#### We are in the post-panopiticon. We no longer live in disciplinary societies which set rigid boundaries, but control societies which offer us the illusion of progress in exchange for our eternal submission- we must embrace habits of negativity which produce vacuoles of non-communication that antagonizes the foundation of control societies

Deleuze 92 [Gilles Deleuze (post structuralist philosopher), October 59 (1992):, "Postscript on the Societies of Control." 3-7. <http://www.jstor.org/stable/778828> //BWSKR]

We are in a generalized crisis in relation to all the environments of enclosure–prison, hospital, factory, school, family. The family is an “interior,” in crisis like all other interiors–scholarly, professional, etc. The administrations in charge never cease announcing supposedly necessary reforms: to reform schools, to reform industries, hospitals, the armed forces, prisons. But everyone knows that these institutions are finished, whatever the length of their expiration periods. It’s only a matter of administering their last rites and of keeping people employed until the installation of the new forces knocking at the door. These are the societies of control, which are in the process of replacing disciplinary societies. “Control” is the name Burroughs proposes as a term for the new monster, one that Foucault recognizes as our immediate future. Paul Virilio also is continually analyzing the ultrarapid forms of free-floating control that replaced the old disciplines operating in the time frame of a closed system. There is no need to invoke the extraordinary pharmaceutical productions, the molecular engineering, the genetic manipulations, although these are slated to enter the new process. There is no need to ask which is the toughest regime, for it’s within each of them that liberating and enslaving forces confront one another. For example, in the crisis of the hospital as environment of enclosure, neighborhood clinics, hospices, and day care could at first express new freedom, but they could participate as well in mechanisms of control that are equal to the harshest of confinements. There is no need to fear or hope, but only to look for new weapons.

#### The 1AC assumes that there is such thing as confidentiality for certain individuals, but within a control society, there are no ‘individuals.’ Rather, there are ‘dividuals,’ numbers on an endless binary to be tracked, followed, and controlled by the State

Palmas 07 [Dr Karl Palmas, December 2007, Paper presented at the ”Surveillance in the society of control” seminar, ”The 'control society' thesis and the evolution of the corporation” <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.539.5659&rep=rep1&type=pdf> //BWSKR]

n his “Postscript on control societies”, a short article originally published in L'autre Journal, Deleuze declares that we are in a generalized crisis in relation to all the environments of enclosure – prison, hospital, factory, school, family. [...] It's only a matter of administering their last rites and of keeping people employed until the installation of the new forces knocking at the door. These are the societies of control, which are in the process of replacing disciplinary societies. (Deleuze, 1995) 6 In other words, while the institutions in the “disciplinary society” were assembled along the logics of panopticism, these same institutions are increasingly being assembled in new ways – according to a new diagram. Deleuze's text, then, can be seen as a first attempt to sketch how the 'control society diagram' differs from the panoptic one. A key aspect of this shift is the replacement of panoptic architectures of enclosure by modulation of human behaviour. In disciplinary societies, subjects spend long periods of time, rendering themselves accessible for panoptic surveillance. Such behaviour has become less common during the course of the 20th century – today, human subjects are roaming freely between different institutions. However, during the free roaming of subjects, behaviour is increasingly logged as these subjects pass between overlocking networks of monitoring. This, then, is the meaning of the term (universal) modulation – our real-life actitivites are being mapped as numerical data. (Note: The term modulation is a technical term for transfering analog data to digital data.) Crucially, this universal data lends itself to being collated in a shared data set, making cross-pollination of diverse data sets possible. This means that, unlike in panoptic institutions, surveillance is cumulative among the interlocking networks of monitoring: Surveillance does not “start from zero” (as in the case of the disciplinary factory or prison). Another aspect of the control society is that human subjects cease to be individuals, in the sense of being a unitary entity in a mass of individuals. Rather, our freedoms can change over time, as if our individuality were split. Thus, we are becoming “dividuals” – our (monitored) behaviour can trigger “locks” on certain modes of action. In this way, we are no longer individuals, constituting “just a number” or a ID in a mass as of similar individuals. Rather, we are “dividuals”, controlled through via our ever-changing “profile” of data, which consitutes merely a “sample” in a large “databank” of modulated (logged, monitored) behaviour. Though only implicitly stated in Deleuze's original text, this apparatus serves to create pre-emptive modes of control. Thus, in the case of the hospital, he cites the exemple of “the new medicine 'without doctor or patient' that singles out potential sick people and subjects at risk”. In this way, the exercise of power in the control society is more subtle – however, it is an exercise of power nonetheless. We may not be enclosed in moleholes anymore, we can wobble around freely, but only within ever-changing routes provided by coils. Thus, just as in the case of the panopticism described by Foucault, the control societies exercise positive power – it enables subjects to do and 7 act, though only along certain modes of action, ultimately yielding order. In the disciplinary societies, these modes of action were rigid as “molds, direct casings” – in the societies of control, they are more like a “self-deforming cast that will continuously change from one moment to another”. One further point of the text is that the control societies are based on computer technologies – both materially, and conceptually. As Deleuze writes, Types of machines are easily matched with each type of society – not that machines are determining, but because they express those social forms capable of generating them and using them. The old societies of sovereignty made use of simple machines – levers, pulleys, clocks; but the recent disciplinary societies equipped themselves with machines involving energy [ie. motors], with the passive danger of entropy and the active danger of sabotage; the societies of control operate with machines of a third type, computers, whose passive danger is jamming [ie. crashing] and whose active one is piracy or the introduction of viruses

