infused with sentiment.7 One remarkable instance came in a presentation about floating blue-green algae plantships. In this talk, an elder statesman of marine biology in Hawaii, Patrick Takahashi, wed the promise of blue-green algae to a wide-open, unexploited ocean ecology. He offered a preview of a proposal he would later deliver to the Intergovernmental Oceanographic Commission of UNESCO: The next frontier is the open ocean. Largely not owned by any nation, nutrient-rich fluids at 4 degrees Celsius are available 1000 meters below the 20 degree latitude band surface. Just in this natural solar collector region, if only one part in ten thousand of the insolation can be converted to useful energy, the needs of society would be satisfied. . .. Picture, then, a grazing plantship . . . supporting a marine biomass plantation with next generation ocean ranches. . .. Then consider several hundred, no, thousands of these productive platforms. Current international law dictates that each, under certain circumstances, can legally become a nation. Imagine the United Nations in the 22nd century. . .. European seafaring nations might again consider colonization, this time in the open ocean, where there are no obvious downsides, such as the sociological problems that came with the era after Columbus. One cannot guess what Greenpeace might do, but there are no native populations, not even whales, as permanent residents in the middle of the ocean. (2003) Takahashi’s vision reaches into the extraterritorial sea to realize its apotheosis: an ocean brought within colonial range through humanity’s planktonic emissaries, a chlorophyllic remix of the ‘Blue Revolution’, the promotion of fish farms in the Third World as scaled-up food resources (named, forgetfully, it would seem, after the much criticized Green Revolution of the 1970s [see Stonich and Bailey, 2000]). Takahashi himself, a man of Japanese descent born and raised on Hawaii, fashioned himself as a culture broker with Japanese attendees of the meeting, an up-to-date Pacific Rim subject. Takahashi’s dream is a perfect example of what Harvard Business Review authors W.Chan Kim and Rene´e Mauborgne in 2004 called a ‘blue ocean strategy’, a set of tactics for tapping into and creating ‘uncontested market space’. Kim and Mauborgne imagine this blue business ethos through the figure of the uninhabited ocean and contrast it to a ‘red ocean strategy’, which sees competitors battling bloodily, tooth and tentacle, for limited space.8 ‘Blue oceans’ are, of course, a riff on ‘blue skies’, zones of research or investment with no immediate applications, which may or may not come down to earth in the future.9 Blue skies are notional spaces for such blue-ocean dreams as Takahashi’s plantations without politics—aquafarms populated by generative phytoplanktonic biomass—his invitation to Europe to restage its colonial past in a solar-powered sea of sociological emptiness.

### Link—Marine Biotech

#### Marine biotech envisions a ‘blue-green’ capitalism in which ideological notions of the ocean’s depths and the spirit of exploration justify western expansion

Helmreich 07 [Stefan, Associate Professor of Anthropology at the Massachusetts Institute of Technology, September, “Blue-green Capital, Biotechnological Circulation and an Oceanic Imaginary: A Critique of Biopolitical Economy,” *BioSocieties*, pg. 287-302]

In describing how marine biotechnology in Hawaii was imagined as biocapital, I argue that theorizations of biocapital remain incomplete unless they account for how biotech practitioners (and we, as social analysts) imagine the mechanisms and meaning of biology. A belief in the irrepressible generativity of biological life forms themselves is often called upon to warrant the promissory character of biotechnology, as though biotech has inherited the potentiality associated with genes. Biotic substance is considered to be the source of mutations and recombinations that create ‘newness’, a belief described by Marilyn Strathern (1992) as a particularly Euro-American notion of biology as a platform for ‘reproducing the future’. Such cultural-semiotic specificity or ‘local biology’ (Franklin and Lock, 2003: 21) suggests that we should attend, as well, to how particular biological substances—molecular, cellular, embryonic or, in this article, marine microbial—are made to matter in biocapitalisms and their anticipated globalizations. In Hawaii, marine biotechnology calls upon the cultural force of images of the islands as a tropical oceanic paradise full of natural promise for health and rejuvenation, a view held by many mainland Americans, a pool from which biotechnologists in the islands are mainly drawn. Here, marine biotechnology depends on a view of the sea as ‘life’ writ large. A vision of the ocean as endlessly generative mimes and anchors a conception of biology as always overflowing with (re)productivity. Taking seriously the symbolic charge of marine biotechnology in Hawaii leads me to describe a form of capitalism I term blue-green capitalism, where blue stands for (a particularly American vision of) the freedom of the open ocean and for speculative sky-high promise, and green for belief in ecological sustainability as well as biological fecundity (particularly, as we will see, of populations of photosynthetic bacteria). Attention to such sentiments, and their contradictions, leads me to a description of why legal instruments of biotech are fracturing in Hawaii, as some Native Hawaiians challenge the right of biologists to turn Hawaiian marine life into an alienable resource. It also allows me to situate the global dreams of American marine biotech alongside other national projects, with different visions of biology, sea and globe.

#### Blue-green capital converts animal and inorganic labor into surplus value for the human alone

Helmreich 07 [Stefan, Associate Professor of Anthropology at the Massachusetts Institute of Technology, September, “Blue-green Capital, Biotechnological Circulation and an Oceanic Imaginary: A Critique of Biopolitical Economy,” *BioSocieties*, pg. 287-302]

Considering the university’s treasury of cyanobacteria, it becomes obvious that a lot of work—growing algae, bioactivity screening, changing compounds into units transferable between labs—is required to convert wet wealth into a viable product. With the market purposes of MarBEC in mind, we could call the blue-green algae collection a bank of biocapital—where capital, following Marx, is that accumulated material or labor-power employed to produce surplus-values like profit or interest. In Capital, Marx describes the circulation of money as capital—in which ‘More money is finally withdrawn from circulation than was thrown into it at the beginning’ (1976 [1867]: 251)—using the formula M–C–M0, where M stands for money, C for commodity and 0 for the surplus value gained in a profitable exchange of a commodity for money, and M0 for the total capital produced by that exchange. For the biotech imagination, we can write an analogous formula to describe the making of biology into capital: B–C–B0, where B stands for biomaterial, C for its fashioning into a commodity through laboratory and legal instruments, and B0 for the biotech product (or, perhaps, biocapital) produced at the end of this process, with 0 the value added through the instrumentalization of the initial biomaterial. But I want to suggest here that the sentiment of many biotech boosters has them taking B0 already to be latent in B—to believe, that is, that biological process itself already constitutes a form of surplus value production. This logic naturalizes biotech. It is not only the labor of people like the cyanobacteria curator that confers value on the collection, then, but also a conception of cyanobacteria themselves as little laborers—Falkowski’s ‘workhorses of the ocean’. Diversa’s Mathur, at the Asia-Pacific conference, described marine microbes as ‘the blue-collar workers of the environment’, laboring units that might be taken apart to be put back together again for new tasks. Microbial biodiversity is configured as accumulated labor power, the products of which can be harnessed to create productive futures. This belief is based on a metaphor: that organisms are laborers (an equivalence declared even by Marx, who saw the ‘natural consumption’ of eating entailing ‘production’ of the body [1978 (1857–58): 228]). On this view, biocapital can be derived from oceanic pasturage if the reproduction of the reproductive capacity of marine microorganisms—to make carotenoids, for example—can be channeled into profit-making commodities and accumulation strategies (contrast biocapital with necrocapital: dead matter, like fossil fuel, put to unregenerative, zombie-like work). But we must be careful not to imagine microbial reproduction as a transparently ‘natural’ process, as though microbes’ coming-into-being straightforwardly designates them as what Marx would have called ‘means of production already produced’ (quoted in Franklin, 2007: 106), as though their productivity is the essence of their species being.10 To do so is to see them as natural factories or assembly lines, when they only become so in certain relations (for more ecologically minded microbiologists, for example, microbes are ‘environmental stewards’ rather than ‘blue-collar workers’). We can add, then, to Franklin and Lock’s argument that, ‘biocapital is not just dependent on reproduction, it is constituted by it’ (2003: 10), that the reverse is also the case: that the appearance of the bio in biocapital as reproductive is constituted by the capitalist enterprise that turns it into something that generates exchange-value in the first place.11 As Hannah Landecker (2005) argues, contemporary biological science has become expert at stopping, starting, suspending and accelerating cellular processes, wedging these dynamics into processes that look like a molecular version of industrial agribusiness. Biotech geese cannot lay golden eggs without daily tending.

### Link—Warming

#### Global warming scenarios will be redeployed as the next justification for emergency, expanding the biopolitical grip of the state on its subjects and obviating greater technocratic intervention

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. xvi-xvii]

And what of global warming and the melting ice caps, the increased severity and unpredictability of storms, the effects of climatic changes on crops and peoples, the loss of topsoil and the unavailability of fresh water, the global pandemics threatened by new disease strains, the destruction of the rain forests, the acidification of the air and oceans, the extinction of so many of our fellow species, and on and on? Do these conditions not also constitute ecological crises, exactly as environmen- talists and radical ecologists have been saying for so many years? Has so much of environmental politics not focused precisely on trying to get governments to take these impending crises seriously? But now a new thought arises. What if sovereign powers take it upon themselves to decide that there is, after all, an ecological threat to people and state sufficient to warrant the definition “crisis”? Isn’t there now a real, and devastatingly ironic, possibility that the idea of an ecological crisis, so long and so vehemently denied by every state, will find itself recuperated, by the very powers implicated in bringing that crisis about, as the latest and most comprehensive justification for a political state of emergency, a condition that serves to insulate those same powers against all political and ethical critique concerning their previous (in)activity and their (final) solutions? We might find that the global war on terror will segue seamlessly into the crisis of global warming, a condition produced by interventions in the natural world of a kind that were initially deemed politically unchallengeable by everyone except radical ecologists. And the political and ecological danger is that this emergency would be used to legitimate yet further technocratic interventions, to further extend the state and corporate management of biological life, including the continuing reduction of humanity to bare life and nature to mere resource, and to stifle ecologi- cal politics as such. Anyone doubting such possibilities should familiarize themselves with the growing literature on environmental security (for critical ap- praisals, see Barnett 2001; Dalby 2002) or read works like those of respected scientist James Lovelock (see chapter 6). Lovelock, for so long a doyen of environmentalism, claims we are now on a war foot- ing with an externalized but strangely personified nature, Gaia, our heartless “Earthly enemy" (Lovelock 2006, 153). (In making nature the personalized enemy without, he inverts the more usual deperson- alization of those sovereignty declares the political “enemy within.") The impending crisis of global warming might, he argues, necessitate the decisionistic suppression of certain political liberties; “rationing,” “restrictions," a "call to service,” and our suffering "for a while a loss of freedom” (153)-—in the name of survival and security. This, he com- bines with a call to impose, without further political prevarication, high-tech solutions (for example, giant space—mounted sunshades to deflect incoming light, a massive expansion of nuclear power, and so on) based on advice provided to sovereign powers by a "small perma- nent group of strategists” (153). The solution, then, seems to be a more 'extreme (emergency) version of the biopolitical same!

### AT—Apocalypticism Good

#### Environmental apocalypticism causes eco-authoritarianism and mass violence against those deemed environmental threats – also causes political apathy which turns case and shuts down alternative modes of thought

Buell 03Frederick—cultural critic on the environmental crisis and a Professor of English at Queens College and the author of five books, *From Apocalypse To Way of Life,* pages 185-186

Looked at critically, then, crisis discourse thus suffers from a number of liabilities. First, it seems to have become a political liability almost as much as an asset. It calls up a fierce and effective opposition with its predictions; worse, its more specific predictions are all too vulnerable to refutation by events. It also exposes environmentalists to being called grim doomsters and antilife Puritan extremists. Further, concern with crisis has all too often tempted people to try to find a “total solution” to the problems involved— a phrase that, as an astute analyst of the limitations of crisis discourse, John Barry, puts it, is all too reminiscent of the Third Reich’s infamous “final solution.”55 A total crisis of society—environmental crisis at its gravest—threatens to translate despair into inhumanist authoritarianism; more often, however, it helps keep merely dysfunctional authority in place. It thus leads, Barry suggests, to the belief that only elite- and expert-led solutions are possible.56 At the same timeit depoliticizes people, inducing them to accept their impotence as individuals; this is something that has made many people today feel, ironically and/or passively, that since it makes no difference at all what any individual does on his or her own, one might as well go along with it. Yet another pitfall for the full and sustained elaboration of environmental crisis is, though least discussed, perhaps the most deeply ironic. A problem with deep cultural and psychological as well as social effects, it is embodied in a startlingly simple proposition: the worse one feels environmental crisis is, the more one is tempted to turn one’s back on the environment. This means, preeminently, turning one’s back on “nature”—on traditions of nature feeling, traditions of knowledge about nature (ones that range from organic farming techniques to the different departments of ecological science), and traditions of nature-based activism. If nature is thoroughly wrecked these days, people need to delink from nature and live in postnature—a conclusion that, as the next chapter shows, many in U.S. society drew at the end of the millenium. Explorations of how deeply “nature” has been wounded and how intensely vulnerable to and dependent on human actions it is can thus lead, ironically, to further indifference to nature-based environmental issues, not greater concern with them. But what quickly becomes evident to any reflective consideration of the difficulties of crisis discourse is that all of these liabilities are in fact bound tightly up with one specific notion of environmental crisis—with 1960s- and 1970s-style environmental apocalypticism. Excessive concern about them does not recognize that crisis discourse as a whole has significantly changed since the 1970s. They remain inducements to look away from serious reflection on environmental crisis only if one does not explore how environmental crisis has turned of late from apocalypse to dwelling place. The apocalyptic mode had a number of prominent features: it was preoccupied with running out and running into walls; with scarcity and with the imminent rupture of limits; with actions that promised and temporally predicted imminent total meltdown; and with (often, though not always) the need for immediate “total solution.” **Thus doomsterism was its reigning mode;** eco-authoritarianism was a grave temptation; and as crisis was elaborated to show more and more severe deformations of nature, temptation increased to refute it, or give up, or even cut off ties to clearly terminal “nature.”

#### Apocalyptic framing of climate change results in denial and despair – undermines political action

Foust et al 08 [Christina R. Foust, Assistant Professor in the Department of Human Communication Studies at the University of Denver, et al., with William O. Murphy, Doctoral Student and Graduate Teaching Instructor in the Department of Human Communication Studies at the University of Denver, and Chelsea Stow, Doctoral Student and Graduate Teaching Instructor in the Department of Human Communication Studies at the University of Denver, 2008, “Global Warming and Apocalyptic Rhetoric: A Critical Frame Analysis of US Popular and Elite Press Coverage from 1997-2007,” Paper Submitted to the Environmental Communication Division of the National Communication Association Convention in San Diego, November 20th, Available Online at http://www.allacademic.com/meta/p260125\_index.html, Accessed 03-18-2009, p. 22-23]

Elements of an apocalyptic frame could be said to exist in most of the articles we read, though all elements were not present in each article. Nonetheless, apocalyptic framing should give us pause, for it threatens to hinder progress in forming a political will to change the carbon-based energy economy (and thus mitigate the consequences of global warming). To announce the coming of the apocalypse creates despair as people feel they cannot stop such an event, but can only hope that they are among the chosen few to be saved (if they believe in the immanence of the end). Apocalyptic framing also creates denial, as when people fail to exit the movie theater because they have heard fire yelled once too often. There may also be a sense of denial in terms of the effectiveness of solutions: Why make changes to our lifestyle, if the world is going to end [end page 22] quickly and our actions don’t make a difference anyway? If the end is, indeed, the total destruction of earth, won’t our efforts to make change now be in vain? As Brummett suggests of pre-millennial apocalyptic rhetoric (which assumes that the world will be destroyed after a judgment day), the cosmically mandated telos of catastrophe overshadows any efforts to change the trajectory of the narrative. The only place for human agency within such rhetoric is the capacity to agree with prophesies, against the polarized opposition of non-believers. By agreeing with the prophesies, “believers” feel a sense of control over the situation because they are “right,” not necessarily because they are taking collective and personal steps to resolve the issue.

#### The apocalyptic frame is disempowering – it obliterates human agency

Foust et al 08 [Christina R. Foust, Assistant Professor in the Department of Human Communication Studies at the University of Denver, et al., with William O. Murphy, Doctoral Student and Graduate Teaching Instructor in the Department of Human Communication Studies at the University of Denver, and Chelsea Stow, Doctoral Student and Graduate Teaching Instructor in the Department of Human Communication Studies at the University of Denver, 2008, “Global Warming and Apocalyptic Rhetoric: A Critical Frame Analysis of US Popular and Elite Press Coverage from 1997-2007,” Paper Submitted to the Environmental Communication Division of the National Communication Association Convention in San Diego, November 20th, Available Online at http://www.allacademic.com/meta/p260125\_index.html, Accessed 03-18-2009, p. 23]

Granted, one’s worldview may spur action, as when a “conservative Christian” outlook motivates someone to learn more about how better to be a “steward of the Earth.” But when that worldview is structured in apocalyptic terms, it seems more likely to resign us to a telos which lacks human agency. The apocalyptic frame of climate change may offer “believers” a sense of control over events like Hurricane Katrina and the Indonesian tsunami, or the elections of anti- or non-environmental officials. But it also assuages “believers” of responsibility to make active changes in the here-and-now. While we await the flooded coastlines and mass extinctions; the famines, plagues, and rivers red with the blood of non-believers; we do nothing to prevent their arrival or impact—save trying to get others to see the world as we do. The apocalyptic frame promotes people who are “right” about the forthcoming environmental and climatological collapse, rather than people who are actively preventing it.

#### It also results in fatalism – makes all their impacts inevitable

Crist 07 [Eileen Crist, Associate Professor of Science and Technology in Society at Virginia Tech University, 2007, “Beyond the Climate Crisis: A Critique of Climate Change Discourse,” Telos, Volume 141, Winter, Available Online to Subscribing Institutions via Telos Press, p. 53-55]

In fatalistic thinking, the trajectory of industrial-consumer civilization appears set on tracks that humanity cannot desert without derailing; it is implied that while the specifics of the future may elude us, in broad outline it is (for better or for worse) a fixed direction of more of the same. Fatalism projects the course of human history (and concomitantly of natural history) as the inevitable unfolding of the momentum of present trends. By virtue of the inertia that massive forces display, from a fatalistic viewpoint,66 present patterns of global economic expansion, consumption [end page 53] increase, population growth, conversion and exploitation of the land, killing of wildlife, extinction of species, chemical contamination, depletion of oceans, and so on, will more or less keep unfolding.67 We glimpse here what Horkheimer and Adorno had in mind when they pointed out that "logical necessity . . . remains tied to domination, as both its reflection and its tool."68 Indeed fatalism is a mindset that strengthens the trends that generate it by fostering compliance to those very trends. The compliance that fatalism effects is invisible to the fatalistic thinker, who does not regard him or herself as a conformist, but simply as a realist.69 But the conceptual and pragmatic fortification of the socioeconomic establishment by fatalistic reasoning is incontestable, arising as an effect cognate to what is called "positive feedback" in cybernetics,70 "looping action" in philosophy,71 and "self-fulfilling prophesy" in sociology.72 The complicity of fatalism in sustaining the dominance of industrial-consumer civilization merits close scrutiny: fatalism may be the most [end page 54] potent form of ideology in existence. Ideology, as Jürgen Habermas succinctly recaptured the concept, "serves to impede making the foundations of society the object of thought and reflection."73 The declaration that we live in the Anthropocene (to stay with this key example) has the ideological effect of discouraging deep questioning and dismissing even discussion of revolutionary action. Rather, we are indirectly advised, our fate is to live our days in the "Age of Modern Man," within which we must manage ourselves and the world as best we can. Further, the narrow and technical conception of climate change as "the problem" is beholden to the same fatalistic mind-set. The real problem—the industrial-consumer complex that is overhauling the world in an orgy of exploitation, overproduction, and waste—is treated with kid gloves, taken as given, and regarded as beyond the reaches of effective challenge. But this civilization is not beyond the reaches of radical action—and it is certainly not beyond the reaches of radical critique.74 If the price of "think[ing] in terms of alternatives to the dominant order [is to] risk exclusion from polite intellectual society," as social theorist Joel Kovel observes about our times, then let us pay the price while preserving our clarity about the unredeemable socioeconomic reality in which we live.75

### AT—Managerialism Good

#### This is logically absurd

Prior failures of managerialism reflect its structural weakness and should not be used to legitimize more of the same – the only way out is rejection

#### Sovereign managerialism is tautological and dangerous – rethinking how we relate to the environment is a prior question

Smith 12 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, “Editorial Profile,” http://environmentalhumanities.org/about/profiles/ep-smith]

The “Anthropocene” has become something of a buzzword in its migration from geology to philosophy and beyond. Do you find it to be a productive concept? What can the humanities contribute to its articulation and critique? Coining a new term, the Anthropocene, to describe humanity’s transformative effects on the Earth’s climate and ecology opens some intriguing possibilities. There are certainly reasonable scientific grounds for accepting the term since recent human impacts will leave their marks (most notably in terms of mass extinctions, but also radioactive traces, chemical pollution, a kind of fossilised archaeology, and so on) in the geological record. Politically, the term also works to bring to mind the immense global and temporal extent of the destructive effects of current economic and industrial activities. It may, therefore, have some affect as an ecological wake-up call. Having said this, the term seems anthropocentric in another (presumably unintended) way that may suggest its use is less justifiable, since in terms of geological time scales these impacts will probably appear as an almost instantaneous event not so very different from the impact of the meteor that wiped out the dinosaurs, rather than as an “age”. That is to say, the Anthropocene (if we understand this as the period where humans are the dominant driving force on the planet) will almost certainly turn out to be a far shorter period even than the Holocene, which itself covers just the 12,000 years since the last ice age. There is, after all, no way that the current scale of impacts can be sustained for very long and no way that humans can escape the negative ecological impacts that will result if such changes continue. Either we will succeed (via science and ethics and politics) in reducing these impacts (and therefore stop being the dominant planetary driving force) or we will face ecological and social collapse on a scale humans have never before witnessed. Some think there are other (technological) alternatives but this actually illustrates a possible danger of uncritically accepting the term Anthropocene, for some may come to regard it as a badge of honour that (en)titles a new epoch of human technical mastery over the planet. There are, for example, those who refer to themselves as “geo-engineers”, neo-Promethean fantasists who have learnt little or nothing from the failures of past attempts to provide technical fixes to ecologically and socially complex problems. For them, the idea of the Anthropocene may merely offer new opportunities to acquire funding for their own pet schemes for planetary engineering, such as flooding the oceans with iron filings to deliberately (rather than “accidentally”) encourage algal blooms. Disastrous past interventions are simply adduced as reasons for larger and even more far reaching interventions in the future. These science fiction schemes pose a very real danger to both planet and politics, but they may well be taken seriously precisely because they seem to offer a model of business as usual for those profiting from the ecologically destructive economic system whose advent, for reasons that are far from coincidental, closely matches the date proposed for the beginning of the Anthropocene (that is, some 200 years ago). Perhaps, then, the term Anthropocene may actually serve to hide the social, historical, and economic developments underlying these destructive interventions, for it is not humans per se that are responsible for the scale of this climatic and ecological impact but certain ways of organizing human societies that have become both divorced from ecological considerations and global in extent. The current economic system, which recognises only a single imperative – financial profit – is what needs questioning, re-engineering and to be radically changed. In this sense capitalism might be thought of as the ecologically obscene (hidden, offensive, unmentionably appalling) aspect of scientific discussions about the Anthropocene. Perhaps the roles of the humanities in providing a critical edge to these discussions might, rather ironically, include puncturing the inflated self-understandings of a hubristic humanism that celebrates technical mastery, bringing the “coincidences” between ecology and economy to light, reminding us about (environmental) history, sustaining and developing forms of (ecological) ethics to counter anthropocentric forms of dominance, and offering political (and never just technical) analyses and alternatives.

#### Environmental interventions serve the interests of very few at the cost of the many

Internal link turns the aff – crises are exacerbated and benefits are denied

#### Technocracy is an attempt to universalize the radical chaos and indeterminacy of the non-human world while priming it for destruction – only the alt enables a more effective engagement with the environment

Smith 12 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, “Editorial Profile,” http://environmentalhumanities.org/about/profiles/ep-smith]

There are clearly important differences between living and non-living things although that does not in any sense mean we can provide any simple, single, and universal demarcation criterion. There are also contextually important differences between and within each different kind of non-living and living things. Humans, for example, are not essentially different from all other species, but they are expressively different in many plural and over-lapping ways (analogous to the ways the later Wittgenstein thinks of “family resemblances”). Some humans can do things that most other animals cannot do, or at least cannot do in the same way, and vice versa. Things like environmental problems often arise because we do not recognise, understand, or value these differences – because we want to operate only with social, economic, and intellectual schemes that emphasise sameness, regularity, universality, and substitutability, instead of difference and singularity.

## --Humanism

### Short Satellite [Snaza]

#### Humanism is defined by an opposition to subjects excluded from the category of “human” – post-humanism is key to a truly open politics

Snaza et al 14 [Nathan, Professor of Comparative Literature at the University of Richmond, with Peter Appelbaum, Professor of Education and Director of Disciplinary and Transdisciplinary Studies at Arcadia University, Siân Bayne, Personal Chair of Digital Education at the University of Edinburgh, Dennis Carlson, Professor of Education Studies at Miami University, Marla Morris, Professor of Curriculum, Foundations and Reading at Georgia Southern University, Nikki Rotas, Department of Curriculum, Teaching and Learning at the University of Toronto/OISE, Jennifer Sandlin, Associate Professor of Justice and Social Inquiry at the Arizona State University School of Social Transformation, Jason Wallin, Assistant Professor of Curriculum Theory at the University of Alberta, and John Weaver, Professor of Curriculum, Foundations & Reading at Georgia Southern University, Winter, “Toward a Posthumanist Education,” Journal of Curriculum Theorizing, Vol.30 No. 2, pg. 41-3]

The human is a concept that has been used to delimit the borders of politics. For Aristotle, the human is the only “political animal.” For humanism, politics may come in many forms, but in order to be defined as or considered politics they must be limited to human subjects and interactions. During the Renaissance, a return to this ancient Greek thought gave rise to the educational institutionalization of thought that had been called the humanities in the preceding Middle Ages, which in turn enabled the emergence of humanism in the nineteenth century (Davies, 1997). Building on the Greeks’ dialectical production of humanity as a concept, the human’s social production was systematized in fields of study, traditionally associated with the liberal arts. One had to study the humanities in order to know what it means to be properly human. That is, a certain program of study (Latin, Greek, and the histories and literatures articulated in those languages) leads to a particular philosophico-political outlook called humanism, a partisan commitment to humanity and its cultural achievements. Up to the nineteenth century and its “secularized” version of humanism (which projects itself backwards, reorganizing the Renaissance into the historical “Event” we recognize today), the human was understood to be not quite an animal (although it may have an animal condition of possibility) and not yet divine (although its reason is proof of divine intervention). As the Renaissance gave way to the Enlightenment and its aftermath, humanism emerged as a properly secular logic. If God is a deus absconditas, then the meaning of life has to be found in human pursuits. Out of this nexus, which included the beginnings of Western colonialism and racial slavery, was born the idea that we must pursue becoming “fully human” (an idea[l] whose contents shifted fairly dramatically across different historical contexts and registers). In concert with an explosion of technological invention (including modern medicine), the dialectical borders of the human were slightly redrawn. As secular, modern, scientific capitalism decentered religious thought (an uneven and unfinished decentering to be sure), the pressure on the boundary with the divine was eased, and the human had to be more carefully distinguished from the animal and the machine (Descartes’s Discourse on Method is symptomatic of the shift, even as he retains a theistic frame of reference). The necessity of this differentiation took on new and more pressing importance as the rights of man gained traction in the eighteenth century. For if one had rights simply by virtue of being human, then not being recognized as human—something that women, black slaves, and colonized natives faced with horrifying regularity—was enough to relegate these inhumans to the status of things, objects to be used by humans. Enlightenment thinkers like Rousseau and Kant returned to Plato to insist that the human is not simply a being that is, but something that some beings can become through education. While no doubt overly schematic and almost violently truncated, this brief history allows us to see that the human is not self-evident. What it means to be human is constructed differently at different historical moments, by biology, philosophy, political theory, and educational institutions. While the human may seem to be an old, sure, stable idea—it definitely disseminates itself through such a dissimulation—its contingent, historical character is becoming increasingly clear as a rising tide of research we may call posthumanist erodes its fabricated borders from the animal, the machine, and the thing. While the human can be thought of as an object of biology— a “species”—it is much more importantly a social and political category, one that has accrued a wide-range of interconnected meanings, beginning in ancient Greek philosophy and undergoing important transformations in modernity. Posthumanism spurs to consider how politics in its restricted, humanist sense is incapable of conceptualizing the most pressing problems in today’s world of advanced neo-imperialist, globalized capitalism. As Wolfe (2012) has noted, we need a new political vocabulary that will open politics to nonhuman subjects, which also necessarily entails opening politics to those who have been considered “less than human” by modern imperialist states. While the posthumanist literature is far from uniform, its central claim is that the human has been misconceived by nearly every thinker in the Western tradition (it is worth noting here that while posthumanism has, so far, functioned through a deconstruction of the Western tradition from within, it must also find ways of engaging non-Western and non-hegemonic ontologies and epistemologies that have conceptualized the human and its relations with other beings differently). Most Western thinkers consider the human to be unlike any other kind of being—although they have often taken pains to clarify this uniqueness through comparisons with animals, machines, “savages,” slaves, and so on. Posthumanist perspectives decry the humanist positioning of the non-white and non-Western as less than human. Posthumanist research also focuses on continuities between the human and non-human. For some posthumanists, this means focusing on how cybernetics, biotechnologies, prosthetics, and computerized communications devices are re-shaping human cognition, embodied experience, and relations with the wider world. For others, this means interrogating the supposed differences between humans and other forms of “biological” life, especially animals, and particularly between human “language” and animal “communication.” Cary Wolfe’s enormously influential research (2010) links deconstruction and systems theory—the theoretical outgrowth of a long history of cybernetics research—to produce a theory of communication that is able to account for any communication or interaction, regardless of whether the actors are human, animal, or machinic. Some posthumanists are even trying to radically de-center the living organism, adopting an object oriented ontology that treats every single thing—living or not—as ontologically singular. If, for a very long time, man has been the measure of all things (anthropocentrism), posthumanism is looking to account for things (indeed, everything, at least asymptotically) in a nonanthropocentric way. This “new” way of thinking, which is only new in the sense that it puts humans back into the thick ontological and political relations in which they have always already been networked, is going to necessitate wide-ranging and radical changes in how we conceive of educational practices and institutions. We may begin to pose the importance of this way of thinking by looking at how posthumanism is re-interpreting the cybernetic triangle of human/animal/machine. In the next section we first turn towards examining relationships between humans and machines, before turning our attention to an exploration of animal/human relationships.

### Long Satellite [Joy]

#### The aff views humanity as inherently valuable, which devalues animals since the category of the human is produced by negating sacrificable non-humans – the cult of humanism justifies the murder of both animals and humans as the definition of humanity constantly excludes members of the human species – its hypocrisies are not accidents but the logical outcome of anthropocentric humanism

Joy 14 [Melanie, Professor of Philosophy at the University of North Texas, and Adam Weitzenfeld, Professor of Psychology and Sociology at the University of Massachusetts, January, “An Overview of Anthropocentrism, Humanism, and Speciesism in Critical Animal Theory,” *Defining Critical Animal Studies (Nocella et al., 2014)*, pg. 8-11]

The anthropos in the anthropocentrism of humanism can never be purified of its own so-called animality without redrawing an ontological and ethico-political boundary that risks casting out members of the human species. Through what Giorgio Agamben (2004) calls the anthropological machine, each attempt to identify human being through its ontological difference from animal being results in an excision within human being itself as well as the production of an ethico-politically privileged inside and sacrificial outside. In other words, human being is not so much a value-neutral biological fact as a violent political fiction. The historic and fictitious human-animal dualism that is thought to protect the sovereignty of humans is also ironically the very mechanism that legitimates their sacrifice. What are believed to be the mutually exclusive moral categories of expendable animalized lives (e.g., broiler hens) and sacred humanized lives is betrayed “by the furious line drawing at work in the hybrid designations” of the humanized animals (e.g., pets) exempt from slaughter and the animalized humans (e.g., prisoners at Abu-Ghraib) exempted for it (Wolfe, 2003, p. 101). To this end, the anthropological machine commits at least three forms of violence. First, the anthropological machine performs what Bell (2011) calls an “auto-vivisection,” the violence in the creation of a human-animal binary that alienates humans from both themselves — their bodies, passions, and experiences — but also from fellow creatures who co-inhabit their world (p. 166). Second, homogenizing all non-human sentient life under the term “animal” is a representational violence that negates the specificity and positive attributes of each being by defining them generically through something “human” they all lack. This classification does not define animals on their own terms, but contingently on the desire of the human animal to exercise its power over them and recognize itself as special and superior (Derrida, 2008). Third, by abstracting the non-substitutable subjectivity of “human” life from the anonymous facticity of bare life — a life reduced to mere biological persistence stripped of distinction and integrity — “animal” life becomes an object to be ordered, ranked, aggregated, and molded to economic and political ends. Thus the political consequences of the exclusionary and sacrificial logic of anthropocentrist humanism also extend into the management and sacrifice of the “animal life” of humans (e.g., Nazi Germany’s eugenics and mass slaughter of humans) (Patterson, 2002). What is considered most definitely human in its uniqueness and its superiority is not objective, fixed, and universal. On the contrary, the concept of what we now call “the human” has been selectively, adaptively, and partially defined according to a particular form of embodiment and culture against others. The definition of humanity has been a reflection of a particular group of elite men’s perception of themselves in opposition to those they ruled over and classified as their others: animals, women, foreigners, disabled people, and more. In ancient times, women and slaves were considered unfit to participate in the proto-humanist democracy in ancient Greece (duBoise, 1982). The development of natural/human rights in modern times fared little better. According to Lynn Hunt (2007), “claims about the natural equality of all mankind called forth equally global assertions about natural difference” that “inadvertently opened the door to more virulent forms of sexism, racism, and anti-Semitism” (p. 187). Joseph Slaughter (2007) writes that while the fictitious creation of human rights “expresses certain laudable aspirations” of egalitarianism, “human rights” obscures its role in practices and discourses of inequality as it became a universalized common sense under liberal ideology (p. 5). In the present, Western societies—and the scientific, legal, and economic systems they are built upon—colonize other lands and minds, conforming them to the West’s own image of “the human.” Many people of non-European descent continue to be either culturally assimilated into Western civilizations or be managed by it, if such people have not already been exterminated for interfering with human “progress” and “freedom” as heralded by Western civilizations. Jean Paul Sartre (2007) warned of such a humanist “theory that takes man as an end and as the supreme value” (p. 50). When the remarkable achievements of a few humans signal the greatness of all humanity, the value of one individual’s achievement is assumed to give value and identity to the collective “us.” A humanism that praises and condemns humans through a fixed, unitary meaning and goal of an “us” “leads ultimately to… Fascism” (p. 51). Just as whiteness was invented and deployed to divide and conquer the multiracial working class—preventing them from uniting to overthrow class hierarchy (Allen, 2012)—so too may the “cult of humanity” function to maintain the market and cultural imperialism of white supremacist, capitalist patriarchy through people’s complicity with and celebration of its technological, globalizing “progress.” The hypocrisies of anthropocentrist humanism are not historical accidents, but the logical outcome of the production of subjectivities (i.e. socially constructed identity and consciousness) founded on the negation of others. Val Plumwood (2002) argues that one cannot properly address the injustices against human and animal others independently since they are rooted in hegemonic centrisms—widespread, unquestioned practices and perceptions of the world favoring and originating in the experiences and norms of an exclusive, elite population. Predicated upon the dominant understanding of the human “us,” anthropocentrism fundamentally intersects with hegemonic practices and perceptions that privilege men (androcentrism) and whites (Eurocentrism) as the center of experience and value. Hegemonic centrisms operate through a self-referencing conceptual system of oppositional dualisms (e.g., human/animal,man/woman, civilized/savage) in which the implicit, taken-for-granted associations between subordinated identities mutually reinforce one another’s status as Other. Given both human and animal oppression are based upon a hegemonic human subjectivity that privileges some as humans and others as Others, Matthew Calarco (2008) has suggested that it is necessary to oppose anthropocentrism. As he says, it is “always one version or another of the human that falsely occupies the space of the universal and that functions to exclude [others]… from ethical and political consideration” (p. 10).

### Impact-Autoimmunity

#### Humanism requires constant re-production and re-drawing of the lines of the human to constantly purify the category of “human” which results in extermination and auto-immunized destruction

Stanescu 13 [James, Ph.D. from Binghamton University’s Program in Philosophy, Interpretation, and Culture and Former Senior Lecturer in Philosophy and Communication Studies at Mercer University, Fall/Winter, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life,” *PhaenEx*, Vol. 8 No. 2, pg. 137-42]

The human is not a pre-given subject position. It is not a category that exists outside of political contestations and ontological battles. Rather, the human is produced, and is the site of great struggles, violence, and hierarchy. The human comes to name the category of beings we seek to protect and foster, and as such the idea of human exceptionalism can only be understood as related to the concept of biopolitics. When Foucault introduced our contemporary understanding of biopolitics in the 1970s, it was used to describe a new category of power, of the binding together of bio-power and anatamo-power. Biopolitics stitched together the disciplinary power over the individual body and a broader governmentality of the life and health of the population. If earlier versions of power rooted in sovereignty had the power to let live or make die, then biopower’s supplement had the power to make live and let die. As Foucault put it, “One might say that the ancient right to take life or let live was replaced by a power to foster life or disallow it to the point of death” (Foucault History of Sexuality 138, emphasis in the original). Foucault’s triad of power— sovereign, disciplinary, and bio—are all spatially and historically contingent. They also all overlap and interlace, supplementing and substituting, playing out this relationship in both historicity and ontology. To explain all the nuances of differences would require a book in itself, but I want to focus on one commonality among the triad of power: its abhorrence of contagion. The power of the sovereign is based upon the model of societal relationships to leprosy. Lepers were cast out of society; they were excluded. In contrast, when a plague strikes, it must be regulated; it must be contained. A series of precise partitions must be created and scrupulously upheld in order to keep the plague from spreading. It is this plague society that disciplinary power is modeled after (Discipline and Punish 195-200; Abnormal 43-48). Moreover, biopower is modeled first of all on the fear of racial impurity (Foucault, “Society Must Be Defended” 254-263). With the rise of State racism, fears are produced about how races will mix. Therefore, a variety of controls are born in order to precisely regulate populations. What we have at all points are power’s reactions to fears of contamination. Biopolitics is, therefore, constituted through what Roberto Esposito has called an immunization paradigm (see his Communitas, Immunitas, and Bios). While Esposito believes that “the paradigm of ‘immunization’ … seems to have eluded Foucault”, we see that even in Foucault, it is clear that the issue of immunity is central to the apparatuses of power (Bios 45). Foucault understood this point well when he wrote: “Behind the disciplinary mechanisms can be read the haunting memory of ‘contagions’, of the plague, of rebellions, crimes, vagabondage, desertions, people who appear and disappear, live and die in disorder” (Discipline and Punish 198). An opposition to contagion is, therefore, a principle linking together the triad of power, and serves as a fundamental drive of biopolitics. Biopolitics proceeds not through connections and contagions, but rather produces subjectivity through separation and disavowal. From an etymological standpoint, immunity combines the mūnus that is the root of common and community, with the privative force of the prefix im- (Esposito, Communitas 3-8). Immunity functions, therefore, not through a positive construction, but rather through a negation, through a production of deciding what it is not. As Niklas Luhmann, a major influence on Esposito, powerfully put it: “The system does not immunize itself against the no but with the help of the no; … it protects through negation against annihilation” (Social Systems 371-372). This becomes clearest when we turn our attention to the work of Agamben, and how we define the human. From its original taxonomical designation under Carolus Linnaeus, the human has not been given any positive definition, but rather is the being that knows itself human against all other creatures (Agamben, The Open 23-27). This is a common philosophical anthropological trick, defining the human as that being which is indefinable. However, as Adorno points out, "That we cannot tell what man is does not establish a peculiarly majestic anthropology; it vetoes any anthropology" (Negative Dialectics 124). The human stands at exactly this place of negation, a taxonomical creation that claims existence based entirely upon defining what it is not. As Agamben explained: “Homo sapiens, then, is neither a clearly defined species nor a substance; it is, rather, a machine or device for producing the recognition of the human. ... It is an optical machine constructed of a series of mirrors in which man, looking at himself, sees his own features always already deformed in the features of an ape. Homo is a constitutively ‘anthropomorphous’ animal … who must recognize himself in a non-man in order to be human” (The Open 26-27). And Agamben goes further, pointing out that, [t]he anthropological machine of humanism is an ironic apparatus that verifies the absence of a nature proper to Homo, holding him suspended between a celestial and a terrestrial nature, between animal and human—and thus, his being always less and more than himself. (29) The “anthropological machine” is the name that Agamben gives for the specifically biopolitical task of producing the human. If the panopticon is the optical machine of disciplinary power, we can posit that the anthropological machine is the optical machine of biopolitics. Let us now turn to examine in more detail how this anthropological machine operates. As I have argued elsewhere, the anthropological machine “begin[s] with nothingness”. I go on to explain: This kenomatic emptiness is exactly what powers the machine; it is what gives the machine purpose and function. If the machines contained a specific content, if there were actual delineated differences that the machines were trying to separate out, they wouldn’t function at all. Rather, they work by drawing and redrawing lines, by producing caesura after caesura. It works upon a zone of indifference, deciding what counts as legal and illegal, human and animal, bios and zoë. These machines don’t just draw the line once, but rather constantly redraw the lines, so there is no way to ever know which side of the line one stands on. (Stanescu, “Species Trouble” 573). These zones of indifference are thoughts of the immune. The logic of inoculation is in obvious display here, as we try to protect ourselves by excluding exactly what we include. The problem is not with inoculation; the problem emerges because, as Derrida warns, “nothing immune, safe and sound, heilig and holy, nothing unscathed in the most autonomous living present without a risk of auto-immunity” (“Faith and Knowledge” 82). The problem is not with immunity; it is rather that immunity carries with it the risk of auto-immunity. In medicine, when an otherwise healthy immune system becomes confused and starts attacking healthy cells, it is referred to as an autoimmune disorder. What concerns us here is the ways in which when the machinery of power protects itself through immunization logic and slips into an auto-immune logic. Indeed, from a political standpoint, the auto-immune is the fullest understanding of the immune. The biopolitical is the auto-immune of the social. On the one hand, we have the biopolitics of bare life, the move towards denaturalization, towards the removal of citizenship (as Agamben always states, the Nazis made sure all citizenship had been removed before one went into the death camp), and in general, a fusion of the human into the animal (Homo Sacer 132). On the other hand, we cannot forget the biopolitical project of colonialism, that is to say, a project dedicated to producing the human, understood here in its full European terms. There exists an “anthropocentrism in alliance with Europocentrism” (Said, Orientalism 98). This sort of move led Aimé Césaire to talk about a “pseudo-humanism” and also to claim that “the human” is always a “sordidly racist” concept (Discourse on Colonialism 37). There seem to be two co-supplementary movements of the biopolitical, both inherently violent and imperialist: one is a move of rendering someone as inhuman and therefore disposable, and the other is a move of rendering someone as human and, therefore, in need of training and eradicating all traces of the inhuman. These moves are not oppositional discourses; instead the two notions of the biopolitical merge (or are better understood as connected through a linchpin) into that of the thanatopolitical. The immunization discourses of humanism, as expressed through the movements of the two biopolitics, are fulfilled in the moment of auto-immunity. And the camps are an important site to understand this linchpin. As Arendt argued in her article, “Mankind and Terror”: [T]he camps serve, among other purposes, as laboratories in which human beings of the most and varied kinds are reduced to an always constant collection of reactions and reflexes. ... The concentration camps not only eradicate people; they also further the monstrous experiment, under scientifically exacting conditions, of destroying spontaneity as an element of human behavior and of transforming people into something that is even less than animal, namely, a bundle of reactions that, given the same set of conditions, will always react in the same way. (304) She concludes that the “purity of the experiment would be compromised if one admitted even as a remote possibility that those specimens of the species homo sapiens had ever existed as real human beings” (305). The purpose of the death camps was not just an elimination of peoples, but also a production of the human as such.

