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#### The lives of animals on factory farms:

<http://www.animal-rights-action.com/factory-farming.html>

“Factory Farming: A Life of Animal Abuse”

What is Intensive Farming?

What is Factory Farming? This barbaric practice began in the 1920's. Animals are abused throughout their life, right and through the slaughter house.

The more meat, milk, eggs and other animal products that can be produced, the more money factory farmers make. This is the essence of the process.

Farming machinery and techniques developed to the point where the animals 'didn't need to be raised outside'. No sunlight or exercise required. They could be kept inside; in a smaller space - a cost saver.

The perpetrators soon found disease spread amongst the animals. No problem. Large amounts of antibiotics could be sprayed all over the animals. Problem solved.

The development of steroids meant that animals could be grown faster and bigger - increased productivity means increased profit.

Pigs In Small Cages Feeding

Notice The Blood On Their Snouts From Rubbing Against The Bars

Factory Farming Pigs



Animals such as Cows, Calves, Pigs, Turkeys and Rabbits are often clamped in small, cramped cages or small enclosures where they are unable to move. Imagine the stress this puts the animals under!

They never get the chance to go outside and exercise. Their lives are purely for the production of eggs, milk, or their flesh for human consumption.

Make no mistake, these cages and confined spaces are disgusting. They often have low lighting, or no lighting at all. The animal waste is rarely cleared away, triggering disease.

Steroids, other drugs and genetic changes make the animals fatter, faster. They produce more milk and lay more eggs than they would normally.

These drugs half the time it takes for a calf to reach maturity, with untold stresses on the calf's body. The animals are also fed high carbohydrate diets what are not natural to them - increasing the animals weight and body stress.

The overcrowding spreads disease. A quick way to remedy this is to spray them with pesticides and feed them antibiotics. These drugs remain in the bodies of the animals humans consume - a potential health hazard.

It is due to these disgusting conditions, and disgusting treatment, that the animals become agitated and start fighting amongst themselves. This leads to more abhorrent treatment of the animals, such as beak searing and castration.

A Poor Chicken Enduring The Painful Beak Searing Process

Factory Farming Debeaking



These unfortunate animals are not thought of as living, breathing individuals. They are food producing robots.

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Animal Abuse and

Intensive Farming Stories

The horror stories documented below are just the tip of the iceberg of what goes on throughout intensive farming, and what this Industry does not want you to know. Animal abuse and factory farming go hand in hand!

The brutality dished out by abusive workers and the Corporate Businesses are both shocking and upsetting. If you are unaware of what goes on to put beef, eggs and pork on your plate, read on.

If you are against factory farming, remind yourself why you are vegetarian or vegan. Your actions help combat the atrocities that goes on every single day.

When austerity bites it is not just people that suffer. In 2010, 400 000 newborn Chickens were murdered by the bankrupt Krasnaya Polyana Chicken Farm is Russia.

The farm was owned by a Russian member of parliament, Alexander Chetverikov, and the chicks were killed in the most horrendous ways:

 Drowned in rusty barrels of water

 Leaving them outside to freeze to death

 Starved to death because the Company could not afford to feed them

 The adult chickens were thrown into a pit and buried alive

Workers from the Krasnaya Polyana Chicken Farm

Tipping baby chickens into oil cans for drowning or freezing to death

Workers from the Krasnaya Polyana Chicken Farm tipping baby chickens into oil cans for drowning or freezing to death



The savagery of the owners also resulted in similar deaths of another 3 000 000 chicks! 3 Million!!

Shockingly, barbaric action such as this IS NOT ILLEGAL!. These living, breathing animals have the capacity to suffer just like you! And this sort of thing is happening all over the world, everyday.

Even if these chicks survived, they would be destined for a life inside a battery cage, or even ground to death if they turned out to be male.

In Israel, Anonymous for Animal Rights (Opens New Window) put a hidden camera inside a battery cage of an egg facility.

Broadcast 24 hours a day, it showed in real-time the dreadful lives of 3 battery caged hens. They are locked in a cage 40cm long, 33cm wide and 45cm high. To put this into context, each hen lives in a space less than a sheet of A4 paper!

They can't stretch their wings. They stand on wire mesh, not solid ground, and obviously can't run, fly, dust-bath and all their other natural behaviours that makes them happy.

Watch the video below for recorded footage from this initiative:

Recorded footage of Battery Hen life in Israel

To truly understand the lives of factory farming battery hens, you need to walk a mile in their shoes, as the saying goes. Animal Visuals enables you to do this by turning you into a battery hen, with 6 other's in a ramped cage.