#### This is some black mirror level shit- the more the control society is allowed to exacerbate its power of the people, the more complacent the people become, re-entrenching domination and microfascism

Deleuze 92 [Gilles Deleuze (post structuralist philosopher), October 59 (1992):, "Postscript on the Societies of Control." 3-7. <http://www.jstor.org/stable/778828> //BWSKR]

The conception of a control mechanism, giving the position of any element within an open environment at any given instant (whether animal in a reserve or human in a corporation, as with an electronic collar), is not necessarily one of science fiction. Felix Guattari has imagined a city where one would be able to leave one’s apartment, one’s street, one’s neighborhood, thanks to one’s (dividual) electronic card that raises a given barrier; but the card could just as easily be rejected on a given day or between certain hours; what counts is not the barrier but the computer that tracks each person’s position–licit or illicit–and effects a universal modulation. The socio-technological study of the mechanisms of control, grasped at their inception, would have to be categorical and to describe what is already in the process of substitution for the disciplinary sites of enclosure, whose crisis is everywhere proclaimed. It may be that older methods, borrowed from the former societies of sovereignty, will return to the fore, but with the necessary modifications. What counts is that we are at the beginning of something. In the prison system: the attempt to find penalties of “substitution,” at least for petty crimes, and the use of electronic collars that force the convicted person to stay at home during certain hours. For the school system: continuous forms of control, and the effect on the school of perpetual training, the corresponding abandonment of all university research, the introduction of the “corporation” at all levels of schooling. For the hospital system: the new medicine “without doctor or patient” that singles out potential sick people and subjects at risk, which in no way attests to individuation–as they say–but substitutes for the individual or numerical body the code of a “dividual” material to be controlled. In the corporate system: new ways of handling money, profits, and humans that no longer pass through the old factory form. These are very small examples, but ones that will allow for better understanding of what is meant by the crisis of the institutions, which is to say, the progressive and dispersed installation of a new system of domination. One of the most important questions will concern the ineptitude of the unions: tied to the whole of their history of struggle against the disciplines or within the spaces of enclosure, will they be able to adapt themselves or will they give way to new forms of resistance against the societies of control? Can we already grasp the rough outlines of the coming forms, capable of threatening the joys of marketing? Many young people strangely boast of being “motivated”; they re-request apprenticeships and permanent training. It’s up to them to discover what they’re being made to serve, just as their elders discovered, not without difficulty, the telos of the disciplines. The coils of a serpent are even more complex that the burrows of a molehill.