### Impact-Necropolitics

#### The intersection of biopolitics and anthropocentrism is the logic of necropolitics – life created for death – relegating the other to death-worlds is the root of colonial domination

Stanescu 13 [James, Ph.D. from Binghamton University’s Program in Philosophy, Interpretation, and Culture and Former Senior Lecturer in Philosophy and Communication Studies at Mercer University, Fall/Winter, “Beyond Biopolitics: Animal Studies, Factory Farms, and the Advent of Deading Life,” *PhaenEx*, Vol. 8 No. 2, pg. 146-9]

This, then, is how biopolitics functions: human exceptionalism is stapled to eugenicism which is stapled to the active production of the human against the human as animal. It becomes clear how the factory farm becomes part and parcel of the biopolitical system. As Cary Wolfe has contended: Rather, such practices [of the factory farm] must be seen not just as political but as in fact constitutively political for biopolitics in its modern form. Indeed, the practices of maximizing control over life and death, of “making live”, in Foucault’s words, through eugenics, artificial insemination and selective breeding, pharmaceutical enhancement, inoculation, and the like are on display in the modern factory farm as perhaps nowhere else in biopolitical history. (Before the Law 46) All of this that Wolfe contends is true. However, is all that is going on with the factory farm the same biopolitical argument we have been exploring so far? The same argument of autoimmunity and the logic of making live and letting die? Foucault always insisted that the historicity of the present must be at the center of producing our philosophical concepts. In the same late essay as cited earlier, Foucault argued, “we have to know the historical conditions that motivate our conceptualization. We need a historical awareness of our present circumstance” (“The Subject and Power” 327). While thinkers who have taken up the biopolitical as thanatopolitical, such as Agamben and Esposito, have greatly added to our understanding of many violences, they risk making disappear the theoretical specificity for which Foucault has called. In Agamben and Esposito we get what Peter Gratton, speaking of Agamben, refers to as his hyperbole (State of Sovereignty 161-200). In other words, we risk having our historical awareness obviated by metaphysical absoluteness. If we do not produce new concepts in the face of new apparatuses and dispositifs of power, there is a real danger of turning the camp into a platonic truth of atrocity for which all other violence is merely a reflection. The realities of the factory farm challenge this metaphysical absoluteness, and therefore provokes a need for thinking beyond the biopolitical. Max Horkheimer, in a fairly famous metaphor of the global system, compares it to a skyscraper. The ceiling of the skyscraper is a cathedral, and the people living on the top, executives and other capitalist magnates, are able to look out their windows and see starry nights. Underneath them are the political henchmen, the military, the professors, and on and on. In the bottom floors live those in the colonized world. “And below the rooms, live the coolies of the earth, who die in the millions”. And below them? Who lives in the very foundations and basement of this skyscraper? The animals, who live in “unspeakable, unthinkable, suffering” and all that remains are their “sweat, blood, and despair” (Dämmerung 379-380). While I have no doubt about the suffering of animals in our global system, I want to push this image from Horkheimer in a different direction. What if the suffering of the animals is not just the basement, but also the base of the skyscraper? What if, in other words, the suffering of animals is one of the bases for the suffering and exploitation of the world? What would be the present ontologies that exist? In other words, if we understand our disavowal of animals as the basis for a certain biopolitics, what is the current ontological production that our treatment of animals herald? What does the factory farm, as opposed to human genocide, allow us to understand? If we take seriously Foucault’s claim that biopolitics is about politics taking life itself as its object, then the obvious question arises: what is life? In the strange tension between biopolitics and thanatopolitics, we seem to be presented with a theoretical buffet with which to explore and understand what politicized life means. We have Agamben’s bare life, Judith Butler’s precarious life, Walter Benjamin’s mere life, Balibar’s disposable life, Eugene Thacker’s after life, Timothy Campbell’s improper life, and Deleuze’s a life.3 I want us to turn our attention to another conception of life: deading life. This is to say, life whose production is fundamentally about its death, its consumption. Within the realm of the factory farm, what we have discovered is life completely denaturalized, life as completely produced and constructed. Indeed, compared to the other conceptions of forms of life we have mentioned, what makes deading life different is that it isn’t left alone, let to die in the language of Foucault, rather it is thoroughly fabricated and artificial. In order to understand factory farms, it is important to start not from the production of life, but from its telos, from the consumption of life. In other words, factory farms are simply a manifestation of a classical question, one which even Cicero takes up. When reading Cicero on animals, we see that he replicates the common Stoic belief that all other animals exist for the purpose of being used by humans. Cicero would say of pigs: “What is the swine good for but to eat? whose life, Chrysippus says, was given it but as salt to keep it from putrefying; and as it is proper food for man, nature hath made no animal more fruitful” (On the Nature of the Gods 61). In other words, not only is salt good for keeping animals from purification, life is another pretty good way. In such a view, though, life is not living. Life is salt, life is refrigeration, life is merely a process and precursor to death. Life is but an adjunctment to the end product, death. When we turn our attention to factory farms, what we are turning our attention to is a different sense of life from living, one in which life is pure resource for death. In Achille Mbembe’s famous argument in “Necropolitics”, the colonized live in death worlds. As Mbembe explains: Moreover I have put forward the notion of necropolitics and necro-power to account for the various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead. (40, emphasis in the original) Cicero’s pig may live in a death-world, but it does not live as the living dead. The death-world that Cicero’s pig, and the factory-farmed pig, live in is uniquely different from Mbembe’s death world.

### Impact-oppression

#### Anthropocentrism is the root cause of every form of oppression – their attempt to separate their ontological position of suffering from that of non-humans reinscribes the very same imperialist humanism

Radomska 10 [Marietta, Department of Thematic Studies at Linköping University, March 13, “From Feminism to Speciesism and Back Again or How We Are Becoming and How We Collaborate...” http://www.obieg.pl/artmix/16579/]

It has been thirty five years by now that the famous Peter Singer's book Animal Liberation1, was published. The book, introducing the notion of speciesism into common discourse and critique (yet, not everywhere in the world since we are discussing it right now), has become a bible for animal rights acitivists and movements, as Animal Liberation Front for instance. However the term of speciesism itself was coined in 1973 by a British psychologist Robert D. Ryder. He defined it as "a prejudice against non-humans based on morally irrelevant physical differences"2 and "the widespread discrimination that is practised by man against other species ... Speciesism is racism, and both overlook or underestimate the similarities between the discriminator and those discriminated against3." The discussion on speciesism seems problematic from the very beginning. I am not going to dive into moralistic polemics with some still-alive advocates of the reasonable, autonomous human subject (most likely characterised by some more features: white, male, capital-owning, etc.). Nonetheless, I would like to look closer at what it consists in and how it operates. Speciesism has its logic. First you have to take a being as a non-human in order to be "entitled" to violate him/her/it with impunity. For it is only human that deserves respect and dignity. That is precisely why animal suffering and rivers of blood from slaughterhouses all around the world are almost non-existent (of course except for animal rights movements). The same, quite simple logic functioned in cases of slavery or Holocaust. Once blacks were taken as "beasts of burden" every cruel enslaving practice (primarily used towards nonhuman animals) was used on a regular basis. Accordingly, the same goes for the Nazi genocide, which drawing a border line between humans and sub-humans (or non-humans - it suffices to remind Nazi propaganda, in which Jews were called and visualised as vermin), automatically gave permission to the extermination of those who appeared below this line. Moreover, in all these and similar situations that have been taking place up till now, any moral or ethical questions were rather vanished since - in some opinions - moral status is not necessarily about nonhumans4. If we take into account postcolonial or feminist theory (and movements) for instance, they precisely point out how those positioned as "others" of the "reasonable human subject" (Western, white, male, capital-owning) have been always defined as closer to nature and animals (or as animals). Although various gestures of racism, sexism, homophobia and other forms of discrimination do take place both in theory (academia) and in practice (everyday life), the above-mentioned emancipation movements claims are quite obvious. Nevertheless, the enormous amount of suffering and oppression of animals go almost unheard. They just form a part of "normal" landscape. Moreover, any attempt of comparison or analogy between animal suffering e.g. in slaughterhouses to black slavery or Holocaust usually awaken indignation or at least evoke some sort of protest, also from those who themselves were fighting against dualist logic labelling them as the "Others" of the human subject. Actually, such objections appear to be only one more expression of speciesism.

### Impact-Wolfe

#### Biopolitical speciesism’s demand for new and innovative techniques of murder culminates in unthinkable levels of destruction against inhuman others

Wolfe 12 [Cary, Professor of English at Rice University, December, “Before the Law: Humans and Other Animals in a Biopolitical Frame,” University of Chicago Press, pg. 43-6]

We are returned, then, not just to the thanatopolitical site of the camps that takes center stage in Agamben’s work, and not just to the question of the biopolitical status of Nazism, but also to the central function of race—and by extension, species—in modern biopolitics. As is well known, Foucault explores this topic in the lectures from 1975-76 collected in “Society Must Be Defendedi.”Racism, as Foucault notes, creates “caesuras within the biological continuum addressed by biopower”; it is “a way of fragmenting the field of the biological that power controls” so that some populations may be killed or allowed to die—what Foucault bluntly calls “indirect murder.”1 “In a normalizing society,” he writes, “race or racism is the precondition that makes killing acceptable.”2 And it has a second function, he argues: “the death of the bad race, of the inferior race (or the degenerate, the abnormal) is something that will make life in general healthier: healthier and purer.”3 As we have seen, Esposito’s immunitary paradigm seizes on and develops this realization by Foucault, but the point I want to emphasize here is Foucault’s recognition that you can’t talk about biopolitics without talking about race, and you can’t talk about race without talking about species, simply because both categories—as history well shows—are so notoriously pliable and unstable, constantly bleeding into and out of each other. Exhibit A here, of course, is the analogy between humans and animals that characterizes much of the literature on the Holocaust. As is well known, the word means “burnt offering” and was taken from the Greek word holokauston, which referred to the ancient practice of sacrificing animals.4 And even better known, perhaps, is the common refrain of those subjected to the violence of the camps: “we were treated like animals.”5 But as Esposito’s bracing analysis of Nazi genocide shows, the mainspring of this process cannot exactly be said to be the “animalization” pure and simple of the Jews and other victims: More than “bestializing” man, as is commonly thought, [Nazism] “anthropologized” the animal, enlarging the definition of anthropos to the point where it also comprised animals of inferior species. He who was the object of persecution and extreme violence wasn’t simply an animal (which was indeed respected and protected as such by one of the most advanced pieces of legislation of the entire world), but was an animal-[hu]man. . . . [T]he regime promulgated a circular that prohibited any kind of cruelty to animals, in particular with reference to cold, to heat, and to the inoculation of pathogenic germs. Considering the zeal with which the Nazis respected their own laws, this means that if those interned in the extermination camps had been considered to be only animals, they would have been saved.6 While Esposito overstates his case here (as Singer points out, following Boria Sax’s extensive work on the topic, the Nazis routinely conducted painful and even brutal experiments on animals such as primates7), his analysis does have the virtue of complicating our understanding of the relationship between the human/animal distinction and the bios/zoe doublet of biopolitics (a point I’ll return to in more detail below). And with this more complicated conceptual topography in mind, we can revisit the “animal Holocaust” analogy that has been widely used to describe our treatment of animals in factory farming and biomedical testing. Jacques Derrida is particularly forceful on this point in his later work, where he pulls no punches in criticizing “this violence that some would compare to the worst cases of genocide,” a genocide made even more perverse by the fact that millions of animals are “exterminated by means of their continued existence or even their overpopulation.” Derrida (an Algerian Jew) is well aware of the complexities of the analogy here, of course, and he reminds us that “one should neither abuse the figure of genocide nor too quickly consider it explained away.”8 Indeed, his ending observation—”by means of their continued existence”— points us toward some important differences between the two cases that Esposito will explore as well. For example, in the Nazi camps, we find those who had been citizens, members of the community, now stripped of every legal protection and right by means of the declaration of a “state of exception,” whereas in the factory farm, we find those who never were members of the community nevertheless afforded at least some minimal protection (humane slaughter laws, for example), even if those laws are in fact minimally enforced.9 Similarly, the “animal Holocaust” of factory farming does not abide by the logic of genocide per se, since the minimal conditions of genocide agreed on by most scholars are that a sovereign state declares an intention to kill a particular homogeneous group not for economic or political reasons but rather because of that group’s biological constitution, and that such a project of killing will be potentially complete, resulting in the extermination of all members of the targeted group.10 Indeed, this is part of what makes the “animal Holocaust” not just horrible but in an important sense perverse—what Derrida calls a “virtually interminable survival, in conditions that previous generations would have judged monstrous, outside of every presumed norm of a life proper to animals.”11 And this “interminable survival” leads, in turn, to a massive difference in sheer scale between the two cases, as nearly ten billion animals are raised for food each year in the United States, the vast majority of them in factory farms. In fact, nine hundred million of these animals each year never even make it to the slaughterhouse for their merciful end, because they die first of stress, disease, or injury.12 At the same time, it hardly needs pointing out that the practices of modern biopolitics have forged themselves in the common subjection and management of both human and animal bodies—a fact brought very sharply into focus in scholarship that examines the analogies between the technological manipulation of life in the factory farm and in the Nazi camps. As one writer notes, “the methods of the Holocaust exist today in the form of factory farming where billions of innocent, feeling beings are taken from their families, trucked hundreds of miles through all weather extremes, confined in cramped, filthy conditions and herded to their deaths.”13 As another points out, “American eugenics and assembly-line slaughter crossed the Atlantic Ocean and found fertile ground in Nazi Germany.”14 In fact, the assembly line processes used to kill Jews in Nazi Germany derived from production models originally developed by Henry Ford (a notorious anti-Semite), who in turn reveals in his autobiography that the inspiration for his assembly-line method came from a visit to a Chicago slaughterhouse where he witnessed its mechanized disassembly line for making meat out of animal carcasses.15 From the vantage of a Foucauldian biopolitics, then, we are forced to conclude that current practices of factory farming and the like—while crucially different from the logic of the Holocaust and of genocide in the ways I have just noted—constitute not just some embarrassing sideline of modern life that has nothing to do with politics proper, and which can be well regulated by an adjacent set of anticruelty laws that do not intersect with politics as such in any fundamental way. Rather, such practices must be seen not just as political but as in fact constitutively political for biopolitics in its modern form. Indeed, the practices of maximizing control over life and death, of “making live,” in Foucault’s words, through eugenics, artificial insemination and selective breeding, pharmaceutical enhancement, inoculation, and the like are on display in the modern factory farm as perhaps nowhere else in biopolitical history. It can hardly be debated, I think, that “the animal” is, today—and on a scale unprecedented in human history—the site of the very ur-form of that dispositif and the face of its most unchecked, nightmarish effects.

### AT—Sovereignty Inevitable

#### ‘Inevitability’ is a fatalist trick that shuts down politics as such

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 152-3]

To avoid very real biopolitical dangers, any posthumanism has to resist the temptations of humanist metaphysics (the anthropological machine) and resist reducing the dimensions of ethical and political action to a spurious equivalence under a generalized notion of modification- especially one subject to definition by “experimental protocol" (see earlier in this chapter). In other words, it is necessary to understand the differences between various kinds of actions that resemble each other only in terms of a very extended "family resemblance" (Wittgenstein 1988). From an Arendtian perspective, Beck’s work in particular separates action from its ethicopolitical connotations by reducing it to an automatic reaction that does not require a moral consciousness, the thoughtful concern for others that Latour too passes over. Beck does this because he actually accepts the idea that society and nature are becoming a unified process. In other words, Beck not only describes the systemic processes that he claims constitute risk society but also builds them into his own theoretical account in such a way that they appear as inescapable. The kind of world alienation that Arendt is concerned to critique actually becomes the theoretical premise of Beck’s work, a key part of the contemporary human condition wherein “everyone is cause and effect, and thus non-cause” (Beck 1992, 33). But for Arendt, the very essence of political action is tied to the human ability to initiate change, whereas “it is in the nature of the automatic processes to which ~~man~~ is [humans are] subject, but within which and against which he can assert himself through action, that they can only spell ruin to human life” (Arendt 1993, 168). Environmental activism is, in this Arendtian light, an attempt to initiate political change against what are portrayed as automatic processes.

#### Alt solves—

Ecologically suspending the privilege of the human through production of ‘man’ and ‘animal’ opens space for pragmatic movement which treats all forms of being with respect and responsibility

### AT—Speciesism Inevitable

#### Not a question of getting rid of categories entirely

Suspending human claims to uniqueness wherever they arise best mitigates the consequences of speciesism

#### Alt solves

Rejecting sovereignty opens space for an unrepresentible middle term between human and animal through which we can re-envision political relations and construct new and less violent forms of community

### AT—Anthropocentrism Inevitable

#### Not our argument

Speciesism isn’t inherent in individuals, it’s a forced internalization of power networks managed by the anthropological machine

### AT—Perm Do Both

#### Framework proves perm is incoherent

The alt isn’t an action — it’s the process of reframing that the 1NC and engage in — you cannot permute performative solvency

#### Proves mutual exclusivity

You cannot simultaneously affirm and criticize the 1AC

#### Links are DAs to the perm

They cannot sever their assumptions — makes the aff conditional which is a voting issue — stable links are critical to neg ground and argument development

### AT—Perm All Instances

#### It’s not a question of other instances

The aff is central in this debate in conforming to anthropocentric models of subjectivity, with distinct and drastic implications

#### Links harder

Perm’s identification of the aff is a political exception which confirms and justifies sovereign violence

## Impacts

### T/ Case---Mass Death

#### The politics of letting-die makes mass death inevitable – if poor laborers don’t die as a result of low wages, political authority will ensure famine kills them

Marks 15 [(Shanee, lecturer in Sociology Department, Boğaziçi University) “Biopolitics on the Installment Plan” Posted Feb16, 2015. presented in the series “Sociology Talks” at the Sociology Department, Boğaziçi University, Istanbul on 27th March 2014]

Perhaps it is capitalism which is biopolitical and as such both Nazism and liberalism as variants modify its biopolitical dispositif in their contingent ways. Eugenics, Darwinism and historicist race theories, all powerful precedents for Nazi biopolitics – originated in late Victorian liberal imperial Britain. Houston Stewart Chamberlain’s Foundations of the 19th Century was the bible of Nazi propaganda before Rosenberg wrote its sequel – The Myth of the 20th Century. Chamberlain already spoke of the supremacy of the Aryan race – of proto Indo European provenance. Chamberlain rejected Darwinism though in favor of Gestalt – but Rosenberg in The Myth of the 20th Century advocated a mystical Darwinism as the basis of the new Nazi religion. Are perhaps Darwinism and social Darwinism the biopolitics of British imperial liberalism? But already classic liberal political economy presumed the inevitability of periodic mass death as a result of dearth, overabundance of labour (power) hence subsistence wages and semi-natural disasters such as famine. Foucault’s ‘letting die’ was built into Adam Smith’s theodicy of the providential ‘invisible hand’ and the free reign of the market. (See Warren Montag, “Necro-economics, Adam Smith and Death in the Life of the Universal” in Radical Philosophy, 134, (November/December 2005) [Greece’s current ‘humanitarian crisis’ – or the austerity imposed on it by the dictates of the ‘Troika’ (European Commission, European Central Bank and the International Monetary Fund) is an example of such a market-induced ‘state of exception’. Like in the times of Smith, Malthus and Bentham, if the poor refuse to die – the state or other authorities must intervene to assure that the 'regulative market mechanisms' are allowed to take their course. As they continue to so successfully in present day Britain. Some parts of the working class in ‘wealthy’ Britain earn such low wages they no longer can afford a new refrigerator when the old one breaks down – they are lured into ‘rent to own’ schemes, which eventually cost three times as much. But when the Greek population rebels against a much more dire reduction of their living standard – the former Tory chancellor Kenneth Clarke condemns the rescue plans of those he dubs the “latter-day Trotskyites” from Syriza with a latter-day ‘let them die’: “It is nothing to do with just the Germans. I can’t see why any other states should take a huge multibillion-pound hit again for the Greeks so they can hire more civil servants, raise their minimum wage, scrap all their labour market reforms and all the other things they want to do.” (Nicholas Watt, “Kenneth Clarke says Syriza victory risks Greek exit from eurozone” in Guardian online, 15 February 2015)]

### T/ Case---Other violence

#### Empirically proven – the existence of sovereign power means even when a living wage is paid, workers are subject to other types of violence instead

Yoo 12 [(Hyon Joo, Assistant Professor in the Department of Political Science at Trinity University) “Cinema at the Crossroads: Nation and the Subject in East Asian Cinema” Google Books] AT

The economy of the virtual does not simply problematize the thinking of the body as a self-evident physicality. More importantly, it is a measure taken ￼against the body's expenditure without reserve (that is, pure negativity that signifies the exhaustion of economic value via symbolic and physical annihilation). By extending the masculine subject's value-producing function beyond immediate materiality, virtuality becomes a crucial element not only in transnational capitalism, but also in the sustenance of the sovereign power of the nation-state. What Agamben calls "the ban" is useful in trying to understand this partieular aspect of sustenance- Agamben notes that sovereignty is "the originary structure in which law refers to life and includes it in itself by suspending it." y In other words, the very possibility of sovereign power depends on the law that can guarantee life, because that law can also suspend life. Sovereign power realizes itself through the "ban" it juridically and politically imposes on a certain form of life and the measures sustaining that life. Hence, the relation of law that the sovereign nation-state establishes is that of the exception that makes a distinction between the life of the civic subject, which is defined by its right, and its Other, "bare life" located in the realm of "nature" and thus outside civic right. This distinction in the law, which is applied only by deferring its application to designate the place of the lawful subject, is the paradox of sovereignty: "to refer to something, a rule must both presuppose and yet still establish a relation with what is outside relation (nonrelational)." If, following Agamben, sovereignty' is the ban and a structure where the norm (the applicability of the law) must be supplemented by exception (its inapplicability), then the sovereign power must found itself not just on the norm of the modern nation-state as a culmination of Enlightenment reason, but on exceptions to that norm. At this juncture, it is useful to consider Wallersteins point that race and ethnic groupings are the construction of a capitalist nation-state that needs to designate a certain group of the population within and outside its borders as the proletarian class that yields surplus value.21 In the late 1980's, the Korean government began to allow Korean business owners to import foreign unskilled labor to be paid less than minimum wage through what was ostensibly an inter- national labor exchange program. The majority of these guest workers were from South Asian countries and mainland China: they were legally designated as ￼job trainees by the Korean government, which legitimized wages for them that were much lower than the minimum wage for Korean workers. The Korean government implemented the Employment Permit System, replacing the labor exchange program in 2003. However, these workers continue to be deprived of labor rights and subjected to racial insults, discrimination, rape, beating, prolonged working hours without compensation, dangerous working conditions, illegal confinement and detention on the factory premises to prevent them from running away, deportation, and death from both suicide and accidents. They incur an enormous amount of debt in their home country to come to Korea, but are often unable to recuperate these expenses. There is no legal mechanism that guarantees them the right to collect unpaid wages from delinquent or bankrupt employers, which are mostly small to mid-size businesses. Even in the case of Transnational Cultural Production and the Politics of Moribund Masculinity severe injury, such as amputation, that prevents them from further employment, they are often ineligible for government compensation. Currently, there are only a handful of local grassroots organizations that advocate for these workers, and the Korean government has postponed installing stronger labor and industrial regulations for them. The ideological underpinning of this systematic exploitation is the racialized ethnic difference that dissuades the Korean working class from forming a coalition with these migrant workers. The ban imposed by the sovereign state depends upon the inner boundary that traces the difference between those who have the right to social and cultural identity and those who do not. This inner boundary demarcates those who organize their mode of being and practice within the ethos of an official national culture. Official nationalism thus conflates the right of the citizen with that of the national subject and designates the sphere outside the nation proper as be- yond a sort of "institutional liminality". " Racialized difference that places foreign migrant workers or refugees on the other side of the "natural" national community is only one effect of such boundary-making, where the norm of the national, expressed in juridical and cultural terms, marks the line between nor- mative and Iiminal subjectivities. Rwci-Rcn Wu posits that official Japanese nationalism, which was the driving force behind Japans "anti-colonial colonial- ism" or what he calls "oriental colonialism/' resisted Western imperialism by dominating Asian nations and states that the Japanese colonial regime consid- ered to be marginal to its imperial center." Institutional liminalitv in this case describes the position of the colonized people, such as Koreans and Taiwanese subject to Japanese colonialism, who became tie jure imperial subjects, but remained strangers to the national proper. This kind of inner boundary construc- tion in defense of an imagined national unity continues in postcolonial East Asia, insofar as it enables a cultural formation called for by the nation-state project

### T/Case---Bare Life

#### A true living wage is impossible – it merely turns workers into bare life

Charkiewicz 5 [(Ewa, economist, Green Party leader, researcher and university lecturer combining academic engagement in social movements) “Corporations, the UN and Neo-liberal Bio-politics” Development (2005) 48, 75–83] AT

If audits are a strategic technology of neo-liberal biopolitics that ensure 'the right disposition of things', then at stake is to find out what and how is actually standardized and audited. Here I would like to take the example of Mattel Inc., world's number one toy company and the producer of the Barbie doll. Mattel invested close to 1.5 million dollars in the development of detailed standards of corporate performance in the factories overseas and in the verification of compliance. Over 120 detailed standards cover decent shop-floor relations, housing in dormitories, work condition, transparent pay management, and compliance with local labour laws. Mattel was verified as the socially responsible corporation. There is no reason to doubt the integrity of the verification. However, one look at the difference between the minimum wages paid to workers for instance in China of US$0.51 as compared to the living wage of US$0.87, and special permits granted by the Chinese government to Mattel to exceed the work time limits shows that the complete basic needs of nutrition, housing, education, health care, time and resources to support one's family, and to rest are not met. Analogically, the deployment and verification of CSR standards does not protect workers from the health effects of toxic glues and solvents or repetitious strains, as these are not regulated by the law. A worker's life is maintained only at the level of biological reproduction, or to borrow from Agamben (1998) at the level of survival or bare life. The discourse on corporate responsibility applies to those who are lucky to have jobs, and to some extent improves the quality of life of workers by removing the management of labour by fear and puts in place humane labour management standards. It does not maintain security of lives and livelihoods. This is however not to blame Mattel or any other individual corporation. If companies truly applied themselves to CSR, paid living wages to workers, and frugally used environmental resources, they would go bankrupt in the market place as it is currently organized. In the every-day life of firms overproduction, competition for the share of the market and consumers affects, corporate dependence on credit, pressures from investors, squeezing value out of corporate organization, and global economic volatility all decrease room to manoeuvre towards social responsibility. The CSR discourse helps to ensure that generation of profits and multiplication of financial capital proceed in a sustained, uninterrupted manner. This is achieved by pulling the participating actors into the virtual performance of CSR, while making invisible what happens at the level of the bare life.

### T/ Case---Migrants

#### Migrant workers are excluded by their subjection to bare life – by paying higher wages to other workers the aff makes conditions for them WORSE

Laustsen 03 [(Carsten Bagge Laustsen (Department of Political Science, University of Aarhus) was a Visiting Fellow at the Academy for Migration Studies in Denmark in December 2002)“‘Camping’ as a Contemporary Strategy – From Refugee Camps to Gated Communities” AMID Working Paper Series 32/2003] AT

The idea of exception permeates almost every aspect of refugee life. For instance, recently, it was revealed that the French voucher company, Sodexho, running a new detention center near Heathrow airport in the UK, is supported by the British government to pay refugees 34p an hour for cleaning and cooking, less than one tenth of the British minimum wage. This procedure was made possible by the logic of exception: that “the legal obligation to pay the minimum wage has been waived for UK Detention Services” (Bright 2001). In this way the company would save millions in staff costs by paying about £12 a week to asylum seekers, which is less than one tenth of the British minimum wage, and which, reminiscent of forced labor camps and their economy of exception, e.g. “slave labor” schemes, would contribute to the creation of an underclass of refugees without the same rights as citizens.

### Turn Informal Labor

#### Informal labor is a zone of exception – legal norms can’t solve since they are suspended

Lee 10 [(Charles, Assistant Professor, Justice and Social Inquiry, School of Social Transformation at Arizona State University) “Bare Life, Interstices, and the Third Space of Citizenship” Women's Studies Quarterly, Spring 2010] AT

Beyond the juridical institutional compass, informal and clandestine labor sites, such as households that female undocumented immigrants populate as domestic workers, may also be conceived of as Agamben’s camps, or better yet, as Isin and Rygiels abject spaces that intertwine abjection and resistance. Exploitation and subjection are built into the logic of these work sites, as migrant workers are vulnerable to being paid below minimum wage and toiling in inhumane conditions without official recourse to political aid or legal remedy (Chang 2000). Labor laws and regulations are "suspended" in application to these abject workspaces that are imminent to the neoliberal economy. However, from the liminal edge of bare life, these foreign female workers have nonetheless produced dissident practices that detour around the conventional political subscript of citizenship in their seeking a basic measure of rights, dignity, and respect, accorded to other citizen-workers. The abjection of domestic workers as depoliticized sheer life can be seen both in laws and in their work conditions. As Evelyn Nakano Glenn points out, women's household labor has historically been relegated to the "private" arena defined by dependency and unfreedom, away from the "public" realm of citizenship and rights. In capitalist cultures where "earning" is considered an obligation of citizens and where social rights (.e.g., unemployment insurance, health protections, retirement pensions) are distributed accordingly, "unpaid family caregivers were seen as carrying out strictly private responsibilities and not as fulfilling broader citizenship responsibilities" (2007, 49). This logic has been extended to paid domestic service, where domestic workers were historically "denied recognition as real workers" and "explicitly excluded from legislation that granted entitlements and protections to other types of workers" (55). For example, within the United States, while the provisions of a maximum workweek, overtime pay, and minimum wages as stipulated in the Fair Labor Standards Act have now been applied to domestic service, they do not cover all types of domestic work (e.g., "babysitters" and "companions" for the sick and elderly), and domestic workers continue to be subject to various exclusions from "public" citizenship, from the right to organize under the National Labor Relations Act; the right to labor in safe and healthful working conditions under the Occupational Safety and Health Act; to the right against discrimination based on race, color, religion, sex, national origin, disability, and age under the Civil Rights Laws (Domestic Workers United n.d.). As paid domestic service is now disproportionately performed by female migrants who lack citizenship status, their abjection is made more acute as the provisions of existing workers' compensation laws have continued to leave suspended the uncertainty of coverage for undocumented workers (Gonzales 2008). As Glenn argues, migrant care workers from the global South laboring in their destination countries are predominantly "denied rights and protections" (2007, 56). Domestic work thus operates in an "exceptional" underground economy in the absence of explicit and determinate labor laws and regulations (Romero 1992, 120). To cite Agamben's phrase, "anything becomes possible" in the personalized hierarchical relations as the employers have great leeway in determining work conditions "by setting wages, establishing job descriptions, and determining the work structure," and workers are at the mercy of the employers to either accept the job or to quit (Romero, 1992, 120). In the abject workspace, domestic workers are remaindered from the citizenship life that accords basic rights and dignity to other citizen-subjects. Nicole Constable's study in Hong Kong, for example, details how Filipina live-in domestic workers can be subjugated to a rigid sixteen-hour-a-day work schedule; can be forbidden to wear makeup, fingernail polish, or perfume; can have specific days when they can wash their hair and be monitored on the length of showers; can not be permitted to use the phone or rest on the sofa; and can be made to sleep in the storeroom (2007, 9 1-92) . Mary Romero's study on Chicana domestic workers in the United States similarly reveals how employers may ask the workers to get on their knees to scrub the floors or to put on uniforms at hosted parties to accentuate their lower status as "maids." Employers can further purchase deference by subjecting the domestic workers to childlike treatment through scolding or derogatory remarks about the workers' ethnic compatriots and assigning them to separate-but-unequal eating arrangements such that the domestic workers eat in the kitchen rather than at the family dining table and are allotted "garbage" food or leftovers (1992, 105-19). Moreover, employers' practices of gift giving (in lieu of higher wages and benefits) represent a paternalistic exchange and expectation for workers' loyalty and commitment "beyond the boundaries of the contractual work arrangement" (Romero 1992, 120-21). In both laws and their work conditions, undocumented domestic workers are thus remaindered from the political script of liberal citizenship, as they lack the official status to gain formal recognition and rights. For these subjects, who cannot even participate in the civic institutions of the state regime, radical collective acts in countering their subordinate condition invite further threats of deportation and suspension of economic livelihood (Chin 1998, 128; Constable 2007, 119). However, operating in modes that are neither of open collective participation nor of silent inaction, migrant domestic workers have responded to abjection via dissident practices and discourses that navigate the interstices inside/ outside the political script of citizenship, enacting the claiming of rights and dignity in the third space.

### Turns Garment Workers

#### Bare life is the root cause of garment workers’ exploitation – labor laws ALREADY EXIST criminalizing the abuses garment workers experience which proves the aff can’t solve

Solyom 12 [(Jessica, Ph.D. student in the department of Justice and Social Inquiry at Arizona State University) “Tearing at the Seams of (In)visibility: Anti-counterfeiting, Harper’s Bazaar, and the Project of Neocolonization” Kaleidoscope: Vol. 11, 2012] AT

Fear of what foreigners may bring, take, or do to the polity can lead democratic nations to deny them political and legal rights. Political philosopher Georgio Agamben (1998) refers to this as “bare life.” Garment workers exist within Agamben’s framework of bare life, which renders individuals susceptible to violence and/or exploitation by nation-state citizen members who have no fear of legal or ethical reprisal from their governing body. Viewing garment workers as bare life may be what allows citizens within the U.S. fashion democratic system to exploit garment workers under sweatshop conditions: “For Agamben, the subjects [considered to be bare life] are ‘so completely deprived of their rights and prerogatives that no act committed against them could appear any longer a crime’… the zone of bare life is not only juxtaposed to the democratic order, but is necessary for its continuing function” (Lee, 2010, p. 60). Agamben’s framework highlights the assumption that “rights belong to those definite or permanent subjects (i.e., citizens), with the implication that those without rights cannot act, but must be saved by others, as in humanitarian intervention where charity is given to the poor” (Lee, 2010, p. 64, emphasis in original). Fortunately, citizenship for garment workers may extend beyond the simple recognition of “rights” accorded by the nation-state. Neoliberalism is an embodiment of an infiltration of economic logic into the domain of government (Ong, 2006). This infiltration shifts the mode of governing from “duties and obligations to the nation” to one that is based on individual possessions of “human capital or expertise” (Lee, 2010, p. 68); this becomes the central criteria in state distributions of rewards and benefits of citizenship.

### Turns Disabilities

#### Disability’s lower status is a result of their representation as bare life

Baugh 12 [(Mika, Major in Psychology and Gender Studies) “HR 3086” Representation and the Body February 19, 2012] AT

During the class discussion on biopolitics, I couldn’t help but consider the ways in which my own life has been (and continues to be) impacted by various manifestations of this phenomenon. Granted, everyone’s experience has been colored in some way by biopolitical mechanisms, but the feeling of extreme discomfort doesn’t lessen simply because I’m not (for once) a minority in dealing with it. In fact, that probably makes things worse… Anyway, I began to examine a situation that hits extremely close to home for me through the lens of biopolitics and categories of existence (i.e. Bios vs. Zoe). To make a long and complicated story short, the Fair Labor Standards Act (FLSA) of 1938 mandates that a federal minimum wage be paid to all employed persons. Sounds great, right? Except for a small section that exempts workers with disabilities from this privilege. So, today (in 2012!) there are at least 300,000 American workers being paid on a piecework (what is this, the 1800’s?) basis, making as low as $00.16 per hour. (We’re so worried about sweatshops in foreign countries, yet we’re blind to the ones thriving in our own back yard.) The fact that the corporations taking advantage of this legislation are using the bodies of their employees as a means to their financial and political end is disturbing. On the surface, this is simple discrimination. But on a deeper level, it is a demonstration of an unfortunate move on the Bios/Zoe spectrum for all disabled individuals. By manipulating the bodies of workers with disabilities, these companies are facilitating their employees’ status as second-class citizens. Not to equate this practice with the concentration/labor camps discussed by Agamben, but I can’t help but find striking similarities. These employees are forced to work for less than minimum wage because they need a job and have no other choice. Of course, nobody has a free pick of any job they’d like, but at least every other American citizen has the guarantee of $7.40 an hour.

### Biopolitical Capitalism

#### Biopolitical capitalism produces value by dealing out death – the aff’s individualizing approach masks its violence

Charkiewicz 5 [(Ewa, economist, Green Party leader, researcher and university lecturer combining academic engagement in social movements) “Corporations, the UN and Neo-liberal Bio-politics” Development (2005) 48, 75–83] AT

One of my biggest puzzles about CSR is why this discourse, founded on the principle of merging profits and morals, does not investigate how profits are made. The spotlight is on individual companies and not on the systemic problems in the generation of value. I have in part explained it by referring to the operations of pastoral power which individualizes, surveys and differentiates between the good and bad flock, assigns blame, offers confession as the road to redemption, and absolution by audit. Individualizing and normative approaches are static and do not lend themselves to the analysis of processes and power relations, which are contested and dynamic. As Foucault argued pastoral power has historically been imported from the economy of household (oikos), to the economic theories and regulations of the market, and subsequently to the organization of the global economy. It has been concerned with the maintenance of the flock, the household or populations as sources of wealth. Nowadays, the source of wealth and the goal to which pastoral power is deployed is the maintenance and multiplication of financial capital. According to the theory of value developed by Karl Marx profits are made because of what labour adds to production. Marx attributed the sources of profits or surplus value to the difference between what labour added to production within a given time and the time it takes to maintain and reproduce labour-power. Teresa Brennan reworked this theory by introducing the concept of interactive economy linked by the exchange of energy in the living (human and non-human) nature. She argued that the reproduction of labour power cannot take place without or outside the cycles of natural reproduction. Capital intervenes in these cycles, and draws on energy to turn living nature into commodities and money. Value is therefore derived not only from time and energy provided by human labour but from the energy provided by nature as well. In these processes, control over time has been augmented by an ever-increasing spatial expansion. The range and speed in circulation of capital is key to how surplus value is extracted and profits are made (Brennan, 1997, 2000). Theresa Brennan's theory of energetics (generation of value by extracting it from time and energies of human bodies and nature, which she calls living nature) shows that adding value to money requires the input of living nature (human and non-human) into products or services (Marx, 1993; Brennan, 2003). Speed and expansion increase pressures on living nature. Life is consumed and killed in the processes of the reproduction of capital. Those without spending power are redundant human waste. Hidden therefore behind the caring face of biopolitics is its double, the control of life by means of dispensation of death.5

### Economic Violence Impact [Driver]

#### The lack of a living wage is a result of the citizens being constituted as bare life. The sovereign can cause violence by refusing to enforce laws at any time, which means the aff can’t solve – the kritik turns the root cause

Driver 14 [(Alice Driver, Postdoctoral Fellow at the Universidad Nacional Autónoma de México in Mexico City where she worked with the Centro de Investigaciones sobre América del Norte to conduct research about the U.S-Mexico border, immigration, poverty and violence against women) “Más o Menos Muerto: Bare Life in Roberto Bolaño's 2666” Journal of Latin American Cultural Studies: Travesia 13 Feb 2014] AT