You have a 360 degree view of what it must be like for millions of them all over the world. Take a look for yourself. The animation is provided below. Are you now thinking twice about how your eggs and chicken came from?

The animated world of the Battery Hen

Mercy for Animals (Opens New Window) published their findings from an undercover investigation at Hy-Line Hatchery in Iowa. 150,000 male chicks are killed in a grinder every single day!.

Factory Farming Male Chickens

Being Ground To Death-While Alive

Factory Farming Male Chickens Being Ground To Death-While Alive



They are thrown into a spinning auger before being tripped to pieces whilst still alive by a high-pressure macerator.

Male chicks are seen as useless because they don't lay eggs, and they do not grow quickly enough to be a meat bird. What is the human race doing here? How can this gruesome end even be considered when you find out they become trapped in or behind the machinery, suffering unimaginable pain before dying!!!

Watch the video below to see for yourself. These animals are thrown away like rubbish and dropped without any consideration to their welfare.

They are ripped away from the comfort of their mothers and thrown onto a loud, churning conveyor belt before meeting their end. Can you imagine how terrifying this is for them?!

Undercover Footage of Factory Farming Activity

As well as being ground up alive in grinding and mincing machines, live male chicks are also used as a packaging filler by the poultry industry, knowing they are going to suffer and die either in transit, or shortly after arrival. They are used as 'padding' in packaging, which is acceptable industry practice in the poultry industry.

Pigs are also victims of Factory farming. The Humane Society of the United States (HSUS) (Opens New Window) documented shocking footage and information about the treatment of pigs by the worlds largest pork producer, Smithfield foods.

Their evidence shows female pigs crammed into gestation or sow crates which are far too small for them to move around in.,/p.

This leads to the pigs biting the metal crates in frustration, cutting their mouths and increasing their risk of infection.

The never-ending cycle of suffering is compounded by the fact that the piglets are born on hard concrete or metal floors. Stressful for the pig, she is cannot nurture her young properly. Often she watches her young fall though the metal slats and drown in the manure pits below.

This leads to behavioural problems resulting in aggression and injury. With the intelligence of a 3 year old, this reaction is understandable, but leads to more intense cruelty to deal with it!

Surgical procedures such as cutting out their teeth, slicing off their tails and male castration, all without any pain relief, is common place.

If the suffering of Pig Factory Farming isn't enough, it is compounded by their treatment at the hands of the workers. HSUS found a “basketball-sized abscess” on the back of one of the pigs. This was cut open with an unsterilised razor, without anaesthetic or a vet present.

Another pig was shot in the head but was still alive when thrown into the bin. As with chicks, piglets were tossed into carts without any consideration to their welfare.

The following undercover video was taken from the Smithfield exposure. It is heartbreaking!

Smithfield Investigation Footage

Below is life on a factory farm, looking from a factory farmed pig's point of view.

Life of a factory farmed pig

Factory Farming Life of a Factory Farmed Pig Conditions If I Could Speak

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Dairy cows also suffer at the hands of Factory farming. After 9 months of forced pregnancy, their calf's are taken away from their mothers after only a day or two. The cows cry out in pain all the time for their young, stolen from them to be slaughtered for veal meat.

The milk to nurture the calf's are then bottled and put in your supermarkets or on your doorstep by the milk man. The forced pregnancies must make living in their bodies unbearable. Their udders often swell with the disease mastitis, which is difficult to cure in these circumstances.

Thousands of male Calf's are shot or murdered in other ways as they are useless to the dairy Industry. They will not produce enough beef to be profitable, even if they are drugged to abnormally increase their growth rate, causing heat disease and other pains, like cows bred for meat are.

Factory Farming Slaughtered Newborn Male Calf

Factory Farming Slaughtered Newborn Male Calf



In the UK, veal calves that survive are often crammed into lorries and transported to the continent when they spend their lives indoors, in a small pen, without any daylight or natural stimulation. These calves spend their short lives being fattened up before being slaughtered.

#### Every day, each and every one of us participates in a war which consists of endless genocide of the non-human. Every year, billions of nonhumans are slaughtered by humans. They are captured, detained, tortured and killed for the sake of consumption. This violence is rendered invisible by a normative understanding of war powers that excuses violence against the non-human as legitimate.