#### Our alternative is to embrace the war machine- true and utter nomadic warfare that that manifests through insubordination, rioting, and guerilla warfare. It exists outside the State as a total war and resistance to rupture domination and fascist ideologies

Newman 09 [Saul Newman, 2/18/09, The Anarchist’s Library “War on the State: Stirner and Deleuze’s Anarchism,” <https://theanarchistlibrary.org/library/saul-newman-war-on-the-state-stirner-and-deleuze-s-anarchism.pdf> //BWSKR]

Perhaps one way to think outside this binary, essentialist logic is through the concept of war. Stirner and Deleuze, in different ways, theorise non-essentialist forms of resistance against the State in terms of war. Stirner calls for war to be declared on the very institution and principle of the State. Moreover, he sees society in terms of a war of egos, a kind of Hobbesian war of “all against all” in which there is no appeal to any notion of collectivity or unity (Clark 1976:93). For this he has often been accused of advocating a selfish and extreme individualism in which “might is right” and the individual is entitled to all that he has it within his power to attain. However I would argue that Stirner is not talking here about actual war but rather a struggle at the level of representations which creates radical theoretical openings and in which all essential unities and collectivities are ruptured. War for Stirner is not a State of nature or an essential characteristic. Rather it is a mode of thinking that undermines essence. It is in the same vein that Deleuze talks about the ‘war machine’ as a figure of resistance against the State. The war machine constitutes an outside to the State. While the State is characterised by interiority, the war machine is characterised by absolute exteriority. While the State is, as we have seen, a coded conceptual plane confining thought within binary structures, the war machine is sheer nomadic movement, non-striated and uncoded. It is a space difference, which escapes State-coding by eschewing binary structures (Deleuze 1987:141). The war machine is the State’s Outside — whatever escapes the State’s capture: ‘just as Hobbes saw clearly that the State was against war, so war is against the State and makes it impossible’ (Deleuze and Guattari 1988:359). It is the conceptual absence of essence and central authority. Again I would argue that Deleuze, as was the case with Stirner, is not talking here about actual war, but rather a theoretical terrain characterised by conceptual openness to plurality and difference, which eschews the stable identities, essences and conceptual unities that form part of the assemblage of the State. The idea of 12 war as a radical dislocation and constitutive emptiness may be developed in this way, as a tool of resistance against State power and authority. As we have seen, resistance is a dangerous enterprise: it can always be colonised by the power it opposes. It can no longer be seen as the overthrowing of State power by an essential revolutionary subject. Resistance may now be seen in terms of war: a field of multiple struggles, strategies, localised tactics, temporary setbacks and betrayals — ongoing antagonism without the promise of a final victory. As Deleuze says: “…the world and its States are no more masters of their plane than revolutionaries are condemned to a deformation of theirs. Everything is played in uncertain games…” (Deleuze 1987:147). How does this notion of resistance as war, as an uncertain game played between individuals, collectivities and authority differ from the anarchist idea of revolution? For classical anarchists revolution was a grand, dialectical overturning of society, in which structures of power and authority would be overthrown and the last obstacle to the full realisation of the subject’s humanity would be removed. For Deleuze and Stirner, on the other hand, resistance does not have a conclusion telos in this sense. Resistance is seen as an ongoing confrontation ’ a perpetual war of attrition in which the lines of confrontation are never marked out in advance but are rather constantly renegotiated and fought over. Resistance against the State is an uncertain game precisely because State power can longer be circumscribed in a single institution but rather is something that pervades the social fabric, constituting, as we have seen, desires, essences and rational principles. The very notion of the moral and rational human subject which is pitted against State power in anarchist discourse, is constructed, or at least infiltrated, by this very power that it purportedly opposes. So resistance is an uncertain game played by individuals and groups engaged in day to day struggles with multiple forms of domination.

**The role of the ballot is to endorse the discourse that most authentically represents underlying power methodologically and performatively –very good especially in debate rounds as fiat removes the self from our discussion. Nayar 99 bracketed for ableist language:**

[Jayan Nayar (School of Law, University of Warwick), “Orders of Inhumanity” *Transnat'l L. & Contemp. Probs.* 599, Fall, 1999] SF