There is an academic debate concerning the use of the term feminicide. 5 While some argue that the term is necessary to describe a particular type of physical violence, often involving the rape of women, others believe that it is too speciﬁc and does not address the relationship to other types of violence committed against men and children. Bolaño never uses the terms femicide or feminicide in 2666. However, I do think it is appropriate to use these terms to discuss his work given his obsession with describing violence against women, often involving vaginal and anal rape. His treatment of other violence is never equally detailed or graphic. The chapter ‘La parte de los crı´menes’ recounts the disappearance and murder of hundreds of women. For example, Mary Sue Bravo is looking for a friend, Kelly, who disappeared in Santa Teresa. She meets with detective Loya and asks him if Kelly is dead. Loya replies that she is ‘ma´s o menos muerto’ (779). What does it mean to be ‘more or less’ dead? In both the context of the novel and of the actual situation in Ciudad Jua´rez, it refers to the state of bare life of the victims, who are often considered ‘disappeared’ or ‘missing’ for years due to the ineptness of the police and/or other public institutions that fail to properly investigate, ﬁnd and identify victims of kidnapping and feminicide. Even before their death, Bolano describes in detail the economic circumstances and the lack of basic services that put the women in precarious circumstances. Often they work in maquiladoras, don’t make a living wage, and, due to lack of reliable public transportation (a real problem in Jua´rez), walk long distances to and from work. Bolaño employs Pedro Pa´ramo as a metaphor in 2666 to signal that Santa Teresa (Ciudad Jua´rez) is the 21st-century manifestation of the more or less dead. In the process, he demonstrates how the slow erosion of basic human rights contributes to the precarious situation of many citizens of Jua´rez. They exist in a state that Italian philosopher Giorgio Agamben describes in Homo sacer: Sovereign Power and Bare Life (1998) as ‘bare life,’ which he posits in juxtaposition to political existence. People who exist in the state of bare life have been excluded from the political workings of society and stripped of the rights that make them citizens. As Gavin Keeney describes, ‘What is truly exceptional in Agamben’s analysis is how this bio-political frontier has been crossed today in the form of all life becoming bare life – or, how present-day politics and the metamorphosis of nation-states to economic machines has led to citizens being de facto exiles within states.’ In this state of bare life, Agamben describes the problem of ‘a primacy of the private over the public and of individual liberties over collective obligations’ (122). This essay explores the role of bare life in 2666 and argues that bare the economic roots of physical violence and the way in which victims are blamed for crimes. To understand the relationship between economic and physical violence requires a discussion of sovereign power. The distribution of sovereign power as seen in 2666 demonstrates time and again the ways in which the state makes its priorities clear through inaction. By doing nothing, by not enforcing laws, the state is in fact deciding which lives have value and which do not. In addition, there is a level of complicity between wealthy business owners and politicians that demonstrates the way in which sovereign power has become something shared by the parallel structures of government and big business, two powers that often deﬁne bare life, because, in excluding certain elements of the population, their own power grows. According to Agamben, the sovereign is the one who can proclaim the state of exception and relegate people to bare life. In 2666 it becomes evident that the sovereign or the State is an entity composed of various business and political interests, and that it is in their interest to employ economic violence (i.e., not paying a living wage, not providing basic services). Why does Bolaño reference Juan Rulfo’s Pedro Pa´ramo (1955), a quintessential novel that deﬁnes 20th-century Mexico? In interviews, Bolaño often spoke of his admiration for Rulfo,6 and in 2666 he mentions Pedro Pa´ramo to establish the relationship between Rulfo’s Comala, a town populated by ghosts, and his own Santa Teresa. The situation is not the same. The time period is not the same. However, the issue of disappearance in Santa Teresa makes it the modern version of Comala, a town populated by ghosts, the ghosts kept alive by unresolved crimes. In Pedro Pa´ramo, Juan Preciado goes to Comala to fulﬁll his mother’s dying wish, and there he ﬁnds a town haunted by ghosts. At the novel’s opening, he states, ‘Vine a Comala porque me dijeron que aca´ vivı´a mi padre, un tal Pedro Pa´ramo. Mi madre me lo dijo. Y yo le prometı´ que vendrı´a a verlo en cuanto ella muriera’ (5).7 In 2666, Amalﬁtano, who came to Santa Teresa with his daughter Rosa, asks a question that makes a clear reference to the opening lines of Pedro Pa´ramo: ‘¿que´ me impulso´ a venir aquı´? ¿Por que´ traje a mi hija a esta ciudad maldita? “¿Porque´ era uno de los pocos agujeros del mundo que me faltaba por conocer?” ¿Porque´ lo que deseo, en el fondo, es morirme?’ (252).8 There is an inversion of expectations in these two novels: in Pedro Pa´ramo Juan goes to Comala, a town which he believes, based on his mother’s descriptions, is a lovely place, whereas in 2666 Amalﬁtano is aware that Santa Teresa is a kind of hell before he moves there with his daughter. Amalﬁtano’s ﬁrst words in the novel are to admit that he does not know why he moved to Santa Teresa: ‘no se´ que´ he venido a hacer a Santa Teresa’ (211).9 Both Juan and Amalﬁtano ﬁnd themselves thrown into a kind of purgatory populated by the voices of the more or less dead. As Noquer Ferrer Marta and Carlos Guzma´n Moncada discuss, in Pedro Pa´ramo ‘el mensaje es claro y poderoso: por nuestras culpas, nuestra avidez de poder y dinero, nuestra crueldad y nuestra incomprensio´n, hemos convertido en purgatorio lo que antes era un paraı´so; hemos convertido en amargos los antes dulces frutos y nada tiene remedio’ (486).10 Whereas in Pedro Pa´ramo the literary innovation involves presenting the reader with dead characters while never making it fully clear that they are dead, in 2666 many women in Santa Teresa are dead or disappeared, but often the two concepts are entangled as bodies are people are maybe dead, maybe alive, or maybe missing. Valde´s discusses how ‘By setting his novel in Santa Teresa, a ﬁctional town in Sonora, rather than in Jua´rez, Bolaño was able to blur the lines between what he knew and what he imagined. But he was deeply concerned with understanding the circumstances facing Jua´rez and its inhabitants’ (13). 2666 represents the failure of the State to protect the basic rights of its citizens, a failure very much based on the reality of Jua´rez and the Mexican State. At one point, a resident of Santa Teresa explains: Bien – dijo el tipo canoso –. Compartire´contigo tres certezas. A: esa ciudad esta´ fuera de la sociedad, todos, absolutamente todos son como los antiguos cristianos en el circo. B: los crı´menes tienen ﬁrmas diferentes. C: esa ciudad parece pujante, parece progresar de alguna manera, pero lo mejor que podrı´an hacer es salir una noche al desierto y cruzar la frontera, todos sin excepcio´n, todos, todos. (339)11 He asserts that everyone is living outside society, because the citizens of Santa Teresa do not have access to the basic rights of citizenship (justice, police protection, access to clean water, electricity, sewage, etc.) and have been cut off from the right to participate in political life. They have been silenced, made into a living absence, their voices and their actions negated in life. According to Agamben, ‘Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion’ (10). The murdered and disappeared women in 2666 are representative of bare life, of inclusion only through exclusion. In an essay on the meaning of absence and silence in the representation of violence in Ciudad Jua´rez, Jorge Torres Sae´nz argues that: El objeto, como mercancı´a a consumir, promete traer consigo una signatura fantasma´tica: la promesa de una vida que valga ma´s. Si en este desplazamiento del objeto, la jerarquı´a sacerdotal perdio´ autoridad y poder, el Estado no resulto´ menos dan˜ado en una operacio´n por la que el individuo es hoy considerado ma´s, en te´rminos de su poder de consumo, que en su condicio´n de ciudadanı´a. (138)12 In the case of 2666 the bodies of feminicide victims are marked by anonymity, by their lack of value in the market known as citizenship. For example, many of the victims are described in this anonymous manner: ‘La primera muerta de mayo no fue jama´s identiﬁcada, por lo que supuso que era una emigrante de algu´n estado del centro o del sur que paro´ en Santa Teresa antes de seguir viaje rumbo a los Estados Unidos. Nadie la acompan˜aba, nadie la echo´ en falta’ (450).13 For the victims of violence in 2666, their status and value in society are clearly marked: they are migrants, dark-skinned women, and maquiladora workers, and their clothing and makeup is exquisitely detailed and cataloged to provide evidence that they are potential prostitutes, that they exist outside the realm of acceptable citizens who merit a police investigation into their murders. These victims of physical violence are often subject to economic violence that makes them more vulnerable. The term ‘economic violence’ appears in a 2010 interview with Jua´rez photojournalist Julia´n Cardona. He discusses the photo essay Jua´rez: The Laboratory of 4 LATIN AMERICAN CULTURAL STUDIES Downloaded by [Alice Driver] at 10:09 18 February 2014 Our Future (1998) with text by Charles Bowden and photos by Cardona and other photographers. As Cardona explained, in the photo essay: Bueno, hay fotos de violencia fı´sica evidente, pero tambie´n hay fotos de violencia econo´mica evidente. Cuando esta´s retratando a una sociedad en la que el sistema econo´mico es totalmente inoperante, debes considerar no so´lo la violencia fı´sica que se produce tal sociedad que es totalmente desigualitaria, sino tambie´n la violencia econo´mica que da vı´a a la primera. Por ejemplo, para mostrarte algo, al inicio del libro en esta fotografı´a hay una casa de carto´n hecha con desechos de la maquiladora con una nin˜a mostrando una mun˜eca raı´da. Esto es tan violento como esta imagen de Jaime Bailleres [la cara de una mujer muerta, violada, quemada]. (‘En Jua´rez la fotografı´a como tal muestra sus lı´mites’)14 The way that Cardona equated a dead woman with a house built of cardboard, arguing that both were representative of violent acts, was a relationship echoed in several interviews about Jua´rez. In an interview about his ﬁrst documentary Bola negra: El musical de Ciudad Jua´rez(2013) Mexican writer Mario Bellatin said he arrived in Jua´rez to ﬁlm and realized that ‘es mentira que es un estado fuera de control, que la violencia se ha exacerbado, que va a tratar de combatirla. No, es un gran negocio. Esta´ todo armado. Esta´ todo perfecto. O sea es una sociedad perfecta’ (Personal interview, Oct. 24, 2013).15 He described Juarez as representative of a particular sort of postmodern horror, one that could be seen in other regions such as Palestine. He explained, ‘Nada esta´fuera de control. Nada esta´ que se ha excedido. Sino que ası´como esta´funcionando en medio de este horror es lo que hace posible que muchas personas saquen ganancias.’16 The problem in Jua´rez is that the State is absent (inaction says as much about the state of rights as action and what is not done carries equal weight to what is) in providing basic rights to citizens. The situation described by Bellatin is similar to how Agamben describes the state of exception. According to Agamben, the state of exception ‘is thus not the chaos that precedes order but rather the situation that results from its suspension.’ Bellatin describes chaos as something orchestrated by the State, by the lack of action of the State (an orchestrated inaction). He also emphasizes that the inaction and absence is tied to capitalist interests. In 2666 the State fails to provide basic rights to its citizens, judging people and bodies on the basis of a system of implied economic values (the value of dark skin, of red ﬁngernail polish, of a lacy thong, of a woman’s body being discovered in a particular part of the city). 2666, although it is rooted in Santa Teresa, is a critique of international systems and ﬂows of value, of the way horror ﬂows through time and place, moving location throughout time, but never lessening. Santa Teresa ties the entire 1,000-page narrative together, but the ﬁnal chapter of the novel, ‘La parte de Archimboldi,’ where the narrator explores the horrors of World War II, asks the reader to recognize that horror is not a location, is not Santa Teresa (is not Ciudad Jua´rez): it is a human condition. As A´ngeles Donoso Macaya discusses, 2666 mirrors horror in both style and form, representing it as both international and timeless: Por un lado, la ﬁccio´n de 2666 se construye a partir de laexhibicio´n macabra de los excesos de la violencia y el mal en sus distintas formas, tanto dome´sticas como estatales. Esta violencia es ejercida en los cuerpos de numerosas mujeres y jo´venes en una ciudad fronteriza mexicana, Santa Teresa, y en los cuerpos de centenares de judı´os griegos en un pueblo de Europa del Este durante la Segunda Guerra Mundial. Por otro lado, la violencia es reproducida en la escritura a partir de la repeticio´n de los fragmentos en los cuales el narrador describe e identiﬁca a cada una de las vı´ctimas de los distintos crı´menes. (132)17 In 2666 the violence against women in Santa Teresa and that committed against Greek Jews in a European city is mirrored in a way that points out how the concept of bare life can be applied to any population to exclude them to the point of death. Agamben explains that, At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conﬂicts of the political order, the one place for both the organization of State power and emancipation from it. (7) How is this state of exception achieved in 2666? The 108 female victims meticulously described in ‘The Part About the Crimes’ are categorized as an exception by being described by the police and citizens as prostitutes, a categorization that is used to explain and dismiss the violence leveled against them. In 2666, the city of Santa Teresa is populated by characters, predominantly women, who make the products the global market demands, and yet, at the same time, the value of their own lives is so slight that they live on the periphery of everything (of the city, of access to basic rights and services). The characters in Santa Teresa such as Amalﬁtano and his daughter Rosa are deﬁnitively alive. However, the quality of their lives and those of other citizens is put into question when people and places are constantly described in the context of death. For example, Bolaño showcases his continued obsession with cemeteries when the narrator describes how ‘La Universidad de Santa Teresa parecı´a un cementerio que de improviso se hubiera puesto vanamente a reﬂexionar’ (239).18 This obsession was ﬁrst evident in Los detectives salvajes, where the inspiration for the title 2666 can be found. At another point, Fate, a journalist who visits Santa Teresa, describes the city as ‘entre un cementerio olvidado y un basurero’ (362).19 The citizens of Santa Teresa, the more or less dead, populate a cemetery, a place where warm bodies exist and have some function, but where they are relegated to bare life. They are an absence, a silence – those devalued bodies. They speak to us about what cannot be done, about what the market does and does not allow, about the geographies of poverty, about where feminicide victims live (informal housing on the periphery), where they walk (long distances late at night or in the early hours of the morning to arrive at menial paying jobs), and how their bodies are read like treatises, as if underwear and makeup were formal discourses on guilt. For example, the last body discovered by the police in the chapter discussing 108 feminicides is described as, ‘El cuerpo estaba desnudo, pero en el interior de la bolsa se encontraron un par de zapatos de taco´n alto, de cuero, de buena calidad, por lo que se penso´ que podı´a tratarse de una puta’ (790 –91).20 Although the narrator of 2666 tries to give names and ﬁll in the outlines of the lives of the murdered women, their lives, like their deaths, remain skeletal frames that invite the imagination to run wild. Were their organs harvested? Did they form part of a satanic sex ritual? Were they prostitutes? In the absence of facts, the ghosts that haunt assume various forms. The citizens of Santa Teresa can be categorized as ‘more or less dead’ in three different ways: (1) they are alive but poor and thus denied the rights of citizenship, leaving them in a state of being politically ‘more or less dead’; (2) they are among the hundreds or thousands of disappeared women and men whose disappearance has gone uninvestigated, thus nobody knows if they are dead or alive, leaving them ‘more or less dead’; (3) they have been murdered, but their deaths have not been investigated nor their bodies identiﬁed, leaving them also ‘more or less dead.’ As Avery Gordon, the author of Ghostly Matters, notes, ‘Death exists in the past tense, disappearance in the present’ (113). Haunting is a seemingly unquantiﬁable phenomenon, for how can one prove that it exerts inﬂuence on the living, that it, in fact, can be yielded to inﬂuence the basic rights of citizenship? In the case of Santa Teresa/Ciudad Jua´rez, the unresolved nature of the crimes leads to a haunting in which citizens are both driven to understand the nature of the crimes and conversely reminded of the continual failures of the justice system to protect even their minimum rights as citizens. According to Gordon, ‘Haunting is a constituent element of modern social life. It is neither premodern superstition nor individual psychosis; it is a generalizable social phenomenon of great import. To study social life one must confront the ghostly aspects of it’ (7). These ‘ghostly aspects’ have a real inﬂuence on the way citizens experience and access basic human rights. They also motivate a complex web of writers, human rights activists, academics, ﬁlmmakers, and other artists to engage with those ghosts. And they do this in spite of the fact that ‘The disappeared have lost all social and political identity: no bureaucratic records, no funerals, no memorials, no bodies, nobody’ (Gordon 1996: 80). Gordon introduces to the paradox of haunting the power to be found in invisibility, in disappearance, in being ‘more or less’ dead. The devaluation of life in Santa Teresa begins with an absence, with the lack of basic services that provide citizens with a safe, stable living environment. For example, in 2666 a neighborhood where one of the feminicide victims lived is described in the following terms: La mayorı´a de las casas de la parte norte de la colonia Guadalupe Victoria carecen de luz ele´ctrica. Las salidas del parque industrial, salvo la que conecta e´ste con la carretera a Nogales, tambie´n son deﬁcitarias tanto en el alumbrado como en la pavimentacio´n, ası´ como tambie´n en su sistema de alcantarillas: casi todos los desperdicios del parque van a caer en la colonia Las Rositas, donde forman un lago de fango que el sol blanquea. (469)21 Feminicide victims in the novel are characterized by acts of economic violence such as lack of electricity, sewerage, paved roads, and running water, all elements that leave women in a precarious situation considering that many of them work later or early shifts and travel long distances on foot and in public transportation. These absences are complemented by silences, the silence of legal and political bodies when confronted with their own shortcomings, the silence of the police who fail to investigate the murders, the silence of the judges who imprison men for crimes without producing any point of forgetting. For example, in 2666 the local media gives more attention to the case of an attacker of churches who pisses inside sacred spaces than to the murders of women: ‘El ataque a las iglesias de San Rafael y San Tadeo tuvo mayor eco en la prensa local que las mujeres asesinadas en los meses precedentes’ (459).22 Bolaño forces readers to examine what lives and what stories are assigned worth in our culture, in essence, what stories we demand, what stories we devour. Mario Bellatin, when interviewed about Bola negra, his musical documentary about violence in Ciudad Jua´rez, discussed the myth of senseless and uncontrolled violence in the city.23 He talked about the double exclusion of citizens, one in which the most impoverished sectors of society are subject both to physical violence and later to the criminalization of the victim. Bellatin explained, ‘Y entonces todos estos problemas se convierten como en un asunto de una poblacio´n indefensa, que se pelean entre ellos y pues una crueldad au´n mayor de este gobierno cuando trata de criminalizar a las vı´ctimas. O sea, no solamente te matan sino que eres ano´nimo y encima eres criminal o sea tu´ tienes la culpa de haberte muerto. Eso es algo sumamente perverso’ (Personal Interview, Oct. 24).24 This act of simultaneously being killed/criminalized/made anonymous is exactly what Agamben discusses. As he explains, It is as if every valorization and every ‘politicization’ of life (which, after all, is implicit in the sovereignty of the individual over his own existence) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only ‘sacred life.’ Every society sets this limit; every society – even the most modern – decides who its ‘sacred men’ will be. (139) In the case of Jua´rez and 2666 the ‘sacred men’ are written off as criminals, making their death self-explanatory and therefore freeing institutions like the police and the justice system from any form of investigation. The narrative of unexplained violence, of disappeared bodies, of prostitutes on dark streets and narcos who behave like beasts, is one that allows the State to shirk its responsibilities, to claim that such inhuman actions, such horror, is both outside its realm of control and also a horror that involves the murder of people who already deserve to be killed. Bellatin discussed the importance of Bolaño’s 2666 and argued ‘yo siento que es el u´nico homenaje que han recibido las victimas, las muertas de Jua´rez, sobre todo en la seccio´n de 2666 donde les da cuerpo, les da nombre a estas muertas ano´nimas. Es algo espantoso el anonimato, es algo que va ma´s alla´ de la muerte. Siempre son cifras o nu´meros’ (Personal Interview, Oct. 4).25 The importance of combating the anonymity of the victims is tied to the need to break the narrative of criminalization of victims, a pattern in which Bellatin described how ‘En este caso el gobierno en los u´ltimos tiempos trato´ de criminalizar a todas las victimas, a decir a parte de que los mataron eran delincuentes que es un poco la estrategia u´ltima, esta´ bien que se mueran porque estaban dedicados a algu´n tipo de actividad ilı´cita’ (Personal Interview, Oct. 4).26 Part of what makes 2666 so powerful is that the violence that consumes the novel is based closely on the real phenomenon of feminicide in Ciudad Jua´rez

### Sovereign is Outside Law

#### By its very existence, law can be suspended by the sovereign, who is outside the law – it is impossible for even the strictest of laws to restrict sovereign power

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online. All parantheses except those modifying gendered language in original. \*we don’t endorse gendered language] AT

Juridical = relating to the administration of law

1.1 The paradox of sovereignty consists in the fact the sovereign is, at the same time, outside and inside the juridical order. If the sovereign is truly the one to whom the juridical order grants the power of proclaiming a state of exception and, therefore, of suspending the order’s own validity, then “the sovereign stands outside the juridical order and, nevertheless, belongs to it, since it is up to [it] him to decide if the constitution is to be suspended in toto” (Schmitt, Politische Theologie, p. 13). The specification that the sovereign is “at the same time outside and inside the juridical order” (emphasis added) is not insignificant: the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law. This means that the paradox can also be formulated this way: “the law is outside itself,” or: “I, the sovereign, who am outside the law, declare that there is nothing outside the law [che non ce unfiiori legge].” The topology implicit in the paradox is worth reflecting upon, since the degree to which sovereignty marks the limit (in the double sense of end and principle) of the juridical order will become clear only once the structure of the paradox is grasped. Schmitt presents this structure as the structure of the exception (Ausnahme): The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specifically juridical formal element: the decision in absolute purity. The exception appears in its absolute form when it is a question of creating a situation in which juridical rules can be valid. Every general rule demands a regular, everyday frame of life to which it can be factually applied and which is submitted to its regulations. The rule requires a homogeneous medium. This factual regularity is not merely an “external presupposition” that the jurist can ignore; it belongs, rather, to the rule’s immanent validity. There is no rule that is applicable to chaos. Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective. All law is “situational law.” The sovereign creates and guarantees the situation as a whole in its totality. He has the monopoly over the final decision. Therein consists the essence of State sovereignty, which must therefore be properly juridically defined not as the monopoly to sanction or to rule but as the monopoly to decide, where the word “monopoly” is used in a general sense that is still to be developed. The decision reveals the essence of State authority most clearly. Here the decision must be distinguished from the juridical regulation, and (to formulate it paradoxically) authority proves itself not to need law to create law. . . . The exception is more interesting than the regular case. The latter proves nothing; the exception proves everything. The exception does not only confirm the rule; the rule as such lives off the exception alone. A Protestant theologian who demonstrated the vital intensity of which theological reflection was still capable in the nineteenth century said: “The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself. After a while, one becomes disgusted with the endless talk about the general – there are exceptions. If they cannot be explained, then neither can the general be explained. Usually the difficulty is not noticed, since the general is thought about not with passion but only with comfortable superficiality. The exception, on the other hand, thinks the general with intense passion.” (Politische Theologie, pp. 19-22) It is not by chance that in defining the exception Schmitt refers to the work of a theologian (who is none other than Søren Kierkegaard). Giambattista Vico had, to be sure, affirmed the superiority of the exception, which he called “the ultimate configuration of facts,” over positive law in a way which was not so dissimilar: “An esteemed jurist is, therefore, not someone who, with the help of a good memory, masters positive law [or the general complex of laws], but rather someone who, with sharp judgment, knows how to look into cases and see the ultimate circumstances of facts that merit equitable consideration and exceptions from general rules” (De antiquissima, chap. 2). Yet nowhere in the realm of the juridical sciences can one find a theory that grants such a high position to the exception. For what is at issue in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of State authority. Through the state of exception, the sovereign “creates and guarantees the situation” that the law needs for its own validity. But what is this “situation,” what is its structure, such that it consists in nothing other than the suspension of the rule? The Vichian opposition between positive Law (ins theticum) and exception well expresses the particular status of the exception. The exception is an element in law that transcends positive law in the form of its suspension. The exception is to positive law what negative theology is to positive theology. While the latter affirms and predicates determinate qualities of God, negative (or mystical) theology, with its “neither ... nor ... ,” negates and suspends the attribution to God of any predicate whatsoever. Yet negative theology is not outside theology and can actually be shown to function as the principle grounding the possibility in general of anything like a theology. Only because it has been negatively presupposed as what subsists outside any possible predicate can divinity become the subject of a predication. Analogously, only because its validity is suspended in the state of exception can positive law define the normal case as the realm of its own validity.

### ---XT Agamben Exception

#### The Agamben evidence says the sovereign can exempt itself from the application of law, so attempts to limit its power will always fail. 2 warrants: First, all laws and rules require a “normal” set of circumstances where they apply; laws only work if there is “order” – but since the sovereign decides when there is order and when there isn’t, it can suspend the law at will. Second, since the sovereign has the authority of law, it effectively stands outside the law, where the law does not apply.

#### This means they have no solvency – violence will be inevitable when sovereign power exists since it can simply suspend the law at will.

### Animals Impact

#### Sovereignty enacts the original metaphysical split between humanity and ‘nature’ which enables resource depletion and ecological destruction – any approach that accepts this principle is doomed to failure – we need a new way of interacting with beings

Chrulew 12 [Matthew, Adjunct Lecturer of Humanities at the University of New South Wales, January, “Animals In Biopolitical Theory: Between Agamben And Negri,” *New Formations*, Vol. 76, ProQuest]

As an extension of, but also in opposition to, Foucault's historical hypothesis - which he combines with Arendt's discussion of totalitarianism - Giorgio Agamben situates biopolitics at the origins of Western politics.10 For Agamben, the capture of life itself is not a recent phenomenon but is in fact constitutive of sovereignty, which has always distinguished the political and linguistic bios of social life from the natural (nutritive and reproductive) life of zôë. The effect of this distinction is to produce the 'bare life' [nuda vita] which is inclusively excluded from the political domain, figured by the 'sacred man' or homo sacer who may be killed but not sacrificed, who is abandoned to merely survive. Modernity's threshold, for Agamben, is signalled not by the eclipse of sovereign power but rather its expansion such that the state of exception approaches the norm and bare life is everywhere produced: from 'overcomatose' patients to neomorts, from refugees to the Muselmann of Auschwitz - to, ultimately, animals. Animal figures appear at significant moments in Agamben's thought, such as the eloquent creatures of fable, or the distinct or exemplary others in his philosophical anthropology (for instance, in his dubious extrapolations from the extended infancy of the axolotl"). In Homo Sacer and his other, later political works, Agamben's main concern is with humanity animalised, stripped of the political dimension, reduced to the governmental administration of bare life, having lost the rights of citizenship or even the capacity for speech. However, these meditations on the potentiality of life itself drew him ever closer to animal themes, as evidenced, for example, in his discussion of the werewolf as 'a zone of indistinction and continuous transition between man and beast, nature and culture'.12 The publication of The Open (2002 in Italian) saw Agamben explicitly extend his analysis of bare life and the state of exception to a consideration of nonhuman life, primarily through a rereading of Heidegger's controversial statements on animals' world-poverty." Perhaps the clearest summary comes in a later reprisal: the event that has produced the human constitutes, for the living being, something like a division . . . This division separates the living being from itself and from its immediate relationship with its environment - that is, with what Jakob von Uexküll and then Heidegger name the circle of receptors-disinhibitors. The break or interruption of this relationship produces in living beings both boredom - that is, the capacity to suspend this immediate relationship with their disinhibitors - and the Open, which is the possibility of knowing being as such, by constructing a world.14 Agamben's broader argument is that the exception of bare life is tied to the attempt to distinguish humanity from animality - an operation that he dubs 'the anthropological machine'.15 In the historical task, man and animal are divided, and thereby bound in the urgent repetition of that division, as a consequence of which both animals, and animalised humans, are exposed to violence. But, as elsewhere, this site of indistinction also allows Agamben to posit a zone of experimentation with potentiality that might allow the human/animal (binding-dividing) relation to be rendered inoperative. Thus in a familiar turn to Benjaminian messianic gestures to recast his dark reflections on Heidegger - what de la Durantaye refers to as his 'Benjamin ex machina'16 - Agamben closes with the figure of a Titian painting that he interprets in terms of 'the saved night,' creation abandoned to itself, beyond Being. He finally recalls the book's opening vision of the messianic banquet at which are seated humans with animal heads - that is, where humanity is no longer produced at the expense of bare life. Insofar as the question of what is proper to the human has long been central to Agamben's thought, this work suggests a significant junction. Yet while Calarco suggests that with The Open, 'the aim of seeking a postmetaphysical definition of the human is all but abandoned',17 it is clear that such a goal persists into Agamben's more recent work, where - as often before - he is tempted to quietly rev the anthropological machine. Like so many, he gives priority to the question of language - in particular, to the human experience of language's taking place. His entire philosophical project might be characterised as a sustained and distinctive encounter with the Aristotelian definition of man as a speaking animal. Agamben has persistently interrogated this definition, from his early major encounter with Hegel and Heidegger, to his recent archaeology of the oath.18 Constant among these works is his critique of the negativity consigned to humanity in such definitions - the focus, for example, on the relation to death - and the nihilism that results, consummated in the oikonomia of 'governance of empty speech over bare life'.19 His genealogies of contemporary political apparatuses, which seek through examination to render them inoperative, excavate the religious and legal aftermaths of this originary division (of words and things, speech and action) within the experience of language - that most ancient of apparatuses to have captured life.20 In traditional fashion, his meditations on anthropogenesis and philosophical anthropology have regular recourse to animal comparisons. His early work Language and Death delineated 'the Voice' in Hegel and Heidegger as marking the properly human relationship to language and death amid a menagerie of animal voices.21 In Infancy and History, he likewise asked, 'Is there a human voice, a voice that is the voice of man as the chirp is the voice of the cricket or the bray is the voice of the donkey? And if it exists, is this voice language?'22 Animals are not denied language, but rather are said to inhabit and express the voice of their species with undetached immediacy, whereas the human has no natural voice, but rather, language speaks through him, acquired and mediating, hollowing a void that constitutes him through silence. Critics might wish to deconstruct the limits set out here between the human and animal, but Agamben himself has already identified such divisions as the problematic effect of the anthropological machine: 'In identifying himself with language, the speaking man places his own muteness outside of himself, as already and not yet human'.23 Yet while defenders might then wish to set his anthropological statements aside as relics from prior to the 'rupture in the itinerary of his thought' that was The Open,24 Agamben has recently returned to such contrasts, for example citing Benveniste's opposition of bees' fixed language to our own: whose combinations allow for a virtually infinite potentiality of communication. Once more, however, the specificity of human language with respect to animal language cannot reside solely in the peculiarity of the instrument, which later analyses could find - and, in fact, continually do find - in this or that animal language. It consists, rather, no less decisively in the fact that, uniquely among living things, man is not limited to acquiring language as one capacity among others that he is given but has made of it his specific potentiality; he has, that is to say, put his very nature at stake in language.25 What should we make of this persistent thinking of what is proper to the human? Certainly, his thought seeks to express difference and commonality without hierarchy or effacement. He proposes a theory not of human nature, but of human (im)potentiality, that rejects the very idea of 'nature' and its 'ontological anchoring'.26 Yet despite these refinements, what he refers to as man's 'unique' and 'no less decisive' exceptionalism still seems thereby to impoverish animals: 'Other living beings are capable only of their specific potentiality; they can only do this or that. But human beings are the animals who are capable of their own impotentiality'.27 In lacking such generic potentiality (with its linguistic opening and deactivation of instincts), nonhuman animals seem entirely destined to their biology. Agamben's anti-biologism here relies, in fact, on a biologism of animals, stipulating their environmental captivation as that to which we are open. Yet on other occasions, Agamben does seem to attribute to nonhuman animals the capacity to take distance from their instinctual-environmental immersion. In a recent reflection on profanation (an important synonym of the inoperativity by which he elsewhere defines the human) he takes up a surprising, though not unprecedented, example: Even in nature there are profanations. The cat who plays with a ball of yarn as if it were a mouse . . . knowingly uses the characteristic behaviours of predatory activity ... in vain. These behaviours are not effaced, but, thanks to the substitution of the yarn for the mouse . . . deactivated and thus opened up to a new, possible use.28 He goes on to describe this feline play in terms that are central to his vision of the coming community, as 'a means without an end', an activity that has rendered its previous use 'inoperative'2'1 - an intriguing, if rudimentary, memo in the annals of cat phenomenology.10 In any case, it is clear that Agamben's convoluted philosophical anthropology, forged through his intense and ambivalent encounter with Heidegger's humanism, has not been abandoned following his diagnosis of the anthropological machine. While we cannot stage it here, this awaits a full encounter with Derrida's deconstruction of human exceptionalism.31 If the multiplication of difference demanded there ought not to eliminate all reflection on human specificity, it will need to be asked what might remain or become of philosophical anthropology after posthumanism. Agamben writes that 'the concept of potentiality has never ceased to function in the life and history of humanity, most notably that part of humanity that has grown and developed its potentialities to the point of imposing its power over the whole planet' - a power 'which is so violent and limitless with respect to other living beings'.32 The event of the Anthropocene - or at least, our awareness of the planetary domination now exercised by human societies over nonhuman forms of life - demands a renewed encounter with the thought of anthropogenesis (albeit always in relation to animal others). What the current state of 'relations between animals and men'33 also demands, however, is a renewed encounter with animal life, one aware of the subjection of nonhumans to biopower, but also attuned to their multiple forms of life, exceeding the reductions of biologism - and it is here that Agamben's thought is least forthcoming. De la Durantaye argues that 'debates about animal rights' are 'somewhat misleading as a frame through which to understand The Open' insofar as Agamben seeks 'to glimpse a new and different paradigm for human life'.34 Yet at the very centre of his argument is the inextricability of human and animal life in defining the former, and the ominous politics that attends this operation in species understanding. Though perhaps even there, Agamben does not see how far biopolitics wagers not only human life (and, as he adds, human language) but the lives and languages of all the living beings on the planet. Others have elaborated how animals are subjected to biopower and produced as bare life. Animal deaths at human hands perhaps represent the clearest example of a killing that is not murder (or sacrifice). At the hands of the scientific and food industry 'camps,' massive numbers of animals suffer the most anonymous exposure.35 In an essay that prefigured The Open, Dinesh Wadiwel pointed out how 'human society actively constitutes the limit for bare life within factory farms and experimental laboratories, the life of the non-human animal captured within this sphere of exception'.3" This point is most forcefully made in the controversial comparison of such zones of indistinction with the Nazi extermination camps.37 In trying to come to terms with PETA's 'Holocaust On Your Plate' Exhibition, Nathan Snaza explicitly invokes Agamben's concepts of biopolitics, naked life and the 'impossible witness' who emerges from the indistinction between the human and inhuman in the concentration camps.38 The ensuing debate raises significant issues regarding responsibility to nonhuman life, such as the legitimacy of comparing violence against humans and animals, and the limits of the language of legal rights (which, despite significant advances in the treatment of heretofore excluded subjects, is for Agamben always premised on a sovereign exception of those whose rights it is acceptable to suspend). Yet there remains some question whether Agamben's account of biopolitics will allow us to fully account for the lives of animals today.39 Insofar as in the messianic vision he cites not only will man 'be reconciled with his animal nature' but also 'the relations between animals and men will take on a new form'40 - or indeed, form a non-relation41 - we can see in The Open an impulse to think ecological community. Yet it is nonetheless the case that, as Calarco argues, 'Agamben's writings . . . focus entirely and exclusively on the effects of the anthropological machine on human beings, and never explore the impact the machine has on various forms of animal life'.42 Such impacts include an operation central to the anthropological machine that he does not quite express: the animalisation and reduction to bare life, not of human beings, but of nonhuman animals. The radically passive dimension of Agamben's thought does little to disrupt the thesis of the animal's captivation. It must be recognised that not only is humanity produced through an opposition to animality, but this very notion of animality (as mere life) is itself an effect, produced by that opposition, in which animals are reduced to an abject status, both epistemologically and ontologically. Cattle, for example, are the product of millennia of breeding, and today subject to political technologies of capitalist discipline and production that circumscribe their behavioural capacities, limiting them to a bare, naked life exposed to the operations of power. Agamben's focus is on how the anthropological machine produces a state of exception within the human, whether via an inclusion of the outside (the premodern humanisation of animals in the slave and barbarian) or an exclusion of the inside (the modern animalisation of man's biological body as bare life).43 But the anthropological machine not only humanises animals and animalises humans, ultimately blurring both, but firstly animalises or biologises animals themselves, stripping them of their own form of life in order to shore up the contrast with '[hu]man', who can thus stand assured of his unique possession of linguistic and political faculties. Before man and beast can become indistinct, they must be hierarchically distinguished; and it is the 'lesser species' who have each time suffered the burdens of that division. But rather than deconstructing this human/ animal border (as Derrida does when he questions the exclusive appropriation of language to humanity44) or seeking to demonstrate the irreducibility of the vital lifeworlds of animals to the negative determinations demanded by humanist philosophy and biological science (as in the Spinozist ethology of Deleuze and Guattari45) Agamben characteristically zeroes in on a radical limit, the most extreme, abject artefact of the anthropological machine.

### Prior Question

#### Bare life is the original structure of sovereignty. Unless we address the problem of sovereignty the problems of fascism and Nazism will only expand – the affirmative’s examination of these categories is an important starting point

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online. All parantheses except those modifying gendered language in original. \*we don’t endorse gendered language] AT

Politics therefore appears as the truly fundamental structure of Western metaphysics insofar as it occupies the threshold on which the relation between the living being and the logos is realized. In the “politicization” of bare life – the metaphysical task par excellence – the humanity of living [hu]man is decided. In assuming this task, modernity does nothing other than declare its own faithfulness to the essential structure of the metaphysical tradition. The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoē/bios, exclusion/inclusion. There is politics because [hu]man is the living being who, in language, separates and opposes him[her]self to his own bare life and, at the same time, maintains him[her]self in relation to that bare life in an inclusive exclusion. The protagonist of this book is bare life, that is, the life of homo sacer (sacred [hu]man), who may be killed and yet not sacrificed, and whose essential function in modern politics we intend to assert. An obscure figure of archaic Roman law, in which human life is included in the juridical order [ordinamento]1 solely in the form of its exclusion (that is, of its capacity to be killed), has thus offered the key by which not only the sacred tests of sovereignty but also the very codes of political power will unveil their mysteries. At the same time, however, this ancient meaning of the term sacer presents us with the enigma of a figure of the sacred that, before or beyond the religious, constitutes the first paradigm of the political realm of the West. The Foucauldian thesis will then have to be corrected or, at least, completed, in the sense that what characterizes modern politics is not so much the inclusion of zoē in the polis – which is, in itself, absolutely ancient – nor simply the fact that life as such becomes a principal object of the projections and calculations of State power. Instead the decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life – which is originally situated at the margins of the political order – gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoē, right and fact, enter into a zone of irreducible indistinction. At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conflicts of the political order, the one place for both the organization of State power and emancipation from it. Everything happens as if, along with the disciplinary process by which State power makes man as a living being into its own specific object, another process is set in motion that in large measure corresponds to the birth of modern democracy, in which [hu]man as a living being presents himself no longer as an object but as the subject of political power. These processes – which in many ways oppose and (at least apparently) bitterly conflict with each other – nevertheless converge insofar as both concern the bare life of the citizen, the new biopolitical body of humanity. If anything characterizes modern democracy as opposed to classical democracy, then, it is that modern democracy presents itself from the beginning as a vindication and liberation of zoē, and that it is constantly trying to transform its own bare life into a way of life and to find, so to speak, the bios of zoē. Hence, too, modern democracy’s specific aporia: it wants to put the freedom and happiness of men into play in the very place – “bare life” – that marked their subjection. Behind the long, strife-ridden process that leads to the recognition of rights and formal liberties stands once again the body of the sacred [hu]man with his double sovereign, his life that cannot be sacrificed yet may, nevertheless, be killed. To become conscious of this aporia is not to belittle the conquests and accomplishments of democracy. It is, rather, to try to understand once and for all why democracy, at the very moment in which it seemed to have finally triumphed over its adversaries and reached its greatest height, proved itself incapable of saving zoē, to whose happiness it had dedicated all its efforts, from unprecedented ruin. Modern democracy’s decadence and gradual convergence with totalitarian states in post-democratic spectacular societies (which begins to become evident with Alexis de Tocqueville and finds its final sanction in the analyses of Guy Debord) may well be rooted in this aporia, which marks the beginning of modern democracy and forces it into complicity with its most implacable enemy. Today politics knows no value (and, consequently, no nonvalue) other than life, and until the contradictions that this fact implies are dissolved, Nazism and fascism – which transformed the decision on bare life into the supreme political principle – will remain stubbornly with us. According to the testimony of Robert Antelme, in fact, what the camps taught those who lived there was precisely that “calling into question the quality of man provokes an almost biological assertion of belonging to the human race” (L’espèce humaine, p. II). The idea of an inner solidarity between democracy and totalitarianism (which here we must, with every caution, advance) is obviously not (like Leo Strausss thesis concerning the secret convergence of the final goals of liberalism and communism) a historiographical claim, which would authorize the liquidation and leveling of the enormous differences that characterize their history and their rivalry. Yet this idea must nevertheless be strongly maintained on a historico-philosophical level, since it alone will allow us to orient ourselves in relation to the new realities and unforeseen convergences of the end of the millennium. This idea alone will make it possible to clear the way for the new politics, which remains largely to be invented. In contrasting the “beautiful day” (euemeria) of simple life with the “great difficulty” of political bios in the passage cited above, Aristotle may well have given the most beautiful formulation to the aporia that lies at the foundation of Western politics. The 24 centuries that have since gone by have brought only provisional and ineffective solutions. In carrying out the metaphysical task that has led it more and more to assume the form of a biopolitics, Western politics has not succeeded in constructing the link between zoē and bios, between voice and language, that would have healed the fracture. Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion. How is it possible to “politicize” the “natural sweetness” of zoē? And first of all, does zoē really need to be politicized, or is politics not already contained in zoē as its most precious center? The biopolitics of both modern totalitarianism and the society of mass hedonism and consumerism certainly constitute answers to these questions. Nevertheless, until a completely new politics – that is, a politics no longer founded on the exceptio of bare life – is at hand, every theory and every praxis will remain imprisoned and immobile, and the “beautiful day” of life will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it. Carl Schmitt’s definition of sovereignty (“Sovereign is he who decides on the state of exception”) became a commonplace even before there was any understanding that what was at issue in it was nothing less than the limit concept of the doctrine of law and the State, in which sovereignty borders (since every limit concept is always the limit between two concepts) on the sphere of life and becomes indistinguishable from it. As long as the form of the State constituted the fundamental horizon of all communal life and the political, religious, juridical, and economic doctrines that sustained this form were still strong, this “most extreme sphere” could not truly come to light. The problem of sovereignty was reduced to the question of who within the political order was invested with certain powers, and the very threshold of the political order itself was never called into question. Today, now that the great State structures have entered into a process of dissolution and the emergency has, as Walter Benjamin foresaw, become the rule, the time is ripe to place the problem of the originary structure and limits of the form of the State in a new perspective. The weakness of anarchist and Marxian critiques of the State was precisely to have not caught sight of this structure and thus to have quickly left the arcanum imperii aside, as if it had no substance outside of the simulacra and the ideologies invoked to justify it. But one ends up identifying with an enemy whose structure one does not understand, and the theory of the State (and in particular of the state of exception, which is to say, of the dictatorship of the proletariat as the transitional phase leading to the stateless society) is the reef on which the revolutions of our century have been shipwrecked. This book, which was originally conceived as a response to the bloody mystification of a new planetary order, therefore had to reckon with problems – first of all that of the sacredness of life – which the author had not, in the beginning, foreseen. In the course of the undertaking, however, it became clear that one cannot, in such an area, accept as a guarantee any of the notions that the social sciences (from jurisprudence to anthropology) thought they had defined or presupposed as evident, and that many of these notions demanded – in the urgency of catastrophe – to be revised without reserve.

### ---XT Agamben PQ

#### The first question of the debate should be to address the question of sovereign power. We should pose the question of sovereign power as the main point of academic inquiry – without this, other praxis like democracy and rights will continue to destroy life, allowing fascism to return. This is a starting point disad to the perm – including the aff shifts our inquiry to a question of *praxis*, when we should solely be focused on interrogating the roots of sovereign power.

### Downey

#### Biopolitics brings biological life from its exception into the political realm to be managed. This makes mere, biological living and qualified, politically recognized life indistinct, so that everyone becomes bare life. This causes unlimited, escalating violence.

Downey 9 [(Anthony, Ph.D from Goldsmiths College and sits on the Editorial Board of Third Text, acts as a Consulting Editor for Open Space (Vienna), and edits Ibraaz, a research forum on the Middle East and North Africa, external assessor for the revalidation of the Royal College of Art’s M.A. in Curating Contemporary Art) “Zones of Indistinction: Giorgio Agamben’s ‘Bare Life’ and the Politics of Aesthetics” Third Text, Vol. 23, Issue 2, March, 2009, 109–125] AT