**Kochi 9** - Sussex Law School, University of Sussex, Brighton, UK (Tarik, “Species War: Law, Violence and Animals,” SAGE Journals)

7. The idea that war and violence sits at the foundation of law and operates creatively has been expressed in differing ways by Heraclitus, Machiavelli, Hegel, Freud and Walter Benjamin. Here, I am merely taking this insight and developing it by reflecting upon the primary role played by human violence carried out against non-human animals. the protagonist Elizabeth Costello draws a comparison between the everyday slaughter of non-human animals and the genocide of the Jews of Europe during the twentieth century. “In addressing you on the subject of animals,” she continues, “I will pay you the honour of skipping a recital of the horrors of their lives and deaths. Though I have no reason to believe that you have at the forefront of your minds what is being done to animals at this moment in production facilities (I hesitate to call them farms any longer), in abattoirs, in trawlers, in laboratories, all over the world, I will take it that you concede me the rhetorical power to evoke these horrors and bring them home to you with adequate force, and leave it at that, reminding you only that the horrors I here omit are nevertheless at the center of this lecture.” 9

A little while later she states: “Let me say it openly: we are surrounded by an enterprise of degradation, cruelty, and killing which rivals anything that the Third Reich was capable of, indeed dwarfs it, in that ours is an enterprise without end, self-regenerating, bringing rabbits, rats, poultry, livestock ceaselessly into the world for the purpose of killing them.” “And to split hairs, to claim that there is no comparison, that Treblinka was so to speak a metaphysical enterprise dedicated to nothing but death and annihilation while the meat industry is ultimately devoted to life (once its victims are dead, after all, it does not burn them to ash or bury them but on the contrary cuts them up and refrigerates and packs them so that they can be consumed in the comfort of our own homes) is as little consolation to those victims as it would have been – pardon the tastelessness of the following – to ask the dead of Treblinka to excuse their killers because their body fat was needed to make soap and their hair to stuff mattresses with.” Similar comparisons have been made before. Yer, when most of us think about the term “war” very seldom do we bother to think about non-human. A great deal of the contemporary discussion about the moral standing of animals and their treatment is owed to the work of Peter Singer. The purpose of my article is not to directly contribute to this debate. Rather, my focus is upon attempting to re-think some of the conceptual foundations of the Law of war by drawing the status of animal slaughter back into our legal categoryies. For this reason I will not attempt to discuss or survey the many arguments about the moral standing of non-human animals but will keep to a more historical, and perhaps sociological, discussion of the Law of war.

The term war commonly evokes images of states, armies, grand weapons, battle lines, tactical stand-offs, and maybe even sometimes guerrilla or partisan violence. Surely the keeping of cattle behind barbed wire fences and butchering them in abattoirs does not count as war? Surely not? Why not? What can be seen to be at stake within Elizabeth Costello’s act of posing the modern project of highly efficient breeding and factory slaughtering of non-human animals beside the Holocaust is a concern with the way in which we order or arrange conceptually and socially the legitimacy of violence and killing. In a “Western” philosophical tradition stretching at least from Augustine and Aquinas, through to Descartes and Kant, the ordering of the relationship between violence and legitimacy is such that, predominantly, non-human animals are considered to be without souls, without reason and without a value that is typically ascribed to humans. For example, for Augustine, animals, together with plants, are exempted from the religious injunction “Thou shalt not kill.” When considering the question of what forms of killing and violence are legitimate, Augustine placed the killing of non-human animals well inside the framework of religious and moral legitimacy. 12

Of relevance is the practice by which the question of legitimate violence is ordered – that is, the manner in which it is organised by philosophical, moral and cultural justifications in a way that sets out how particular acts of violence are to be understood within social-material life. Within a Western tradition the killing of animals is typically not considered a form of war because violence against animals is placed far within the accepted framework of legitimate killing. 12. Augustine, City of God against the Pagans, Dyson, R.W. tr. ed. (Cambridge: Cambridge University Press, 1998), p. 33, I, 21. This account expresses a particular religious-cultural form of valuing the lives of non-human animals in which non-human animals are placed below humans on a Judeo-Christian and Islamic cosmic hierarchy of creation. While there are other differing cosmic conceptions, such as those found within Hinduism and Buddhism and within various indigenous cosmologies within North America and Australia and within radical utilitarian conceptions expressed by Bentham and Peter Singer focused upon “suffering,” the model of a Judeo-Christian and Islamic hierarchy of creation remains dominant within “Western” (or North Atlantic) culture and its conceptions of law. Such a hierarchy of value is further backed in the West, in differing ways, by the secular cosmology of the theory of evolution, and scientific claims about the higher mental capacities of humans over the bulk of non-human animals. Owing to these hierarchies, for Western legal systems “animal rights” still stand far below and have not been extended from human rights and while the notion of human dignity takes centre stage, notions of “animal dignity” stand at the periphery. On various approaches to the extension of moral standing to non-human animals see: Bentham, J. Introduction to the Principles of Morals and Legislation, Burns, J.H. and Hart, H.L.A. eds. ( London: Methuen, 1982); Singer, P. Animal Liberation (New York: Random House, 1975); Regan, T. “The Case for Animal Rights” in Singer, P. ed. In Defence of Animals (Oxford: Basil Blackwell, 1985); Clarke, S.R.L. The Moral Standing of Animals (Oxford: Oxford University Press, 1977); Hursthouse, R. Ethics, Humans and Other Animals ( London: Routledge, 2000).