The "world," as we perceive it today, did not exist in times past. It does not exist today. There is no such thing as the global "one world." **The world can only exist in the locations and experiences revealed** through and **in human relationships.** It is often that we think that to change the world it is necessary to change the way power is exercised in the world; so we go about the business of exposing and denouncing the many power configurations that dominate. **Power** indeed **does lie at the core of human misery, yet we [fool] ourselves if we regard this power as the power out there. Power, when all the complex networks** of its reach **are untangled, is personal; power does not exist out there,**  [\*630**]  it only exists in relationship**. To say the word, power, is to describe relationship, to acknowledge power, is to acknowledge our subservience in that relationship. **There can exist no power if the subservient relationship is refused**--then power can only achieve its ambitions through its naked form, as violence.  **Changing the world therefore is a misnomer for in truth it is relationships that are to be changed**. And the only relationships that we can change for sure are our own. And the constant in our relationships is ourselves--the "I" of all of us. And so, to change our relationships, **we must change the "I" that is each of us. Transformations of "structures" will soon follow**. This is, perhaps, the beginning of all emancipations. This is, perhaps, the essential message of Mahatmas...Rightly, we are concerned with the question of what can be done to alleviate the sufferings that prevail. But **there are** **necessary prerequisites** **to answering the "what do we do?" question. We must first ask** the intimately connected questions of "about what?" and "**toward what end?" These questions**, obviously, **impinge on our vision** and judgment. **When we** attempt to **imagine transformations toward preferred human** futures, we engage in the difficult task of judging the present. This is difficult not because **we are oblivious to violence** or that we are numb to the resulting suffering, but because, outrage with "events" of violence aside, processes of violence embroil and implicate our familiarities in ways that defy the simplicities of straightforward imputability. Despite our best efforts at categorizing violence into convenient compartments--into "disciplines" of study and analysis such as "development" and "security" (health, environment, population, being other examples of such compartmentalization)--the encroachments of order(ing) function at more pervasive levels. And **without doubt, the perspectives of the** observer, commentator, and **actor become** **crucial determinants**. **It is necessary**, I believe, **to question** this, **"our," perspective, to reflect upon a perspective of violence which not only locates violence as a happening "out there" while we stand as detached observers** and critics, **but is** also **one in which we are ourselves implicated in the violence of ordered worlds where** **we stand very much as participants**. For this purpose of a critique of critique, it is necessary to consider the "technologies" of ordering.

## Case

#### Their concept of politics is utopian

Guattari 1989

[Felix Pierre was a French militant, institutional psychotherapist and philosopher, a founder of both schizoanalysis and ecosophy. "The Three Ecologies", pp. 59-60]

**I am not so naive and Utopian as to maintain that there exists a reliable, analytic methodology that would be able to fundamentally eradicate all of the fantasies leading to the objectification of women, immigrants, the insane, e t c** . , or that might allow us to have done with prisons and psychiatric institutions, e t c . 6 8 However it does seem to me that a generalization of the experiences of institutional analysis (in hospitals, schools, the urban environment) might profoundly modify the conditions of this problem ***[les donnees de ce piobleme].* There will have to be a massive reconstruction of social mechanisms** ***[rouages]*** if we are to confront the damage caused by IWC. **It will not come about through centralized reform, through laws**, decrees and bureaucratic programmes, **but rather through the promotion of innovatory practices,** the expansion of alternative experiences centred around a respect for singularity, and through the continuous production of an autonomizing subjectivity that can articulate itself appropriately in relation to the rest of society. Creating a space for violent fantasies — brutal deterritorializations of the psyche and of the socius — won't lead to miraculous sublimation, but only to redeployed assemblages that will overflow the body, the Self, and the individual in all directions. **Ordinary approaches to education and socialization won't weaken the grip of a punitive superego or deathly guilt complex.** The great religions, apart from Islam, have an increasingly insignificant hold over the psyche, while almost everywhere else in the world, we are seeing a kind of return to totemism and animism. Troubled human communities tend to become introspective and abandon the task of governing or managing society to the professional politicians, while trade unions are left behind by the mutations of a society that is everywhere in latent or manifest crisis.