Although Agamben’s work covers topics as diverse as aesthetics and anthropogenesis, the two subjects he has been most associated with to date are sovereign power and homo sacer. Sovereignty is not to be necessarily equated here solely with historical ideals of monarchical power (although that is where the model for modern versions of sovereign power originates); rather, the sovereign is he who decides when the rule of law is suspended. The declaration of a ‘state of exception’, which has counterparts in the declaration of a ‘state of emergency’, the rule of martial law or the pronouncement of état de siège, heralds the instantiation of sovereign power. Emanating from an unusual and apparently contradictory starting point, the sovereign legal prerogative is the effective prorogation of the law itself and a ‘state of exception’ is not the rule of law as such nor is it a fact; nor is it bound to a law or to a fact. Rather, the exception is the confusion of the two – and he who decides upon that exception (that confusion of law and fact) is the sovereign. There is, similarly, a degree of elision and apparent paradox to be had in the figure of homo sacer: in Roman antiquity, the revocation of a citi- zen’s rights by sovereign decree produced the threshold figure of homo sacer, the sacred man who can be killed by anyone (he has no rights) but not sacrificed because the act of sacrifice is only representable within the legal context of the city – the very city from which homo sacer has been banished. He is an outlawed citizen, the exception to the law, and yet he is still subject to the penalty of death and therefore still included, in the very act of exclusion, within the law.2 In being the interstitial exception he effectively blurs the lines between outlaw and citizen. Two further distinctions can be made here, both of which concern the confusion to be had in a ‘state of exception’ between law/exception and citizen/outlaw. First, in the moment that the state suspends the law we see a sovereign form of power re-emerge – that is, a unilateral, unac- countable, arbitrary and extra-legal form of power. When the ‘state of exception’ begins to become the rule, rather than the suspension of rule, we witness a blurring of the two and the appearance of homo sacer, the one-time citizen rendered outlaw who has no recourse to law other than that of the sovereign’s power over his life and death. It should also be noted that Agamben’s term homo sacer, the sacred man, is deployed not so much to indicate the religious experience implicit in the term sacer as it is to highlight the other more subdued meaning of the term ‘sacred’: that which is ‘set apart’. In this structure of exceptionalism the ‘sacred’ does not reveal a religious element as such, rather, it further defines the moment of being set apart and thereafter takes on the hue of accursedness and abandonment. What Agamben effectively isolates in this appar- ently archaic figure is the moment when a state, through the suspension of law and the promulgation of a ‘state of exception’, turns on its own citizens and, through intimidation, banishment and the penalty of death, produces an accursed figure: the one-time citizen reduced to the ‘bare life’ of homo sacer. Arguing that such ‘states of exception’ have reached their maximum worldwide deployment in our time Agamben observes that: ... the normative aspect of law can thus be obliterated and contradicted with impunity with a governmental violence that – while ignoring inter- national law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law.3 In the past, it was usually the advent of war that heralded ‘states of exception’ or martial law; in the absence of actual war we created a ‘cold’ one to justify states of emergency; whereas today we have confected a ‘war on terror’ that would appear to have an unlimited remit. Under the latter conditions, the spectre of terrorism has increas- ingly promulgated ‘states of exception’ whereby the sovereign state can usher in laws to curtail, contain and monitor its own citizens. In the eyes of a sovereign power that has effectively usurped the legislative branch of the state, it is a move that renders us all potentially homines sacri. It would not be difficult at this point in my discussion to cast around for examples of this and note, for instance, the current state of affairs in the United States and the UK. Drawing upon the historical ramifications of Carl Schmitt’s work on sovereign power, Agamben makes much of the nature of sovereignty and there is more to be said on the matter than space allows. For now, nonetheless, I want to note how a ‘state of exception’ produces the figure of homo sacer and the condition of ‘bare life’ to which we are all ultimately susceptible.4 In a ‘state of exception’, to continue the theme of elision and the sovereign suspension of law, the individual is deprived of national civil rights and international human rights – such as habeas corpus, appeal to systems of legality and, increasingly, recourse to the Geneva Convention and due process – and is in turn constituted (interned) within a ‘zone of indistinction’ where the dividing line between citizen and outlaw, legality and illegality, law and violence, and ultimately life and death are strategically and at times fatally blurred. In the blurring of politics, bio-politics and thanatopolitics, we find a veritable continuum in which the modern subject is increasingly subjected to a sovereign power over [her] his life and death; ‘not simple natural life, but life exposed to death (bare life or sacred life) is the originary political element’ (HS 88). This may seem, on the face of it, to be over-stating the case, until we consider the historical precedents for such a state of affairs and, perhaps more crucially, the etymology of the term ‘life’ itself. Underwriting Agamben’s thesis is the incremental manner in which life, mere life or ‘bare life’, first became politicised; how, that is, it became the object of a controlling and delimiting politics. There was a time before bio-politics. Which is to say, there was a time when life existed in a sphere other than the (bio-)political. To fully understand this, it is crucial that we note, as Agamben does from the outset of Homo Sacer: Sovereign Power and Bare Life, that the Greeks, the progenitors of the polis or city-state, had no one term to define life itself: ‘They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: zoe, which expressed the simple fact of living common to all living beings (animals, men, or gods), and bios, which indicated the form or way of living proper to an individual or a group’ (HS 1). As a form of life common to humans and other animals, zoe was usually confined to the oikos, or privacy of the home, and was considered to be largely beyond political interference. To this day, the privacy of the home and what we do in it is central to discussions of state power and laws protecting privacy. Bios, on the other hand, denoted the form a life could assume in the public realm and suggested entry into the polis or a politicised form of life. Within a ‘state of exception’ the difference between bios (prefigured in the citizen and therefore in the rights of the citizen) and zoe (mere life) is decided upon by the sovereign/state. And it is between these two states of being, bios and zoe, that ‘bare life’ emerges within a￼ sovereign-declared ‘zone of indistinction’. Although a politicised form of life from the outset, ‘bare life’ is nonetheless excluded from the polis and becomes, in effect, an interstitial figure that resides between the polis and the oikos. These points are not to be taken lightly inasmuch as they disclose, for Agamben, the very foundations of democracy and the emargination of bios and zoe in the modern state. The management of ‘bare life’ is, moreover, both a primary function of the state and a predicate to the latter’s emergence. ‘Politics’, Agamben notes in this respect, ‘is now literally the decision concerning the unpolitical (that is, concerning bare life)’ (HS 173). In effect, this thesis seeks to complete Michel Foucault’s truncated discussion of bio-politics with a decisive redaction that sees modern politics as the process not so much of including the ‘bare life’ of the marginalised within the political order of the citizen (bios), but the means by which the exception – the penumbral figure of homo sacer and its ‘bare life’ – becomes the experience of modern subjectivity: ... the decisive fact is that, together with the process by which exception everywhere becomes the rule, the realm of bare life – which is originally situated at the margins of the political order – gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoe, right and fact, enter into a zone of irreducible indistinction. (HS 9; emphasis added) To accept as much is to entertain a number of interrelated points: the original political element was ‘bare life’ and it has in turn become increasingly indiscernible from the political (bios) as a whole. What we are left with is the emergence of the bio-political in the modern age and, for Agamben, this co-option of ‘bare life’ into the political realm effectively plots the passage of the pre-modern to the modern subject.5 As a paradigm of modern subjectivity, homo sacer is a form of subjectivity (‘bare life’) that is lived precariously under the rule of sovereignty and its power over the life and death of its subjects. It is, in a milieu that sees sovereign forms of power in the ascendancy, the life of the subject. Agamben writes: If it is true that the figure proposed by our age is that of an unsacrificeable life that has nevertheless become capable of being killed to an unprecedented degree, then the bare life of homo sacer concerns us in a special way. Sacredness is a line of flight still present in contemporary politics, a line that is as such moving into zones increasingly vast and dark, to the point of ultimately coinciding with the biological life itself of citizens. If today there is no longer any one clear figure of the sacred man, it is perhaps because we are all virtually homines sacri. (HS 114–15) So where, we may ask, are the contemporary ‘zones of indistinction’ in which modern-day homines sacri live? As the originary political element, ‘bare life’ once resided between the home and city or the outskirts of the polis; however, Agamben alights upon a far more localised and modern version of this in his discussion of Auschwitz. It is the apparent exceptionalism of the concentration camp that draws his attention in so far as it is in the camps that we find the overt (bio-) politicisation of ‘bare life’ and the abandonment in extremis of internees to an extra-legal no-man’s land.6 It is in the camps that we encounter the subject who possesses physiological life without any political significance or representation before the law; it is there that we witness the subject who can be killed with impunity but not sacrificed – he is, after all, beyond the law and therefore unrepresentable within it; and it is there that we see the subject precariously inhabiting a ‘zone of indistinction’ between life and death, zoe and bios, law and violence, citizen and refugee, survivor and victim – or, to gloss Primo Levi, the drowned and the saved. There is a clear provocation underwriting Agamben’s reading of Auschwitz and its aftermath. Long seen as the schismatic exception to the teleology of Western modernity, the concentration camp is here understood to be the law (nomos) of a sovereign power re-emerging in modernity and made manifest in the architecture of genocide. What is more, to suggest that the camps at Auschwitz provide a blueprint for the political structure of modernity and the subject’s relationship to power and politics is to go against another widely held belief: that such camps, in all their horror and abjectness, were not only fundamentally unrepeatable but were without historical precedent. The figure and fate of homo sacer, for Agamben, questions any such assumptions. Aspects of Agamben’s argument at this point may seem immoderate if not controversial until we consider that the ambition of power in the camps was the banalisation of life: the stripping away of political community (bios politikos) so as to produce ‘bare life’ – a life beyond political and legal representation. We have moved here from the city-state, in all its idealism, to the abject horror of the camp – and yet the transition, for Agamben, is not one of disjunction or schism but one of correlation and continuity: the ambition of modern sovereign power under a ‘state of exception’ – a state of emergency, martial law, or état de siège – is the banalisation of life so that it can be reduced to ‘bare life’ and thereafter monitored, contained, curtailed and, if needs be, killed with impunity. And it is to this transition that we must turn to fully explicate the gravity and purchase to be had in Agamben’s argument and its significance for a politics of aesthetics. If ‘bare life’ is the disavowed and yet originary political element of sovereign power, an apparently anachronistic form of power that has nonetheless re-emerged with alarming frequency in our contemporary political landscape, then a connection can be made – via the unforgiving lens of bio-politics – between the democracy of the polis and the totalitarianism of the modern-day camp.7 Both prefigure the originary political relation in terms of a ban and both presage the abandonment of homo sacer, ‘bare life’, to a juridico-political hinterland.8 Exempted from the socius of a political community, not to mention its protection, the individual who entered the camp found himself in that most absolute of bio-political spaces where his ‘bare life’ came into an unmediated relationship with absolute sovereign power. ‘This is why’, Agamben continues, ‘the camp is the very paradigm of political space at the point at which politics becomes biopolitics and homo sacer is virtually confused with the citizen’ (HS 171).9 We move here towards the crux of Agamben’s argument, a thesis that is not so much concerned with the anomalous nature of the camp as historical fact, as it is with the camp as ‘the hidden matrix and nomos of the political space in which we are still living’ (HS 166). The ongoing politicisation of life today demands that a series of decisions be made about the delimitation of the threshold beyond which life ceases to be politically relevant – where life becomes ‘bare life’. These thresholds, moreover, need to be redrawn from epoch to epoch; so much so that every society modulates the limit of the threshold. The camp was the limit in Nazi Germany at a particular moment in time; however, as Agamben argues, ‘every society – even the most modern – decides who its “sacred men” will be’ (HS 139). Politics, in the context of the camp, concerned itself with that which was apparently unpolitical – ‘bare life’ and its abandonment by the political community – and the implications of this reach beyond the singular abjection of the camps: If this is true, if the essence of the camp consists in the materialization of the state of exception and in the subsequent creation of a space in which bare life and the juridical rule enter into a threshold of indistinction, then we must admit that we find ourselves virtually in the presence of a camp every time such a structure is created, independent of the kinds of crime that are committed there and whatever its denomination and specific topography. (HS 174) Jacques Rancière has also detailed the scenario of modernity in terms that expand the nomos of the camp: ‘Correspondingly’, Rancière writes: ... the Holocaust appears as the hidden truth of the Rights of Man – that is, the status of bare, undifferentiated life, which is the correlate of biopower. The camp can be put as the ‘nomos’ of modernity and subsume under one and the same notion the camps of refugees, the zones where illegal migrants are parked by national authorities, or the Nazi death camps.... In such a way, the correlation of sovereign power and bare life takes place where political conflicts can be located.10 In this context, and adding further detail to the ‘zones where illegal migrants are parked by national authorities’, Agamben highlights the stadium in Bari where Italian police rounded up illegal Albanian immi- grants in 1991 before returning them to their country; the winter cycle- racing track to which the Vichy government consigned Jews before giving them over to the Germans; the Konzentrationslager für Ausländer in Cottsbus-Sileow where the Weimar republic gathered Jewish refugees from the East; and the zones d’attentes in French national airports. ‘The camp’, Agamben argues:... is the hidden matrix of the politics in which we are still living, and it is this structure of the camp that we must learn to recognise in all its meta- morphoses into the zones d’attentes of our airports and certain outskirts of our cities. (HS 175; emphasis in the original)11 At the heart of these sites remains a far from resolved question: what does it mean to be reduced to ‘bare life’ and coerced into adopting the accursed role – that which is set apart and abandoned – of homo sacer? In his film 80064 (2004), the Polish artist Artur Z[]Z ̇ mijewski convinced a ninety-two-year-old survivor of Auschwitz, one Józef Tarnawa, to have his prison tattoo number, the eponymous title of the film, re- tattooed on his arm. This survivor of Auschwitz recalls throughout the film the inhumanity of the camps and the degradation he witnessed there. Writing of this work, Joanna Mytkowska has noted that the artist wanted to reaffirm that ‘surviving the camp succeeded usually at the cost of consent to inhuman rules, acceptance of one’s fate, and conformity’.12 Asked by the artist whether or not he had felt any impulse to protest against his treatment in the camp, Tarnawa replied, ‘Protest? What do you mean, protest? Adapt – try and survive!’13 Echoing this sentiment, and writing in Remnants of Auschwitz: The Witness and the Archive, Agamben notes that: ... it is implicit in many testimonies that at Auschwitz everyone somehow set their human dignity aside... The survivor is therefore familiar with the common necessity of degradation; he knows that humanity and responsi- bility are something that the deportee had to abandon when entering the camp.14 The tragedy here is that in the very moment of being stripped of their political rights and legitimacy, inmates such as Józef Tarnawa became that most politicised of subjects, namely, the inhuman figure of homo sacer. 80064 brings into play a number of issues, not least the thorny subject of ethics in so called interventionist or collaborative art and the provocations of memory and its potentiality in the catharsis of commemoration. In other works, such as The Game of Tag, 1999, in which participants chased one another around a former Nazi gas chamber, and Crank, 2000, a series of five photographs in which the artist reconstructed an experiment carried out by German doctors on prisoners in Auschwitz, Zmijewski goes some way to portraying not only the ‘zones of indistinction’ within which camp inmates resided but the ‘bare life’ to which they were subjected. In the present-day, for Agamben, the single most pertinent and emblematic ‘zone of indistinction’, the space within which ‘bare life’ is routinely politicised, is Guantánamo Bay, a threshold space where the rule of law has been usurped and the fundamental right to trial and pros- ecution after arrest has been effectively suspended.15 It is again a source of fatal irony that the very moment in which the inmates of Guantánamo are left bereft of political community – the very moment in which they are reduced to ‘bare life’ – is that most politicised of moments.16 On the occasion of the 51st Venice Bienniale in 2005, Christoph Buchel and Gianni Motti staged their ‘Guantánamo Inititiative’ so as to draw attention to the interstitial location of this so-called detention centre and the suspension of legality that brought it into being. Requesting a new lease from the Cuban government for Guantánamo, so as to transform it from a military to a cultural base, the artists displayed treaties and documents to expose what they viewed as the illegitimacy of the US lease contract imposed on Cuba in 1903. They also displayed forty-seven annual rent cheques – all of which the Republic of Cuba has refused to cash – that have been issued by the United States to the Cuban Government since 1959. At the time of writing, Guantánamo Bay, that most conspicuous of indistinct zones, still housed 270 detainees of whom only nineteen had been formally charged. Guantanamo Bay may be the most obvious ‘zone of indistinction’ where the banished figure of modern-day homo sacer languishes in an interstitial space wherein legality and illegality, legitimate interrogation techniques and outright torture, unlawful and lawful enemy combatant, the rule of law and its suspension and life and death become strategically blurred.17 However, such zones do not necessarily have to have a localised topography and can be national in their scope. We could highlight here the 6000 plus disappeared and tortured since the onset of civil war in 1992, many of them at the hands of the security forces, in the ongoing political tragedy that is modern-day Algeria. In Algeria a ‘state of emergency’ has become the rule. In Algerian-born Omar D’s photographs of the disappeared, we encounter images not only of the disappeared but also of what they have left behind.18 One of the more common refrains from those relatives and friends left behind is that they do not know whether the disappeared are alive or dead. Again, the blurring of life and death is seen to be connected to the manifestation and effect of a ‘zone of indistinction’; an extra-legal space wherein which citizenship can be blurred into ‘bare life’ and life itself into death. Elsewhere, in the mid-1990s, the Argentinian photographer Marcelo Brodsky returned to his homeland equipped with his camera and a 1967 photograph of his eighth-grade classmates. In Buena Memoria, 1996, Brodsky enlarged the photograph and annotated it, noting in turn where his classmates had ended up. Whilst some had married and some had gone into exile two members of the class had been ‘disappeared’. In this act of tapping into collective memory Brodsky brings to the fore the role of photography in addressing that which is now absent; the moment when that which no longer exists as anything but trauma can be nonetheless reified in visual culture. Drawing on the troubled past of Colombia, Oscar Muñoz’s video ‘Proyecto para un memorial (Project for a Memorial)’ (2005) shows the artist hand painting portraits of disappeared people on a concrete sidewalk. Instead of paint, however, he uses water, which evap- orates before each portrait is fully realised. Aesthetically, in the very form being used, Muñoz’s water-paintings become a metaphor for the disappeared of his native country. In all of the above instances, artists have used their practice to exam- ine the very moment when states turn on their people and, in so-called states of emergency, set about terrorising their own citizens. In all three instances martial law and states of emergency were declared and individ- ual’s were outlawed to ‘zones of indistinction’ – detainment camps, holding cells, torture chambers – where their recourse to the law was not only suspended but the political legitimacy of their lives brought to its fatal conclusion. We could continue here with a depressing litany of countries from as far afield as Chile, the one-time USSR and fascist Spain, all of which wanted, to use the nomenclature of Nazi Germany, to cleanse their territory of ‘unwanted elements’. In our present-day, terms such as ‘ghost detainees’ and ‘special rendition’ bring to light, so to speak, the spectre of the disappeared in an era where plausible deniability on behalf of government officials effectively precludes them from answering questions about the covert use of torture and internment that is routinely practised by democratically elected governments who are (apparently oblivious) co-signatories to the Geneva Convention.

### A2 No Empirics

#### Empirics on our side – the state of exception is a real part of politics

Agamben 14 [(Giorgio, professor of aesthetics at the University of Verona, Italy and of philosophy at the College International de Philosophie in Paris and at the University of Macerata in Italy,) “From the State of Control to a Praxis of Destituent Power” Feb 2, 2014] AT

What is a State of Exception? Before we begin to answer this complicated question, a technical clarification is needed. Agamben uses State of Exception to reference a “consistent set of legal phenomena”(7) that has etymological and linguistic connections to the German state of necessity, the Anglo-Saxon martial law and emergency powers, and the differing Italian and French concepts of emergency decrees and states of siege.(8) Agamben notices that these terms have no real neutral grounding, but rather that they embody a fictitious or political quality. He states: “The State of Exception is not a special kind of law (like the law of war); rather, insofar as it is a suspension of the juridical order itself, it defines law’s threshold or limit concept.”(9) Using French doctrine dating back to 1811, Agamben further defines the State of Exception as: “[T]he extension of the military authority’s wartime powers into the civil sphere, and a suspension of the constitution (or of those constitutional norms that protect individual liberties), in time the two models end up merging into a single juridical phenomenon that we call the State of Exception.”(10) It is precisely how this State of Exception gets conceptualized and implemented that intrigues Agamben. He is interested in how this “new” decree or order gathers the potentiality and force needed to succeed as a type of law. Furthermore, Agamben notices that this State of Exception references a historical moment when the concept now known as “separation of powers” was yet unknown. The next step is the transformation of this State of Exception from an exception to a rule, guided significantly by an executive sovereign which simultaneously and surreptitiously turns a democratic governance into a permanent state of siege: a state of siege that is not only a form of government but of a rule of law-a rule of law perpetuated by a cloaked force of law. Through this magical overture, the extension of the executive powers into the legislative is quite clear. Citing the Swedish jurist Herbert Tingsten, Agamben states: “[A]lthough a temporary and controlled use of full powers is theoretically compatible with democratic constitutions, ‘a systematic and regular exercise of the institution (State of Exception) necessarily leads to the “liquidation” of democracy.’”(11) [parenthetical content mine] For Agamben, the State of Exception, a technique to be used sparingly and rarely, has become, through and in between the two world wars, the rule and the norm. Citing the U.S. Constitution and it’s ambiguity as to the executive’s right to suspend habeas corpus as well as the executive’s command of the Army and Navy, Agamben locates the U.S. Civil War (precisely via President Abraham Lincoln), as the first U.S. sovereign to problematize, declare, and install the State of Exception.(12) “Because the sovereign power of the president is essentially grounded in the emergency linked to a state of war, over the course of the twentieth century the metaphor of war becomes an integral part of the presidential political vocabulary whenever decisions considered to be of vital importance are being imposed.”(13) [italics mine] Applying this observation to post-September 11, Agamben indexes Bush’s claim to be Commander In Chief as exemplary of an executive claim to sovereign powers in emergency situations. By this wave of the wand, “Bush is attempting to produce a situation in which the emergency becomes the rule, and the very distinction between peace and war (and between foreign and civil war) becomes impossible.”(14) What force gives the sovereign this seemingly grounded right? Citing a Latin expression, necessitas legem non habet (“necessity has no law”), Agamben references the legal concept of necessity in order to answer this question. He interprets this expression as meaning both “necessity does not recognize any law” and “necessity creates its own law.” By doing this, Agamben notices that the political appearance of a State of Exception necessarily creates the existence of necessity, a necessity that judges and mandates according to a singular and particular case. Interestingly, it is here that Agamben notices the correlation and connection between law and anarchy as well as law and revolution. Because this state of suspended law comes about and exists due to a much needed necessity of a state, this self-proclaimed right to violate and to manifest and carry out violence necessarily creates an independent and valid moment of insurrection. It is this categorical moment, suspended from any legal or schematic dogma, which allows for the potential of a revolution. Agamben cites the European jurist, Santi Romano, as well as Giorgio Balladore-Pallieri, in order to buttress the link between revolution, law, and the State of Exception. “Although revolution is by definition ‘antijuridical, even when it is just,’ it can, however, appear this way only ‘with respect to the positive law of the state against which it is directed, but that does not mean that it is not a movement ordered and regulated by its own law. [R]evolution is violence, but it is juridically organized violence.’” (15) “[T]he recourse to necessity entails a moral or political (or in any case, extrajuridical) evaluation, by which the juridical order is judged and is held to be worthy of preservation or strengthening even at the price of its possible violation. For this reason, the principle of necessity is, in every case, always a revolutionary principle.”(16) It is precisely this moral and political necessity that Agamben pursues, particulary asking, where does this necessity get its grounding? On what grounds or foundations is this necessity uttered and proclaimed? This lack of grounding is easy to spot, making Agamben’s post-structural bent quite obvious here. For Agamben, this deconstruction of the State of Exception leads to a “lack” which is inherent in law but not necessarily part of the juridical order. A Lacanian lapse? Perhaps. Yet Agamben is quick to note that this fictitious “lacunae” is to be filled by the executive powers just as the lack in law is to be filled by a judge. The ethico/political interpretive act of filling in the blank is now left to an executive sovereign, with only a mystical force of law hiding and pushing behind it. It is obvious that Agamben takes note of a now famous 1989 lecture by Jacques Derrida at Cardozo School of Law entitled, Force of Law: The Mystical Foundation of Authority.(17) Agamben claims that although this lecture ruptured juridical and philosophical foundations, no one cared to deconstruct “force of law” itself. For Agamben, force of law refers not to law itself, but rather: “to those decrees (which, as we indeed say, have the force of law) that the executive power can be authorized to issue in some situations, particularly in the State of Exceptionâ Thus, when the Roman sovereign begins to acquire the power to issue acts that tend increasingly to have the value of laws, Roman doctrine says that these acts have the ‘force of law.’”(18) [italics mine] Thus, for Agamben, the State of Exception has the power to separate the force of law from the law.(19) In other words, the law is in place but has no force and is not applied, and on the other hand those acts that do not have the value of law acquire a force of law. True to his academic and philosophical training, Agamben notices the similarities between this political event and language. The transference from semiotics to semantics is noted by Agamben,(20) but it is perhaps easier to note that what this “force of law” allows for is equal access to it by both law and anarchy. Similarly, and following early semioticians, a word/concept has no originary or logical signified–it simply “floats”. The enunciative character of a word is used to illustrate its lack of content. Thus, “force of law” is an utterance, an enunciation, a decree, a law, that has no law–formal or otherwise. It is simply created and upheld by a social construct and understanding. Agamben further illustrates the State of Exception by giving us a historical model, the Roman iustitium. The iustitium is a type of “standstill” or “suspension of law” which was granted by the Roman senate under threat of an internal or external force. This power granted its governors and citizenry the right of self-defense.(21) However, Agamben differentiates between a dictatorship and this State of Exception, describing lucidly how neither Hitler nor Mussolini led totalitarian states. Rather, because of the complex nature of the State of Exception, the self-granting of their own rights and powers (what Schmitt calls “the sovereign”) was an initial provisional governmental measure that did not cease to exist due to reinscribed and perpetuated notions of a permanent state emergency. Thus, for Agamben, both the Fascist and Socialist government allowed the constitution to subsist, with an added “parasitic” structure which was simultaneously allowed to co-exist due to the “necessary” and uttered State of Exception. Furthermore, for Agamben, the iustitium does not create a new magistracy or grant new powers. Rather the State of Exception suspends the laws that previously circumscribed and restricted the actions of the magistrates. In a sense, the State of Exception “is not defined as a fullness of powers, a pleromatic state of law, as in the dictatorial model, but as a kenomatic state, an emptiness and standstill of the law.”(22)

## Framework

### TL Framework

#### I meet their interp---

#### 1. The kritik implies the aff’s assumptions are wrong – if I win the kritik, the aff has no offense.

#### 2. The kritik proves the plan is a bad idea – policy measures like a living wage only bolster sovereign power – even without an alternative, you should evaluate it as a linear disad to the aff.

#### Counter-interp---The neg should be able to challenge the aff’s representations and the plan’s complicity with sovereign power and the production of bare life.

#### One, best for fit – we’re also unlikely to actually become policymakers, but all of us must learn how to operate within oppressive systems – kritik is best to teach students to become critical intellectuals capable of challenging systems of power even if they don’t control positions of power.

#### The role of the ballot is to endorse the debater who best exposes the inner workings of power – this is best for intellectuals

Steele, 10 – Associate Professor of Political Science at the University of Kansas

(Brent, Defacing Power: The Aesthetics of Insecurity in Global Politics pg 130-132, dml) [gender/ableist language modified with brackets]

When facing these dire warnings regarding the manner in which academic-intellectuals are seduced by power, what prospects exist for parrhesia? How can academic-intellectuals speak “truth to power”? It should be noted, first, that the academic-intellectual’s primary purpose should not be to re-create a program to replace power or even to develop a “research program that could be employed by students of world politics,” as Robert Keohane (1989: 173) once advised the legions of the International Studies Association. Because academics are denied the “full truth” from the powerful, Foucault states, we must avoid a trap into which governments would want intellectuals to fall (and often they do): “Putyourself in our place **and tell us what you would do**.” This is **not a question** in which one has to answer. To make a decision on any matter requires a knowledge of the facts **refused us**, an analysis of the situation we aren’t allowed to make. There’s the trap. (2001: 453) 27 This means that any alternative order we might provide, this hypothetical “research program of our own,” will also become imbued with authority and **used for mechanisms of control**, a matter I return to in the concluding chapter of this book. When linked to a theme of counterpower, academic-intellectual parrhesia suggests, instead, that the academic should use his or her pulpit, their position in society, to be a “friend” “who plays the role of a parrhesiastes, of a truth-teller” (2001: 134). 28 When speaking of then-president Lyndon Johnson, Morgenthau gave a bit more dramatic and less amiable take that contained the same sense of urgency. What the President needs, then, is an intellectual ~~father~~-confessor, who dares to remind him[/her] of **the brittleness of power**, of its arrogance and ~~blindness~~ [ignorance], of its **limits** and **pitfalls**; who tells him[/her] how empires rise, decline and fall, how power turns to folly, empires to ashes. He[/she] ought to **listen to that voice** and **tremble**. (1970: 28) The primary purpose of the academic-intellectual is therefore not to just effect a moment of counterpower through parrhesia, let alone stimulate that heroic process whereby power realizes the error of its ways. So those who are skeptical that academics ever really, regarding the social sciences, make “that big of a difference” are **miss**ing **the point**. As we bear witness to what unfolds in front of us and collectively analyze the testimony of that which happened before us, the purpose of the academic is to “**tell the story**” of what actually happens, to document and faithfully capture both history’s events and context. “The intellectuals of America,” Morgenthau wrote, “can do only one thing: live by the standard of truth that is their peculiar responsibility as intellectuals and by which men of power will ultimately be judged as well” (1970: 28). This will take time, 29 but if this happens, if we seek to uncover and practice telling the truth free from the “tact,” “**rules**,” and seduction that constrain its telling, then, as Arendt notes, “humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation” ([1964] 2006: 233).

#### Two, fiat is illusory – the plan doesn’t actually happen at the end of the debate – the only impacts that actually exist are the aff’s representations, so it’s more logical to evaluate these

#### Three, assumptions are a vital part of policymaking – abstracting away from vital questions of how the world operates makes us less effective advocates for change and guts critical thinking – turns all their offense.

#### Four, the whole kritik proves the state is bad which means state-focused discussions are dangerous – discussions of competing policy options make sovereign power stronger and makes the production of bare life inevitable – it is vital to discuss how to challenge state power, not just operate within it

### A2 Predictability

#### It’s predictable—they wrote the 1AC and have unlimited freedom in choosing advantages, so they should be prepared to defend it

#### Predictability is a choice – they chose what to research before the round; if I win kritiks are a better discussion they should research it instead

### A2 Moots Aff

#### Doesn’t moot the aff—they can defend the way they presented their scenarios. The kritik is an indict of their authors’ assumptions. It doesn't shift the focus from the 1AC – I interrogate it

#### Process counter plans also moot the aff, which makes this non-unique

### A2 Role Playing

#### Their model of political decision-making mobilizes populations for war and kills value to life

Shaffer 7 [Butler teaches at the Southwestern University School of Law. B.S., Law, 1958, University of Nebraska, Lincoln; B.A., Political Science, 1959, and J.D., 1961, University of Chicago; Member, Colorado and Nebraska State Bars. “Identifying With the State” June 29th 2007]

 One of the deadliest practices we engage in is that of identifying ourselves with a collective entity. Whether it be the state, a nationality, our race or gender, or any other abstraction, we introduce division – hence, conflict – into our lives as we separate ourselves from those who identify with other groupings. If one observes the state of our world today, this is the pattern that underlies our deadly and destructive social behavior. This mindset was no better articulated than when George W. Bush declared “you’re either with us, or against us.” Through years of careful conditioning, we learn to think of ourselves in terms of agencies and/or abstractions external to our independent being. Or, to express the point more clearly, we have learned to internalize these external forces; to conform our thinking and behavior to the purposes and interests of such entities. We adorn ourselves with flags, mouth shibboleths, and decorate our cars with bumper-stickers, in order to communicate to others our sense of “who we are.” In such ways does our being become indistinguishable from our chosen collective. In this way are institutions born. We discover a particular form of organization through which we are able to cooperate with others for our mutual benefit. Over time, the advantages derived from this system have a sufficient consistency to lead us to the conclusion that our well-being is dependent upon it. Those who manage the organization find it in their self-interests to propagate this belief so that we will become dependent upon its permanency. Like a sculptor working with clay, institutions take over the direction of our minds, twisting, squeezing, and pounding upon them until we have embraced a mindset conducive to their interests. Once this has been accomplished, we find it easy to subvert our will and sense of purpose to the collective. The organization ceases being a mere tool of mutual convenience, and becomes an end in itself. Our lives become “institutionalized,” and we regard it as fanciful to imagine ourselves living in any other way than as constituent parts of a machine that transcends our individual sense. Once we identify ourselves with the state, that collective entity does more than represent who we are; it is who we are. To the politicized mind, the idea that “we are the government” has real meaning, not in the sense of being able to control such an agency, but in the psychological sense. The successes and failures of the state become the subject’s successes and failures; insults or other attacks upon their abstract sense of being – such as the burning of “their” flag – become assaults upon their very personhood. Shortcomings on the part of the state become our failures of character. This is why so many Americans who have belatedly come to criticize the war against Iraq are inclined to treat it as only a “mistake” or the product of “mismanagement,” not as a moral wrong. Our egos can more easily admit to the making of a mistake than to moral transgressions. Such an attitude also helps to explain why, as Milton Mayer wrote in his revealing post-World War II book, [They Thought They Were Free](http://www.amazon.com/They-Thought-Were-Free-Germans/dp/0226511928/lewrockwell/), most Germans were unable to admit that the Nazi regime had been tyrannical. It is this dynamic that makes it easy for political officials to generate wars, a process that reinforces the sense of identity and attachment people have for “their” state. It also helps to explain why most Americans – though tiring of the war against Iraq – refuse to condemn government leaders for the lies, forgeries, and deceit employed to get the war started: to acknowledge the dishonesty of the system through which they identify themselves is to admit to the dishonest base of their being. The truthfulness of the state’s rationale for war is irrelevant to most of its subjects. It is sufficient that they believe the abstraction with which their lives are intertwined will be benefited in some way by war. Against whom and upon what claim does not matter – except as a factor in assessing the likelihood of success. That most Americans have pipped nary a squeak of protest over Bush administration plans to attack Iran – with nuclear weapons if deemed useful to its ends – reflects the point I am making. Bush could undertake a full-fledged war against Lapland, and most Americans would trot out their flags and bumper-stickers of approval. The “rightness” or “wrongness” of any form of collective behavior becomes interpreted by the standard of whose actions are being considered. During World War II, for example, Japanese kamikaze pilots were regarded as crazed fanatics for crashing their planes into American battleships. At the same time, American war movies (see, e.g., [Flying Tigers](http://www.amazon.com/Flying-Tigers-John-Wayne/dp/0782011276/lewrockwell/)) extolled the heroism of American pilots who did the same thing. One sees this same double-standard in responding to “conspiracy theories.” “Do you think a conspiracy was behind the 9/11 attacks?” It certainly seems so to me, unless one is prepared to treat the disappearance of the World Trade Center buildings as the consequence of a couple pilots having bad navigational experiences! The question that should be asked is: whose conspiracy was it? To those whose identities coincide with the state, such a question is easily answered: others conspire, we do not. It is not the symbiotic relationship between war and the expansion of state power, nor the realization of corporate benefits that could not be obtained in a free market, that mobilize the machinery of war. Without most of us standing behind “our” system, and cheering on “our” troops, and defending “our” leaders, none of this would be possible. What would be your likely response if your neighbor prevailed upon you to join him in a violent attack upon a local convenience store, on the grounds that it hired “illegal aliens?” Your sense of identity would not be implicated in his efforts, and you would likely dismiss him as a lunatic. Only when our ego-identities become wrapped up with some institutional abstraction – such as the state – can we be persuaded to invest our lives and the lives of our children in the collective madness of state action. We do not have such attitudes toward organizations with which we have more transitory relationships. If we find an accounting error in our bank statement, we would not find satisfaction in the proposition “the First National Bank, right or wrong.” Neither would we be inclined to wear a T-shirt that read “Disneyland: love it or leave it.” One of the many adverse consequences of identifying with and attaching ourselves to collective abstractions is our loss of control over not only the meaning and direction in our lives, but of the manner in which we can be efficacious in our efforts to pursue the purposes that have become central to us. We become dependent upon the performance of “our” group; “our” reputation rises or falls on the basis of what institutional leaders do or fail to do. If “our” nation-state loses respect in the world – such as by the use of torture or killing innocent people we consider ourselves no longer respectable, and scurry to find plausible excuses to redeem our egos. When these expectations are not met, we go in search of new leaders or organizational reforms we believe will restore our sense of purpose and pride that we have allowed abstract entities to personify for us. As the costs and failures of the state become increasingly evident, there is a growing tendency to blame this system. But to do so is to continue playing the same game into which we have allowed ourselves to become conditioned. One of the practices employed by the state to get us to mobilize our “dark side” energies in opposition to the endless recycling of enemies it has chosen for us, is that of psychological projection. Whether we care to acknowledge it or not – and most of us do not – each of us has an unconscious capacity for attitudes or conduct that our conscious minds reject. We fear that, sufficiently provoked, we might engage in violence – even deadly – against others; or that inducements might cause us to become dishonest. We might harbor racist or other bigoted sentiments, or consider ourselves lazy or irresponsible. Though we are unlikely to act upon such inner fears, their presence within us can generate discomforting self-directed feelings of guilt, anger, or unworthiness that we would like to eliminate. The most common way in which humanity has tried to bring about such an exorcism is by subconsciously projecting these traits onto others (i.e., “scapegoats”) and punishing them for what are really our own shortcomings. The state has trained us to behave this way, in order that we may be counted upon to invest our lives, resources, and other energies in pursuit of the enemy du jour. It is somewhat ironic, therefore, that most of us resort to the same practice in our criticism of political systems. After years of mouthing the high-school civics class mantra about the necessity for government – and the bigger the government the better – we begin to experience the unexpected consequences of politicization. Tax burdens continue to escalate; or the state takes our home to make way for a proposed shopping center; or ever-more details of our lives are micromanaged by ever-burgeoning state bureaucracies. Having grown weary of the costs – including the loss of control over our lives – we blame the state for what has befallen us. We condemn the Bush administration for the parade of lies that precipitated the war against Iraq, rather than indicting ourselves for ever believing anything the state tells us. We fault the politicians for the skyrocketing costs of governmental programs, conveniently ignoring our insistence upon this or that benefit whose costs we would prefer having others pay. The statists have helped us accept a world view that conflates our incompetence to manage our own lives with their omniscience to manage the lives of billions of people – along with the planet upon which we live! – and we are now experiencing the costs generated by our own gullibility. We have acted like country bumpkins at the state fair with the egg money who, having been fleeced by a bunch of carnival sharpies, look everywhere for someone to blame other than ourselves. We have been euchred out of our very lives because of our eagerness to believe that benefits can be enjoyed without incurring costs; that the freedom to control one’s life can be separated from the responsibilities for one’s actions; and that two plus two does not have to add up to four if a sizeable public opinion can be amassed against the proposition. By identifying ourselves with any abstraction (such as the state) we give up the integrated life, the sense of wholeness that can be found only within each of us. While the state has manipulated, cajoled, and threatened us to identify ourselves with it, the responsibility for our acceding to its pressures lies within each of us. The statists have – as was their vicious purpose – simply taken over the territory we have abandoned. Our politico-centric pain and suffering has been brought about by our having allowed external forces to move in and occupy the vacuum we created at the center of our being. The only way out of our dilemma involves a retracing of the route that brought us to where we are. We require nothing so much right now as the development of a sense of “who we are” that transcends our institutionalized identities, and returns us – without division and conflict – to a centered, self-directed integrity in our lives.

### A2 Coverstone

#### Learning to wield the levers of power is dangerous – that’s the thesis of the kritik – it’s an impact turn to Coverstone

#### The kritik doesn’t breed disillusionment or nihilism – it promotes critical engagement that can challenge power instead of wielding it in harmful ways

### A2 Infiltrate the State

#### Learning the “tactics” of oppression does nothing – more fundamental is learning how to resist the ENTIRE project of sovereignty, which requires challenges to the state itself – the kritik isn’t about what the state does, but the very NATURE of the state itself

### Framework is a link

#### Bracketing off of the possibility of critique is enabled by the state of exception and legitimizes brutal cycles of governmentality

Elmer 8 (Greg Elmer, associate professor of communication and culture at Ryerson University, PhD in communication from the University of Massachusetts at Amherst, director of the Infoscape Research Lab at Ryerson University, Andy Opel, associate professor of communication at Florida State University, PhD in mass communication from the University of North Carolina, member of the International Communication Association, November 2008, “Preempting Dissent: The Politics of an Inevitable Future,” pages 29-41)

SHORTLY AFTER THE LARGE-SCALE PROTESTS against the World Trade Organization in Seattle in late November 1999, police, law enforcement agencies, the military, and global weapons manufacturers began to rethink their responses to public protests. Since the Seattle protests, similar semi—annual gatherings of government officials and corporate trade lawyers have consistently attracted large public protests, organized by public-interests groups denied participation in the decision-making process of trade agreements such as the Global Agreement on Trade and Tariffs (GATT), the North American Free Trade Agreement (NAFTA), and the Free Trade Area of the Americas (FTAA). Wide—scale protests were seen in Prague, Genoa, Cancun, Quebec City, Miami, and, most recently, Mar Del Plata, Argentina. Moreover, as we will see in this chapter, as the size and sophistication of resistance grew, so too did political and legal responses to that resistance. Responses to such protests have been greatly influenced by military and so—called ‘homeland’ security strategies enacted after the terrorist attacks of 9/11 and the initiation of the controversial second Gulf War. As we see in this chapter, the combination of a changing political climate in response to war and terrorism, particularly the expansion of preemptive forms of social control and political containment, has resulted in a new set of practices that have reconfigured public space and criminalized multiple aspects of free speech and public assembly in the United States. This chapter argues that in the shadow of 9/11, the war in Iraq, and the ongoing “War on Terror,” a disturbing form of geopolitical apartheid has emerged in the United States. At the core of this trend is a set of micro-political strategies and technologies that attempt to contain spaces of dissent and detain protestors (Boghosian, 2004). Some activists and critics have labeled these anti-democratic tendencies the “Miami Model,” after the strategies deployed in November 2003 against Free Trade of the Americas protestors by federal, state, and local law enforcement agencies stationed in Miami. The Miami model of law enforcement was characterized by 1) the deployment of overwhelming numbers of law enforcement officers, 2) preemptive arrests of peaceful and law—abiding protestors, and 3) widespread police surveillance techniques before, during, and after protests (Getzan, 2004). And while these three pillars—overwhelming force, preemptive arrests, and surveillance—-provide a good overview of police and law enforcement strategies, in this chapter we focus on the manner in which spaces of dissent, debate, and democracy are being regulated and policed through the courts, going into more depth in the next chapter, through a study of the introduction of weapons meant to easily contain and detain protestors and, more broadly, immobilize dissent. Of greater concern is the degree to which such strategies systematically marginalize dissent, spatially and politically speaking. From the creation of “free speech zones” and the proposal for protest free “Pedestrian Safety Zones”2° to the political screening of participants in political “town hall meetings,” space has increasingly become a tool to limit open debate, freedom of speech, and political dissent in the US. Part of our interest in exposing the strategies of political segregation, first through the containment of protest spaces, and second, through the deployment of preemptive hand-held weapons, is theoretical. The segregation of deviance has often been influenced by Foucaultian theories of panopticism and social control. An increasing number of scholars, however, are arguing that Foucault’s panoptic prison, even deployed in metaphorical terms, has been overextended, particularly when considering broader geographic perspectives (Haggerty & Ericson, 2000; Elmer, 2004). Many scholars arguing that panopticism must move beyond architectures or institutions of social control, do so in large part to theorize emerging technological, “virtual,” or simulated forms of surveillance and discipline (e.g., Bogard; Gandy). While we find such arguments to be productive, they typically juxtapose their ideas against corporeal surveillance and monitoring of the past. Human surveillance and policing factors, conversely, play a key role in monitoring political organizing activities and training, peaceful protests, and acts of civil disobedience (Boghosian, 2004, p. 29). Moreover, Foucault’s metaphorical use of a penitentiary as the historical trope or dispositif for social discipline, reformation, and self-actualization, while providing a broad conceptual framework for a dispersed theory of self-discipline, control, and conformity, has little to say about that which escapes conformity, namely public protest, civil disobedience, and other forms of social and political dissent. Under the constant gaze of social mores and values, Foucault’s subjects are implored to change and police their own behaviour. The proliferation of surveillance technologies (such as closed-circuit TV, CCTV), preemptive policing, programs that attempt to anticipate future social and geopolitical risks (Elmer Opel, 2006), and the presumption of guilt instead of innocence, are in part a response to past intelligence failures. The inability to gain adequate and up-to-date intelligence on domestic and international risks in the US, UK, Iraq, Pakistan, North Korea, Iran, etc., continues to highlight the limits and shortcomings of surveillance programs and intelligence—gathering techniques. The recognition of decentred and distributed network infrastructures and relationships among protesters, migrants, and terrorists in the US and elsewhere, has similarly stretched conventional thinking about the structure and deployment of surveillance programs and technologies. In short, members of such feared networks are not typically considered panoptic subjects, that is to say, they are not clients, candidates, or inmates in need of reform, or self-discipline. Rather, it is argued that such networked subjects have become increasingly influenced by strategic and indefinite forms of containment and detainment. Didier Bigo’s (2006) extension of Foucault’s theories of social control provides a helpful point of departure. While Bigo shares the goal of extending theories of social and political control outside of the prison and other social institutions, he maintains an interest in the social control of populations, specifically through the mobility, capture, and detainment of specific populations. By introducing the concept of the “ban-opticon,” Bigo succeeds in moving outside the panoptic walls of punishment, to question the optics and governmentality of indefinite detainment, a questionable spatial and legal tactic used in the “War on Terror” and with migrant communities. Such detainees, be they in Guantanamo Bay or in immigrant holding centres in the EU and elsewhere, have no intention of turning their subjects into law-abiding, productive citizens (Miller, 1993), rather their goal is both to remove individuals from war, or to merely return them to their previous location—to ban them. In both cases, individuals are immobilized and excluded from participating in war and/ or entering Western societies. Although political protestors produce a different set of challenges from domestic law enforcement and forces of political control in the US—primarily their visibility in the media as increased evidence of opposition to the political status quo—they are similarly immobilized, contained, and in some cases detained without charge. Such detainments, further, in many instances are not subject to punishment (fines, etc.); rather, they are increasingly used to preemptively, and temporarily remove protestors from public spaces until the conclusion of protests (Boghosian, 2004, p. 29). The operationalization of preemptive tactics in the US further highlights the limitations of Foucault’s decentred model of power, in which sovereignty is manifest through dispersed disciplinary technologies. Strategies of political containment and detainment, spatially and individually speaking, are in large part enabled by what Giorgio Agamben (2005) refers to as the “state of exception,” the “no [one’s]man’s land between public law and political fact” (p. 1). Ironically, while conservatives in the US continue to argue against a “living constitution,” where interpretations over the nation’s law change over time,21 the Bush administration actively sought to reinterpret executive powers during the so-called War on Terror. Following Agamben, Didier Bigo (2006) argues that such interpretations are enacted through explicit declarations by political rulers, a declaration that invokes an exception to the rule of law. Broadly construed, the US administration continues to invoke the War on Terror to blur the line between law and politics. In defence of the secret wiretapping program, the Bush administration has argued that an exception to the rule of law was enacted by the legislation, giving the president preemptive powers to carry out surveillance. Similar arguments have been made in the UK, Canada, and France. The Boston Globe and other media in the US also reported about the growing use of “signing statements” by the US president, as a means to state his exception to the new law. For example, after the signing of US Senator John McCain’s anti—torture bill in the January 2006, the president declared that “The executive branch shall construe [the law] in a manner consistent with the constitutional authority of the President as Commander in Chief.” He also added that this interpretation “will assist in achieving the shared objective of the Congress and the President ... of protecting the American people from further terrorist attacks” (Savage, 2004). Of course, many American laws that govern executive power, public debate, and, as we see next, dissent and protest in public space, are so broadly written that they practically cultivate political exceptionalism. For example, as an adjunct to debates over the US Patriot Act, the “spatial tactics” of law enforcement have recently produced a series of controversial rulings about the accessibility of public spaces for the purposes of political protest. Thus, at a time when public advocates and intellectuals have reinforced the importance of understanding the democratic and political aspects of various geographies——most notably innovative and tolerant ones (Florida, 2003) and environmentally sustainable ones (Gore, 2007)—the American legal system continues to downplay or altogether avoid spatial considerations in First Amendment cases. Timothy Zick (2005), for example, argues that “The reason courts fail to properly scrutinize spatial tactics is that they have accepted the common conception of place as mere res—a neutral thing, an undifferentiated mass, a backdrop for expressive scenes” (p. 3). Results of this legal conception of place as a “neutral thing” include the protest zones (some resembling cages”) established at both the Democratic and Republican national conventions during the summer of 2004 as well as the now routine practice of keeping protestors many blocks and often miles away from free trade, WTO, or GATT meetings. Later in the same year the G8 summit was held on the tiny (private) Sea Island, just off the coast near Savannah, Georgia, a choice that made it nearly impossible——given the security noose around the island——to stage a meaningful and visible protest. In South Carolina, the well-known activist Brett Bursey gained nationwide attention for a series of attempts to protest against President Bush at Republican Party organized rallies, the last of which, in 2004, resulted in his arrest and conviction under a statute that enables the Secret Security to establish a security perimeter or zone around the president. Mirroring Zick’s argument about the court’s treatment of space as an objective or neutral equation in contemporary politics, an aide to the former South Carolina Senator Strom Thurmond, was quoted on National Public Radio as saying that: The statute under which Mr. Bursey’s been charged alleges that he failed to vacate an area that had been cordoned off for a visit by the president of the United States. It is a content—neutral statute, and Mr. Bursey is charged not because of what he was doing but because of where he was doing it. The US statute in question—-USC 18: 1 752(a)(l)(ii), “Temporary residences and offices of the President and others”—while not a new, post-9/11 law, nevertheless raises obvious questions and concerns about its use as a political tool for spatially and politically marginalizing dissent. The law in effect establishes a temporary “residence” for the president as he goes about his business across the country. The law forbids groups or individuals from entering or remaining with an area (defined as “building,” “grounds,” or “any posted, cordoned off. . .” area where the president is visiting).24 Moreover, the law does not apply universally, only to those who intend “to impede or disrupt the orderly conduct of Government business or official functions.” Interestingly, in the course of preparing Bursey’s defence, lawyers were able to gain access to the Secret Service’s policy manual on protests. The South Carolina Progressive Network subsequently used the document to highlight the means by which the Bush administration was interpreting the above mentioned law to segregate protestors away from the president’s supporters and the media. Moreover, The Progressive Network also maintained that while the law did give the Secret Service the power to cordon off access to the president, “There is no limitation to the size of the restricted area.” Furthermore, “In the Bursey case, the restricted area was approximately 70 acres and stretched for a mile.”25 With no spatial limits on the separation of protestors from the US president, political marginalization becomes a distinct possibility. The spatial segregation of speakers according to the content of their messages all too easily bifurcates voices and perspectives into “two sides,” mirroring the dominant red/ blue political culture of the US. Thus in the absence of political leaders, protests, and, perhaps more importantly, acts of civil disobedience, lose their publicity, all too often becoming marginalized spectacles distanced from the machinations of political parties, candidates, and government. Zick put it this way: “In these places, protests and demonstrations become staged events, bland and neutered substitutions for the passionate and, yes, sometimes chaotic face-to—face confrontations that have characterized our country’s past” (Zick, 2005, p. 45). The process of segregating public space according to political message and turning public gatherings into “staged events” is contrasted with the actual political strategy of the staged event or “town hall meeting,” where pre-screened publics appear to ask government officials “authentic” questions, a practice that has many online examples as well.26 This illusion of public participation is another quality of the spatial turn in free speech politics where city streets are cordoned off to become de facto “stages” for media cameras. By literally separating the demonstrators from the object of their demonstration, the protest zone becomes “a way of controlling the content of the debate without really acknowledging that is what is being done” (Mitchell, 2003, p. 39). In addition to creating media frames and stages, protest zoning also facilitates preemptive police tactics, placing all potential protestors in one location in the name of security. Fencing in protestors or zoning them away from a given site implies a threat or danger that requires preemptive zoning, thus “assuming guilt until innocence is proven” (Mitchell, 2003, p. 39). Mitchell refers to this zoning as the “ghettoization” of protest; we prefer the South African analogy of an apartheid as more accurate. Whereas a ghetto is often viewed as the result of low-income people clustered together out of necessity and a lack of resources, apartheid was an explicit legal and spatial strategy that segregated settlements and produced a second-class citizenry. Parallels can be drawn to the state of liberal democracy in the United States, where protestors and political dissidents are legally restrained and contained outside of the so-called mainstream political stage. Yet, as we will see in the next chapter, preemptive arrests, facilitated by segregationist spatial tactics and exceptionalist forms of governmentality, often move beyond the realm of the panoptic to the violent repressive use of weaponry, what are creatively termed “less-lethal technologies.” As we shall see, many new crowd control technologies have incorporated decidedly preemptive logics that explicitly reinforce our belief that the preemptive doctrine is as much about controlling behaviours and seeking broader political compliance as it is a technique for reducing actual risks and dangers.