#### This Western conception of war powers is grounded upon a hierarchy of values that regards nonhuman life as raw material for the preservation of human life.

**Kochi 9** - Sussex Law School, University of Sussex, Brighton, UK (Tarik, “Species War: Law, Violence and Animals,” SAGE Journals)

The response of the lawyer, international lawyer, politician or philosopher to the account so far might be to say that this is all very interesting but that it still has little to do with “war.” Such figures might still argue that the term “war” refers to something carried out by states and governed by “national interest,” or guided by moral ideals like freedom and human rights, or by international law. This response, however, overlooks the way in which the typical and everyday use of the term war is itself conceptually and  historically ordered in a practice that differentially values forms of life. In what follows I look more closely at how arguments about legitimate violence within two contemporary conceptions or discourses of the law of war are ordered and of how this ordering is related to the foundational moment of species war. The dominant Western conceptions of the law of war rest upon two major conceptual and historical “foundations.” The first involves the way in which the monopoly upon the legitimacy of violence is vested in the sovereignty of the state and grounded upon the principles of preservation of life, domestic peace and security from external threat. This form which sometimes expresses a reason of state or national interest approach to questions of war is often called the Westphalian system of international relations and is ambiguously historically linked to the Peace of Westphalia (1648). The second dominant narrative or form of thinking about the laws of war is represented by contemporary international humanitarian law. This approach grounds the legitimacy of war upon the maintenance of peace and  security between nations bound together with the concern for the protection of human rights and the prevention of human rights abuses, war crimes and genocide via the establishment of the United Nations (1945). While this mode of thinking about war inherits much from the Westphalian system, it is historically grounded upon an international response to “world war” and the genocide of European Jews. The natural law theories of Hugo Grotius and Thomas Hobbes are often viewed as laying down the theoretical justifications for the  modern secular state, the legitimacy of sovereign violence, and the Westphalian international order. Within the context of bloody intra-state civil wars such as the Thirty Years War (1618–48) and moments of domestic chaos such as the English Civil War (1642–51) thinkers such as Grotius and Hobbes reacted to widespread social violence often motivated by actors party to differing Christian confessions all claiming adherence to a universal  religious, moral or political truth. Grotius and Hobbes, albeit in different ways, responded by producing a de-sacralized natural law that was grounded not upon  theological conceptions of right and justice but upon more earthly, “secular,” concepts of the preservation of human life and survival. For these thinkers the chaos of civil war and intra-state civil war could be nullified if the criteria of what counted as legitimate violence were determined by an institution that guaranteed peace and security. Roughly, Grotius and Hobbes attempted to theoretically re-order  territory and space around the figure of sovereignty and inter-sovereign relations. The legitimacy of human violence is no longer grounded upon a universal conception of divine authority but is instead located around the figure and office of the sovereign who maintains peace and security over a particular, limited territory. Such an approach to the chaos of civil war can be termed the juridical ordering of the concept of war. This de-legitimisation of the right to private violence in the name of peace  creates what Max Weber later describes as the “state’s monopoly upon the legitimacy of violence.” Modern war, juridically ordered, takes on the definition of a form of violence waged between sovereigns, who hold a particular status. By this definition violence carried out by the state against a non-sovereign group is excluded from the language of “war proper” as is private violence (including rebellion, sabotage and terrorism) which is defined as crime.Grotius and Hobbes are sometimes described as setting out a prudential approach, or a natural law of minimal content because in contrast to Aristotelian or Thomastic legal and political theory their attempt to derive the legitimacy of the state and sovereign order relies less upon a thick conception of the good life and is more focussed upon basic human needs such as survival. In the context of a response to religious civil war such an approach made sense in that often thick moral and religious conceptions of the good life (for example, those held by competing Christian Confessions) often drove conflict and violence. Yet, it would be a mistake to assume that the categories of “survival,” “preservation of life” and “bare life” are neutral categories. Rather survival, preservation of life and bare life as expressed by the Westphalian theoretical tradition already contain distinctions of value – in particular, the specific distinction of value between human and non-human life. “Bare life” in this sense is not “bare” but contains within it a distinction of value between the worth of human life placed above and beyond the worth of non-human animal life. In this respect bare life within this tradition contains within it a hidden conception of the good life. The foundational moment of the modern juridical conception of the law of war already contains within it the operation of species war. The Westphalian tradition puts itself forward as grounding the legitimacy of violence upon the preservation of life, however its concern for life is already marked by a hierarchy of value in which non-human animal life is violently used as the “raw material” for preserving human life. Grounded upon, but concealing the human-animal distinction, the Westphalian  conception of war makes a double move: it excludes the killing of animals from its definition of “war **proper,” and**, **through rendering dominant the modern** juridical **definition of “war** proper” the tradition **is able to** further institutionalize and **normalize a particular conception** of the good life. Following from this original distinction of life-value realized through the juridical language of war were other forms of human life whose lives were considered to be of a lesser value under a European, Christian, “secular” natural law conception of the good life. Underneath this concern with the preservation of life in general stood veiled preferences over what particular forms of life (such as racial conceptions of human life) and ways of living were worthy of preservation, realization and elevation. The business contracts of early capitalism, the power of white males over women and children, and, especially in the colonial context, the sanctity of European life over non-European and Christian lives over non-Christian heathens and Muslims, were some of the dominant forms of life preferred for preservation within the early modern juridical ordering of war.