#### The right to keep sources confidential re-enforces the control society, giving control to capitalist corporations to control public knowledge- turns case

Palmas 07 [Dr Karl Palmas, December 2007, Paper presented at the ”Surveillance in the society of control” seminar, ”The 'control society' thesis and the evolution of the corporation” <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.539.5659&rep=rep1&type=pdf> //BWSKR]

The international legislation on intellectual property can be said to start in the Paris Convention of 1883, pass via the establishment of WIPO in Stockholm 1967, up until the TRIPS agreement of 1994. TRIPS has been highly controversial, not least for strengthening the patent powers of richworld corporations vis-a-vis the poor world. However, TRIPS is about more than patents. It sets minimum standards in copyright, trade marks, geographical indications, industrial designs and layout-designs of integrated circuits. TRIPS effectively globalises the set of intellectual property principles it contains, because most states of the world are members of, or are seeking membership of, the WTO. (10) The agreement also singles in on a trade secrets. More specifically, it 21 requires member countries to protect against acquisition, disclosure, or use of a party’s trade secrets “in a manner contrary to honest commercial practices”. Although the TRIPs Agreement specifically refers to “confidential information”, rather than “trade secrets”, it defines such information as having commercial value, not being in the public domain, and being subject to “reasonable steps under the circumstances” to maintain its secrecy. (Nasheri, 2005: 126) TRIPs, then, also prohibits the spread of knowledge deemed “confidential” by corporations. However, on a national level, the trend is towards further strengthening of the rights of corporations to stop the spread of corporate “secrets”. In October 1996, the US Congress made the theft of trade secrets a federal crime, enacting the Economic Espionage Act (EEA). This meant that the act of spreading knowledge deemed secret by corporations – previously governed by civil law – was criminalised. The theft of corporate trade secrets has largely been protected through the remedies provided in civil litigation. However, for numerous reasons, these remedies fail to provide the equivalent deterrent of criminal laws. First, the purpose of criminal sanctions is punitive and seeks to deter socially undesirable activity. Criminal sanctions seek to provide a penalty with the goal of preventing the behaviour from occurring in the future, while punishing past behaviour. In contrast, civil law sanctions serve the purpose of compensation and returning the party to a preexisting status quo. Second, criminal and civil sanctions produce different remedies. Criminal sanctions place an inherent stigma on the individual, with punishment being the conventional device for the expression of resentment and indignation. Civil sanctions remedy the problem in an entirely different manner, most notably through monetary disbursements. Criminal law serves as a proactive approach to deterring the problem before it occurs, whereas civil law only serves to compensate the victim for the activity that has harmed the individual. (25) This then, represents a new approach to the spread of knowledge. Worryingly, the legislation is framed in a fairly loose manner, allowing corporations to claim that virtually any piece of information is “secret” (in the sense of being of value to the corporation), thus triggering the act. Interestingly, the emergence of the EEA – and thus the criminalisation of the spread of corporate secrets – can be linked to geopolitics. After the demise of the iron curtain, a new national security discourse formed in the US. With expansive communism no longer a threat, attention shifted 22 towards the developing countries that were supposedly determine to steal the secrets from which western corporations were creating wealth. Hence, “Cold War structures – from NATO to the KGB and the CIA” started “to redefine themselves and to assume new roles and new functions” (19), in line with the increasingly dominant threat of economic espionage. This, of course, is hardly surprising, as DeLanda notes: Almost without exception secret service organisations have thrived in times of turbulence and, conversely, have seen their power vanish as turmoil slows. For this reason they survive by inciting social turbulence, spreading rumours and inventing imaginary enemies, fifth columns, and bomber and missile gaps. [...] This has led to the development of a gigantic “espionage industry”, whose entire existance is based on a bluff few governments are prepared to call. (DeLanda, 1991: 190) The shift towards a focus on economic espionage was no exception to this logic. Pushing the story about