### Preemption Link

#### The 1AC’s attempt to preemptively bracket out our criticism functions as a normalization of the doctrine of preemption—the impact is biopolitics and the destruction of the right to life

Goh 6 (Irving, Harvard University and National University of Singapore, Disagreeing Preemptive/Prophylaxis: From Phillip K. Dick to Jacques Rancière, Fast Capitalism 2.1, http://www.uta.edu/huma/agger/fastcapitalism/2\_1/goh.html) LA

1. In the world of Philip K. Dick's Minority Report (1956), a world that is also replicated in Steven Spielberg's film adaptation (2002), crime prevention approaches its absolute perfectibility. To free the world of crime, the solution has been but to preemptively arrest the criminal-to-be so that the crime-to-come will not arrive, sometimes even prior to the criminal-to-be premeditating his or her crime-to-come. That is the operational objective of "precrime" in the world of Minority Report. But the history or memory of crime is not at all erased in that world. The world remains mindful of the concept of crime through the mark of a prison architecture, a "detention camp full of would-be criminals" (Dick 1997:324). Instead of the disappearance of prison culture in this futuristic world, a total prison for those who essentially have not (yet) committed a crime has to be exchanged for the world of crime-prevention perfectibility. The "detention camp full of would-be criminals" marks out a space in the world that is the remainder of the preemptive act of "precrime." [1] There is no conventional methodology to the exceptional practice of "precrime." Something monstrous, something more or less human, has to intervene to bring about this perfectibility of noncrime. In Minority Report, it is the "precogs" that one looks to. Spielberg depicts these "precogs" as beings of higher human intelligence. But the original text refers to them rather as "deformed and retarded" (1997:325). The dreams of the "precogs" are always haunted by images of future violence. And a machine is plugged into the dream-works of the "precogs" to sieve out the respective names of the prospective victim and the criminal-to-be, and to reproduce the images of the crime-scene as dreamed out by the "precogs," which are all fragmentary and in disjunctive order of course, like in most dream-works. The intelligent work of interpreting these images, of deciding the order of the images, and analyzing the exact location of the crime scene through geographical memory, remains the reserve of the human. In the text proper, behind the machine is always Wally Page—the subordinate of the narrative's protagonist John Anderton—who has the "big responsibility" of using his subjective "judgment" to determine which names and their corresponding images of crime sequences constitute major crimes-to-come (1997:326). In Spielberg's filmic retelling, he has John Anderton himself commanding that scene of human interpretation, a scene that already presupposes a judgment that a crime will take place and that the criminal-to-be will be a perpetrator of violence, a scene that plays to the cool refrain of Schubert's 8th symphony, which is also known as the unfinished. Fifty years after the text of Minority Report, the spirit of the preemptive is no longer confined to the world of fiction (or film—as in the case of Spielberg's adaptation, which is set in 2054 and therefore in turn slightly less than fifty years from now). The shadow of the preemptive shrouds the real world today. It is the spirit that haunts the world today, conjured up in the work of mourning by military and police measures to exorcise its trauma of the surprise of terror of 9/11. The preemptive is becoming the contemporary global condition for global security. Its global dissemination follows from the post-9/11 American directive of a preemptive military strike against any territory that either deviates from the dictates of the American-led "war on terror," or presents itself as a possible state of terror or a state that will disseminate terror to other territories that have aligned themselves with the American political-economic-military complex. In 2005, the preemptive condition has but only reaffirmed itself in civil space in London, in which the police condition of "shoot-to-kill" is reiterated decisively not with one but seven bullets into the head (and another into the shoulder) of a migrant, delivered in a terrifying and traumatic spectacle visible to the London tube commuters at that time, just because he (supposedly) ran and because he just kept silent/silence. And just as the world of crime prevention perfectibility through the preemptive is not detached from the indelible presence of a prison world in Minority Report, we witness the refusal of the fortress of Guantanamo—that detention camp par excellence of largely undocumented and suspect military handling of its captives that simply goes against the good sense of human rights and democracy—to be conjured away. In the face of the imminent normalization of the preemptive, the critical question one should pose to it could perhaps take its cue from the above-mentioned scene of interpretation in Spielberg's adaptation of Minority Report, specifically the use of the particular soundtrack. What remains "unfinished" in the speed of a preemptive, notwithstanding the fact that there will be times when in the preemptive, a crime, or a terrifying surprise of violence, is short-circuited and the intended injury to the innocent leaves unexecuted for good? In this paper, I would like to argue that it is the thinking of the right to be alive— without conditions—that is violently precluded in the act of the preemptive. Under the preemptive, the right to be alive risks its disappearance. And once the preemptive is on its way, one is seldom able to think outside of it to think of another possible (less violent) solution or a different outcome. To maintain a thought of an unconditional right to be alive, one has to get outside of the preemptive. Or according to John Anderton in Minority Report, one has to "keep [one]self outside" (1997:334) in order to save one's own life against the preemptive. For the right to be alive, one has to get outside the normalization of it, or more urgently, get the idée fixe of the preemptive outside the procedures of normalization (without reserving it as an exceptional power on the side of the State and the law either), in order to secure a counterprophylaxis against the deadly preemptive. One way of getting outside is to project a force of what the French philosopher Jacques Rancière calls mésentente or "disagreement" to dispute the breakneck rush of the preemptive as the normative condition of global peace and security. 2. … there is no human right more sacred than the right to be alive. Without this human right all others are impossible. … protecting the human rights of others is also an inseparable part of realizing our wider foreign policy goals and of promoting our own security. —Ian Pearson, 21 July 2005 The right to be alive is a phrase uttered by U.K. Foreign Cabinet Office Minister Ian Pearson on the future imperative of life in a world visibly insecure of the threats of terror. But it arrives in an ironic time, arriving only hours before the preemptive London shooting—a police action that only deafened the right to be alive to an imminent disappearance, particularly the right to be alive of the innocent migrant. The chronology of the preemptive act coming after the enunciation only serves to suggest how little the chance of the right to be alive gets delivered and received in actuality in the looming shadow of the preemptive. The preemptive arrives at such great speed that in the chronology of events, it sends Pearson's utterance into a precession of meaninglessness. This deafening speed of the preemptive is echoed in another fatal case of the preemptive, this time in Miami in December 2005. This time, a bipolar man, onboard a plane, and who has forgotten to take his medication, hallucinates that he has a bomb in his backpack and makes a dash to get out of the aircraft. Air marshals immediately intervene. Meanwhile, the man's wife runs after her husband, at the same time shouting aloud her husband's medical condition. Witnesses onboard hear her, but somehow not the air marshals. The air marshals only see a risk of another terrorist threat. They are deaf to any counter-hypothesis (i.e. the counterhypothesis that the man is not a terrorist). And so they preemptively take the man down with a series of bullets. Like the Brazilian in the London shooting, this man is innocent. There has been no bomb or threat of terrorism involved in the entire incident. In the same speech of Pearson's in which the right to be alive is enunciated, Pearson also mentions other ways besides terrorism in which the right to be alive is taken away from life itself: "poverty, oppression, exploitation, and dictatorship." He has forgotten to add police action. Police preemptive action violently supplements that list. To be sure, there is no doubt that the phrase the right to be alive will continue to be reiterated again, re-amplified from the side of the State, in another situation, at another place. After all, according to Rancière, in contemporary democracy and its globalization, "We are effectively witnessing an active multiplying and redefining of rights, aimed at getting law, rights, the rule of law, and the legal ideal circulating throughout society, at adapting to and anticipating all the movements of society" (1999:111). But if the acceleration of the absolute preemptive gets its way, if that becomes the way of contemporary life, alongside the reiterations of the right to be alive, then it gets in the way of the right to be alive as a fact—as a fact of freedom of existence—and lets that fact slide into a logic of the simulacrum. According to Baudrillard, the simulacrum is what always needs to announce itself, always needs to amplify and reproduce its sign, in order to drown out the silent disappearance of the thing it seeks to articulate. As long as the preemptive is in place, as long as the preemptive is institutionally given a path of normalization, the right to be alive would slowly erode from being a given fact of freedom of any living being sharing the common space of the world to a condition only managed and decided from the side of either the military or police of the State. How does one get outside the State's biopolitical capture of the right to be alive, in the face of an impending preemptive? Minority Report offers a possible trajectory (not without its own aporia) that allows one to get, or keep, outside the preemptive. There exists, in the world of Minority Report, a countermeasure against the preemptive act of "precrime." And this counterpreemptive potentiality is lodged in the "minority report" of a "precog" who sees a different outcome from the other "precogs" (i.e. it sees the criminal-to-be not being a criminal). The problem with this "minority report" is that it gets shelved aside through a statistical consideration that a deviant vision from one "precog" cannot be more right than the consensual visions of the two other "precogs." That it should be otherwise is almost impossible, almost unthinkable. In that way, the "minority report" never gets delivered or read. The criminal-to-be, as interpreted and decided by "precrime," and who may just not be the criminal, and will never even be when arrested by "precrime," never sees the light of this information that he or she might indeed not even be the criminal-to-be after all in the first place. If this "minority report" were given a proper sending (and not a sending-off) in simultaneity with the dissemination of the preemptive "precrime" operation to "neutralize" the criminal-to-be, it would have been the prophylaxis against the preemptive that denies the right to be alive. It would be prophylactic in another way too, and certainly securing the right to be alive at the same time, should it be given a time of dissemination. According to John Anderton, the prophylaxis of the "minority report" would work by giving the criminal-to-be a space and time for a counter-hypothesis that will see to him or her not following through the crime as interpreted by the "precog"-"monkey machine"-human interpreter-"precrime" complex. It is only with the making possible the reading or readability of the "minority report" that "the preview of the [crime] had cancelled out the [crime]; prophylaxis had occurred simply in [John Anderton] being informed" (Dick 1997:340). To counter the preemptive, it is all a matter of sending out the prophylaxis. Prophylaxis, a medical term of modern times, denotes a preventive against a disease, against syphilis especially in the 1840s (incidentally the disease that took the life of the composer of the soundtrack to Spielberg's scene). And to be sure, there is no doubt of it being in the order of a preemptive. Like the preemptive, it needs to be sent out, as marked by its pro- prefix. It needs a sending-off of itself to the place where a preventive is needed against an impending life-destroying threat. And there is a speed to this sending-out or sending-off in its movement of a "towards" that approaches what needs it in order to live on. A prophylaxis delayed only leaves death(s) to remain. So more often than not, a fastness is attached to it in order to secure a critical time to complete its objective to secure life. But in this speed, it sometimes leaves no proper consideration of the adequateness of its application or applicability. As such, one is exposed to the risks of the prophylaxis failing to cure because it is ineffective—which still results in a fatality that it originally seeks to prevent; or worse, of it intensifying the fatality because the hypothesis of it causing greater harm is not given time to be tested out. In the fastness of its sending-out of itself in this case, the desire to gain critical time only intensifies the speed of fatality. And it is as such that the prophylaxis acquires the aporetic turns of a poison-remedy not unlike the pharmakon. What is originally set out to be a life-maintaining or life-securing trajectory becomes a destructive projectile. This is the sense one gets with the preemptive today. But perhaps this declension of the prophylaxis into a destructive preemptive is already etymologically marked in itself. For -phylaxis says "a watching, guarding after" according to the Oxford English Dictionary, and the senses of surveillance and sentry surely give it a militant edge that similarly surrounds the contemporary understanding of the preemptive. This is the aporia of the prophylaxis: it belongs to the order of the preemptive but only so because it seeks to prevent harm from arriving to life; but in the speed of its sending-out of itself, it risks lapsing into a fatal destructive projectile that only sends-off its life-securing prophylactic trace. The point is to avoid the prophylaxis becoming a death machine in overdrive. For Philip K. Dick in Minority Report, it is a matter of sending out the strategic information of the prophylaxis. And it is necessary that this sending-out must see to a time of receiving, understanding, and consideration of a prophylaxis that is in contradistinction to the act of a militant preemptive. This prophylaxis, even if it comes just after the preemptive that propels with a certain force, must be sent nonetheless, so that it can have at least a chance to negotiate with the latter. The preemptive, as it stands today in the eyes of the military and police, does not look towards the offering of the prophylaxis, and does not await the responsible response to the prophylaxis. In relation to such a force of the preemptive, the prophylaxis is always untimely. It either never arrives, because it is already made a non-event by the fatal preemptive. Or it arrives in overdrive, too forcefully, as the pharmakon-poison preemptive itself. Or more likely, the prophylaxis has no time. Its time of arrival would always be already denied as in the first case where the fatal preemptive has already been delivered in accelerated manner. Or else the prophylaxis as the destructive preemptive always already convinces itself that there is always not enough time for further contemplation or that there is no time for thought in its application. This results in the case of an always no time for a prophylaxis to be offered to the perpetrator-to-be to consider (just in case it puts the lives of others at risk and one would be faced with an even higher death count). In the opening scenes of "precrime" fighting in Spielberg's adaptation of Minority Report, the time on John Anderton's watch, as "precrime" is achieved if not perfected, reads 00:00:00: the no time of the preemptive/prophylaxis. 4. Wait At present, the time of the preemptive presents the targeted body without the chance, or the right, to offer a counter-hypothesis, so as to prove the preemptive erroneous. The targeted body of the preemptive is not offered, and cannot offer, a prophylaxis contra the preemptive so as to delay the elimination of the right to be alive. In other words, in the staging of the preemptive, there is no space for disagreement. His or her speech, phone or logos—the desperate cries (phone) of denial of any (future) wrongdoing; or the cries of injustice of a treatment towards another human being, articulated in a linguistic idiom rational and intelligible (logos); and the cries to surrender (including deferring one's own innocence for the sake of one's safety)—no longer matters. It is no longer heard, as in the case of the preemptive shooting in Miami. Even silence is not heard either, as in the case of the London shooting. The rush of a preemptive is a sonic barrage that drowns out any (silent) voice that seeks to defer it. The gap opened by a suspected body between itself and the law that promises the security of the territory is already too great. The law and its need to secure a terrifying peace cannot bear the widening or delaying of that interval by a further demand of a disagreeing counter-hypothesis or auto-prophylaxis. To allow the normalization of the fatal preemptive would be to institute the legitimization of an absolute or extreme biopolitics. According to Foucault, biopolitics is the control and management of individual bodies by the State through technics of knowledge (usually through surveillance) of those same bodies. In a biopolitical situation, the State holds the exceptional power to determine either the right to let live or make die the individual belonging to the State. Should the preemptive become a force of reason of contemporary life, one would terribly risk submitting the freedom of life and therefore an unconditional right to be alive to a biopolitical capture, handing over the right to let die to the State police and military powers. It would be a situation of abdicating the body as a totally exposed frontier of absolute war. For in the constant exposure of the imminent preemptive, the body at any time—when decided upon by military or police powers to be a security threat—becomes the point in which the space and time of conductibility of war collapse in a total manner. The preemptive reduces the body to a total space of absolute war. Virilio has suggested that the absolute destruction of an enemy in war is procured when the enemy can no longer hypothesize an alternate if not counter route or trajectory (of escape or counter-attack) from impending forces (1990: 17). In the sequence of executing the preemptive to its resolute end, the escaping body faces that same threat of zero hypothesis. There is no chance for that body to think (itself) outside the vortical preemptive. Preemptive bullets into the head would take away that chance of hypothesis.

### AT—Consequentialism

#### Consequentialism reinforces sovereign governmentality because it’s filtered through expertist regimes of knowledge – it turns ethics into moral entrepreneurship

Colonomos 08 [Ariel, Visiting Scholar at Columbia University with the Institute of War and Peace, March, “Ethical reasoning and justification in international relations,” International Social Science Journal, Col. 59 No. 191, pg. 115-7]

As a moral theory or as a way to make political decisions, consequentialism leads to a logical operation: counterfactuality (Elster 1978; Lewis 1973). In order to show that the consequences of a decision are negative and that this choice is bad, it is necessary to imagine a world in which this decision had not been made and to compare the two cases. Moral activists regularly have recourse to this exercise in a more or less elaborate and rigorous form (Colonomos 2000, 2001). Counterfactual operations become the modus operandi of moral critique, the ultimate goal of which is the common good. This critique can be intuitive. Given the humanitarian testimony and the view of the bodies of scrawny Iraqi children, dead or alive, the activists who questioned the embargo and denounced active US support for such measures adopted the motto “the US is a baby killer”. In a more scholarly form, counterfactuality is the backbone of medical or paramedical studies on the infant mortality, based on the hypothesis that no embargo had been applied (Cortright and Lopez 1999). This construction of an imaginary world was used as a reference to produce a figure arrived at by the difference in the number of dead children, which was attributed to application of the sanctions (see the report by David Garfield, a specialist on the humanitarian and sanitary consequences of embargoes, which is available online at http://www.casi.org.uk/info/garfield/dr-garfield.html). The study of this critique requires a discussion of the terms of knowledge used by the activists who have recourse to two methods: an extremely vivid image that stirs the popular conscience, and a highly specialised academic approach. Popular culture often appeals to the counterfactual, particularly in science fiction.9 In addition, counterfactuality has been a traditional philosophical tool since Leibniz, Hume and Mill, relating to metaphysics, epistemology and logic as well as the philosophy of the social sciences. It has been strengthened by the development of analytical philosophy and it is central in the works of David Lewis. The social sciences are familiar with this problematic (Weber 1965), and it had been imported for studies in political science (Fearon 1991), economics (Fogel and Engerman 1974) and history (Ferguson 1997; Rosenfeld 2002). This approach has also been systematised in international relations (Tetlock and Belkin 1996). Counterfactuality is embodied in three ways: in the narrative methods of popular culture, in academic theories on the elaboration of virtual worlds, and in scientific studies designed to evaluate choice. A moral critique of international institutions (states, international organisations and multinationals) is produced by moral entrepreneurs, who combine a theatrical enactment of emotions with actual expertise. Counterfactuality has become the backbone of the rationale justifying moral indictment (Colonomos 2005). Because of the attention Foucault paid to discourse and knowledge, and because of his thoughts on liberalism (in which consequentialist counterfactuality is reflected), his thinking announces several aspects of a contemporary moral critique and its analysis. A Foucauldian epistemology of ethics By distancing itself from an approach based exclusively on geopolitical determinism, the analysis of international reality has rediscovered the role of ideas (Goldstein and Keohane 1993) and ethics (Cochran 1995; Crawford 2002), by opting for a phenomenology in which the centre stage is occupied by normative and moral entrepreneurs. The description of these phenomena, mainly the networks set up by these groups, is the subject of numerous works, which most often reconstruct in detail their paths of development. The objective of their authors is most often twofold: to identify their impact on the states in which these networks operate (Risse et al. 1999), and to generalise the scope of these observations by analysing the political impact of these movements on the international system (Rosenau 1990). These results have led to many controversies in the discipline without ever really tackling an important question. How can we understand the impact of these movements and more generally their impact on the definition of an ethics of international relations?10 Because they are rooted in the liberal world, the phenomena mentioned above are put into play in the dynamics analysed by Foucault in his reflection on governmentality, and his unique approach to political and moral liberalism enables us to better understand them. In the first place, the relationship between knowledge and power is questioned. In this domain, Foucault sheds light on the role of scholars (Foucault 1994: III, p.143 ff.). In his forays into the field of contemporary practices, he identifies one of its main figures: the expert, who is today, indeed, one of the agents in counterfactual modes of analysis; the vector of its moral use in the international arena. Foucault's reflection on power, ethics and liberalism offers a stimulating avenue of enquiry to clear the way into this unexplored field. Generally speaking and before making the analysis of a utilitarian mode of justification, one might ask if within this framework the notion of a“regime of truth” is a heuristic tool. If this notion were transposed to the explanatory framework of international relations, normative moral entrepreneurs would, as the experts they claim to be, be the creators of the “general policy of truth”, and consequently be party to the “regime of truth”. Indeed, they work to “make function as if it were true”11 their view of international reality. Foucault had no opportunity to measure the extent of this phenomenon, which has considerably expanded over the past decades, but had “the burden of saying what functions as if it were true”. As is illustrated by the case of certain non-governmental organisations in promoting human rights, and the appearance of ethical codes in corporations, the post-cold war era is a historical moment that is perceived to be the turning point in a global transformation. In this way, many non-governmental organisations challenge the postulate that they should directly oppose capitalism, and think about associating with the corporate world: they no longer challenge its legitimacy, but aim instead to support a reformist vision of it from within. The relationship between, on the one hand, values and beliefs and, on the other, interests and strategies, is at the heart of this transformation. The dramatic switch to a new system calls into question how opaque is the functioning of certain organisations, and incites the leaders of these organisations, in their quest for legitimacy, to direct their strategy according to their own anticipation of what this new world will become. In an economic world order that makes predictive forecasting, in the form of consulting, one of its axes of development, and that reproduces in this way the logic of its functioning, the goal of future-oriented surveys is to attract a growing number of economists and fund managers. This regime of truth proceeds from a renovated utilitarianism, which puts forward the possibility of virtuous circles. Honesty and transparency are supposed to be the underlying mechanisms of these new ways of enrichment; scholars and experts are the mainsprings of this transformation. This approach is congruent with the history of economic liberalism. Since its origins, economics reflected upon the founding principles of profit and its moral bases. In a competitive world, is selfishness the only path to profit and the only way to maximise it? Or do altruism, respect for a basic moral code, or even the possibility of giving, radically jeopardise the possibility of profit-making and the survival of a company? These questions are part of the classical repertory of economic liberalism, and certain of its authors would agree that ethics play an integral part in economic choices and that an ethical choice can be profitable. In practice, the professionals of the virtue market endeavour to prove that honesty pays in order to convince a growing number of companies to adhere to their charters, to buy their indexes, and to pay for the services of non-governmental organisations. This exercise in conviction tends to be a self-fulfilling prophecy. It is based on a dialogue between economic and managerial knowledge and economic and political power. States are implicated in this debate to the extent that legislation is involved. In the USA, as well as in France, two laws have been promulgated (the Sarbanes Oxley Act and the new economic regulations) in order to accompany the movement towards transparency in economic activities. By a kind of ricochet effect, states are subjected to sometimes severe criticism, in so far as when the multinationals are accused of not respecting human rights in the countries of the South where they have set up factories, the home countries must take some responsibility for corporate behaviour. To understand the ethics that these rules and norms underpin, one must analyse the rationality of the accusation to which the institutions concerned are called on to respond. The utilitarian argument criticises behaviour as unethical because of its harmful consequences. This consequentialist regime is stated as follows: if companies stopped believing solely in response to the selfish quest for profit, living conditions in the societies in which they do business would be better. However, to continue to exist, a company must generate profit. The promoters of virtuous reason are thus obliged to supply proof that a company is likely to generate profit by adopting ethical or legal rules that are based essentially on prohibitions (for example, a ban on corruption, on exploitation, on undue suffering or on environmental degradation). In the domain of economic sanctions, economists and doctors offer proof that economic sanctions are a pointless burden for those subject to severe punishment, ineffective (in the case of Iraq) and costly for those applying the sanctions (the US unilateral embargo). This argumentation is based on evidence that the sanctions have been politically ineffective. In the absence of sanctions, the society targeted, which is not responsible for the errors of its leaders, would be in better shape and the economy of the country applying the sanctions would be more prosperous. Demands for the restitution of stolen property and the denunciation of economic collaboration with the perpetrators of genocide, such as the Nazis, or participants in slavery, are also based on virtual economic histories. Historians are mobilised to explain that the Swiss could have avoided engaging in economic cooperation with Nazi Germany (Eizenstat 1997), and thereby shortened the war. These indictments, which appeal to science as well as to the imagination, redefine the notion of responsibility, both for the state and for companies, and constitute an international surveillance regime with a liberal tendency, whose target is virtuous self-regulation (the happiest of all panopticons). Foucault addresses a singular process that is specific to the development of capitalism and the state, and shares many characteristics with the contemporary phenomena discussed earlier. He underlines the functional role of an “internal critique of governmental reason” that developed rapidly at the end of the eighteenth an century, mainly in England. The prince's acts were evaluated according to their consequences. This process took place in the field of liberalism and was based on expertise and the development of applied knowledge (in this case, political economy). It established efficiency as the prime rule for evaluating actions. The transposition of Foucauldian analysis to the space–time of globalisation implies a double shift, temporal and spatial shift. In these terms, contemporary reality is continuous with an old process, and the norm of efficiency has taken root in the “internal critique of governmental reason” (10 January 1979). Several reasons support this epistemological choice. As was the case in the eighteenth century, the pull of contemporary capitalism is Anglo-Saxon. The ends of the eighteenth and twentieth centuries were also moments at which capitalist development accelerated. In a following lecture on 24 January 1979, Foucault provided, moreover, elements that brought to light the possibility of making a spatial extension of his analysis to the domain of international relations. He emphasized that the end of the eighteenth century was a moment of progress in the law, and also a moment of critique of the balance of power model (a zero sum game); the idea of a possible common enrichment of Europe was on its way. Foucault developed the notion of juridification“which is to be thought of in terms of how the market is organised” (Foucault 2004, p.58), and alluded to the texts of Adam Smith. I can only follow him, adding that Bentham wrote on international law in the nineteenth century (Bentham 1843). The juridification of the world, as it has been stimulated by the liberalisation of the market, is exactly one of the characteristics of the post-bipolar era. By defining liberalism as the “veridiction by the market, limitation by determination of governmental usefulness”, and by identifying “the position of Europe as a region with unlimited economic development compared to a world market” (Foucault 2004, p.62), Foucault suggested the contours of the contemporary liberalism of globalisation. There is one difference between this delineation and the contemporary situation: the USA must henceforth be placed at the core of the system and the status of Europe relativised. The European continent is certainly tuned into the world market, but the USA as a society remains to this day at the heart of the revelation pointed out by Foucault, which constitutes the specificity of the contemporary moral indictment. By exposing the utilitarian and (culturally, politically, and economically) liberal roots of the principle that the determination of “efficiency” is the foundation of a critique of society, Foucault revealed a mechanism that is extremely modern, hinted at but never really made explicit by studies on transnationalism (Rosenau 1990). The force of Foucault's arguments is that utilitarianism becomes a pivot in the configuration of political, ethical and economic relations. It therefore reveals how a mechanism of power is reproduced without, however, using a materialistic and deterministic structural mode of explanation.

## Alternative

### Alt – Humanism Bad

#### Refusing the principle of sovereign domination by contesting the humanist dogma of the 1AC is critical to establishing more responsible and respectful approaches to the ‘natural world’

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 118-21]

Agamben’s position, on the other hand, claims to offer a life of absolute political emancipation, of human freedom but entirely without an ecological (or sociohistorical) context, one wherein ecology is somehow implausibly left behind, abandoned to its own unknowable purposes. Here politics risks losing any meaningful connection with the natural world because this supposedly radical position lacks any ecological articulation of politics whatsoever. In Calarco’s (2007, l64—65) words: “Where one might expect a radically post—humanist thinker such as Agamben to challenge the oppositional and reductionistic determinations of animal life characteristic of Western metaphysics, he has . . . remained largely content to occupy the human side of the human/animal binary in order to complicate and rethink the political consequences of essentialist definitions of the human.” What then actually happens to the natural world in Agamben’s "coming community”? He speaks of this future prospect in terms of a "natural life that is unsavable and that has been abandoned by every spiritual element—and yet because of the ‘great ignorance’ [animals' unawareness of the very possibility of desiring anything other than their natural possibilities, that is, their environmental captivation] is nonetheless perfectly blessed.” Human and animal are each released into “their own truer nature,” nature apparently being left serene in its “non-knowledge."' The animal will be "let be outside of being,” outside, that is, of the human phenomenal world (Agamben 2004, 90-91).10 On one level this sounds, as might befit Agamben’s spiritual hyperhumanism, suspiciously like the rapture preached by Christian fundamentalists, which also envisages the leaving behind (abandonment) of the natural world to save the truly human soul. Agamben, however, is not envisaging this in terms of humanity leaving the world at all but of humanity leaving behind its political concerns with its own nature in order to inhabit a world of possibilities that are not governed by the workings of the anthropological machine. This, he thinks, necessarily involves both the letting be of nature as such and the recognition that there is more to life than the (natural) world as it appears to human concerns. “How the world is—this is outside the world" (2000, 105). How might this inform radical ecology’s interest in saving the (natu- ral) world? A clue emerges in the way Agamben (2004, 82) speaks of this abandonment in terms of Benjamin’s notion of the “saved night," that is, the “nature that has been given back to itself," to its own transient appearances and rhythms. This giving back to itself first involves the recognition that there is so much more to nature, to the operations of those concealed rhythms, to life, than how it appears to us-- especially in the very limited mode of appearance forced on nature in its technological enframement. It also recognizes that we have to abandon the attempt to represent nature fully or fix it in its relation to us as having a certain identity. In Heidegger’s terminology, the natural world in itself is neither ready-to—hand nor present-at-hand: it cannot be fully captured instrumentally or conceptually such as it is. But we can only come to think this possibility through our ecological suspension. In one sense, and despite Agamben’s anthropocentric intentions, this offers possibilities for truly ethical recognition of the importance of letting nature be, not just, as Evernden suggests, in terms of saving those aspects of a world that have meaning for us, but going beyond this, of recognizing in Murdoch’s and Levinas’s sense a relation of infinity rather than totality (see chapter 2). We cannot save the world by bewailing the loss of just those elements that have meaning for us (as Evernden sometimes seems to suggest); we must recognize that how the world is, is also outside the human world. As naive ontologists, we had always felt something of this world that is “alive to us” but had not yet been able to conceive of its implications in ethical terms. So while Agamben lacks an ecological ethics or any explicit concern for the natural world, while he seems to think it possible that we can inhabit a world where ecology has no political meaning whatsoever, he still points a way to understanding how human and animal, politics and nature, history and natural history might eventually be reconciled. This reconciliation does not entail, as critics of radical ecology (and fundamentalist primitivists) claim, an impossible return to a mythic state of nature or any reversion to animality. It requires that we reject the claims of sovereignty in all its forms, natural and political. It requires the political mastery of politics as an ethically informed practice by all the world’s people rather than the (bio)political mastery of the world, the ethical recognition of the necessary openness of politics and nature. This means that those capable of doing so accept responsibility for the (pure) means of political "production" in such a way that they let nature be, free from any claims to sovereign power over it. Agamben’s position is not as Hegelian as it initially seemed because he, like Bataille, concerns himself with what exceeds and resists the claims of any purportedly universal or totalizing dialectic: What does this "mastery of the relation between nature and humanity" mean? That neither must [humanity] ~~man~~ master nature nor nature [humanity] ~~man~~. Nor must both be surpassed by a third term that would represent their synthesis. Rather, according to the Benjaminian model of a “dialectic at a standstill,” what is decisive here is only the “between,” the interval or, we might say, the play between the two terms, their immediate constellation in a non-coincidence. The anthropological machine no longer articulates nature and [humanity] ~~man~~ in order to produce the human through the [political] suspension and capture of the inhuman. The machine is, so to speak, stopped; it is "at a standstill." And, in the reciprocal suspension of the two terms, something for which we perhaps have no name and which is neither animal nor [hu]man settles in between nature and humanity and holds itself in the mastered relation, in the saved night. (2004, 83) Perhaps we might find a name for this "reciprocal suspension," the ecological suspension that enables ethics and politics and the political suspension that frees nature into the creative exuberance of the saved night. We might refer to this reconciliation too as a form of “suspended animation," not in the sense of bare life nor of a cryogenic stopping of life’s rhythms or even of leaving nature hanging over the abyss of ecological destruction, but as an image of the ethical and political holding open of life’s possibilities for both human and more-than-human worlds, as the ethicopolitical suspension of that originary ecological suspension-- those events that initially open the world from its captivation. In this way we might still, naively, attempt to save the (natural) world.

### A2 Perm Do Both

#### The perm is impossible---1. we must reject the sovereign criteria of bare and qualified life in every instance – that’s Caldwell – only this allows us to reveal whatever-being, which is all around us but can only be accessed in the absence of sovereign power. Any link to the aff proves including the aff with the alt would make it impossible to access alt solvency

#### 2. the thesis proves the very IDEA of politics is violent, which proves you shouldn’t use state power to achieve political ends – there is zero aff solvency so if I win the thesis of the kritik they have no offense. The perm is impossible since it also uses the state, or else it’s severance which is a voting issue since it makes it impossible to be neg.

#### 3. the alt solves the aff – without the logic of bare life, the type of economic violence the aff criticizes become impossible as all life becomes worthy of protection. There’s no net benefit to a perm.

### More A2 Perm - Fwk

#### 1. Framework proves perm is incoherent – the alt only needs to compete with the aff’s representations – winning a link to their reps means the alt and aff are mutually exclusive

#### 2. The alt isn’t an action — it’s the process of reframing and challenging sovereign power through the historical exploration of the 1NC speech — you cannot permute performative solvency

### A2 Perm Other Instances

#### 1. It’s intrinsic – it adds a delay to alternative so that the alt happens after the plan, whereas the 1NC alt requires full-scale immediate action. Instrinsicness is a voter – it allows the aff to avoid K links and arbitrarily bolster aff solvency by adding things to their advocacy.

#### 2. Links harder – the perm’s identification of the aff in other instances is the same logic of political exception which confirms and justifies sovereign violence

### A2 extinction DA to Alt

#### Sovereign power is enacted in the name of survival – this is a new link

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 121-5]

The new global (and unending) war against terror used to justify Guantanamo is also indicative of the ways in which what is initially justified as a state of exception, an emergency measure, can easily become the (a)political norm. As Walter Benjamin (2006, 392) remarked, the “tradition of the oppressed teaches us that the ‘state of emergency’ in which we live is not the exception but the rule." And this occurs precisely where the "political system of the modern nation state . . . Enters into a lasting crisis, and the state decides to assume directly the care of the nation’s biological life as one of its proper tasks" (Agamben 1998, 174-75). As the state of emergency (declared on the basis of a per- ceived threat to the state’s continued existence) becomes permanent, so the defense of sovereign power in the name of survival becomes its own justification. The political relations (bios politikas) on which the State’s existence, as a supposedly “natural" expression of a political community, were premised are suppressed. Instead, the state deploys its (extra) constitutional sovereign powers to control all serious counter- vailing political expression. It reconstitutes itself on the basis of the biopolitical management of populations where the diffuse (largely non- localized) treatment of the nation’s populace as bare life—for example, as so much biometric and genetic information—becomes normalized, In Zizek’s (2002, 100) words, we come to inhabit a new world order where the “very democratic public space is a mask concealing the fact that, ultimately, we are all Homo sacer,” that is, a world dominated by a hegemonic “postpolitics,” the fundamental feature of which “is the reduction of politics to ‘biopolitics’ in the precise sense of administering and regulating “mere life.” This shift only emphasizes that for Agamben, sovereign power is never a creative (constituting) political power (as Schmitt portrays it) but only a (constituted/constitutional) power based ultimately in the ability to suspend, to place in abeyance, ethics and politics as such.

### A2 Sovereignty Inevitable

#### Alt solvency answers this – obviously sovereignty is ingrained in politics now, but the alt is sufficiently radical to overcome it

#### Getting rid of state sovereignty also isn’t the goal – they are misusing terms here – the alternative disrupts the ability to reduce people to bare life, which disrupts sovereign power – it doesn’t require getting rid of state sovereignty, i.e. exclusive control over a state’s territory

## Impact Frontlines

### A2 Cede the Pol

#### We don’t cede the political but reformulate it which is a prerequisite – the 1AC doesn’t abandon state action, but rather challenging sovereign power to reveal its structure

Edkins 5 Jenny Edkins, professor of international politics at Prifysgol Aberystwyth University (in Wales) and Veronique Pin-Fat, senior lecturer in politics at Manchester Universit, “Through the Wire: Relations of Power and Relations of Violence,” Millennium - Journal of International Studies 2005 34: pg. 14

One potential form of challenge to sovereign power consists of a refusal to draw any lines between zoe- and bios, inside and outside.59 As we have shown, sovereign power does not involve a power relation in Foucauldian terms. It is more appropriately considered to have become a form of governance or technique of administration through relationships of violence that reduce political subjects to mere bare or naked life. In asking for a refusal to draw lines as a possibility of challenge, then, we are not asking for the elimination of power relations and consequently, we are not asking for the erasure of the possibility of a mode of political being that is empowered and empowering, is free and that speaks: quite the opposite. Following Agamben, we are suggesting that it is only through a refusal to draw any lines at all between forms of life (and indeed, nothing less will do) that sovereign power as a form of violence can be contested and a properly political power relation (a life of power as potenza) reinstated. We could call this challenging the logic of sovereign power through refusal. Our argument is that we can evade sovereign power and reinstate a form of power relation by contesting sovereign power’s assumption of the right to draw lines, that is, by contesting the sovereign ban. Any other challenge always inevitably remains within this relationship of violence. To move outside it (and return to a power relation) we need not only to contest its right to draw lines in particular places, but also to resist the call to draw any lines of the sort sovereign power demands.

#### The thesis of the K is that the political order is based on the production of bare life which authorizes atrocities – the political is doomed, and their commitment to the political cedes resistance to the state which dooms us all to become bare life

### A2 Boggs

#### Boggs votes neg

Boggs 11 (Carl Boggs, Professor and Ph.D. Political Science, National University, Los Angeles, Phantom Democracy: Corporate Interests and Political Power in America, pp. 249-254)

The very expanse of American power today—global, military, corporate, bureaucratic—ought to pose the question of a potential “fascist equivalent” in the modern setting. Despite economic crisis, this behemoth exhibits no signs of retreating. While Mann is correct to emphasize the firm grounding of liberal- democracy in the United States, he forgets that this is also a system marked by such high levels of institutionalization and ideological consensus that electoral politics has diminished impact within a power structure even more concentrated and oligarchic than the one described by Mills. A fascist equivalent would necessarily be less “totalitarian” than interwar fascist states that, in any event, always depended on traditional pillars of support (church, monarchy, aristocracy) enjoying some degree of social and political autonomy. Elements of liberalism and right- wing authoritarian can easily coexist, as they have historically, in countries like Japan, Mexico, Russia, and South Korea. The very notion of a classical fascist “revolution,” forcing a total break with the past, turns out to be yet another of the time- honored myths. That Mann believes fascism will never come to the United States is hardly surprising given a restrictive definition tied to the historical moment when “fascism is the pursuit of transcendent and cleansing nation- statism through paramilitarism.” 37 Fixation on paramilitary action linked to rampaging local militias as in the famous but largely fictional “march on Rome” was overdrawn even for best- case Italy. In fact powerful elite coalitions dictated the nature of fascist ascendancy, and most paramilitaries were either weak or absent; mass political activity occurred within a transmission belt that worked from top to bottom. As Laqueur points out, “True, the masses were ‘mobilized’, not in order to participate actively in politics, not to fight in the streets, but to march in occasional mass demonstrations and parades, to listen from time to time to lectures, and to attend similar functions.” 38 For Japanese fascism, Barrington Moore arrived at the same conclusion: the regime was based on an alliance of big business and traditional interests, where elites rallied the masses around nationalism and militarism as they orchestrated everything from above. 39 The Japanese model, though rarely discussed, was closer to the general norm than was Nazi Germany. It follows that a depoliticized public sphere would pose no great obstacle to fascist prospects in the United States, where corporate and imperial power seeks maximum freedom of movement, surely preferring something along lines of Wolin’s “managed democracy.” For modern authoritarian rule, popular insurgency no doubt ends up more disruptive than system- sustaining. Predictions of a fully developed fascist order in the United States now seem entirely premature, even crazy, especially where the definition of fascism clings to the classical experience. Whether Constitutional and other liberal modalities are today durable enough to prevent such an outcome in the face of ongoing corporate, imperial, and military expansion, however, seems increasingly doubtful. Counterforces do, of course exist, including social movements and grassroots activism that have pervaded U.S. history. Explosive “demotic moments”—strong but momentary expressions of citizen engagement or protest—that Wolin discusses at some length could be decisive at future critical junctures. The twentieth century witnessed a steady expansion of popular suffrage along with a spirited defense of civil and legal rights, even as the political system itself became more closed and less participatory under the weight of corporate power, the war economy, bureaucratization, media concentration, and “bipartisan” ideological conformity. Indicators of citizen involvement—voter turnout, issue knowledge and awareness, sense of efficacy, etc.—have declined sharply in recent decades, only to be slightly (and no doubt temporarily) revived during Obama’s run to the presidency. 40 Leftist and progressive movements capable of posing effective alternatives to an increasingly bankrupt political order scarcely exist. Democratic upsurges cited by Wolin have been most visible at times of social crisis, as during the 1930s and 1960s, but elections as such have rarely produced far- reaching change. In Wolin’s view, “demotic moments” can effectively pose short- term challenges to the “arts of management,” but their episodic character means their capacity to effectively challenge power or class relations under present circumstances will be limited. Thus, while an Obama presidency offered the American public much- needed imagery of hope and change, it should be remembered that Democrats are beholden to the same corporate and military interests—and subscribe to the same broad political outlook—as Republicans. And these voracious interests exhibit no readiness to abandon their vast network of privilege and power, nor relinquish the “grand illusions” vital to perpetuating their hegemony. Conclusion If the preceding chapters paint an excessively dark picture of American politics, the objective has been to frame the contemporary predicament in its starkest reality, devoid of its celebratory fictions and myths against the backdrop of a long history. At present “democracy” constitutes more legitimating symbol than operating mechanism of a system dominated by globalized corporate, state, and military power. The overwhelming evidence reveals a social order that is increasingly oligarchic and inegalitarian, best understood as a complex ensemble of political and economic, institutional and ideological, domestic and global forces at work. The contribution this system has made to the mounting global crisis—simultaneously economic, military, and ecological in its dimensions—makes it central to the unfolding historical drama. Equally central to the American experience is the paucity of democratic politics, placing severe limits on the capacity of human beings to face the challenge and reverse the out- of- control trajectory leading toward planetary catastrophe. The future prospects of democratization, in the United States as elsewhere, will require a thoroughgoing process of countersystemic change in the long- established patterns of corporate predation, unfettered economic growth, privatized consumption, and harsh social relations that shape the entire terrain of public life, meaning full scale renewal of a political culture historically imbued with habits of passivity and deference to hierarchical authority. Sheldon Wolin writes: “Put starkly, the crucial political issue or our times concerns the incompatibility between the culture of everyday reality to which political democracy should be attuned and the culture of virtual reality on which corporate capitalism thrives.” 1 In other words, fundamental change, including democratization, cannot succeed without a conscious reorientation of the ideological consensus underlying the institutional framework of the public sphere. Wolin adds: “The persisting conflict between democratic egalitarianism and an economic system that has rapidly evolved into another inegalitarian regime is a reminder that capitalism is not solely a matter of production, exchange, and reward. It is a regime in which culture, politics, and economy tend toward a seamless whole, a totality.” 2 This essentially Gramscian sensibility—the idea that radical change is unthinkable without reshaping mass beliefs and attitudes—is at the core of any future democratic renewal. Far removed from the liberal ethos of business- as- usual, such a process will have to depart from deeply ingrained norms and rules, opening space for a more insurgent politics: disruptive protests, dynamic popular movements, a vibrant community life, deep citizenship that empowers the great mass of people.

### A2 State Good

#### Not responsive – the alt doesn’t get rid of the state, but reconceptualizes life to make it irreducible to bare life.

#### The alt creates new forms of political organization which solves all their state good answers

McDonnell 12 [(advised by Dr. Samir Gandesha) “Solidarity and Singularity: A Biopolitical Approach” 07/12/12] AT

In this paper, I re-examine the political concept of solidarity, and what I argue is its form of life – singularity – from a biopolitical perspective understanding life as shared action and relation. Central to the notion of biopolitics is the goals and conflicts arising from problematizations of population life, as well as the ways of knowing and legitimately governing more or less valuable human lives. From this perspective, concepts of life and action, and life and politics (properly understood as tactics of solidarity and conflict) are inter-dependent: according to Giorgio Agamben (2000), life cannot be separated from its form, and is what establishes the potential for community solidarity. What institutes the nation-state as the hegemonic form of solidarity in modernity is its channelling of human action and needs (often experienced demographically as 'social problems') into demands for rights and citizenship, with the 'home' par excellence for these identity-claims as 'civil society' and 'the public sphere.' I will argue, however, that the instability of these identities and forms of incorporation requires a new concept of solidarity based on an 'internal' relation between different forms-of-life or singularities, which I understand as shared, concrete universalizations. Singular solidarities avoid the problematic relationship between, on the one hand, an abstract, structural or sovereign Whole, and on the other hand, an atomized particularism in which actors cannot relate with one another through shared meanings. This open-ended, but non-contingent experience of solidarity and affective action is best realized through gesture, habit, and imagination in what Agamben (1993) calls “the coming communities,” rather than the bounded communities of the nation, public sphere, or civil society.

### A2 Rights Solve

#### Even the inscription of rights into the political order marks the insertion of homo sacer into politics

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

If anything characterizes modern democracy as opposed to classical democracy, then, it is that modern democracy presents itself from the beginning as a vindication and liberation of zoē, and that it is constantly trying to transform its own bare life into a way of life and to find, so to speak, the bios of zoē. Hence, too, modern democracy’s specific aporia: it wants to put the freedom and happiness of men into play in the very place – “bare life” – that marked their subjection. Behind the long, strife-ridden process that leads to the recognition of rights and formal liberties stands once again the body of the sacred man with his double sovereign, his life that cannot be sacrificed yet may, nevertheless, be killed. To become conscious of this aporia is not to belittle the conquests and accomplishments of democracy. It is, rather, to try to understand once and for all why democracy, at the very moment in which it seemed to have finally triumphed over its adversaries and reached its greatest height, proved itself incapable of saving zoē, to whose happiness it had dedicated all its efforts, from unprecedented ruin. Modern democracy’s decadence and gradual convergence with totalitarian states in post-democratic spectacular societies (which begins to become evident with Alexis de Tocqueville and finds its final sanction in the analyses of Guy Debord) may well be rooted in this aporia, which marks the beginning of modern democracy and forces it into complicity with its most implacable enemy. Today politics knows no value (and, consequently, no nonvalue) other than life, and until the contradictions that this fact implies are dissolved, Nazism and fascism – which transformed the decision on bare life into the supreme political principle – will remain stubbornly with us. According to the testimony of Robert Antelme, in fact, what the camps taught those who lived there was precisely that “calling into question the quality of man provokes an almost biological assertion of belonging to the human race” (L’espèce humaine, p. II).