#### Anthropocentrism has been the foundational model for any and every form of discrimination. Any argument that attempts to claim superiority of the human over the nonhuman rests on the same justifications used by White European males to subjugate other humans

Best 7 – Associate Professor at the University of Texas in the Department of Humanities and Philosophy (Steven, “Eternal Treblinka: Our Treatment of Animals and the Holocaust, by Charles Patterson” *Journal for Critical Animal Studies*, <http://www.criticalanimalstudies.org/JCAS/Journal_Articles_download/Issue_7/bestpatterson.pdf>)

While a welcome advance over the anthropocentric conceit that only humans shape human actions, the environmental determinism approach typically fails to emphasize the crucial role that animals play in human history, as well as how the human exploitation of animals is a key cause of hierarchy, social conflict, and environmental breakdown. A core thesis of what I call “animal standpoint theory” is that animals have been key driving and shaping forces of human thought, psychology, moral and social life, and history overall. More specifically, animal standpoint theory argues that the oppression of human over human has deep roots in the oppression of human over animal.1

In this context, Charles Patterson’s recent book, The Eternal Treblinka: Our Treatment of Animals and the Holocaust, articulates the animal standpoint in a powerful form with revolutionary implications. The main argument of Eternal Treblinka is that the human domination of animals, such as it emerged some ten thousand years ago with the rise of agricultural society, was the first hierarchical domination and laid the groundwork for patriarchy, slavery, warfare, genocide, and other systems of violence and power. A key implication of Patterson’s theory is that human liberation is implausible if disconnected from animal liberation, and thus humanism -- a speciesist philosophy that constructs a hierarchal relationship privileging superior humans over inferior animals and reduces animals to resources for human use -- collapses under the weight of its logical contradictions.

Patterson lays out his complex holistic argument in three parts. In Part I, he demonstrates that animal exploitation and speciesism have direct and profound connections to slavery, colonialism, racism, and anti-Semitism. In Part II, he shows how these connections exist not only in the realm of ideology – as conceptual systems of justifying and underpinning domination and hierarchy – but also in systems of technology, such that the tools and techniques humans devised for the rationalized mass confinement and slaughter of animals were mobilized against human groups for the same ends. Finally, in the fascinating interviews and narratives of Part III, Patterson describes how personal experience with German Nazism prompted Jewish to take antithetical paths: whereas most retreated to an insular identity and dogmatic emphasis on the singularity of Nazi evil and its tragic experience, others recognized the profound similarities between how Nazis treated their human captives and how humanity as a whole treats other animals, an epiphany that led them to adopt vegetarianism, to become advocates for the animals, and develop a far broader and more inclusive ethic informed by universal compassion for all suffering and oppressed beings. The Origins of Hierarchy "As long as men massacre animals, they will kill each other" –Pythagoras