national security, intelligence services overstated the risks posed by foreign state-led corporate espionage. As it turned out, it was neither states, nor foreigners, who turned out to be the culprits: The legislative history [of the EEA] indicates that at the time the bill was under consideration, the FBI was “investigating reports and allegations of economic espionage activities conducted against the United States by individuals and organizations from 23 different countries”. Although the main selling point for this legislation was combating foreign “espionage”, a survey found that foreigners had been identified in 21% of incidents […] In cases not involving a foreign government or a company, the perpetrator was an individual with a trusted relationship with the company, often an employee or former employee, retiree, contractor, vendor, supplier, consultant, or business partner. (Nasheri, 2005: 130) After 9/11 2001, the national security agenda shifted again. Nevertheless, the legislation meant to assuage economic espionage has remained intact, expanding even to other countries. So, just as in the case of the panopticism studied by Foucault, a new diagram may emerge in response to acute crises, but tends to become normalised over time: The plague-stricken town, the panoptic establishment – the differences are important. [...] In the first case, there is an exceptional situation: against an extraordinary evil, power is mobilised [...] The Panopticon, on the other hand, must be understood as a generalisable 23 model of functioning; a way of defining power relations in terms of the everyday lives of men. (Foucault, 1977: 205, italics added) As hinted in the previous section, former security agency staff has turned their attention to business, offering their intelligence and counter-intelligence services to corporations playing the knowledge game. The value of such services to corporations is nicely portrayed in the film The Insider; tobacco company Brown & Williamson is deploying several different tactics to silence whistleblower Jeffrey Wigand. While The Insider is based on a true story, the less-than-subtle methods used by Brown & Williamson are not deployed by your average corporation. Nevertheless, modern corporations have developed internal intelligence services, usually represented by departments such as Public Affairs, Legal Affairs, Security, and the like. Moreover, apart from CEOs (Chief Executive Officers), CFOs (Chief Financial Officers), CIOs (Chief Information Officers) and COOs (Chief Operations Officers), corporations increasingly appoint CSOs, Chief Security Officers. These corporate functions are remitted with controlling the information flow around the corporation, and – in tandem with the legal developments sketched in the previous section – police the spread the knowledge. Again, while the methodologies of Brown & Williamson may be shunned by most corporations, these functions are increasingly learning how to through their weight around, in order to maintain control over knowledge. Many of the intelligence agency-like activities explored by corporations today are not labelled as such. Rather, they are seen as natural extensions of their strategy. For instance, software companies are increasingly responding to the challenge of open-source software by adopting approaches developed within the intelligence community. Putting “a man on the inside” can help them monitor where the project is heading, allowing them to adjust their strategies accordingly. In some cases, the man on the inside can even be used to influence the development in ways that benefit the firm. (Dahlander and Wallin, 2006) Within the FLOSS (Free/Libre Open Source Software) community, there are discussions about other, more elaborate and sinister “infiltration” techniques. Some claim that corporations are using agent provocateur techniques to divide hacker communities that produce products which challenge the proprietary software peddled by corporations. This approach for inciting “forking” of projects 24 is, they claim, becoming an all too effective way for corporations to make sure that they maintain their Noblesque monopoly on innovation. This development – corporations responding to an increased activity of “self-organising” knowledge production outside the four walls of the corporation – does not only present itself within software production. Rather, within management theory there is a growing interest in how to control “open innovation” (Chesbrough, 2003; von Hippel, 2005) and “innovation outside” (Wallin, 2007). In this way, management theory itself has already started to transmute itself along the lines of a post-panoptic world. The outcome might just be that corporate hierarchies can keep on playing the knowledge game to their advantage for decades to come, enabling them to maintain their consistency