### A2 Democracy Solves

#### Thesis of the kritik answers this – laws cannot restrict sovereign violence because laws only apply to citizens – once citizens are reduced to bare life they become ineffective

#### By its very existence, law can be suspended by the sovereign, who is outside the law – it is impossible for even the strictest of laws to restrict sovereign power

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online. All parantheses except those modifying gendered language in original. \*we don’t endorse gendered language] AT

Juridical = relating to the administration of law

1.1 The paradox of sovereignty consists in the fact the sovereign is, at the same time, outside and inside the juridical order. If the sovereign is truly the one to whom the juridical order grants the power of proclaiming a state of exception and, therefore, of suspending the order’s own validity, then “the sovereign stands outside the juridical order and, nevertheless, belongs to it, since it is up to [it] him to decide if the constitution is to be suspended in toto” (Schmitt, Politische Theologie, p. 13). The specification that the sovereign is “at the same time outside and inside the juridical order” (emphasis added) is not insignificant: the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law. This means that the paradox can also be formulated this way: “the law is outside itself,” or: “I, the sovereign, who am outside the law, declare that there is nothing outside the law [che non ce unfiiori legge].” The topology implicit in the paradox is worth reflecting upon, since the degree to which sovereignty marks the limit (in the double sense of end and principle) of the juridical order will become clear only once the structure of the paradox is grasped. Schmitt presents this structure as the structure of the exception (Ausnahme): The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specifically juridical formal element: the decision in absolute purity. The exception appears in its absolute form when it is a question of creating a situation in which juridical rules can be valid. Every general rule demands a regular, everyday frame of life to which it can be factually applied and which is submitted to its regulations. The rule requires a homogeneous medium. This factual regularity is not merely an “external presupposition” that the jurist can ignore; it belongs, rather, to the rule’s immanent validity. There is no rule that is applicable to chaos. Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective. All law is “situational law.” The sovereign creates and guarantees the situation as a whole in its totality. He has the monopoly over the final decision. Therein consists the essence of State sovereignty, which must therefore be properly juridically defined not as the monopoly to sanction or to rule but as the monopoly to decide, where the word “monopoly” is used in a general sense that is still to be developed. The decision reveals the essence of State authority most clearly. Here the decision must be distinguished from the juridical regulation, and (to formulate it paradoxically) authority proves itself not to need law to create law. . . . The exception is more interesting than the regular case. The latter proves nothing; the exception proves everything. The exception does not only confirm the rule; the rule as such lives off the exception alone. A Protestant theologian who demonstrated the vital intensity of which theological reflection was still capable in the nineteenth century said: “The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself. After a while, one becomes disgusted with the endless talk about the general – there are exceptions. If they cannot be explained, then neither can the general be explained. Usually the difficulty is not noticed, since the general is thought about not with passion but only with comfortable superficiality. The exception, on the other hand, thinks the general with intense passion.” (Politische Theologie, pp. 19-22) It is not by chance that in defining the exception Schmitt refers to the work of a theologian (who is none other than Søren Kierkegaard). Giambattista Vico had, to be sure, affirmed the superiority of the exception, which he called “the ultimate configuration of facts,” over positive law in a way which was not so dissimilar: “An esteemed jurist is, therefore, not someone who, with the help of a good memory, masters positive law [or the general complex of laws], but rather someone who, with sharp judgment, knows how to look into cases and see the ultimate circumstances of facts that merit equitable consideration and exceptions from general rules” (De antiquissima, chap. 2). Yet nowhere in the realm of the juridical sciences can one find a theory that grants such a high position to the exception. For what is at issue in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of State authority. Through the state of exception, the sovereign “creates and guarantees the situation” that the law needs for its own validity. But what is this “situation,” what is its structure, such that it consists in nothing other than the suspension of the rule? The Vichian opposition between positive Law (ins theticum) and exception well expresses the particular status of the exception. The exception is an element in law that transcends positive law in the form of its suspension. The exception is to positive law what negative theology is to positive theology. While the latter affirms and predicates determinate qualities of God, negative (or mystical) theology, with its “neither ... nor ... ,” negates and suspends the attribution to God of any predicate whatsoever. Yet negative theology is not outside theology and can actually be shown to function as the principle grounding the possibility in general of anything like a theology. Only because it has been negatively presupposed as what subsists outside any possible predicate can divinity become the subject of a predication. Analogously, only because its validity is suspended in the state of exception can positive law define the normal case as the realm of its own validity.

### A2 Restrict the state

#### The aff’s restriction of the state magnifies the zone of indistinction which constitutes it – ethical sensibility is flushed under the sheer force of the control state

Agamben 14 [Giorgio, Professor of Aesthetics at the University of Verona and Teaches Philosophy at the Collège International de Philosophie in Paris and the University of Macerata, February 5, “For a Theory of Destituent Power,” http://criticallegalthinking.com/2014/02/05/theory-destituent-power/]

You will prob­ably know that Michel Foucault, in his book Surveiller et punir and in his courses at the Collège de France sketched a ty­po­lo­gical clas­si­fic­a­tion of modern States. He shows how the State of the Ancien re­gime, that he calls ter­rit­orial or sov­er­eign State and whose motto was faire mourir et laisser vivre, evolves pro­gress­ively in a pop­u­la­tion State and in a dis­cip­linary State, whose motto re­verses now in faire vivre et laisser mourir, as it will take care of the cit­izens life in order to pro­duce healthy, well-​ordered and man­age­able bodies. The state in which we live now is no more a dis­cip­linary State. Gilles Deleuze sug­gested to call it «Etat de con­trôle», con­trol State, be­cause what it wants, is not to order and to im­pose dis­cip­line, but rather to manage and to con­trol. Deleuze’s defin­i­tion is cor­rect, be­cause man­age­ment and con­trol do not ne­ces­sarily co­in­cide with order and dis­cip­line. No one has told it so clearly as the Italian po­lice of­ficer, who, after the tur­moil of Genoa in July 2001, de­clared that the gov­ern­ment did not want that the po­lice main­tains order, but that it man­ages disorder. American polit­o­lo­gists, who have tried to ana­lyze the con­sti­tu­tional trans­form­a­tion in­volved in the Patriot Act and in the other laws which fol­lowed September 2001, prefer to speak of a Security State. But what does se­curity here mean? It is during the French re­volu­tion that the no­tion of se­curity — sureté, as they used to say — is linked to the defin­i­tion of po­lice. The laws of March 16, 1791 and August 11, 1792 in­tro­duce thus in the French le­gis­la­tion the no­tion of «po­lice de sureté» (se­curity po­lice), which was doomed to have a long his­tory in mod­ernity. If you read the de­bates which pre­ceded the voting of these laws, you will see that po­lice and se­curity define one an­other, but no one among the speakers (Brissot, Heraut de Séchelle, Gensonné) is able to define po­lice or se­curity by themselves. The de­bates fo­cused on the situ­ation of the po­lice with re­spect to justice and ju­di­cial power. Gensonné main­tains that they are «two sep­arate and dis­tinct powers»; yet, while the func­tion of the ju­di­cial power is clear, it is im­possible to define the role of the po­lice. An ana­lysis of the de­bate shows that the place and func­tion of the po­lice is un­de­cid­able and must re­main un­de­cid­able, be­cause, if it were really ab­sorbed in the ju­di­cial power, po­lice could no more exist. This is the dis­cre­tionary power which still today defines the ac­tion of the po­lice of­ficer, who, in a con­crete situ­ation of danger for the public se­curity, acts so to speak as a sov­er­eign. But, even when he ex­erts this dis­cre­tionary power, he does not really take a de­cision, nor pre­pares, as is usu­ally stated, the judge’s de­cision. Every de­cision con­cerns the causes, while the po­lice acts on ef­fects, which are by defin­i­tion undecidable. The name of this un­de­cid­able ele­ment is no more today, like it was in XVIIcen­tury, «raison d’Etat», State reason: it is rather «se­curity reasons». The Security State is a po­lice State: but, again, in the jur­idical theory, the po­lice is a kind of black hole. All we can say is that when the so called «Science of the po­lice» first ap­pears in XVIII cen­tury, the «po­lice» is brought back to its ety­mo­logy from the Greek «po­liteia» and op­posed as such to «politics». But it is sur­prising to see that Police co­in­cides now with the true polit­ical func­tion, while the term politics is re­served to the for­eign policy. Thus Von Justi, in his treatise on Policey Wissenschaft, calls Politik the re­la­tion­ship of a State with other States, while he calls Polizei the re­la­tion­ship of a State with it­self. It is worth­while to re­flect upon this defin­i­tion: (I quote): «Police is the re­la­tion­ship of a State with itself». The hy­po­thesis I would like to sug­gest here is that, pla­cing it­self under the sign of se­curity, modern State has left the do­main of politics to enter a no man’s land, whose geo­graphy and whose bor­ders are still un­known. The Security State, whose name seems to refer to an ab­sence of cares (se­curus from sine cura) should, on the con­trary, make us worry about the dangers it in­volves for demo­cracy, be­cause in it polit­ical life has be­come im­possible, while demo­cracy means pre­cisely the pos­sib­ility of a polit­ical life.

### A2 Particular Instances

#### Sovereign exceptionalism is spatializing, not spatially bounded – they are Schmittians trying to play Agamben – only embracing impotentiality solves

Belcher et al 08 [Oliver Belcher, Lauren Martin, Anna Secor, Stephanie Simon, Tommy Wilson, September, “Everywhere and Nowhere: The Exception and the Topological Challenge to Geography,” *Antipode*, Vol. 40 No. 4, pg. 499–503]

Geography's use of Giorgio Agamben's work has proliferated in recent years. While approaches and interpretations of Agamben's political theory have varied, a common aim has been to apply his theory of exception to socio-geographical phenomena and to disclose “the ban” as the “originary political relation” (Diken and Laustsen 2005:24–25; Ek 2006:363; Kearns 2006; Minca 2005, 2006). The result has been a focus on the “space” of the exception as a determinate socio-temporal site, such as Guantanamo Bay. We argue that this focus on determinate spaces elides the real spatializing work of the exception, which, we emphasize, is topological (see also Coleman 2007). The problem with focusing on a static geometry of exceptional spaces is that it obscures the ways in which the exception operates as an unlocalizable process of transformation. As Brian Massumi (2002:184) puts it, the distinction between topology and static geometry is the distinction “between the process of arriving at a form through continuous deformation and the determinate form arrived at when the process stops” (see also Hannah 2006). Topologies, unlike topographies, do not map discreet locations or particular objects. While it is true that we can identify operative spaces of exception, the exception also materializes ordinary spaces. As a topological figure that creates the conditions for particular materialized sites, the exception is emergent, which is to say that it is not a preformed category but a dynamic set of techniques of power. In this way, we emphasize Agamben's relationship with Foucault, an affinity that is often lost in various interpretations of his writings. The implications of a topological and emergent understanding of the exception become clearer in the context of Agamben's idea of sovereignty as potential and actual. At the same time, our intervention aims to show how a topological, emergent understanding of the exception might open up a potential for radical politics. If the spatiality of Agamben's political theory has been treated in too fixed a manner, this tendency might in no small part be due to a confusion between Agamben's political theory and that of the primary theorist of the sovereign exception, Carl Schmitt. Schmitt argues that juridical rule and State authority are made possible by the decision on what constitutes the “normal” case (where the rule of law holds) versus the exception (where the law is suspended) (Schmitt 1985). Schmitt's idea of the “ordering of space” involves above all the decision on the exception that establishes the inside and the outside of the law. The state of exception, according to Schmitt, “designated a zone of free and empty space”, that is, “a suspension of all law for a certain time and in a certain space” (Schmitt 2003:99). For Schmitt, therefore, the decision on the exception performs a juridical and territorial ordering at the same time as it demarcates a specific spatio-temporal order—the space of the exception. Agamben's departure from Schmitt on the question of space is clear in Homo Sacer, where he writes: In its archetypal form, the state of exception is therefore the principle of every juridical localization, since only the state of exception opens the space in which the determination of a certain juridical order and a particular territory first becomes possible. As such, the state of exception itself is thus essentially unlocalizable (even if definite spatio-temporal limits can be assigned to it from time to time) (Agamben 1998:19). Thus for Agamben the state of exception is the principle of territorialization (ordering and orienting) but is itself essentially unlocalizable. While Schmitt explicitly renders the state of exception as spatially and temporally bounded, Agamben's contribution to the theory of the exception is to reread Walter Benjamin's engagement with Schmitt and to bring into sharp relief its contemporary relevance. For Agamben, this state inaugurates a rupture within the Schmittian correspondence between order and orientation, between law and space. For Schmitt the decision on the exception merely demarcates the inside and the outside of the law, but for Agamben the exception also produces and diffuses a “zone of indistinction” within which the law and its suspension become indistinguishable. This state of exception is not itself a kind of space, but rather a technique of government (Agamben 2005:2) that produces a topographical juridical-territorial order by determining the inside and the outside of law (as Schmitt also argues); establishes the principles by which we distinguish law from its application; and produces a topological relationship between the inside and outside of law such that they become indistinguishable (delocalization). Because topological space is always a process of becoming, we use analytics of governmentality, which itself refers to the everyday emergence of power and control, to think through how the exception works. For Foucault, governmentality refers to a field of everyday practices, organized by a complex of techniques of power that govern and optimize processes immanent to a population. In this field, discipline, government, and sovereignty are imbricated and indistinguishable, so that the exception operates as a potential (dis)ordering principle, a potential technique of government (Foucault 1991:102). For Agamben, “the declaration of the state of exception has gradually been replaced by an unprecedented generalization of the paradigm of security as the normal technique of government” (Agamben 2005:14). This governmentalization of the structure of the exception forms a “complex topological figure in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another” (Agamben 1998:37). As a technique of government, then, the exception is never completely hidden, nor is it purely manifested. The state of exception produces material effects, even when it remains virtual. This poses an important question for geographers: how do we analyze the material effects of the virtual? If the topological character of the state of exception means that it operates at the edges of materiality, how should we make use of Agamben's theories to understand the spatiality of the exception (and governmentality, for that matter)? We argue that Agamben's limit case, the state of exception, is spatializing, not spatialized. When we say that the exception is spatializing, we emphasize processes of transformation and emergence (the topological) and fold the operation of spatialization into the field of potential. The exception thus produces a governmental potential to link specific arrays of discursive objects, procedures, and rationalities towards particular ends. Based on this understanding of Agamben, which emphasizes the emergent spatialization of the exception rather than its determinate spaces, we argue for foregrounding the idea of potentiality in geographical analyses of the exceptional. Situated on the edge of materiality, the state of exception has the potential to materialize or not to materialize actual spaces of exception. Potentiality, for Agamben, is the tension between actuality (materialization) and the potential not to be—the faculty to say “I can”, without the action being materialized (Agamben 1999:179). To have a faculty, argues Agamben, means “to have a privation”, ie the potential not to be. This potentiality, argues Agamben, “maintains itself in relation to actuality in the form of its suspension; it is capable of the act in not realizing it, it is sovereignly capable of its own im-potentiality” (Agamben 1998:45). For example, in his discussion of sovereignty, Agamben poses “abandonment”, the rationality of power that marks the exception, as topological in that it has the ability not to be: it is potential. The exception is the zone of indistinction between constituting and constituted power. The decision on the exception “realizes itself by simply taking away its own potentiality not to be, letting itself be” (Agamben 1998:46). Topological space is therefore not only emergent and governmental, but also always potential—that is, both capable of becoming and of not becoming. It is no coincidence that in the denouement of his essay “On potentiality” that Agamben finds the “root of freedom” also within the “abyss of potentiality” (Agamben 1999:183). Agamben's political praxis is one of radical desubjectivation, a desubjectification that refuses to be captured in a topological state of exception [a synthesis between Walter Benjamin's “divine violence” (1996) and Gilles Deleuze's (2006)“Immanence: a life …”]. He writes, “We can say that between immanence and a life there is a kind of crossing with neither distance nor identification, something like a passage without spatial movement” (Agamben 1999:223). This “passage without a spatial movement” is a matrix of infinite desubjectification (Agamben 1999:232). Absolute immanence (ie potential freedom) is a call for Benjamin's barbarians: those law-destroying lives that cannot be captured in a sovereign's state of exception. It is “a life …” whose principle is “infinite desubjectification”, which cannot be abandoned—a de-subject that preempts the potential state of exception, and therefore cannot be striated into the biopolitical subject of bare life, that succubus that haunts our political landscape. Just as the subjective homo sacer is the material kernel for the sovereign exception, Agamben's radical desubjectification is the material kernel for freedom. This praxis of Agamben's may be what Deleuze once said was “philosophy, nothing else but philosophy” (cited in Ek 2006:363) in response to a question on the utility of A Thousand Plateaus (Deleuze and Guattari 1980). This poses a challenge to geographers of how to produce knowledge and geographical imaginaries that at once promote just political and intellectual projects and refuse to produce subjects that can be captured.

### A2 Ojakangas---TL

#### If the life of the human is a product of biopolitics then saying “biopolitics good because it saves lives” is obviously circular

Dillon 05 [Michael, Professor of Politics and International Relations at Lancaster University, May, “Foucault Studies,” No. 2, pg. 37-38]

Substantially devoted to contesting Giorgio Agamben’s argument that there is an intimate intersection between biopower and sovereign power, Mika Ojakangas’ paper serves as testimony yet again to the continuing prescience and productivity of Foucault’s account of biopolitics. Ojakangas’ argument with Agamben’s betrayal of Foucault’s biopower thesis also provides an opportunity to bring into play a wide variety of additional, fundamentally important and related, questions. These are as much a tribute to Agamben, however, as they are to Foucault, even if we agree with Ojakangas’ insistence that Agamben’s intersection of sovereign and biopower is profoundly inconsistent with Foucault’s account of biopolitics. There is much more going on in Agamben, of course, than a revision of biopolitics, however much the horror of biopolitics is a provocation to his thought. There is a wholesale attempt in betraying Foucauldian biopolitics to rethink the political as such. I wish to highlight three of these broad questions. They are the related questions of the nomological, the biological and the theological. Taken together they triangulate a fourth. That fourth question is at the heart of Ojakangas’ paper. It is not directly addressed in Ojakangas’ more faithful rendition of Foucault, but it is central to Agamben’s betrayal of him. It is the problematic that biopolitics poses to us and which I want to broach in reply to Ojakangas’ paper. That problematic is the problematic of the ‘life’ of politics itself. In so doing I take some issue with the account of biopolitics offered by both Agamben and Ojakangas. The nomological concerns the law, the biological concerns ‘life’ and the theological concerns the relation of life to transcendence in the form of divinity. At a philosophical level, the life of politics may be said to find its bearings in relation to the changing interpretations and correlations of force that characterise the intimate relationality of this trinity of nomos, bios and theos.2 Agamben takes Foucault’s account of biopolitics away from history and relocates it back in the centre of these key determinants of political philosophy. Whereas Agamben’s nomological account of biopolitical violence threatens a certain kind of political paralysis, however, in as much as it ontologises that violence, Ojakangas’ insistence on the productivity of biopolitics threatens to elide the violent inner logic of biopolitics and to miss what Agamben’s nomologically driven ontologisation nonetheless does rigorously expose. Incomparably the most interesting thinker thinking today, one of the things that Agamben is thinking in response to the provocations of biopolitics is the question of life undetermined by the life of biopolitics, a life elevated in addition by a refiguration of transcendence without a godhead, in the form of the immanence of the messianic. He also thinks the facticity of a corporeality beyond the reduction of the body to biology.3 It is in these moves, among others, that he thinks beyond the initial provocation to political thought that he takes from Foucault’s biopolitics. Like any such response, the issue becomes less the degree of faithlessness than the worth of the betrayal.

#### Ojakangas isn’t responsive – biopolitics does some good things and aims at promotion of life and my authors obviously agree. However, he completely ignores the DANGEROUS SIDE of biopolitics that my evidence criticizes – while it is concerned with promotion of life, biopolitics also causes death

#### “Care for life” is exactly what kills

Dillon 05 [Michael, Professor of Politics and International Relations at Lancaster University, May, “Foucault Studies,” No. 2, pg. 37-38]

The key point of dispute with Ojakangas concerns the self-immolating logic of biopolitics. “Not bare life that is exposed to an unconditional threat of death,” he says in the introduction to his paper, “but the care of ‘all living’ is the foundation of biopower.” (emphasis in the original). Ojakangas says: “Foucault’s biopower has nothing to do with that [Agamben] kind of bare life.” I agree. Foucault’s biopolitics concerns an historically biologised life whose biologisation continues to mutate as the life sciences themselves offer changing interpretations and technical determinations of life. This biologised life of biopolitics nonetheless also raises the stake for Foucault of a life that is not a biologised life. So it does for Agamben, but differently and in a different way.24 For Foucault, the biologised life of biopolitics also raises the issue of a life threatened in supremely violent and novel ways. So it does for Agamben, but again differently and for the same complex of reasons. 25 In contesting Agamben in the ways that he does, Ojakangas marks an important difference, then, between Foucault and Agamben. That done, perhaps the difference needs however to be both marked differently and interrogated differently. I have argued that there is a certain betrayal in the way Agamben reworks Foucault. There is however much more going on in this ‘betrayal’ than misconstruction and misinterpretation. There is a value in it. Exploring that value requires another ethic of reading in addition to that of the exegesis required to mark it out. For Agamben’s loathing of biopolitics is I think more ‘true’ to the burgeoning suspicion and fear that progressively marked Foucault’s reflections on it than Ojakangas’ account can give credit for, since he concentrates on providing the exegetical audit required to mark it out rather than evaluate it. In posing an intrinsic and unique threat to life through the very ways in which it promotes, protects and invests life, ‘care for all living’ threatens life in its own distinctive ways. Massacres have become vital. The threshold of modernity is reached when the life of the species is wagered on its own (bio) political strategies. Biopolitics must and does recuperate the death function. It does teach us how to punish and who to kill.26 Power over life must adjudicate punishment and death as it distributes live across terrains of value that the life sciences constantly revise in the cause of life’s very promotion. It has to. That is also why we now have a biopolitics gone geopolitically global in humanitarian wars of intervention and martial doctrines of virtuous war.27 Here, also, is the reason why the modernising developmental politics of biopolitics go racist: “So you can understand the importance – I almost said the vital importance – of racism to such an exercise of power.”28 In racism, Foucault insists: “We are dealing with a mechanism that allows biopower to work.”29 But: “The specificity of modern racism, or what gives it its specificity, is not bound up with mentalities, ideologies or the lies of power. It is bound up with the techniques of power, with the technology of power.”30 In thus threatening life, biopolitics prompts a revision of the question of life and especially of the life of a politics that is not exhaustively biologised; comprehensively subject to biopolitical governance in such a way that life shows up as nothing but the material required for biopolitical governance, whether in terms posed by Foucault or Agamben. Emphasising care for all living - the promotion, protection and investment of the life of individuals and populations – elides the issue of being cared to death. Being cared to death poses the issue of the life that is presupposed, nomologically for Agamben and biologically for Foucault, in biopolitics. Each foregrounds the self-immolating logic that ineluctably applies in a politics of life that understands life biologically, in the way that Foucault documents for us, or nomologically, in the way that Agamben’s bare life contends. When recalling the significance of the Christian pastorate to biopolitics, Ojakangas seems to emphasize a line of succession rather than of radical dissociation. One, moreover, which threatens to elide the intrinsic violence of biopolitics and its essential relation with correction and death.

#### Biopolitics still devalues some life as unworthy of investment even if it generally aims at promoting life

Dillon 05 [Michael, Professor of Politics and International Relations at Lancaster University, May, “Foucault Studies,” No. 2, pg. 37-38]

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.

#### New link – Ojakangas helps biopolitics conceal its bad side by hiding its death function

Dillon 05 [Michael, Professor of Politics and International Relations at Lancaster University, May, “Foucault Studies,” No. 2, pg. 37-38]

Moreover, in the biopolitical context of the circulation of life as species being, Foucault says death is not so much disqualified, but, “something to be hidden away.”16 It loses that spectacular ritual character it once had, marking the move from one power, that of secular sovereignty, to another power, that of a sovereign God. Death does not disappear from biopolitics. Neither is it attenuated beyond political concern, quite the contrary. It changes its character, undergoing political transformation as biopolitics re-inscribes death in the process of ‘recuperating the death function’. Whereas no power can ultimately exercise power over death, biopower can and does exercise power over life. One of the means by which it does so is via the biopolitical preoccupations with mortality, morbidity, pathology and mutation. Concerned with death in terms of the vital signs of life, biopolitics is also increasingly concerned these days with the re-inscription of the vital signs of life in terms of code, both molecular and digital.17 Contra Ojakangas, then, biopolitics does reclaim the death function, for a number of reasons and in a variety of changing ways. It must do so. Reclaiming the death function is integral to its logic. It also reflects the changing operational dynamics of biopolitics. In relation to biopolitical logic: “In the biopower system… killing, or the imperative to kill, is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race.”18 It is acceptable and biopolitically necessary to kill, if not necessarily in the nomological sense of being exposed to death formulated in Agamben’s thesis of bare life. In relation to the operationalisation of biopolitics: if biopolitics is to promote, protect and invest life, it must engage in a continuous assay of life. This continuous biopolitical assaying of life proceeds through the epistemically driven and continuously changing interrogation of the worth and eligibility of the living across a terrain of value that is constantly changing. It is changing now, for example, in response to what the life sciences are teaching about what it is to be a living thing. It is changing as biopolitical investment analysts (politicians, risk analysts, governmental technologisers) also interrogate where the best returns on life investment happen to be located in the manifold circulation and transformation of life locally and globally. Life itself mutates in and through these very circuits, not least in relation to molecular biology and electronic communication. We can broadly interpret life science now to range from molecularised biology, through digitalization, to the new social and managerial sciences of development now prominent in the fields of global governmentality, global development policies, human security and even military strategic discourse including, for example, ‘Operations Other than War”.19

### A2 Ojakangas---Sovereign Power Needs Racism

#### Lol, the kritik explicitly accounts for this. The Ziarek evidence uses Agamben’s genealogy to prove that the sovereign right to kill never disappeared; it rather coexists with biopolitics to authorize killing of any population.

#### Also, racism and other types of discrimination exist… Even if sovereign power needs racism to kill, it ALREADY HAS IT and we need to prevent sovereign power from killing

#### Sovereign power also results in racism – Ziarek proves it causes racialized and gendered targets to expand and proliferate – it explicitly answers this card

### A2 Ojakangas---VTL

#### There’s no warrant in this evidence – why does biopower need to view life as valuable to function? Biopower is just a technique of managing life, and viewing human life as mere units of utility or living bodies to be maximized is consistent with its aims – it does not promote VTL

#### This is also totally non-responsive – biopolitics still manages the BIOLOGICAL functions of life, which creates a view of life as a bare, natural entity, i.e. bare life.

#### They’re wrong – it reduces life to biology

Dillon 05 [Michael, Professor of Politics and International Relations at Lancaster University, May, “Foucault Studies,” No. 2, pg. 37-38]

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.20 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’.21

## Agamben Frontlines

### Agamben’s Method

#### Agamben uses historical data points to determine how the present concepts operate – this is sound

Watkin 12 [(William )“Agamben's Method Explained in 300 words” Dec 10] AT

Philosophical Archaeology: Agamben's Method This method consists of tracing the origins of large scale concepts back to the moment when they first became operative as modes of organising and legitimising discourse through Foucauldian intelligibility. That said, these moments of arising, as he calls them, are not historical data in the usual sense but, inspired by Benjaminian now-time, they actually say as much about us as contemporaries as they do about historical origins. Thus every contemporary moment, is founded on an origin or arche, yet every arche is constructed by our contemporary discourse. Thus the past only lives in the present yet the present is constantly a construct of the past. In this way time is marked by an essential double anachronism, of past things projected forward into the present and the present as a construct of the past. Revealing this historical paradox at the basis of large scale concepts such as power, being, secularization, language and so on, is Agamben’s aim, so as to show them as logically unworkable. The past, or temporal common, is founded on the present or temporal proper, yet the present founds the past through its attempts to access it as origin. Thus take any concept, here for example the modern age, and you reveal the paradox between a past found, even created, by the present and present founded on the past, allowing you to suspend or make indifferent a clear separation between origins and current examples, subsequently freeing yourself of the discursive control of said concept. It is Foucault with a happy ending.

### A2 Too legalistic

#### No link – sovereign power doesn’t mean state power but rather the networks of power, often involving the state, from which a state of exception can be declared – we recognize that other forms of normalizing or disciplinary power can exist

#### The 1AC *explicitly* accounted for this – the 1AC Agamben evidence says state power is no longer strictly based on the monopoly of power but on the control of appearance, which we challenge

#### Foucault’s analysis fails to grasp the convergence of sovereignty and subjectivization. Only the aff does that, revealing the links between sovereign and individualizing power, leading to a more accurate analysis.

Agamben 98 [(Giorgio, prof of philosophy at univ of Vienna) “HOMO SACER: Sovereign Power and Bare Life” available online] AT

One of the most persistent features of Foucault’s work is its decisive abandonment of the traditional approach to the problem of power, which is based on juridico-institutional models (the definition of sovereignty, the theory of the State), in favor of an unprejudiced analysis of the concrete ways in which power penetrates subjects’ very bodies and forms of life. As shown by a seminar held in 1982 at the University of Vermont, in his final years Foucault seemed to orient this analysis according to two distinct directives for research: on the one hand, the study of the political techniques (such as the science of the police) with which the State assumes and integrates the care of the natural life of individuals into its very center; on the other hand, the examination of the technologies of the self by which processes of subjectivization bring the individual to bind himself to his own identity and consciousness and, at the same time, to an external power. Clearly these two lines (which carry on two tendencies present in Foucault’s work from the very beginning) intersect in many points and refer back to a common center. In one of his last writings, Foucault argues that the modern Western state has integrated techniques of subjective individualization with procedures of objective totalization to an unprecedented degree, and he speaks of a real “political ‘double bind,’ constituted by individualization and the simultaneous totalization of structures of modern power” (Dits et écrits, 4: 229-32). Yet the point at which these two faces of power converge remains strangely unclear in Foucault’s work, so much so that it has even been claimed that Foucault would have consistently refused to elaborate a unitary theory of power. If Foucault contests the traditional approach to the problem of power, which is exclusively based on juridical models (“What legitimates power?”) or on institutional models (“What is the State?”), and if he calls for a “liberation from the theoretical privilege of sovereignty” in order to construct an analytic of power that would, not take law as its model and code, then where, in the body of power, is the zone of indistinction (or, at least, the point of intersection) at which techniques of individualization and totalizing procedures converge? And, more generally, is there a unitary center in which the political “double bind” finds its raison d’être? That there is a subjective aspect in the genesis of power was already implicit in the concept of servitude volontaire in Etienne de La Boétie. But what is the point at which the voluntary servitude of individuals comes into contact with objective power? Can one be content, in such a delicate area, with psychological explanations such as the suggestive notion of a parallelism between external and internal neuroses? Confronted with phenomena such as the power of the society of the spectacle that is everywhere transforming the political realm today, is it legitimate or even possible to hold subjective technologies and political techniques apart? Although the existence of such a line of thinking seems to be logically implicit in Foucault’s work, it remains a blind spot to the eye of the researcher, or rather something like a vanishing point that the different perspectival lines of Foucault’s inquiry (and, more generally, of the entire Western reflection on power) converge toward without reaching. The present inquiry concerns precisely this hidden point of intersection between the juridico- institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and that the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. It can even be said that the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the sovereign exception. Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting power and bare life, thereby reaffirming the bond (derived from a tenacious correspondence between the modern and the archaic which one encounters in the most diverse spheres) berween modern power and the most immemorial of the arcana imperii.

#### Even if this wasn’t the 1AC – the perm is able to incorporate their form of analysis with mine which is better

### A2 Return to Normal State

#### This is impossible

Kotsko 13 [(Adam,) “How To Read Agamben” LA Review of Books June 4th, 2013] AT

Many critics of the War on Terror, including Judith Butler, have used Agamben’s terminology to mount a kind of moral critique of American foreign policy. One might say, for instance, that the US government is wrong to create a kind of exceptional law-free zone in Guantánamo Bay, because that results in turning the detainees into bare life — which is bad. And certainly it is; yet Agamben’s political work is a little too complex to fit easily into this kind of moralizing discourse. For Agamben, the answer to the problem posed by sovereign power cannot be to return to the “normal” conditions of the rule of law, because Western political systems have always contained in their very structure the seeds that would grow into our universalized exception. It can’t be a matter of refraining from reducing people to “bare life,” because that is just what Western legal structures do. The extreme, destructive conjunction of sovereign authority and bare life is not a catastrophe that we could have somehow avoided: for Agamben, it represents the deepest and truest structure of the law.

### A2 Holocaust Triv

#### No link – I never said the word “Holocaust” – you should reject them, their false accusations make real accusations less serious, which makes it harder to resist actual trivialization

#### Turn – They taboo a discussion of fascism within modern democracy

Robinson 11 [(Andrew, political theorist and activist) “In Theory Giorgio Agamben: the state and the concentration camp” Ceasefire January 7] AT

Doubtless some will reject his theories for violating “Godwin’s Law”, or because they feel it is trivialising or decontextualising the camp to compare it to every instance of repression. This, I suspect, is based on a misunderstanding. For one thing, Agamben is not actually saying that we are all treated like camp inmates, simply that we’re all at risk from being treated as if we are of this status – we could be killed by the state with impunity, even if we aren’t. Also, this is not just a case of Agamben calling people he dislikes Nazis. There are clear, structural reasons for the parallels he draws. I would argue that, in contrast, the tabooing of discussion of fascistic elements of present state practices is based on a kind of irrational splitting, which wards off the subversive implications of “never again” by keeping them at a distance, pretending they “don’t apply to us”, they only apply to issues behind some imaginary boundary (in “undemocratic” societies for instance) which historically would prove to be far more porous. It is, I think, a peculiar perspectival blockage of radicalisms in countries like Britain to confine anti-fascism to opposing small neo-Nazi groups. In contrast, German antifa have long recognised the parallels between the repressive practices (and even the personnel) of the current German state and those of the Third Reich; so have radicals in Italy, Spain, Greece and Japan. It is only in countries like Britain and America, with no recent fascist past to compare to, where the existence of a continuum between fascism and the ‘deep state’ is something of a public secret, even among radicals.

#### *No link – it’s not a historical thesis that the Holocaust is everywhere, but a philosophical one that the logic of the camp overlaps with the state* [Not the point – it’s not a historical thesis]

Agamben 3 [“Italian Philosopher Giorgio Agamben Protests US Travel Policies, Counterpunch” article quoting agamben. Counterpunch, 2003] AT

“A few years ago I wrote that the political model of the west is not the city but the concentration camp, not Athens but Auschwitz. That was, of course, a philosophical, not a historical thesis. This is not about mixing phenomena that must be separated. I only want to remind readers that the tattooing in Auschwitz possibly appeared as ‘normal’ and economic in order to regulate the admission of the deportees to the camp. The bio-political tattooing, which we are forced to undergo today in order to enter the United States is a relay race to what we could tomorrow accept as the normal registration of the identity of the good citizen considering the mechanisms and machinery of the state.”

#### *Turn - Making the Holocaust different because of contingent historical circumstances means we can’t resist the logic of the camp that makes mass violence possible, only the aff fulfills the promise of “never again”.* [Only the aff can solve genocide – making the Holocaust a special case makes “never again” meaningless]

Robinson 11 [(Andrew, political theorist and activist) “In Theory Giorgio Agamben: destroying sovereignty” Ceasefire January 21, 2011] AT

The political consequence of Agamben’s analysis is the need to refuse and resist the creation of states of exception, and by extension (since states of exception are inherent to sovereignty), to destroy sovereignty. As long as states claim an entitlement to ‘decide the exception’, to declare a state of emergency or to classify people as homo sacer, the risk of Auschwitz is immanently with us. While people are declared homo sacer, the situation could pass over into genocide for some petty reason at any time. So saying “never again” about the Holocaust can’t be limited to refusing the almost random circumstances which tip camps over into all-out genocide, it has to involve refusing the model of the camp itself. This is why, for instance, Agamben has taken a strong stance against biometric identification doctrines, which he terms ‘biopolitical tattooing’, reminiscent of the numbers tattooed on the arms of concentration camp inmates. As a result of this stance, Agamben pulled out of a lecture series at a New York university because he refused to submit to the American policy of fingerprinting all migrants, and has declared his intent to refuse to submit to similar practices elsewhere. Agamben believes that the problem of sovereignty is only increasing in severity. The problem is getting bigger, because the camp is increasingly indistinguishable from the social field in general – the state increasingly treats the whole of society as if it were one big camp. According to Agamben, the camp has been with us since the earliest states (or at least since ancient Greece – Agamben tends to neglect non-European histories), but the internal logic of state sovereignty has unfolded over time, so that the camp covers more and more of social life (through, for instance, the expansion of practices such as surveillance and biometric identification). This is because bare life and politically recognised life are increasingly collapsing into one another, forming what Agamben terms a ‘zone of indistinction’. And this, in turn, is because of the contradictory nature of the category of homo sacer, at once included and excluded from the logic of sovereignty, acting as its founding moment but also defined by the sovereign as radically outside it. For Agamben, the corrosive expansion of the logic of sovereignty, and the corresponding spread of dehumanisation and camp-like regimes, is inherent to the continued existence of the state. Given that the current situation is the end-point of a long and cumulative development, the implication is that, unless we get rid of sovereignty, things can only get worse. The cycle can only be broken by the emergence of new forms of politics and of life which are not reducible to the categories of sovereignty, and do not make use of its techniques (such as the power to exclude).

### A2 Life Not Binary

#### This is a minor detail and doesn’t answer the thesis of the kritik – even if it’s not binary, there is still a scale according to which some life can be devalued – all the links prove the aff moves us closer to this state which is bad

### A2 Reductionism

#### No reductionism

Robinson 11 [(Andrew, political theorist and activist) “In Theory Giorgio Agamben: destroying sovereignty” Ceasefire January 21, 2011] AT

I feel there is a fundamental problem with Agamben’s work, and that of several other continental theorists, which stems from an unduly reductive, single- (or at most double-)agent account of social forces, in which sovereignty is treated as a determining instance from which the rest of modern social life follows (akin to the role of capitalism in Marxist theory, but with capitalism replaced by sovereignty). Agamben explains the current situation mainly through the unfolding of a single dynamic, that of sovereignty. This underestimates the extent to which the state’s unfolding is restricted and inflected by other powerful social forces. For instance, there are cases where state power is constrained from the outside by the power of social movements (such as various discussions of society against the state, from Clastres to works on Latin American social movements), or by forces such as transnational capital (as much of the scholarship on globalisation argues); cases where the state is ‘in society’ and fuses with it, becoming at least partly dependent on social movements, as discussed by comparativists such as Joel Migdal; and cases where a ‘historical bloc’ of local class forces contributes to the formation and direction of the state, as in neo-Gramscian analysis. This doesn’t necessarily mean that Agamben is wrong about sovereignty. The fact that states are constrained by or even hybridised with other social forces does not necessarily preclude them having their own logic or dynamic. To argue by analogy, capitalists always seek to make profits, even if sometimes they have to rely on local kinship networks to secure profits, or pay off local leaders to access resources. The profit motive is inherent to capitalist motivation, even when this motivation enters into hybrid combinations. Similarly, it is quite plausible that Agamben’s account of sovereignty describes something inherent in the functioning of states. But nevertheless, the question of whether, to what extent, and how the state is able to actualise sovereignty becomes dependent on its location among other social forces. If it is suddenly acting more thoroughly on this logic, then it is quite possible that it has not simply evolved cumulatively, but has either grown stronger relative to other forces, has ‘seceded’ from them and become unconcerned about its effects on them, or is benefiting from an enabling context which lets it unfold its own dynamic in an unconstruained way. In other times and places, states have either been forced to permit or unable to prevent the expansion of rights such as habeas corpus. It is particularly paradoxical that the state is acting in a more unconstrained way with regard to sovereignty at precisely the moment when it has lost important powers to global capital. Is global capital actually permitting, or even encouraging, the unfolding of sovereignty? Is sovereignty becoming more apparent because the cathartic outlet of interstate conflict has declined? Are states acting up because they fear their own loss of power to transnational networks, from social movements to armed opposition groups? Is the state becoming less afraid of powerful ‘included’ groups such as organised labour and the professions, which would otherwise make it hesitant to risk deploying sovereignty? Is the discourse of sovereignty reappearing in force because the state needs to redefine its own role to survive the decay of other narratives (such as the state-as-arbiter and the state-as-distributor)? Agamben’s approach to politics is thoroughgoing in its cleaning-out of statist ways of thinking, and hence has much to offer. It does tend, however, to be rather all-or-nothing. Agamben’s approach makes it very hard to make distinctions between better and worse kinds of states, between greater and lesser degrees of recognition of civil liberties. It makes it hard to think about creating resilience in social movements in the period before the state is destroyed. Perhaps more thought needs to be given to the exact conditions in which states can be forced not to declare exceptions, or in which states of exception can be contingently defeated (from the El Alto ‘gas war’ to the Woomera protests). The state seeks to impose a logic of sovereignty, but this logic is often contested by other social forces. While the elimination of sovereignty may well be the only way to destroy the conditions for future genocides, social movements which do not yet have the power to shatter the state can nevertheless undermine it, rendering its power increasingly limited, partial and conditional.

### A2 Connolly – Simplistic

#### This misses the point – this isn’t a set of logical truths that just happen to apply to state behavior – rather, the exclusion of bare life is fundamental to how states operate – citizenship and exclusion of natural life is part of the structuring logic of states, which governs their behavior at the root even if there are other “layers” involved

#### Even if this is generally true, in the context of labor and wages, biopolitics and devaluation of life directly causes violence – prefer the specificity of my impact cards

#### This also proves alt solvency – the domination of the sovereign is always contested, contradictory, and incomplete – the alt can use these contradictions to open spaces for destruction of sovereign power

### A2 Gambetti/Geulen–Alt = Dichotomous, Sovereign

#### This assumes a much more radical version of Agamben’s thesis, that sovereignty exists not just in politics but everywhere we draw boundaries between 2 things. This argument was NEVER established in the debate and doesn’t apply to my reading of Agamben, which applies only to political sovereignty

### A2 Jarvis – Ontology Bad

#### This is wrong – metaphysical questions are CENTRAL to politics

Panagia 1999 Davide, Canada Research Chair in Cultural Studies @ Trent U, theory & event, vol 3(1)

In light of this, Agamben stands in contrast to many contemporary Anglo-American political thinkers who present the task of political thinking in purely operational terms as an instance of a procedural rationality that (ought to) take place within the parameters of a thoroughly cognitive public sphere. Agamben would reject the assumptions of American liberal proceduralism that require the bracketing of metaphysical questions (including questions of sacredness, religion, ideology and the pursuits of the good life) by placing them outside the gambit of the political. For Agamben, it is precisely these questions (abandoned, if you will, by political thinking) that are at the heart of the issue. It is for this reason that he prefaces his entire discussion by claiming that the relationship between life and sovereignty - the political question par excellence - has always required a metaphysical impulse. "Politics," he asserts, therefore appears as the truly fundamental structure of Western metaphysics insofar as it occupies the threshold on which the relation between the living being and the logos is realized. In the "politicization" of bare life - the metaphysical task par excellence - the humanity of living [humanity] man is decided. In assuming this task, modernity does nothing other than declare its own faithfulness to the essential structure of the metaphysical tradition.(Agamben, p.8) The task for political thinking, then, is not to bracket those 'hard questions' because they are, in fact, hard and perhaps irresolvable. It is, rather, to see how it is precisely those questions that allow for the possibility of the events that compose the contemporary political order. Why is life sacred? How is sacredness sustained? What is the relationship between the sacredness of life and the proliferation of death? These are the questions that Agamben pursues without the fear of being either too metaphysical or too political.

# WIP section

## random cards

### Wip

#### “letting die” exists now

Li 9 [(Tania Murray Li Department of Anthropology, University of Toronto, Canada) “Dispossession and the Protection of Surplus Population” Vol. 41 No. S1 2009] AT

Letting die, I want to stress, is not a counterfactual. Abysmal life expectancy, below 55 in much of sub-Saharan Africa and in parts of Asia is sad testament to the fact that letting die is here (World Bank 2006b:292, 300). Discrepancies within one city are another indicator: African–Americans on the south side of Chicago are “let die” at around 60 years, while the mostly white, middle-class residents on the city’s northwest side can expect to live until the age of 77.2 Letting die is also signalled by the presence of a billion people in the global South who must try to survive on less than a dollar a day, a sum that leaves them chronically short of food, shelter and health care. Letting die is not an apocalypse. It is not a media event, like a massacre, an earthquake, or a famine that kills large numbers in a compressed period of time. Nor is it a Malthusian problem of inadequate global food supply. It is a stealthy violence that consigns large numbers of people to lead short and limited lives.

#### bad card

McDonnell 12 [(advised by Dr. Samir Gandesha) “Solidarity and Singularity: A Biopolitical Approach” 07/12/12] AT

Politics is constitutive of human action and life, but can never be constituted in the form of State power without also negating its object, human actors, by limiting them first to 'mass' populations, and then into re-humanized citizen-subjects. Relating the concept of habitus to biopolitical analysis, we can see that action based in habit and disposition guides what Beasley-Murray (2010 [2003]) calls a micro-politics of affect: “the politics of habit is not the clash of ideologies withing a theater of representation. It is a politics that is immanent and corporeal, that works directly through the body; it is not an effect of political processes that take place elsewhere” (180). Politics, defined phenomenologically, is the way in which words (language) and things come together through action, and thus the way in which similar or different “economies of presence” are articulated and revealed to actors (Vahabzadeh 2003, 114). “The political” is therefore enacted through conflict and solidarity rather than through mechanisms of social problem-solving and state-citizenship: a “politics of the event” and action emerges beyond organization and representation (Holloway 2005, 214). On the other hand, when subjects' experience and action, through awareness of rights, are appropriated by institutions as objective norms - in a context of limited policy options - they may no longer be able to attach conscious meaning to them (Vahabzadeh 2003, 114; Adorno 1974 [1951], 180), and thus experience cynical feelings of apathy. Adorno thus argues that under the development of late capitalism, politics has become a self-regulating system of administering life to “the masses,” who stand apart as a separate population (114) integrated by a unitary state (103). In such a context of “processed demands” and homogenous identities, according to Adorno, fixed representations of personhood and authenticity become self-negating when generalized: “Fidelity to one’s own state of consciousness and experience is forever in temptation of lapsing into infidelity, by denying the insight that transcends the individual and calls his substance by its name” (1974 [1951], 16). Arendt's (1958) perspective is similar, in that she argues that modernity involves the progressive elimination of the difference underlying political life, replacing it with the paradigm of identity subsuming action as behaviour (cf. Gandesha 2012, 265-72). This argument has been especially influential for the work of Agamben, who subsequently argues that what he calls the state of exception – the State's suspension or denial of rights – has revealed itself as the rule for modern politics: the political life (bios) proper to social individuation has been reduced to the naked life (zoe) of formal citizenship and identity politics. Agamben's biopolitics allows political life to be understood not just as the State's (generic formal) mediation of life, but rather as the mediality of human life itself (2000, 117). Within the current political context, however, the dominant issues are systemic: productivity, standard of living, and 'growth,' which can be theorized in relation to the formal imagination of the social body, for example, through labour market regulation, citizenship controls, and other boundary-drawing mechanisms. All political power over life – taking the form of population governance – must at a basic level refer to life as potential for action and movement, but after the introduction of the Rights of Man after the French Revolution, and the UN's Universal Declaration of Human Rights after World War II, political life has been bifurcated between life and citizenship (2000, 15-26). The capitalist state can only succeed in this tactic of division when actors have already been converted into masses, and then into citizen-subjects belonging to a bounded community or People defining their humanity as born into 'the nation.'

### Smith stuff

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 121-5]

In several books, most especially Homo sacer (1998) and its sequel State of Exception (2005), Agamben combines his critical appropriation of Foucault‘s concept of biopolitics with Schmitt’s (1985) account of sovereignty. In this way, he seeks to show how contemporary claims of state sovereignty are complicit in the biopolitical reduction of the sphere of human politics to the technical administration and manage- ment of populations. And while Agamben’s appropriation of Foucault’s notion of biopower is certainly contentious (as several recent essays indicate; see Calarco and DeCaroli 2007),14 his interpretation of Schmitt plays the key role in his political analysis. Schmitt’s Political Theology (2005, 5) opens with his famous defini- tion: "Sovereign is he who decides on the exception”; that is to say, it is the ultimate mark of sovereign power to be able to suspend the normal rule of law and the political order by declaring a state of emergency (exception). Further, since such a suspension is paradigmatically only envisaged under exceptional circumstances (at times of political cri- sis), the precise conditions of its imposition cannot be predetermined (and hence codified in law or a procedural politics) but depend on an extralegal/procedural decision made by the very power that thereby awards itself a monopoly on political power/action. The rule (of law) as an expression of sovereign power declares a state of emergency where "suspending itself, gives rise to the exception and [simultaneously] maintains itself in relation to the exception” (Agamben 1998, 18). Agamben, like Schmitt, emphasizes how the possibility of this ultimately arbitrary decisionistic assumption of absolute territorial authority underlies all claims of state sovereignty, no matter what kind of political constitution such states espouse. Paradoxically, then, the (state of) exception is precisely that situation that (ap)proves the sovereign power’s rule. “What the ‘ark’ of power contains at its center is the state of exception—but this is essentially an empty space” (Agamben 2005, 86). The declaration of a state of emergency is both the ultimate political act and simultaneously the abrogation of politics per se. Here, participation in the political realm, which from Arendt’s (1958, 198) and Agamben’s perspectives “rises directly out of acting together, the ‘sharing of words and deeds,"’ is denied by a political decision to some or all of the population of a sovereign territory, thereby reducing them to a condition of bare life. Agamben thus reaffirms the Aristotelian description of humans as bios politikos, as the kind of beings whose form of life is such as to en- able (but not compel) them to participate in a political community (and, as Arendt argues, to appear before others as particular persons through that involvement). This possibility is denied in the reduction of human beings to the inhuman(e) condition of bare life, the most appalling example of which, Agamben claims, is found in the concentration camp. Here, the political exception took on a literal and localizable form as a real space containing those whom sovereign power had decided to exclude from the political community (those reduced to bare life) under the auspices of a state of emergency. “lnasmuch as its inhabitants have been stripped of every political status and reduced completely to naked life [bare life], the camp is also the most biopolitical space that has ever been realized" (Agamben 2000, 40). All political and ethical norms were suspended, with the most horrific consequences, since once the camp’s inmates were legalistically defined as nonpersons, stripped of their citizenship and any ethicopolitical standing in the eyes of the state, "no act committed against them could appear any longer as a crime" (Agamben 1998, 171).15 Since Agamben’s analysis is intended to apply to the notion of sovereignty as such, and not just the singular state of emergency in Nazi Germany, this also means that despite its extremity, the camp is far from being an isolated instance. Agamben (1998, 166) regards “the camp as the nomos of the modern,” an exemplary form in the negative sense that it was “merely the place in which the most absolute condi- tio inhumana that has ever existed on earth was realized" (166). The specter of the camp reappears wherever sovereign power institutes a state of exception that reduces people to bare life and especially when this state of exception is given a fixed spatial arrangement. Agamben (2005, 3—4) argues that Guantanamo Bay, for example, could only really be understood as a camp (see also Ek 2006; Gregory 2006), an exceptional space for containing detainees denied any recourse to normal legal or political process. Here again, sovereign power is demonstrated (made monstrously obvious) through an “inclusive exclusion," that is, their exclusion (being held in suspension) from the political commu- nity is the very mark of their subjection to that sovereign power. (As always, Agamben’s political purpose here is not to compare the rela- tive degrees of suffering such circumstances cause, since this varies radically from case to case, but to expose their underlying unity of form in terms of their relation to the exceptional and absolute claims of sovereign power.)

#### Rejection is key – even if it appears benign, any exercise of sovereign logic is complicit with its most violent consequences because it helps the state of exception become the rule

Smith 11 [Mick, Professor and Queen's National Scholar in the Departments of Environmental Studies and Philosophy at Queen's University, September, “Against Ecological Sovereignty: Ethics, Biopolitics, and Saving the Natural World,” University of Minnesota Press, pg. 127-30]

It seems that despite defining sovereignty in terms of the foreclosure of specifically human political possibilities, Agamben’s critique will become increasingly ecologically relevant as environmental crises con- tinue to move center stage. Yet there are also ways in which this under- standing of sovereignty might be extended more directly to the more- than-human world precisely because political sovereignty is never just the exercise of sovereignty over politics. If the principle of sovereignty is to decide on the state of exception—to politically suspend the “negativity without a use,” the open texture, excess, natality, plurality, and expressions of singularity, individuality, and difference that are constitutive of politics as such—then, as already suggested, such suspensions affect other fields where freedoms are initiated too. Sovereignty can also be instantiated in the political suppression of "art, love, play, etc., etc." and, from a radical ecological perspective, in the stripping of nature’s wildness—its biopolitical reduction to matters of technological control and management, its abstract reduction to use and exchange values, its enframing as standing reserve in order to secure the survival of an increasingly (anti)social and (a)political system. In other words, the exercise of political sovereignty in the fields of politics and nature is not just analogous but identical insofar as the original (empty) principle of sovereignty is, in all cases, that of a self-awarded exceptional authority inaugurated in the declaration of a state of emergency but increasingly applied universally as the new biopolitical rule. And this, of course, is where the anthropological machine also comes into play, manufacturing a complicated series of distinctions that both exclude nature from and include it within the political realm, distinctions that set humanity apart from and above the more-than-human world. This is how the state of nature becomes, by definition, the extrapolitical condition that naturalizes political authority and also that first becomes subject to, and abandoned by, politics. The state of nature is not a natural condition (it is not real) but a creation of the sovereign decision to place nature in a state of exception (of an inclusive exclusion), to redefine nature within the scope of the modern political imaginary. This is how sovereignty works, by “deciding” in order to create from nothing the grounds of its own authority. And insofar as the law is that sanctioned by sovereign authority (sovereignty is, after all, the key legal principle) and represents the normalization of politics, then Agamben (1998, Z6) can argue that the “exception is the originary form of law." “The law has a regulative character and is a ‘rule’ not because it commands and proscribes, but because it must first of all create the sphere of its own reference in real life and make that reference regular.” In other words, political and legal authority ultimately rest in decisions about how the law (nomos) includes and excludes life (physis). “This is why," Agamben (1998, 25—26) says, sovereignty presents itself in Schmitt in the form of a decision on the exception. Here the decision is not the expression of the will of a subject hierarchically superior to all others, but rather represents the inscription within the body of the nomos of the exteriority that animates it and gives it meaning. The sovereign decides not the licit and illicit but the originary inclusion of the living in the sphere of law, or, in the words of Schmitt, "the normal structuring of life relations," which the law needs. Furthermore, law is made of nothing but what it manages to capture inside itself through the inclusive exclusion of the exception: it nourishes itself on this exception and is a dead letter without it. In this sense, the law truly “has no existence in itself, but rather has its being in the very life of men." The sovereign decision traces and from time to time renews this threshold of indistinction between outside and inside, exclusion and inclusion, nomos and physis, in which life is originally excepted in law. (1998, 26) The law feeds off the life of the polis on which it depends for its very existence and the regulation of which is its entire purpose. A radical ecological perspective would point out that law nourishes itself not only on the political life of human beings but on life (physis) in the wider senses associated with more-than-human nature. This hierarchic rela- tion means that nature also becomes increasingly subject to regulation and confinement, even in those areas specifically defined as wilderness, like national parks (Hermer 2002). Nature as such (physis) becomes fugitive: fleeing the domineering tenets of a law to which it is made subject but in which it has no standing or interests (Stone 1988), exiled from any constitutive role in a political community defined wholly in terms of human citizens (Smith 2005c), sought out by, and taking flight from, attempts to capture and objectify it in totalizing discourses that subsume it under scientific and economic laws, laws that reduce its creative diversity to formulae confirmed by the repeatability of human experimentation (Evernden 1999) or figures calculated to fulfill human desires—reduced to a state of exception not as bare life but as raw material. As Agamben (1998, 37) points out, the state of nature and the state of exception are nothing but two sides of a single topological process in which what was presupposed as external (the state of nature) now reappears, as in a Mobius strip or Leyden Jar, in the inside (as a state of exception), and the sovereign power is this very impossibility of distinguishing between outside and inside, nature and exception, physis and nomos. The myth of sovereignty’s origins veils this zone of indistinction, but recent environmental concerns have begun to reveal both its emptiness and its destructive consequences. This, again, begins to explain why radical ecology might claim to be regarded as potentially the most radical form of politics, why it offers the most fundamental challenge to the established order—the political constitution of modernism. Almost all other contemporary forms of politics retain at their heart an explicit or implicit notion of sovereignty that remains fundamentally unchallenged, a residual (originally theocratic) ideology of purportedly justifiably accumulated powers whereby one sociopolitically defined body takes upon itself the right to decide what for others are matters of life and death. Often, even otherwise radical perspectives explicitly accept some form of sovereignty as a political necessity, as something inevitable (due to the movement of history, the laws of social science and/or nature) or at least as politically expedient. More importantly, in the present context, even the most egalitarian humanist political theories still assume a political myth of human sovereignty over the natural world, a self-acquired "right" to define a boundary of political and ethical concern that subsequently treats all outside that boundary as bare life or raw material.

### More updates – LW specific

Yoo 12 [“Cinema at the Crossroads: Nation and the Subject in East Asian Cinema” Google Books] – chapter three – for korea and japan affs

#### Link

Bull 7 [(Malcolm, Professor of Art and the History of Ideas) “VECTORS OF THE BIOPOLITICAL” New Left Review 45, May-June 2007] AT

Amartya Sen first turned to Aristotle for a very different reason: to free himself from the utilitarian emphasis on a single aggregate measure of utility. Aristotle reminds us that pleasures may be as distinct as the activities involved, so even if we were to take pleasure as the only measure we would still be left with pleasures of incommensurable kinds. Nevertheless, Sen argued, the resulting plurality may be constitutive rather than competitive, provided we think of utility as a vector with several distinct components. [15] On this basis, he began to recast his account of plural utility, arguing that individual circumstances and life-achievements might be considered as functionings that could be combined into a ‘functioning vector’. A person’s potential functioning vectors would then constitute a capability set, which could provide a context-sensitive basis for comparison of standards of living and interpersonal equality. [16] Only later did it dawn on Sen that his account of capabilities had ‘something in common’ with Aristotle’s analysis of human functions in which ‘the good of man resides in the function of man’. [17] It was Martha Nussbaum who elaborated the Aristotelian basis of this project, and found the proof text needed to link Sen’s conception of plural utility with the Aristotelian conception of the role of the state: ‘It is evident that the best politeia is that arrangement according to which anyone whatsoever might do best and live a flourishing life’. [18] Interpreting ‘arrangement’ (taxis) to mean a theory of distributive justice, ‘anyone whatsoever’ (hostisoun) to include ‘each and every member of the community’, and a ‘flourishing life’ (zoiē makariōs) to encompass both whatever functions are specific to a particular individual, and those generally needed for a full life, Nussbaum was able to gloss this as ‘an Aristotelian conception of the proper function of government, according to which its task is to make available to each and every member of the community the basic necessary conditions of the capability to choose and live a fully good human life, with respect to each of the major functions included in that fully good life’. [19] But what is a good human life? Does the human being as such actually have a function or activity? According to Aristotle The mere act of living appears to be shared even by plants, whereas we are looking to the function peculiar to man; we must therefore set aside the life of nutrition and growth. Next in the scale will come some form of sentient life; but this too seems to be shared by horses, oxen and animals generally. There remains therefore what may be called the practical life of that which has reason. [20] Seen in this light, there are, Nussbaum argues, ‘two distinct thresholds: a threshold of capability to function beneath which a life will be so impoverished that it will not be human at all; and a somewhat higher threshold, beneath which those characteristic functions are available in such a reduced way that, though we may judge the form of life a human one, we will not think it a good human life.’ [21] The task of the city is ‘to effect the transition from one level of capability to another’, from mere life to human life, and from human life to the good life. In the latter case, because ‘the human being is by nature a political being’, the city is more than instrumental, for Aristotle makes ‘the self-sufficiency involved in human eudaimonia a communal and not a solitary self-sufficiency’. [22] In practice, therefore, achieving a threshold means making a social transition. In the case of women, with whom Nussbaum was concerned in a UN-sponsored project in the late 1980s and early 1990s, this might involve working outside the family house, a major issue in societies where women are traditionally prohibited from doing so, even when survival is at stake. In this case the transition is from the ‘private realm, or the home, in which people do things out of love and affection rather than mutual respect’ to the ‘public realm, characterized by reciprocity among rough equals’. But as women leave the family to enter the public realm, the public realm also means ‘acknowledging that the family is a political institution, not part of a “private sphere” immune from justice’. [23] But if, for women, reaching a threshold means a transition from the private to the political, Nussbaum is also keen to shift the emphasis of ‘political animal’ back towards the animal. Emphasizing that for Sen, too, ‘the bodily capabilities and functionings are intrinsically good and not . . . merely instrumental means to other higher goods’, Nussbaum argues that the Aristotelian conception of the human being as a ‘political animal’ means viewing a human as someone ‘who has an animal body and whose human dignity, rather than being opposed to this animal nature, inheres in it, and in its temporal trajectory’. [24] This applies not just to the animal life of humanity but to non-human animals as well. Kant might think ‘human dignity and our moral capacity . . . radically separate from the natural world’, but Aristotle saw ‘considerable continuity between human capacity and the capacities of other animals’. For Nussbaum, human need has to include ‘our animal neediness and animal capacities’, and we have to acknowledge that ‘our dignity just is the dignity of a certain sort of animal’. [25] To achieve a threshold of animal capacity or dignity may imply a different type of transition. For many of the cases discussed in Frontiers of Justice, in which Nussbaum extends the scope of the capabilities approach to those of differing abilities, nationality or species, the transition does not involve entering the public realm. Some of those with impairments and disabilities ‘could not be included in the group of political choosers, however generously we assess their potential’, but if their capabilities link them ‘to the human community rather than some other’, they may nevertheless reach a threshold of human life. [26] Although, for other species, political functionings fall outside the species norm, that does not mean that the capabilities of other species can be sustained within nature. Species sovereignty is one ideal, but for most animals it is simply not a possibility; for dogs, for example, there is usually ‘no option to flourish in an all-dog community; their community is always one that includes intimate human members’. In any case, ‘we cannot just leave nature alone and expect it to manage itself’, for ‘nature is not just, and species are not all nice’. The capabilities approach cannot be realized in the wild or without human intervention. It requires wheelchairs to be made for disabled Alsatians, and ‘the intelligent and careful use of zoos and animal parks’, for only in such places can non-human animals realize their capabilities without mutual harm. [27] Vectors For both Nussbaum and Agamben, the essential dichotomy is between the good life, or the political life, and the life that is, for whatever reason, lacking in those qualities. Like Aristotle, both emphasize that this amounts to the difference between what is distinctively human and what is less than fully human. Aristotle had argued that anyone who lives a life of pleasure is, in effect, ‘choosing the life of dumb grazing animals’, and that anyone who is perpetually asleep, or comatose, is living the life of a vegetable. [28] Nussbaum suggests that failure to allow a basic capability to develop is to condemn whoever possesses it to ‘a kind of premature death, the death of a form of flourishing’, while Agamben offers an entire bestiary of bare life extending all the way to a tick that lived in a laboratory for many years without movement or nutrition. [29] But if, for Agamben, bare life is the hopeless destination toward which the logic of modernity points, for Nussbaum it is the base from which capabilities are expanded and joyfully transformed into functionings. The polarities appear to be the same, but the directions different. If so, is there some point at which human flourishing and bestialization meet, some limbo in which the half-dead pass those whose capabilities have been brought to life? One way to establish this is to take coordinates from Aristotle. The passage that is central to both Nussbaum and Agamben reads as follows: It is clear that the city-state is a natural growth, and that man is by nature a political animal, and a man that is by nature and not merely by fortune citiless is either low in the scale of humanity [an inferior being] or above it (like the ‘clanless, lawless, hearthless’ man reviled by Homer . . . ) inasmuch as he resembles an isolated piece at draughts. And why man is a political animal in a greater measure than any bee or any gregarious animal is clear. For nature, as we declare, doth nothing without purpose; and man alone of all the animals possesses speech [logos]. The mere voice, it is true, can indicate pain or pleasure, and therefore is possessed by the other animals as well (for their nature has been developed so far as to have sensations of what is painful and pleasant and signify these sensations to one another), but speech is designed to indicate the advantageous and the harmful, and therefore also the right and the wrong; for it is the special property of man in distinction from the other animals that he alone has perception of good and bad and right and wrong and the other moral qualities, and it is partnership in these things that makes a household and a city state. [30] In this famous, and much debated passage, which follows an account of the evolution of ever larger aggregations of humanity, from the couple to the city-state, Aristotle implicitly defines the zōon politikon in terms of two variables that are at least conceptually distinguishable. On the one hand there is natural gregariousness, which is opposed to natural solitude, and on the other, there is logos, which is opposed to voice. Gregariousness, as Aristotle explains elsewhere, is just a matter of flocking together, and as such is common to land, air and sea creatures of many species. Solitary animals may include man himself, people like the outlaw described by Homer. In contrast, the distinction between voice and logos is a measure of what distinguishes the human from the animal. So, not all gregarious animals have rational speech, and not everyone that has speech is gregarious. The implied relationship between Aristotle’s taxonomic categories is often unclear, but the logos–voice axis is perhaps better thought of as intersecting with the gregarious–solitary axis than as a subdivision or extension of it. When Aristotle says that humans are more political than bees, he does not mean that they are more gregarious, but rather that they have some other quality as well. Political animals are distinguished from the merely gregarious by having a common activity. Examples include ‘man, bees, wasps, ants, cranes’, some of which live under a ruler and some of which do not. [31] What makes gregarious animals political is a shared way of life to which all contribute, and what makes humans even more political is having logos, for rational communication permits common activity of greater social and moral complexity. Within the terrain mapped by Aristotle’s definition of the political animal, there would therefore appear to be two axes: one that extends from solitude to gregariousness, and from the private to the public, and another that extends from voice to logos, or nature to culture. Using these axes, it becomes possible to plot with more precision the vectors described by Agamben and Nussbaum, both in relation to Aristotle and to each other. Foucault was primarily concerned with the axis that leads from the private to the public, and with a double imbrication brought about through the regulation of bodies and populations—simultaneously an encroachment of the private upon the public and the public upon the private. Agamben turns Foucault’s vector of privatization toward naturalization by interpreting the private–public axis in terms of the zōē/bios distinction; and (through the equation of zōē with speechlessness) by enhancing the literalness of Foucault’s ‘bestialization of man’. The reorientation is completed when Agamben shifts the emphasis to sovereign power. Hobbes, he argues, does not think of the state of nature as a prehistoric epoch, but as a ‘principle internal to the State revealed in the moment in which the State is considered “as if it were dissolved”’. In the state of nature, man is wolf to man, so ‘this lupization of man and humanization of the wolf is at every moment possible in the dissolutio civitatis inaugurated by the state of exception’. [32] A dissolutio civitatis might be expected to effect a return to the private realm, for Agamben claims to be working with ‘the classical distinction between zōē and bios, between private life and political existence, between man as a simple living being at home in the house and man’s political existence in the city’. [33] But although he places bare life ‘in the no-man’s land between the home and the city’ it is apparent that in his examples of men exiled from the city, the outlaw does not retire to enjoy a private life with his family. [34] The werewolf is to be found between ‘the forest and the city’, not half-way between the polis and the oikos. Nussbaum takes as her starting point Rousseau’s memorable picture of bare life (‘All are born naked and poor. All are subject to the miseries of life . . .’), and argues that ‘people are entitled not only to mere life, but to a life compatible with human dignity’. [35] Because man is political, acquiring human dignity involves projecting the alienated, the private and the ungregarious into the public realm, and because man is an animal this means that his animal needs and animal dignity find their satisfaction in the public realm as well. Initially at least, Nussbaum is working primarily with the private–public axis, where she describes a vector which (like Foucault’s ‘optimization of the capabilities of the body’) travels from bare life towards the public sphere. However, because animal dignity is of a kind shared by non-human animals as well, the optimization of non-human capabilities also inscribes a trajectory that leads not so much from private to public as from nature to culture. And in Frontiers of Justice she switches her attention to the other axis. Rather as the homo sacer does not go home but ends up becoming part of nature instead, the animal whose capabilities are developed participates in culture rather than politics. Although each takes something like a ninety-degree turn, the trajectories described by Nussbaum and Agamben continue to be opposing vectors: Agamben’s equation of the dissolutio civitatis with the state of nature allows bare life to take on animal form, while Nussbaum, translating animal dignity into the dignity of animals, brings nature into the sphere of culture.

### Not sure if useful

#### Democracy fails – state destroys social rights

Smith 10 [(Anna Marie Smith, Professor of Government at Cornell University, is a political theorist, with research interests in the fields of jurisprudence and normative political theory) “Neo-eugenics: A Feminist Critique of Agamben” Occasion: Interdisciplinary Studies in the Humanities v. 2 (December 20, 2010)] AT

Agamben’s text, however, also lends itself to a more expansive reading. It can also be interpreted as an invitation to cultivate a more acute sensitivity to the ways in which even the most humanitarian forms of governance can have, as their hidden core principle, the brutal violation of fundamental human rights. As he defends the decision to wage war on Iraq, former President George W. Bush proclaims the exemplary achievements of American democracy. But in this same country, the State has stripped the welfare mother of almost all the basic rights that make a human life worth living, such as the right to refuse demeaning work. (This fact became all the more obvious, even to the corporate media, in the aftermath of Hurricane Katrina in 2005.) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRA) has eliminated her statutory entitlement to poverty assistance;[9] she must look to her state constitution to give her claim to emergency aid any binding force. American constitutional law not only refuses to recognize the very concept of social rights [10] but deliberately refuses to construct the poor as a suspect class where equal-protection doctrine is concerned. [11] The State is empowered by the law to intervene in the intimate and sexual dimensions of a poor single mother’s life in ways that would be considered legally and ethically unacceptable if these same interventions were aimed at professional women. The state has what the courts regard as a legitimate interest in forcing the welfare mother to cooperate with child support enforcement—even if she is fleeing from a violent biological father; it can order her to disclose her sexual history and to open her home, the personal conduct of her teenage children, and her very DNA structure[12] to intensive governmental scrutiny. Federal law allows the states to deprive needy families of benefits when the eligibility time limits are exceeded and to set benefit levels at below-subsistence levels. Workfare rules require custodial mothers with young children to perform duties out of the home on a rigid schedule even though they may not have access to adequate and affordable childcare. In the guise of a poverty program ostensibly aimed at families with dependent children, the state can put so much pressure on a poor single mother that it places her in an absolutely desperate condition, one in which it becomes all the more likely that she will “voluntarily” give up her children for adoption. Indeed, three states evidently do not want to leave the custodial relinquishment effect of poverty policy to chance. They actually require welfare applicants to endure pro-adoption counseling and educational materials designed to encourage them—solely on the basis of their application for means-tested aid alone, with not even the slightest allegation of child abuse or neglect—to relinquish their custodial rights.[13] There is hardly any difference between the slurs that are commonly circulated in American society and government about the welfare mother—that is, the demonizing representations that construct her as a species of vermin or pestilence—and the absolutely obnoxious and horrific claim that her life is not worth living and does not deserve to be lived.[14] But mainstream American political rhetoric is also invested in portraying the state’s relationship with the poor in a humanitarian light: the state is “reluctantly” withdrawing redistributive supports only because they perversely fostered welfare dependency, and it is introducing therapeutic interventions designed to promote the work ethic and patriarchal and heterosexist family values. What we are really witnessing, however, is a massive reduction in social rights and the augmentation of a harsh punishment regime that advances racial-capitalist and patriarchal interests by keeping the poor disorganized, desperate, and eager to work for low wages.[15] Child support enforcement continues to fail as an antipoverty measure—given the fact that the biological fathers of the children of welfare mothers are typically too poor to meet their legal obligations—but the encapsulation of millions of adults within custodial mother/obliged biological father dyads greatly enhances the state’s ability to render the poor mass into a policeable totality. This tactic also interrupts the formation of solidaristic relations among the poor at an intimate level, and perpetuates neoliberal and traditional family values by displacing entitlement with private patriarchal dependency.[16]

Cont

Smith 10 [(Anna Marie Smith, Professor of Government at Cornell University, is a political theorist, with research interests in the fields of jurisprudence and normative political theory) “Neo-eugenics: A Feminist Critique of Agamben” Occasion: Interdisciplinary Studies in the Humanities v. 2 (December 20, 2010)] AT

Standing confidently—some would say arrogantly—on our Enlightenment inheritance, we westerners are enthralled by our own legitimation discourse, namely humanitarianism. We find it almost inconceivable, for example, that it is becoming increasingly difficult to draw the line between imperialist military campaigns and humanitarian aid projects.[20] Similarly, we, the American wealthy, like to tell ourselves that we have always been very generous—if not overly generous—toward the poor. It is, in fact, power that lies at the heart of poverty program design: its structures owe everything to the struggles between racial-capitalist and patriarchal forces that are deeply invested in the production of a docile low-wage workforce and in the promotion of the traditional heterosexual family, on the one side, and progressive forces like the poor people’s protests and the civil rights movement, on the other. Agamben’s ambitious deployment of transhistorical overview is quite suggestive; like Hortense Spillers’s concept of the American grammar book[21] (i.e., Spillers’s diagnosis of the underlying structure of gender and race hierarchies that remains constant in American culture from the colonial period to the present), his theory interrupts our complacent assumption that liberal democratic formations are somehow magically endowed with such a distinct orientation to the law, and such resilient and self-sustaining capacities, that we need not consider the possibility that they can harbor antidemocratic moments—such as slavery, imperialism, and eugenics—at their very core, or that they can descend quite quickly into various forms of absolutism. Agamben and Spillers help us to resist the lure of progressivism: the myth that the West is always moving forwards in its bid to achieve a just form of social cooperation. They show us how to grasp the continuities between the various moments of constitutive exclusion in the history of American identity, whether they involve the strategic production of the indigenous “savage” or that of the slave woman and the welfare mother.

<continues>

The historical record, however, makes it crystal clear that it is the structurally disempowered who are most vulnerable to the exercise of arbitrary state power in the state of emergency. Women are placed in especially constrained positions by the modern State when it devotes itself to population management. In the context of positive eugenics, the “fittest” women of the racial nation are asked to serve as the wombs of “the people” through natalist propaganda and policies. Negative eugenics in turn promotes the exclusion of the “unfit” through selective immigration controls, sterilization, and the discouragement of child-rearing. Poor women typically bear the brunt of these policies. In some eugenic contexts, the “unfit” woman is offered partial redemption, but only insofar as she is rendered into a sterile worker, a prostitute, or a military servant.[26]

#### Social policy today is structured by neo-eugenics

Smith 10 [(Anna Marie Smith, Professor of Government at Cornell University, is a political theorist, with research interests in the fields of jurisprudence and normative political theory) “Neo-eugenics: A Feminist Critique of Agamben” Occasion: Interdisciplinary Studies in the Humanities v. 2 (December 20, 2010)] AT

Fascist organicism similarly seeks to extend the grip of the sovereign into every corner of the Reich such that the will of the Führer defines virtually every field of social activity, from the courts to the market, the church, and the family. Agamben quite rightly draws our attention to the integration of eugenics into fascist social policy. The National Socialists sought to secure the life of the people by preserving the Aryan racial stock from miscegenation and degeneration.[43] They adopted laws permitting the sterilization of those deemed to be carrying “hereditary disorders of the body or the mind.” They prohibited marriage for anyone who was institutionalized or who suffered from contagious disease, mental illness, or hereditary disease. Only those with Aryan blood were considered full citizens with the right to a passport, and Jews were not allowed to marry full citizens.[44] Agamben could have also pointed to the fact that these prohibitions were combined with positive eugenics strategies. The Aryan woman was charged with the duty of marrying an Aryan man, bearing children, and faithfully rearing the Reich’s future generation. Aryan women who bore more than four children received the Cross of Honor of the German mother. In Hermann Göring’s “Nine Commandments for the Workers’ Struggle,” German Aryan women were called to “take hold of the frying pan, dust pan and broom and marry a man.”[45] Taking inspiration from Agamben, and yet rejecting his metaphysical approach to governance, I would argue that contemporary social policy is an expression of neo-eugenics. Neo-eugenics is a special kind of biopolitics that resembles fascist organicism but is unique in several key respects. Eugenics is certainly alive and well in the United States today. Not only are publications like The Bell Curve that espouse a theory of biologically determined and racially differentiated intelligence received as mainstream texts, but we are also witnessing the training of a myriad of forces upon the poor that effectively discourage them from forming kinship groups and bearing and rearing children on their own terms.[46] The harsh character of poverty assistance policy, the gap between the living wage and the minimum wage, gender- and race-based discrimination, and the stratified nature of the labor market operate in tandem. Together, they guarantee that millions of American adults will never earn enough to support a family even when they do manage to find full-time and year-round jobs. The racial bias of the criminal justice system places a disproportionate number of black and Latino men and women in prison at precisely the moment in their life cycles in which nonincarcerated adults typically start building their families. American infant mortality rates are the worst for any developed country,[47] while HIV infection and AIDS continue to hit poor women of color particularly hard. Even if a poor black woman beats the odds and manages to bear and rear a healthy child and to provide him or her with an adequate diet, decent housing, a safe neighborhood, adequate childcare, and early education, she is still exposed to the inequitable child welfare system that threatens to cancel out her parental rights in an arbitrary manner.[48] But for all its continuities with ancient and fascist visions of legitimate governmental interest, contemporary eugenics remains unique. To be sure, there are the jeremiads from conservative-policy pundits and think tanks condemning middle-class women for utilizing childcare services and selfishly combining parenting with the pursuit of a professional career. It is also certainly true that the middle-class mother has been largely abandoned by the neoliberal state and that when she secures an adequate education for her children, she is, in all likelihood, reaching into her own bank account to do so. Even with these caveats in mind, however, the middle-class professional woman is not being subjected to compulsory maternalism; she is not being effectively pressed to do her patriotic duty by bearing and rearing the next generation. The rise of the liberal feminist movement has transformed the political landscape, social policy, and popular attitudes. As such, the free-market liberty of the professional woman will, in all likelihood, resist the attacks of the most conservative reformers for decades to come. We are witnessing, then, the establishment of a neo-eugenics trend in public policy rather than a return to the organicist worldviews that are specific to the ancients and the fascists. Against Agamben’s de-historicization, I would insist on the importance of this departure. The concept of “neo-eugenics” usefully reminds feminist and queer activists that any analysis of the contemporary backlash against gender equality, sexual liberation, and secular humanism that does not pay close attention to class, race, and transnational capital accumulation would be woefully inadequate. We may see the re-criminalization of abortion, for example, thanks to the rise of antifeminist extremists at every level in the American political scene, from the local hospital board to the Supreme Court. It is nevertheless unlikely that we will see the wealthiest professional women being pressed to give up their careers and coerced into putting their wombs at the service of the “race.” Under pressure from patriarchal and capitalist forces, the State will probably do as little as possible to make the combination of wage earning and mothering any easier—we will not, in all likelihood, see the establishment of a universal childcare program, for example—but it is unlikely that elite professional women will be assaulted by the same degree of patriarchal propaganda, racially motivated population control anxieties, economic coercion, and religious proselytization that poor women must endure on a daily basis as a matter of course. To be sure, conservative forces have not entirely abandoned the fray. They champion the women with college degrees who have eschewed the paid-work world in favor of full-time domestic labor, and they continue to make every effort to whip up a social panic about the pediatric perils of childcare. But on the whole, the career gains of elite professional women will remain somewhat unassailable, such that any calls for a full-scale return to earlier forms of “positive” eugenics and the insistence that the “fittest” women take up their proper maternal duties will remain muted. It is the welfare mother, not the professional career woman, who will bear the brunt of neo-eugenics.

#### Prefer this over science

Smith 10 [(Anna Marie Smith, Professor of Government at Cornell University, is a political theorist, with research interests in the fields of jurisprudence and normative political theory) “Neo-eugenics: A Feminist Critique of Agamben” Occasion: Interdisciplinary Studies in the Humanities v. 2 (December 20, 2010)] AT

From a political theory perspective, it is nevertheless important to note that Agamben proposes a salutary challenge to the status quo. He is effectively insisting that we must reverse the analytical gaze of the social sciences: we must investigate the nature of sovereignty from the perspective of the “exception,” rather than the “mainstream,” policy of the State. It is “the politicization of bare life as such” that constitutes the “decisive event of modernity,” not the establishment of a liberal democracy dedicated to securing the right to life, liberty, and the pursuit of happiness. The opposition that is taken for granted between absolutism and democracy has always been a fragile one, and these two modes of governance are currently entering into a “real zone of indistinction.” Absolutism only appears to lie at the other end of the regime-type continuum at a maximal distance from democracy.[19] Once we pierce the ideological obfuscations that are thrown up by the State, we can grasp the fact that the absolutist assertion of sovereign power over bare life is secretly tied to the most humanitarian moments of liberal democratic State authority.

#### useless

Simmons 9 [(Dana, University of California Riverside) “Wages and the Politics of Life in Postwar France” The Journal of Modern History 81 (September 2009)] AT

The French state dealt with poverty and scarcity by setting standards of living. Like the Vichy government before it, the Fourth Republic turned to apparently neutral, scientific measures in order to sideline class confrontation. Social actors were obliged to translate their demands into a nonpartisan budgetary language. This arrangement, in theory, should have resulted in a transparent and democratic polity. Leaders in the new republic designed its laws to reflect the values of “democratization, national solidarity, and rationalization.”13 Scientific experts and associations had a strong, often decisive, voice in wage and welfare policy. Yet from the very opening of wage talks in 1950, it became clear that attempts to specify standards of living would not easily produce solidarity or consensus. The story of standards of living cuts across histories of science, consumption, and the welfare state. Historians have long recognized that scientific measures like living standards have political ramifications.14 Charles Maier, three decades ago, famously laid out the politics of twentieth-century scientific management. Scientifically organized production, many Europeans believed, would narrow the chasm between workers and managers and harvest rewards for both. Revolutionaries on the right and left invoked visions of efficient industry in the service of an antiliberal political program. Bourgeois conservatives promoted technical rationalization as a “social defense” against labor demands. Science, they thought, would eliminate class struggle.15 In modern France, however, scientific measures often served to sharpen class politics. As this study demonstrates, technical measures of consumption like dietary and housing standards actually fed class-based antagonisms. Scientists immersed in the era of industrial production sought to optimize labor and eliminate waste.16 Workers, employers, and state administrators wielded scientific measures in support of opposing views of needs and standards of living. To define basic human needs was to set a minimal platform for wage levels; it was also to fix the state’s responsibility to provide welfare benefits. Rational management may have appeared to promise a way out of class conflict at the workplace. Yet scientific measures also played into a struggle over the means of consumption.17 In the realm of consumption, regimes of scientific objectivity were tightly bound to political legitimacy. The “right to exist” mobilized low-income workers and welfare recipients against industrial employers, agricultural landowners, and their allies. As employers and scientists worked to minimize the cost of labor, they calculated and optimized basic human needs. Workers rapidly turned scientific measures back upon their makers to demand better pay. The state, and those who set legal standards for minimum wages and social housing, responded to the changing balance of class power in French political life. The story of standards of living, needs, rights, and science is tied to the fate of the modern welfare state.18 According to the “rules of coordination” of welfare capitalism, decent wages purchased workers’ “commitment, loyalty, and effort.”19 The French welfare system relied on a transparent and consensual distinction between needs and luxuries, welfare, and the market. Yet no one could agree on the list of basic goods and services that the state should guarantee. Science promised to establish a clear measure of human need. Twentiethcentury French governments employed scores of dietitians, sociologists, anthropologists, and doctors to establish a “science of man,” an objective consumer standard. They collected mountains of statistics on people’s consumption and income, their diets, housing conditions, and fitness.20 By the postwar period, however, it had become clear that no single scientific standard could encompass the rapidly changing lifestyle of the average European consumer.21 Political discord between workers and employers, each wielding competing sets of data, rendered it impossible for science to play a mediating role. Expert knowledge promised to depoliticize the social question. Again and again, it failed completely. The passage of minimum wage legislation in 1950 led to one of the odder chapters in the history of French bureaucratic committees. Paul Bacon, Minister of Labor, convened a High Commission on Collective Bargaining in April of that year to measure a model worker’s budget. Over thirty participants strong, the meeting assembled major leaders of all three unions, representatives of large and small employers, artisans, managers, family associations, and a number of state bureaucrats.22 Over the following two months, these men hashed out the principles and the practice of a new republican minimum standard of living. No point proved too fine for debate, from reflections on scientific observation to the durability of underwear. The minimum wage commission offers an exemplary moment in postwar French consumer society. First, it enacted a political contest between unions and employers, mediated by the state and family associations. Second, as it called upon expert testimony, the commission participated in the emergence of an empirical, policy-oriented postwar social science. Third, the commission’s work reflected French citizens’ everyday struggle to reconcile scarce resources and expanding consumer desires. Scientific experts, unions, and employers struggled to define lower limits for the normal consumer. Were human needs social, psychological, or physiological? Did the minimum vital refer to an absolute limit of bodily survival, to the energy required for productive work, or to customary norms and aspirations? Who was this minimal consumer: man or woman, married or single, with or without a family? Each of those questions required consensus if a stable standard of living was to emerge. The commissioners’ inability to agree on a basic unit of analysis contributed strongly to their ultimate failure.

### homo sacer – 2nd reading

#### The camp is where exception and rule are indistinct

Geulen 7 [(Eva, professor in Department 10, Modern Philology, the Goethe University in Frankfurt) “Form-of-Life/Forma-di-Vita. Distinction in Agamben” FILM AVANTGARDE BIOPOLITIK konferenz 18. - 20. 1. 2007] AT

In order to answer this question and to reexamine the logic of exception with respect to its own exclusivity, one has to begin with the end, for it is at the end, in the zone of indistinction, that the governing structure reveals itself, where it has moved out of its latent inscriptions into unobscured manifestation. According to Agamben, this site is not located in Roman law nor is it a matter of synthesizing Carl Schmitt, Hannah Arendt, and Michel Foucault. The zone of indistinction, the nomosof the modern (166 ff.), is the camp, and Auschwitz is its cipher. Here, Agamben insists, exception has permanently passed into rule and theoretical reconstruction has passed into historical facticity. It is precisely because these sites are the locus of extreme indistinction that Agamben entrusts them with the revelatory power to unveil the long latent structure of exception. As in any apocalyptic scenario, revelation, salvation, and destruction overlap, and from this indistinction – the point zero of theory and history, exception, and example – Agamben hopes to recover what he believes to be the originary inseparability of bios and zoe that goes by the name form-of-life, forma-di-vita. For, in the final instance, Agamben’s historic-theoretical analyses tend to look very much like a recovery project. However, unlike Arendt, Agamben does not seek to restore defunct political distinctions, but rather to restore a phantasmagoric originary unity. He wants to reinvent indistinction as originary inseparability: “Man is not a duality of spirit and body, nature and politics, life and logos, but is instead resolutely situated at the point of their indistinction.” (153) His line of thought here seems to follow a motif, shared by Heidegger, Benjamin, and Adorno among others, according to which the saving power grows proportionally to the danger (Hölderlin). As Agamben put it at the close of an earlier book on the demise of art in aesthetics: “According to the principle by which it is only in the burning house that the fundamental architectural problem becomes visible for the first time, art, at the highest point of its destiny makes visible the original project.” In Remnants of Auschwitz , Agamben’s book on testimony, announced in its English translation as Homo Sacer III, the destitute Jews of the camps known as Muselmänner figure as suprahistorical extremes that unlock the secret workings of biopolitics before and after the Holocaust: “Biopower’s supreme ambition is to produce, in a human body, the absolute separation of the living being and the speaking being, zoe and bios, the inhuman and the human.” The attempt to establish an absolute distinction results in nothing other than indistinction. This is why, Agamben continues, “the Muselmann – like the body of the overcomatose person and the neomort attached to life-support systems today – not only show the efficacy of biopower, but also reveal its secret cipher, so to speak its arcanum.” Within this logic it is only at the brink of total collapse that the constitutive structures reveal themselves. Only at this point of indistinction do we glimpse the originary inseparability of bios and zoe. The theoretically and politically crucial question is whether it might be possible to disentangle Agamben’s analyses of sovereignty from the recovery project in which they seem to be embedded.

#### A2 examples are an exceptional case

Geulen 7 [(Eva, professor in Department 10, Modern Philology, the Goethe University in Frankfurt) “Form-of-Life/Forma-di-Vita. Distinction in Agamben” FILM AVANTGARDE BIOPOLITIK konferenz 18. - 20. 1. 2007] AT

One might well want to disqualify these examples as extreme exceptions but since any attempt to do so requires a firm distinction between example and exception, this is a futile exercise that remains caught in the logic of exception Agamben delineates. For, as he elaborates in Homo Sacer (21-25), exception and example are two symmetrical modes by which a set or a class can found and maintain itself. Exception is an inclusive exclusion whereby what is excluded from the set belongs to the set by virtue of this exclusion. The example, on the other hand, functions as an exclusive inclusion. In exhibiting or displaying its own belonging to a class, the example excludes itself from the class by belonging to it. As the sentence ‘A set contains everything except its ex ample’ demonstrates, exception and example cohere because every set requires an example and thus depends on at least one exception. According to Agamben’s version of set theory, exception and example are themselves subject to the logic of exception and are therefore ultimately indistinguishable. This is the compelling logical or systemic reason why any critique of Agamben’s choice of examples is futile. These examples are no longer examples of a theoretical rule precisely because they are examples that exemplify the indistinguishability of exception and example. As such, they function in Agamben’s work somewhat like Goethe’s Urphänomene, in which intuition and theory are inseparable.