#### There’s no chilling effect – empirics prove

**Eliason 08** “The Problems with the Reporter's Privilege” by Eliason D. Eliason, published in the American University Law Review Volume 57 | Issue 5 Article 5 // OHS-AT

The key factual claim in support of the reporter’s privilege is that the privilege is necessary to encourage confidential sources to come forward and speak to reporters. This will, in turn, increase the flow of information to the public and ensure a robust free press. In the absence of a privilege, the argument runs, there will be a “chilling effect” on confidential sources, and the flow of information to reporters and to the public will dry up.51 Privilege advocates speak in apocalyptic terms about this alleged chilling effect, claiming that without a privilege reporters will be reduced to “spoon feeding the public the ‘official’ statements of public relations officers.”52 This claim is the very raison d’être for the privilege; indeed, the proposed federal legislation—the Free Flow of Information Act—embodies this concept in its title. In Branzburg, the Supreme Court was skeptical of this factual premise. The Court observed that the lessons of history suggested the free press had always flourished without a privilege.53 Claims about “chilling effects” and harm to the press, the Court noted, were largely speculative and consisted primarily of the opinions of reporters themselves, and so “must be viewed in the light of the professional self-interest” of those making the claims.54 Overall, the Court concluded it was “unclear how often and to what extent informers are actually deterred from furnishing information” when reporters are compelled to testify.55 This skepticism seems as fully justified today as it was thirty-six years ago. The strongest argument against the supposed chilling effect is simply the argument of history. There has never been a federal shield law, and investigative journalism in this country has flourished, with no shortage of confidential sources. Watergate, Iran-Contra, Abu Ghraib, secret CIA prisons, domestic National Security Agency (“NSA”) surveillance—all of these stories and countless others were reported through the use of confidential sources, and all without a federal shield law.57 Even the images of Judith Miller being jailed and forced to testify had no discernable effect on investigative reporting or on the number of stories relying upon confidential sources.58 One can grant that confidential sources are important to journalism without agreeing that a shield law is necessary or appropriate. In other words, it is a myth to suggest that reporters can’t promise confidentiality without a shield law. It is important to distinguish between a reporter’s promise of confidentiality to a source and the existence of a legal privilege. As history makes clear, reporters may promise sufficient confidentiality to encourage sources to speak even in the absence of a privilege, simply by promising not to name the source in a story and never to identify the source voluntarily. In fact, if this were not the case and if the alleged chilling effect were real, investigative journalism would have foundered long ago for want of a federal privilege.59 It’s reasonable to assume that most sources who wish to remain anonymous are concerned primarily with not having their names in the paper in a story the reporter writes the next day. They are not very likely to be looking down the road and trying to evaluate whether, two years from now, a judge might weigh the various terms and exceptions of a shield law and compel the reporter to identify them. To the extent they do consider that possibility, a reporter can truthfully tell a source that, historically speaking, the chance that the reporter will ever be compelled to testify is extremely remote. Any reasonable concern for confidentiality may therefore be satisfied simply by a reporter’s promise never to identify the source voluntarily.60

#### Using the state to resist domination only re-entrenches what it tries to oppose- turns case

Newman 09 [Saul Newman, 2/18/09, The Anarchist’s Library “War on the State: Stirner and Deleuze’s Anarchism,” <https://theanarchistlibrary.org/library/saul-newman-war-on-the-state-stirner-and-deleuze-s-anarchism.pdf> //BWSKR]

Stirner and Deleuze’s anti-State thinking may allow us to conceptualise and develop forms of resistance which avoid the trap the State has laid for us — that by our absolute adherence to rational structures of thought, and essentialist modes of desire, we end up reaffirming, rather than overcoming, domination. One must be able to think beyond the question of what institution, what form of domination, is to replace the one we have overthrown. Deleuze and Stirner’s anti-State thought can maybe provide us with the conceptual armoury to free politics from the blackmail of this eternal question. Here I would also argue that although Stirner and Deleuze’s analysis of State power differs in many ways from traditional anarchism, it is precisely on this point that they are closest to anarchism. They share with anarchism a relentless critique of all forms of authority, and particularly a rejection of the idea that certain forms of authority can be liberating. The difference is that Stirner and Deleuze expose sites of potential domination in places where classical anarchism did not look — in moral and rational discourses, human essences and desire. In other words they have merely extended the critique of power and authority embarked upon by classical anarchism. In this sense Deleuze and Stirner’s critique of the State can be seen as a form of anarchism. But it is an anarchism without essences and the guarantees of moral and rational authority. Perhaps in this way Deleuze and Stirner’s anti-State philosophies may be considered as a post-anarchism — a series of conceptual strategies which can only advance anarchism by making it more relevant to contemporary struggles against authority. I have argued, then, that there is a surprising and unexplored convergence between Stirner and Deleuze on the question of the State. Moreover exploring this convergence may allow us to theorise a non-essentialist politics of resistance to State domination. Both thinkers see the State as an abstract 13 principle of power and sovereignty which is not reducible to its concrete forms. They develop a theory of the State which goes beyond Marxism in seeing the State as autonomous from economic arrangements, and beyond anarchism in seeing the State as operating through the very moral and rational discourses that were used to condemn it. In doing this they break with the paradigm of Enlightenmenthumanism, unmasking the links between power and human essence and showing that desire can sometimes desire its own repression. Stirner and Deleuze, then, may be seen as occupying a similar anti-authoritarian philosophical and political trajectory — one that declares conceptual war on the State, and whose considerable theoretical implications for anarchism must be reckoned with.