#### Need pure violence

Wright 1 [(Nathan, Assistant Professor Bryn Mawr College Department of Sociology) “Camp as Paradigm: Bio-Politics and State Racism in Foucault and Agamben” May 2008 v1 no1 ￼ ￼ CULTURE CRITIQUE] AT

But what, ultimately, will these local resistances lead up to? What is their end point? According to Benjamin, “...it is our task to bring about a real state of emergency” (Benjamin 1968, 257) as opposed to the current state of emergency that is the rule which is characterized by the blurring of the limits between life and law and between violence and law. According to Agamben, this true state of exception is one where “bare life must itself...be transformed into the site for the constitution and installation of a form of life that is wholly exhausted in bare life and a bios that is only its own zoē” (Agamben 1998, 188). The exception in this case of a true state of exception thus appears to be a sovereign relationship with bare life that is a means with no ends—a form of or result from Benjamin’s pure (or divine or revolutionary) violence, which “is that which does not stand in a relation of means toward an end, but holds itself in relation to its own mediality...so pure violence is attested to only as the exposure and deposition of the relation between violence and law” (Agamben 2005, 62). Divine violence can shatter the link between not only violence and law, but also life and law that were joined through the “fiction of their articulation,” but which divine violence hopes to separate. The goal of this separation, for Agamben, would be, “To show law in its nonrelation to life and life in its nonrelation to law [as a] means to open a space between them for human action, which once claimed for itself the name of ‘politics’” (ibid., 88). This space for human action, I believe, is where Foucault’s local, political acts take place as localized acts of divine violence not with an eye on altering the power structure, thus leaving at best “a change of masters,” but with an eye toward a true revolutionary violence if these local resistances were to be coordinated on a large enough scale. As Foucault has been criticized, he does not have a particular end in mind behind these resistances, but that is by Benjamin’s definition, requisite for the violence to be pure or divine instead of constitutive, which would just re-inscribe the violence back into the juridical order via the power/resistance dynamic. Agamben, however, does see a world beyond divine violence that he borrows from Kafka and Benjamin when he says, “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...a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical” (ibid., 64).

#### Form of life alt

Robinson 11 [(Andrew, political theorist and activist) “In Theory Giorgio Agamben: destroying sovereignty” Ceasefire January 21, 2011] AT

This imperative leads Agamben to construct an alternative account of politics. Since sovereign power is based on the separation between bare life and politically recognised life, its destruction requires overcoming the division, constituting a form of bare (or biological) life which is also the site for its own form of political life, or which is wholly exhausted in bare life and does not require a supplementary political dimension. It must refuse any external decision, any logic which splits bare life from something else, and thereby take away the sovereign power to decide or ‘ban’. In other words, it requires that bare life be autonomous and self-validating. Bare life must claim the ability to value itself directly, without the mediation of sovereignty. The overlap of this view with Deleuzian network-based critiques of hierarchies, autonomist ideas of self-activity and self-valorisation, and anti-representationalist strands of anarchism such as Immediatism is extensive, and helps explain why Agamben’s concepts periodically pop up in insurrectionist texts. Agamben proposes ‘whatever-singularity’ as an alternative basis for political action, which escapes the logic of sovereignty. Taken from Deleuze and Guattari’s thought, a singularity is something which is unique and which can’t be reduced to a measurement or representation. Agamben likes it because it avoids his having to choose between universality and particularity. “Whatever” in English has unfortunate overtones of indifference (“whatever, talk to the hand”) which is not at all what Agamben means. Rather, he is referring to something mattering whatever it is, always mattering regardless of what it is – as opposed to the sovereign decision to divide life into things which matter and things which don’t. A “whatever-singularity” is neither reducible to its attributes nor expressible as an abstract generality such as universal humanity; rather, it is something which has general value as it is, with all of its attributes (and especially, as potentiality or possibility). It does not depend on any standard of conformity or subjectification or normality, or on belonging to the people or masses. It also denies that there is any particular essence which makes people human – instead, being human is a scattering of singularities. Whatever-singularity is also a kind of being which people are assumed to already have, which for instance motivates resistance to being normalised. In a sense, this is a radicalised version of human rights discourse, since anyone, whatever they are and whatever they do, is recognised as having a kind of autonomous ethical value. This is fundamentally an ethics of ‘letting be’ (with overtones of ‘being who you are’). It entails doing away with normativity as usually defined, with standards of good and evil which declare certain people to be valueless because of some particularly heinous deviant act they’ve committed (in contrast to the more common approach of either contracting normativity to cover a smaller range of acts, or altering it to focus on oppressive abuses). For instance, Agamben argues that ideas such as guilt and responsibility are derived from legal thought and hence from sovereignty. The ethical challenge Agamben poses is to still view every person – and, in line with the discussion in The Open, every animal – as fundamentally valuable in their own life, as having forms of life and particularity worthy of respect and autonomous existence, regardless of how ‘bad’ they are or what ‘crimes’ they commit. In effect, Agamben aims to take away, through choices in terms of language, ethics and philosophy, the threat posed by others’ ethical judgements in constituting a person or being as vulnerable. This does not remove human vulnerability per se, but does remove the particular risk of being made into homo sacer. It does, however, leave a particular ethical problem: are agents of sovereignty also to be treated as ‘whatever-singularities’, or as the negation of all such singularities? The ‘coming community’ corresponds on a collective level to ‘whatever-singularity’. It is related to the ‘people to come’, a concept Deleuze and Guattari borrow from Bergson, and to messianic ideas of a coming liberation. Agamben refers to the coming community as a form of social togetherness which is also a ‘non-state’ and is counterposed to the logic of sovereignty. The coming community is defined in Agamben as a kind of post-consumerist condition, emerging from a passage through current forms of life, such as the indifference of mass media images and of commodities through which one can reshape one’s identity. It passes through and beyond such forms of life by radicalising their challenge to normativity and sovereignty. It is not a hybrid space – hybridity is already actualised in homo sacer and the sovereign – but rather, a negation, the ‘un-man’. It is based on ‘whatever-singularities’ in their antagonism with the state and sovereignty (hence it cannot seek to seize state power). Agamben believes that whatever-singularities can form communities without affirming ‘representable conditions of belonging’ (such as laws, norms, etc). It also does not rest on categories of identity (even the identity of excluded or marginalised groups), which for Agamben, remain trapped within old forms of politics which reproduce sovereignty (mainly because the recognition of an identity is necessarily separate from the processes of life which constitute it). In conditions of sovereignty, life has to separate itself from the orders of subjects and objects, to free itself from biopower and from hierarchical relations with living things, to become whatever-singularity and to attain radical immanence. In Potentialities, Agamben argues for an almost Buddhist stance of contemplative separation which preserves instead of deciding. Agamben’s stance also has a revolutionary aspect. Rather than starting from identity, Agamben’s ethical theory starts from the standpoint of bare life. In Remnants of Auschwitz, Agamben argues that the ethical standpoint from which one should start is provided by the experience of concentration camp inmates. More precisely, it should start from the standpoint of the most abject sub-group of inmates, the so-called Musselmanner who were near death and had lost the will to live, who hence embodied directly the idea of bare life. This is because of a particular moment of inversion. The moment of catastrophe is taken also to contain the moment where salvation becomes possible, with passage through the low point of the current expansion of sovereignty acting as a transition to liberation. This is a rather strange argument, but based on a viable observation: that only when the logic of sovereignty is fully unfolded (only when we are faced with a giant tree instead of a sapling) does the nature of the problem – or the nature of what needs to be got rid of – become clear. This also means that, in Agamben’s view, liberation is ambiguously tied to sovereignty, as its negation. In a sense, therefore, Agamben remains within a Marxist model of historical becoming. Richard Day has expanded Agamben’s argument, claiming that social networks of marginalised groups are already ‘coming communities’, and also that the term should always be kept plural. He views the Marxist element in Agamben’s thought as unhelpful, arguing that post-consumers are not the most likely source of the coming communities. Another aspect of the coming community is that, on one level, it is a very small shift. Inspired by Jewish theology and authors such as Walter Benjamin, Agamben draws on messianic ideas of a total transformation of the existing world into a different world through a small gesture, the addition of an aura, or a new way of seeing. In a sense, everything stays as it is, and yet is rendered different by the removal of the transcendent moment of sovereignty. My main concern with Agamben’s theory arises from some degree of scepticism regarding the assumption that political issues have an ontological status. Agamben’s work has become strongly resonant and fashionable for a very clear reason: he is talking about issues which speak to the problems of the moment, which seem to communicate directly with issues such as Guantanamo Bay, ‘anti-terror’ laws, attacks on civil liberties, and the global ‘war on terror’. It is a good thing that theorists are giving serious attention to these issues, and the social logics of states are clearly tied-up in them. The difficulty is the question of whether these issues really operate on the deep ontological or structural level which Agamben assumes. Political events are taken to express ontological rather than contingent phenomena (or more generously to Agamben, perhaps the contingencies reveal ever-present potentialities). Sovereignty has always been what it is (i.e. Auschwitz), but it has unfolded cumulatively according to its own logic. But can sovereignty ‘unfold’ of its own accord, as if the entire political context derives from it?

#### The exception is taken out of the rule, and sovereign rule consists not just of rule over territory but also the taking in of the exception

The exception is a kind of exclusion. What is excluded from the general rule is an individual case. But the most proper characteristic of the exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to the rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of the rule’s suspension. The rule applies to the exception in no longer applying, in withdrawing from it. The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension. In this sense, the exception is truly, according to its etymological root, taken outside (ex-capere), and not simply excluded. It has often been observed that the juridico-political order has the structure of an inclusion of what is simultaneously pushed outside. Gilles Deleuze and Félix Guattari were thus able to write, “Sovereignty only rules over what it is capable of interiorizing” (Deleuze and Guattari, Mille plateaux, p. 445); and, concerning the “great confinement” described by Foucault in his Madness and Civilization, Maurice Blanchot spoke of society’s attempt to “confine the outside” (enfermer le dehors), that is, to constitute it in an “interiority of expectation or of exception.” Confronted with an excess, the system interiorizes what exceeds it through an interdiction and in this way “designates itself as exterior to itself” (L’entretien infini, p. 292). The exception that defines the structure of sovereignty is, however, even more complex. Here what is outside is included not simply by means of an interdiction or an internment, but rather by means of the suspension of the j uridical order’s validity – by letting the juridical order, that is, withdraw from the exception and abandon it. The exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule. The particular “force” of law consists in this capacity of law to maintain itself in relation to an exteriority. We shall give the name relation of exception to the extreme form of relation by which something is included solely through its exclusion. The situation created in the exception has the peculiar characteristic that it cannot be defined either as a situation of fact or as a situation of right, but instead institutes a paradoxical threshold of indistinction between the two. It is not a fact, since it is only created through the suspension of the rule. But for the same reason, it is not even a juridical case in point, even if it opens the possibility of the force of law. This is the ultimate meaning of the paradox that Schmitt formulates when he writes that the sovereign decision “proves itself not to need law to create law.” What is at issue in the sovereign exception is not so much the control or neutralization of an excess as the creation and definition of the very space in which the juridico-￼political order can have validity. In this sense, the sovereign exception is the fundamental localization (Ortung), which does not limit itself to distinguishing what is inside from what is outside but instead traces a threshold (the state of exception) between the two, on the basis of which outside and inside, the normal situation and chaos, enter into those complex topological relations that make the validity of the juridical ordet possible. The “ordering of space” that is, according to Schmitt, constitutive of the sovereign nomos is therefore not only a “taking of land” (Landesnahme) – the determination of a juridical and a territorial ordering (of an Ordnung and an Ortung) – but above all a “taking of the outside,” an exception (Ausnahme). Since “there is no rule that is applicable to chaos,” chaos must first be included in the juridical order through א the creation of a zone of indistinction between outside and inside, chaos and the normal situation – the state of exception. To refet to something, a rule must both presuppose and yet still establish a relation with what is outside relation (the nonrelational). The relation of exception thus simply expresses the originary formal structure of the juridical relation. In this sense, the sovereign decision on rhe exception is the originary juridico-political structure on the basis of which what is included in the juridical order and what is excluded from it acquire their meaning. In its archetypal form, the state of exception is therefore the principle of every juridical localization, since only the state of exception opens the space in which the determination of a certain juridical order and a particular territory first becomes possible. As such, the state of exception itself is thus essentially unrealizable (even if definite spatiotemporal limits can be assigned to it from time to time). The link between localization (Ortung) and ordering (Ordnung) constitutive of the “nomos of the earth” (Schmitt, Das Nomos, p. 48) is therefore even more complex than Schmitt maintains and, at its center, contains a fundamental ambiguity, an unrealizable zone of indistinction or exception that, in the last analysis, necessarily acts against it as a principle of its infinite dislocation. One of the theses of the present inquiry is that in our age, the state of exception comes more and more to the foreground as the fundamental political structure and ultimately begins to become the rule. When our age tried to grant the unrealizable a permanent and visible localization, the result was the concentration camp. The camp – and not the prison – is the space that corresponds to this originary structure of the nomos. This is shown, among other things, by the fact that while prison law only constitutes a particular sphere of penal law and is not outside the normal order, the juridical constellation that guides the camp is (as we shall see) martial law and the state of siege. This is why it is not possible to inscribe the analysis of the camp in the trail opened by the works of Foucault, from Madness and Civilization to Discipline and Punish. As the absolute space of exception, the camp is topologically different from a simple space of confinement. And it is this space of exception, in which the link between localization and ordering is definitively broken, that has determined the crisis of the old “nomos of the earth.”

#### The juridical rule applies because it potentially does not apply.

1.3. The validity of a juridical rule does not coincide with its application to the individual case in, for example, a trial or an executive act. On the contrary, the rule must, precisely insofar as it is general, be valid independent of the individual case. Here the sphere of law shows its essential proximity to that of language, just as in an occurrence of actual speech, a word acquires its ability to denote a segment of reality only insofar as it is also meaningful in its own not-denoting (that is, as langue as opposed to parole, as a term in its mere lexical consistency, independent of its concrete use in discourse), so the rule can refer to the individual case only because it is in force, in the sovereign exception, as pure potentiality in the suspension of every actual reference. And just as language presupposes the nonlinguistic as that with which it must maintain itself in a virtual relation (in the form of a langue ox, more precisely, a grammatical game, that is, in the form of a discourse whose actual denotation is maintained in infinite suspension) so that it may later denote it in actual speech, so the law presupposes the nonjuridical (for example, mere violence in the form of the state of nature) as that with which it maintains itself in a potential relation in the state of exception. The sovereign exception (as zone of indistinction between nature and right) is the presupposition of the juridical reference in the form of its suspension. Inscribed as a presupposed exception in every rule that orders or forbids something (for example, in the rule that forbids homicide) is the pure and unsanctionable figure of the offense that, in the normal case, brings about the rule’s own transgression (in the same example, the killing of a man not as natural violence but as sovereign violence in the state of exception).

Hegel was the first to truly understand the presuppositional structure thanks to which language is at once א outside and inside itself and the immediate (the nonlinguistic) reveals itself to be nothing but a presupposition of language. “Language,” he wrote in the Phenomenology of Spirit, “is the perfect element in which interiority is as external as exteriority is internal” (see Phänomenologie des Geistes, pp. 527-29). We have seen that only the sovereign decision on the state of exception opens the space in which it is possible to trace borders between inside and outside and in which determinate rules can be assigned to determinate territories. In exactly the same way, only language as the pure potentiality to signify, withdrawing itself from every concrete instance of speech, divides the linguistic from the nonlinguistic and allows for the opening of areas of meaningful speech in which certain terms correspond to certain denotations. Language is the sovereign who, in a permanent state of exception, declares that there is nothing outside language and that language is always beyond itself. The particular structure of law has its foundation in this presuppositional structure of human language. It expresses the bond of inclusive exclusion to which a thing is subject because of the fact of being in language, of being named. To speak [dire] is, in this sense, always to “speak the law,” ius dicere.

#### Example and exception indistinct

1.4. From this perspective, the exception is situated in a symmetrical position with respect to the example, with which it forms a system. Exception and example constitute the two modes by which a set tries to found and maintain its own coherence. But while the exception is, as we saw, an inclusive exclusion (which thus serves to include what is excluded), the example instead functions as an exclusive inclusion. Take the case of the grammatical example (Millier, “L’exemple,” p. 176): the paradox here is that a single utterance in no way distinguished from others of its kind is isolated from them precisely insofar as it belongs to them. If the syntagm “I love you” is uttered as an example of a performative speech act, then this syntagm both cannot be understood as in a normal context and yet still must be treated as a real utterance in order for it to be taken as an example. What the example shows is its belonging to a class, but for this very reason the example steps out of its class in the very moment in which it exhibits and delimits it (in the case of a linguistic syntagm, the example thus shows its own signifying and, in this way, suspends its own meaning). If one now asks if the rule applies to the example, the answer is not easy, since the rule applies to the example only as to a normal case and obviously not as to an example. The example is thus excluded from the normal case not because it does not belong to it but, on the contrary, because it exhibits its own belonging to it. The example is truly a paradigm in the etymological sense: it is what is “shown beside,” and a class can contain everything except its own paradigm. The mechanism of the exception is different. While the example is excluded from the set insofar as it belongs to it, the exception is included in the normal case precisely because it does not belong to it. And just as belonging to a class can be shown only by an example – that is, outside of the class itself – so non- belonging can be shown only at the center of the class, by an exception. In every case (as is shown by the dispute between anomalists and analogists among the ancient grammarians), exception and example are correlative concepts that are ultimately indistinguishable and that come into play every time the very sense of the belonging and commonality of individuals is to be defined. In every logical system, just as in every social system, the relation between outside and inside, strangeness and intimacy, is this complicated. The exceptio of Roman court law well shows this particular structure of the exception. The exceptio is an א instrument of the defendant’s defense that, in the case of a judgment, functions to neutralize the conclusiveness of the grounds proffered by the plaintiff and thus to render the normal application of the ius civile impossible. The Romans saw it as a form of exclusion directed at the application of the ius civile (Digesta, 44. 1. 2; Ulpianus, 74: Exceptio dicta est quasi quaedam. exclusio, quae opponi actioni solet ad excludendum id, quod in intentionem condemn ationemve deductum est, “It is said to be an exception because it is almost a kind of exclusion, a kind of exclusion that is usually opposed to the trial in order to exclude what was argued in the intentio and the condemnatio”). In this sense, the exceptio is not absolutely outside the law, but rather shows a contrast between two juridical demands, a contrast that in Roman law refers back to the opposition between ius civile and ius honorarium, that is, to the law introduced by the magistrate to temper the excessive generality of the norms of civil law. In its technical expression in the law of the Roman court, the exceptio thus takes the form of a conditional negative clause inserted between the intentio and the condemnatio, by means of which the condemnation of the defendant is subordinated to the nonexistence of the fact excepted by both intentio and condemnatio (for example: si in ea re nihil malo A. Agerii factum sit neque fiat, “if there has not been malice”). The case of the exception is thus excluded from the application of the ius civile without, however, thereby calling into question the belonging of the case in point to the regulative provision. The sovereign exception represents a further dimension: it displaces a contrast between two juridical demands into a limit relation between what is inside and what is outside the law. The Paradox of Sovereighty 21 ￼It may seem incongruous to define the structure of sovereign power, with its cruel factual implications, by means of two innocuous grammatical categories. Yet there is a case in which the linguistic example’s decisive character and ultimate indistinguishability from the exception show an unmistakable involvement with the power of life and death. We refer to the episode in Judges 12.; 6 in which the Galatians recognize the fleeing Ephraimites, who are trying to save themselves beyond the Jordan, by asking them to pronounce the word “Shibboleth,” which the Ephraimites pronounce “Sibboleth” (“The men of Gilead said unto him, ‘Art thou an Ephraimite?’ If he said, ‘Nay; then they said unto him, ‘Say now Shibboleth’: and he said Sibboleth: for he could not frame to pronounce it right. Then they took him, and slew him at the passages of Jordan”). In the Shibboleth, example and exception become indistinguishable: “Shibboleth” is an exemplary exception or an example that functions as an exception. (In this sense, it is not surprising that there is a predilection to resort to exemplary punishment in the state of exception.)

### Cards to integrate

#### Vote negative to interrogate the connection between life and politics, only by embracing community without unity can we maintain our relationship to Dasein and escape our thanatology.

**Norris**, **2000** (Andrew, Ass Prof of Poli Sci @UPenn, diacritics, winter, Giorgio Agamben and the Politics of the Living Dead)

If Agamben's analysis and description of this dilemma of the formation of the political and of political identity is strikingly original, the nonmetaphysical alternative toward which he gestures in response is more familiar. In an earlier discussion of the politics of the sacred, he argues that the sacred bears within itself subversive potential, in that as a marginal supplement of political identity, it itself lacks identity. This opens up the possibility of a mode of being that escapes the metaphysics of politics, and hence of thanatology. "In the final instance the State can recognize any claim for identity. . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without an representable condition of belonging." The Allied response to the Nazi extermination of the Jews is instructive in this regard. Rather than acknowledge the sacred character of the Jewish people (as a people whose extermination "was not conceived as a homicide by [either] the executioners [or] the judges"), they "tried to compensate for this lack of identity with the concession of a State identity, which itself became the source of new massacres" [*Coming Community* 87-88; cf. *Homo Sacer* 114]. To break out of this vicious cycle, Agamben follows Jean-Luc Nancy in attempting to "think" community without unity. 30 In so doing, both will follow Heidegger (though hardly without criticism) in his attempt to develop a poetic mode of speech beyond metaphysics. What Agamben adds to this is his emphasis upon bare life: [End Page 53] Only a reflection *[*una rifflessione*]* that . . . thematically interrogates the link between bare life *[*nuda vita*]* and politics, a link that secretly governs *[*governa*]* the modern ideologies seemingly most distant from one another, will be able to . . . return thought to its practical calling *[*restituire il pensiero alla sua vocazione practica*].* [*Homo Sacer* 4-5] This emphasis, however, changes everything, and it is worth detailing the distance it places Agamben from Heidegger and the work he has inspired. When Agamben writes that political practice is "governed" by "the link between bare life and politics" we must be careful to note that this link is not one that has been forged by willful or culpable philosophers. Political practice reproduces the older structures we find in western political philosophy not because it is produced by that philosophy but because both express a metaphysical quandary that is distinct from each. This way of putting the matter suggests that the relation between the two is one between "politics" and "the political"; on this model, the former refers to the empirical data of actions and events and the latter refers to the system of meaning or intelligibility within which the empirical manifests itself. 31 One advantage of this quasi-theatrical schema is that it allows us to conceive of politics and political philosophy as distinct things that nonetheless map onto one another: the system of intelligibility is an intelligibility of events and actions and intentions. In the absence of the latter, there would be nothing to be either politically meaningful or meaningless. Conversely, in the absence of a conception of what meaning is and how it can achieved, no behavior could rise to the status of political action at all. This distinction is generally derived from Heidegger, ultimately from his thinking of the ontological distinction and most immediately from his writings on technology. Heidegger argues that technology is not the application of scientific theory. Rather, scientific theory itself arises in response to the technological demand that nature be reduced to "a calculable coherence of forces" that can be represented and used for the representation and application of force. "Modern physics is the herald of enframing, a herald whose provenance is still unknown." 32 Although the technological mode of revealing is a nihilistic one in which instrumental reason reigns supreme, that reason is itself not an instrument. As a mode of revelation it is "the destining of revealing" or Being in our time. Hence Heidegger's famous dictum, "the essence of technology is nothing technological." Hence as well his caution that we neither respond with "a stultified compulsion to push on blindly with technology [nor], what comes to the same, . . . rebel helplessly against it and curse it as the work of the devil" ["Question Concerning Technology" 330, 340, 330]. Lacoue-Labarthe has echoed Heidegger's claims here, and suggested that "the essence of the political . . . is by itself nothing political" ["In the Name of . . ." 71], a claim that is at the heart of his own attempt to develop a distinction between politics and the political. He offers the helpful suggestion that the relationship between politics and the [End Page 54] political be conceived along the lines of the relationship between "a—more or less fully—developed photograph and a negative" ["Spirit of National Socialism" 150]. This nicely captures the relative priority of the philosophical, while also retaining the necessary reminder that both politics and the political are what they are because they represent something else. It is fairly clear that Agamben would claim the same. But there is an important shift here in his work. Even if we grant that the relation between the political (for example, the thematic subject of [moments of] Aristotle's *Politics*) and politics (for example, the death camps) is a noncasual one in which both are expressions of the essence of metaphysics, there remains a fundamental discrepancy between the roles these two play in Agamben's argument. In Agamben's work canonical texts are depicted as giving expression to an unstable logic, one that inevitably comes unraveled on the level of (empirical) politics. Indeed, as in the opening paragraphs of my own article, it is recent empirical events that provide the pathos and the urgency to Agamben's discussion. Agamben does not set out only to provide us with an insightful way to read the canon, though he does succeed in that. He sets out to address the catastrophe of our time. And it will ultimately be addressed by that "which enacts the experience merely shown by logic." In so emphasizing the pathos of politics over that of the political Agamben sharply distinguishes himself from Heidegger, who if anything takes the opposite approach. As Heidegger explicitly and repeatedly states, the danger of technology is not the threat it poses to human life, but the danger it poses to the dignity of the human being as thinker—that is, the danger it poses to thought. 33 His infamous equation of the death camps with the mechanized food industry is wholly consistent with this: "Agriculture is now a motorized food industry, essentially the same thing as the fabrication of cadavers in the gas chambers of the extermination camps, the same thing as the blockades and the reduction of countries to famine, the same thing as the fabrication of hydrogen bombs." 34 To say that the "motorized food industry" is "essentially the same thing" as "the fabrication of cadavers in the gas chambers of the extermination camps" would seem to imply that the converse is true as well: the metaphysical significance of Auschwitz is precisely that of a factory farm. Because of his emphasis upon bare, embodied life, Agamben cannot take such a tack. For those appalled by the rough equating of the food industry and the death camps, this is all for the better. But it does result in a privileging of one of the two purported expressions of the metaphysical quandary of politics that we would not find in a purely Heideggerian analysis. It is as if Agamben's text were enacting what he claims is the characteristically paradoxical inclusion of life within metaphysics. The strength of Agamben's analysis is that it does not merely add something to Heidegger's own work, but it allows us to see how the latter evades the problems Agamben confronts. I have alluded above to Agamben's own discussions of the later Heidegger's thinking of death. I should like to conclude by noting the manner in which the problem of life dogs Heidegger from the start, from *Being and Time,* the source of much of our [End Page 55] thinking of the ontological distinction that Agamben's emphasis upon life both follows and challenges. In the opening pages of Part One of *Being and Time,* Heidegger betrays an anxiety concerning the distinction between fundamental ontology and biology—an anxiety that corresponds to the introduction's suggestion that the former will either indicate or enact a true politics: "The existential analytic of *Da-sein* is *prior* to any psychology, anthropology, and especially biology [*erst recht Biologie*]" [42]. 35 One wonders, Why "especially" biology? Why does Heidegger in his 1929-30 lecture course return to the question of the biological, and address biology alone as a metaphysically significant positive science [see Heidegger, *Fundamental Concepts of Metaphysics*]? The immediate answer is that, though Heidegger suggests that he pursues a concept of the natural, this concept proves to be insufficient to delineate the ontology of the worlding of the world [see, for example, *Being and Time* 59-60]. Heidegger seeks to distinguish his own project from the work of Dilthey and Bergson and Nietzsche even as it builds upon that work. But the terms in which he does so are striking indeed: in a paragraph that begins with the consideration of the anthropological tendencies of psychology, Heidegger quickly turns to the rejection of "a general *biology*" as a science that might provide the "ontological foundations" (*ontologische Fundament*) that anthropology neglects. *In the order of possible understanding and interpretation, biology as the "science of life" is rooted [*fundiert*] in the ontology of* Da-sein, *although not exclusively [*aussließlich*] in i Life has its own kind of being, but is essentially [*wesenhaft*] accessible only in* Da-sein. *The ontology of life takes place by way of a privative interpretation. It determines [*bestimmt*] what must be the case if there can be anything like just-being-alive.* 36 *Life is neither pure objective presence, nor is it* Da-sein. *On the other hand,* Da-sein *should never be defined [*bestimmen*] ontologically by regarding it as life—(ontologically undetermined [*unbestimmt*]) and then as something else on top of that.* [*Being and Time* 46] The concluding claims are familiar enough: Da-sein is not an aggregation of life (the animal) and "something else" (rationality); rather, each of these is seen as what it is only by way of "a privative interpretation" that begins with Da-sein as being-in-the-world. But neither is it the case that such an interpretation can fully account for life—for life is not merely an abstraction from the unity of Da-sein—it is not exclusively founded in the ontology of Da-sein. *Nur-noch-leben* is neither decisively included in nor excluded from the ontology of *Da-sein*. It is, in other words, included as a problem—or, perhaps better, included as an exclusion. If the human being could be reduced to the level of bare life it would be neither an object nor Da-sein. What it would be remains a mystery—albeit perhaps one produced by our uncanny inability to see what is nearest to us.

## Not useful misc stuff

### Slavery

#### Slavery is not explainable by agamben

Ziarek 12 [(Ewa Plonowska, Julian Park Professor of Comparative Literature) “9. Bare Life” Impasses of the Post-Global: Theory in the Era of Climate Change, Vol. 2] AT

To show the necessity of supplementing Agamben’s conceptualization of bare life, I would like to consider briefly Aristotle’s and Orlando Patterson’s discussion of slavery, on the one hand, and the modern uses of the hunger strike, on the other. In terms of Agamben’s genealogy of bare life, slavery is an important case to consider because its ancient and modern, racialized forms represent instances of bare life co-extensive with both the Greek polis and modern democracy and yet irreducible to the category of either homo sacer or the camp. Let us begin the exploration of bare life and slavery with the text that is foundational to Agamben’s political theory—with Aristotle’s Politics. As soon as Aristotle introduces the crucial distinctions between zoe and bios, oikos (home) and polis, he is confronted with the localization and legitimation of enslaved life, which does not seem to fit easily into these distinctions. Thus, it is not only the case that, as Thomas Wall argues, in the Greek polis bare life “was abandoned to the home, the oikos” (39). There is also the more fundamental problem that Aristotle’s defense of slavery creates a conceptual aporia undermining his definition of slavery as an “animate instrument” belonging to the household. Implicated in the network of differences fundamental to the differentiation of the public space of the city—such as the differences between the body and the soul, the male and the female, the human and the animal, passion and reason—enslaved life, defined by Aristotle as property, does not have a “proper” place. In his apologia, Aristotle writes the following: “The soul rules the body with the authority of a master: reason rules the appetite with the authority of the a statesman… .The same principle is true of the relation of man to other animals… . Again, the relation of male to female is naturally that of the superior to the inferior… . We may thus conclude that all men who differ from others as much as the body differs from the soul, or an animal from a man … are by nature slaves” (Aristotle, 1254b, 16). As these multiple analogies show, the political subjection and exclusion of femininity and slavery is “like” the subjection of the body to reason and animality to humanity. Perhaps bearing witness to the threat of enslavement in war, this analogy potentially makes the body of each Greek citizen “like” the enslaved or inhuman body. And conversely the enslaved body blurs the distinction between the human and the animal, the household and the city. Because of its in-between position on the “threshold” (to use Agamben’s apt term), slavery in Aristotle’s text begins to haunt the Greek polis from within and from without, making the Greek citizen, prior to its modern counterpart, already “a two-faced being, the bearer of bodily” enslavement to reason and a political being among equals. Although subjected to the violence of the master rather than to sovereign banishment, enslaved life in Aristotle’s Politics, like the obscure figure of “homo sacer” in Roman law, blurs the boundaries between the inside and the outside of the political. It is Orlando Patterson’s influential study of slavery from antiquity to modernity that gives a full account of the liminality of the slave’s paradoxical position in the social order. In his seminal work Slavery and Social Death, Patterson argues that the enigma of slavery exceeds both the juridical and the economic categories of law, production, exchange, or property. What all these categories fail to explicate is both the “total” domination of the enslaved life and the liminality of slaves’ position. Like the indistinction, or the threshold, between the inside and outside marked by homo sacer, slave’s liminality (Patterson 42, 44) collapses both the political and the ontological differences between the human and the inhuman, monstrosity and normality, anomaly and norm, life and death, cosmos and chaos, being and “nonbeing.” In one of the most suggestive passages devoted to the interpretation of the Anglo-Saxon representation of slavery/servitude in Beowulf, Patterson writes: “It was precisely because he was marginal, neither human nor inhuman, neither man nor beast, neither dead nor alive, the enemy within who was neither member nor true alien, that the slave could lead Beowulf and his men across the deadly margin that separated the social order above from the terror and chaos of the underground” (48). What is then the relation between these two different expressions of subjugation and liminality represented, on the one hand, by homo sacer and, on the other hand, by enslaved life? The key link between bare life/sovereignty and the master/ slave dialectic is the substitutability of slavery for death: either for the death of the external enemy or the death of the internal “fallen” member of the community. According to Patterson, this substitution of enslavement for death is echoed in the “archetypal” meaning of slavery as social death (26). Such substitution of enslavement for death does not give pardon but, on the contrary, creates the anomaly of the socially dead but biologically alive and economically exploited being. Because the expropriation of the slave’s life constitutes him or her as a non-person, or a socially dead person, it produces another instance of bare life, violently stripped of genealogy, cultural memory, social distinction, name and native language, that is, of all the elements of Aristotle’s bios. Akin to the “secular excommunication,” slavery in all its different historical formations from antiquity to modernity was institutionalized as the extreme destruction of the socio-symbolic formation of subjectivity. This extreme mode of deracination and exclusion from symbolization, the polis, and kinship, reconstituted enslaved life as a nameless, invisible nonbeing—as pro nullo (40). The notion of slavery a substitute for death complicates Agamben’s central thesis that sovereign decision/bare life constitutes the foundational political paradigm in the West. Although the extreme delegitimation and the nullity of enslaved life makes it another instantiation of bare life, the very fact that such life undergoes substitutions of one form of destruction for another undermines from the start the centrality of just one paradigm of politics. In fact, as Hortense Spillers, Sadiya Hartman, and Alexander Weheliye in different ways argue, the institution of slavery as social death is not merely a historical phenomenon, but the continuous unfolding of suffering and dispossession that on the one hand, “engenders the black subject in the Americas” (Hartman 51) and on the other hand engenders a matrix of Western political modernity. According to Weheliye, “as opposed to being confined to a particular historical period, echoes of new world slavery rest in many contemporary spaces” (66). Second, slavery raises the question whether the destruction of the historically specific form of life is a ‘condition’ of exchangeability as such. As Patterson argues, the destruction of the political forms of life turned human beings into “the ideal human tool… perfectly flexible, unattached, and deracinated” (337). Because of its fungibility, such a “disposable,” “ultimate human tool” (7) is also a perfect commodity; and indeed, Patterson notes instances where slavery functioned as money. We can argue, therefore, that the violent production of social death functions as a hidden ground not only of politics but also of commodity exchange. Consequently, the substitution of social death for biological death indicates a possible transformation of the sovereign ban into ownership and exchange. The biopolitics of substitution inscribed in the power relations of slavery changes the character of both death and birth. Deprived of its finitude, the anomaly of social death denotes a spectral duration of non-being beyond the categories of absence and presence, potentiality and actuality. On the one hand, the spectrality of social death constitutes a permanent threat of anomaly and aberration; on the other hand, it is continually put to work in order to produce profit, and as such is the lynchpin of biopolitics and economics. This spectral character of social death, which continues to endure in the form of nonbeing, also destroys the principle of natality, understood in the most broad terms, not only as the biological birth, but also as the claims of genealogy, the principle of a new beginning (Arendt 7–11 ). What both slavery and homo sacer have in common is the production of bare life stripped of its historically specific form of life, yet what distinguishes them is the contrast between sovereign ban and the marginal inclusion of enslaved life. If the sovereign decision on the state of exception captures bare life in order to exclude it, the biopolitics of slavery is confronted with the profitable inclusion of the socially dead beings. Hence, Patterson argues that after the stage of violent depersonalization, the next stage of enslavement introduces “the slave into the community of his master, but it involves the paradox of introducing him as a nonbeing” (38). Since, unlike homo sacer, the socially dead being has to be included within and made profitable, this second stage of the biopolitics of slavery poses the dilemma of “liminal incorporation” (45). The paradox of liminal incorporation is the opposite of the sovereign ban, even though it creates similar effects of indistinction. In place of a sovereign decision on the state of exception, we have institutionalized containment within the law of a permanent anomaly, which confounds the differences between life and death, destruction and profit. The difference between the sovereign will and the slaveholder’s domination is most evident in the latter’s destructive dependence on enslaved bare life. Patterson stresses the reversal of the slaveholder’s absolute domination into parasitical dependence. In so doing, he rewrites the Hegelian master slave dialectic—which explains such dependence in terms of the desire for recognition—as “human parasitism.” In fact “the parasitism of slavery” supplements both Agamben’s and Hegel’s philosophies: what it adds to Agamben’s theory of sovereignty is the parasitical dependence of the absolute power; the novelty it introduces to the Hegelian struggle for recognition is the “biopolitics”of the body—the consumption of bare life by the exploiting parasitical master (Paterson 46, 336): “the dominator, in the process of dominating and making another individual dependent, also makes himself (the dominator) dependent… . On this intersubjective level the slaveholder fed on the slave to gain the very direct satisfactions of power over another” (336–337). As the other side of absolute mastery, the parasitical dependence of power on bare life is precisely what escapes both Agamben’s biopolitical paradigm of sovereign will and Hegel’s paradigm of recognition. Like a reversed figure of the vampire sucking the blood of the living, the parasitical side of absolute power suggests that perhaps sovereignty is one of the most powerful political fantasies, masking power’s dependence on bare life that is already dead and yet continues to threaten and provide satisfaction.

### gundogdu

#### Rule and exception

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

Agamben's analysis of the historical present in terms of a catastrophe centers on three major developments, which have been unfolding since the end of World War I and ￼which become intelligible only within the background of modern biopolitics (1998, 12): Exception has become the rule: political space has assumed the structure of camp; we have all virtually become homines sacri. ' Drawing on Benjamin, Agamben asserts that the current condition represents a permanent state of exception in which law has been completely devoid of any specific content or meaning, and it has become impossible to differentiate law's execution from its transgression (1998, 12, 38; see also 2005, 2-3, 57, 87). In this permanent state of exception, law is "in force without significance" (Agamben 1998, 51). Law becomes all the more pervasive and starts to permeate every factual detail of life particularly when it lacks content and intelligibility. To describe the pernicious effects of a law that has become indistinguishable from life over which it ought to rule, Agamben refers to Kafka's stories in which "the most innocent gesture or the smallest forgctfulncss can have most extreme consequences" or "a distracted knock on the door can mark the start of uncontrollable trials" (1998, 52-3). In this contemporary state of exception, it is the camp, and not the city, that has become the paradigm of political space (1998, 166. 171, 176, 181). Camps constitute an exemplary space of ￼exception as sites where fact and law become indistinguishable with the suspension of law and where the inhabitants are stripped of every political and legal status and " II is important to insist on this broader historical background in assessing Agamben's conclusions regarding the contemporary condition. Paul Passavant criticizes Agamben for a presentist tendency and argues that the contemporary policies of the US are rooted in political-legal developments going back at least to 1947 (Passavant 2007, 169-170). Agamben would agree, and would date the beginnings of these developments even earlier in the aftermath of World War I, transformed into bare life (1998, 170-1).3 The camp, Agamben reminds us, is the spatial arrangement in which the lives of all the inhabitants have virtually become the bare life of homo sacer. Within the current political-historical condition, Agamben"s analysis ￼suggests, every citizen has become virtually a homo sacer, and as a result, it is no longer possible to dismiss figures such as refugees as unfortunate exceptions or anomalies in an otherwise well-functioning politico-juridical order (1998, 140). By drawing these three major conclusions about the current condition from his countcrnarrative of Western politics, Agamben aims to convince his readers of the need to think of a "nonstatal and nonjuridical politics and human life," freed from sovereignty (2000, 112). This politics, which still needs to be invented, would require the renunciation of concepts associated with sovereignty, including citizenship, state, rights, and belonging. The contemporary predicament cannot be remedied by a return to conventional political categories, concepts, and institutions since these are deeply involved in the creation of this catastrophe in the first place. Almost anticipating his critics who would be puzzled by his renunciation of the rule law and rights particularly at a time when the problem of legal dispossession increasingly threatens marginalized populations around the world, he explicitly states that the response to the current permanent state of exception cannot consist in confining it within constitutionally defined ￼spatiolemporal boundaries and reaffirming the primacy of legal norms and rights (2005, 87). As legal norms and rights are ultimately grounded in the originary violence of separating a bare life, legal dispossession is already inscribed in them as an inescapable possibility. Neither the liberal remedy of reasserting the rule of law nor the Derridaen strategy of "infinite negotiations'' with a law that is in force without any significance are￼viable options. Both are futile, if not lethally dangerous, endeavors, according to Agamben.36 The only politically tenable option, he concludes, is to move out of sovereignty with "a complicated and patient strategy" of getting the "door of the Law closed forever" (1998, 54, 55). Thus, Agamben's counternarrative, which aims at "disenchantment" from social contractarian myths, ties human rights, citizenship, belonging, and sovereignty so inextricably to what he deems to be the permanent biopolitical logic that any political strategy short of exodus becomes indefensible (2005, 88).

#### Link - declarations

Gundogdu 15 [(Ayten, assistant professor of political science at Barnard University) “Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants” Oxford University Press, 2015] AT

With these declarations, natural life, which was distinguished as zoe and relegated to the realm of oikos in the classical world and considered politically neutral during the ancien regime, becomes the "earthly foundation" of the sovereignty of the modern nation-state (1998, 127; 2000, 20). Through a brief and provocative examination of the French Declaration of the Rights of Man and Citizen of 1789. Agamben suggests that "it is precisely bare natural life - which is to say, the pure fact of birth - that appears here as the source and bearer of rights" (1998, 127).27 He concludes that these rights￼declarations inaugurate modem biopolitics, in which bare life moves from the margins of the political order to its center. 27 Several times in Homo Sacer, Agamben reminds his readers that "bare life" is not natural life; bare life is produced only when the politicization of natural life leaves certain categories of living beings at the threshold of natural and political and exposes them to violence at this "no-man's land between die home and the city" (See 1998, 90). By using phrases such as "bare natural life" particularly in the section on the inauguration of modern biopolitics with rights declarations, Agamben blurs his own distinction. Instead of reading this conceptual confusion as an inconsistency on the part of the author, it might be possible to think of it as a manifestation of how modern biopolitics blurs conventional distinctions by an unprecedented politicization of life. In terms very similar to Hannah Arendt's analysis of the "perplexities of the rights of man” Agamben highlights particularly the following conceptual dilemma at the heart￼of modern rights declaration: On the one hand, these declarations presuppose "man" in his natural condition as the source and bearer of rights that he is born with. On the other hand, they presuppose this man to be a "citizen," understood in the specific sense of membership in a sovereign nation-state (1998, 128). As the ambiguity in the title of the 1789 Declaration indicates, it is not clear whether these modern rights declarations refer to "man" and "citizen" as two distinct entities or as two terms forming "a hendiadys in which the first term is actually always already contained in the second" (2000, 20). Agamben interprets this conceptual dilemma to suggest that modern democracy, in its attempt to heal the biopolitical fracture between political and natural life, stipulates a fictional unity between man and citizen, birth (nascere) and nation (1998, 128). As these declarations ground the nation-state in the body of the "sovereign subject" - citizen - "irrevocably [uniting]" the principles of nativity and sovereignty, questions of inclusion and exclusion - i.e. which man is a citizen — become essentially political (1998. 131). These questions need to be constantly settled through sovereign decisions on the "inclusive exclusions" of the national political community. As a result of￼these sovereign exceptions, or inclusive exclusions, there are various categories of people who inhabit the political space of the sovereign nation-state without being entitled to political rights. To make this point, Agamben turns to Sieycs famous distinction between "active" and "passive" citizens, according to which women, children, foreigners, and 'all those who would not at all contribute to the public establishment' are 'passive citizens,' and as such, they cannot have any 'active influence on public matters' (Quoted inAgamben 1998. 130). Agamben insists that these distinctions defining inclusion and exclusion should not be understood as "a simple restriction of the democratic and egalitarian principle, in flagrant contradiction to the spirit and letter of declarations" ￼(1998, 131). If this was the case, one could still refer to these declarations to criticize the unjust violence of their exclusions. They are instead necessitated by the modern biopolitical order inaugurated by these declarations that turn every aspect of life into a crucial political issue to be settled by sovereign decision. As Agamben analyzes the historical and political effects of the conceptual presuppositions of human rights, he puts a particular emphasis on the crisis of the nation- state. Since the end of the First World War, he argues, we witness the dissolution of the fictional unity between birth and nation, man and citizen. His argument again closely resembles that of Arendt. Of particular importance is Arendt's analysis of the crisis of the nation-state, which specifically focuses on the emergence of statelessness as a mass phenomenon in the aftermath of World War I with the introduction of various juridical measures allowing mass denationalizations and denaturalizations (Agamben 1998, 131-2; Arendt [1951] 1968. 267-290). These denationalizations and denaturalizations, Agamben claims, showed that one's birth does not guarantee membership in a nation-state. Agamben centers on the plight of the refugees to underscore the fictive character of the￼unity that modern rights declarations establish between "man" and "citizen," "birth" and "nation." The plight of refugees manifests that "man" is not identical with "citizen," and that the birth-nation link can be broken (Agamben 1998, 131). Refugees represent a "disquieting element in the order of the nation-state" precisely because they break the continuity that rights declarations establish between these terms and "put the originary fiction of modern sovereignty in crisis" (1998. 131). Their plight reveals that an "interval of separation [scarto]" (1998. 128) between birth and nation, or man and citizen, which can be bridged by the tictional unity established in the modern rights declarations only at the expense of millions of lives that do not occupy both of these terms simultaneously.