It is little understood that the first form of oppression, domination, and hierarchy involves human domination over animals.2 Patterson’s thesis stands in bold contrast to the Marxist theory that the domination over nature is fundamental to the domination over other humans. It differs as well from the social ecology position of Murray Bookchin that domination over humans brings about alienation from the natural world, provokes hierarchical mindsets and institutions, and is the root of the long-standing western goal to “dominate” nature.3 In the case of Marxists, anarchists, and so many others, theorists typically don’t even mention human domination of animals, let alone assign it causal primacy or significance. In Patterson’s model, however, the human subjugation of animals is the first form of hierarchy and it paves the way for all other systems of domination such as include patriarchy, racism, colonialism, anti-Semitism, and the Holocaust. As he puts it, “the exploitation of animals was the model and inspiration for the atrocities people committed against each other, slavery and the Holocaust being but two of the more dramatic examples.”4

Hierarchy emerged with the rise of agricultural society some ten thousand years ago. In the shift from nomadic hunting and gathering bands to settled agricultural practices, humans began to establish their dominance over animals through “domestication.” In animal domestication (often a euphemism disguising coercion and cruelty), humans began to exploit animals for purposes such as obtaining food, milk, clothing, plowing, and transportation. As they gained increasing control over the lives and labor power of animals, humans bred them for desired traits and controlled them in various ways, such as castrating males to make them more docile. To conquer, enslave, and claim animals as their own property, humans developed numerous technologies, such as pens, cages, collars, ropes, chains, and branding irons.

The domination of animals paved the way for the domination of humans. The sexual subjugation of women, Patterson suggests, was modeled after the domestication of animals, such that men began to control women’s reproductive capacity, to enforce repressive sexual norms, and to rape them as they forced breeding in their animals. Not coincidentally, Patterson argues, slavery emerged in the same region of the Middle East that spawned agriculture, and, in fact, developed as an extension of animal domestication practices. In areas like Sumer, slaves were managed like livestock, and males were castrated and forced to work along with females.

In the fifteenth century, when Europeans began the colonization of Africa and Spain introduced the first international slave markets, the metaphors, models, and technologies used to exploit animal slaves were applied with equal cruelty and force to human slaves. Stealing Africans from their native environment and homeland, breaking up families who scream in anguish, wrapping chains around slaves’ bodies, shipping them in cramped quarters across continents for weeks or months with no regard for their needs or suffering, branding their skin with a hot iron to mark them as property, auctioning them as servants, breeding them for service and labor, exploiting them for profit, beating them in rages of hatred and anger, and killing them in vast numbers – all these horrors and countless others inflicted on black slaves were developed and perfected centuries earlier through animal exploitation.

As the domestication of animals developed in agricultural society, humans lost the intimate connections they once had with animals. By the time of Aristotle, certainly, and with the bigoted assistance of medieval theologians such as St. Augustine and Thomas Aquinas, western humanity had developed an explicitly hierarchical worldview – that came to be known as the “Great Chain of Being” – used to position humans as the end to which all other beings were mere means.

Patterson underscores the crucial point that the domination of human over human and its exercise through slavery, warfare, and genocide typically begins with the denigration of victims. But the means and methods of dehumanization are derivative, for speciesism provided the conceptual paradigm that encouraged, sustained, and justified western brutality toward other peoples. “Throughout the history of our ascent to dominance as the master species,” Patterson writes, “our victimization of animals has served as the model and foundation for our victimization of each other. The study of human history reveals the pattern: first, humans exploit and slaughter animals; then, they treat other people like animals and do the same to them.”5 Whether the conquerors are European imperialists, American colonialists, or German Nazis, western aggressors engaged in wordplay before swordplay, vilifying their victims – Africans, Native Americans, Filipinos, Japanese, Vietnamese, Iraqis, and other unfortunates – with opprobrious terms such as “rats,” “pigs,” “swine,” “monkeys,” “beasts,” and “filthy animals.”

Once perceived as brute beasts or sub-humans occupying a lower evolutionary rung than white westerners, subjugated peoples were treated accordingly; once characterized as animals, they could be hunted down like animals.6 The first exiles from the moral community, animals provided a convenient discard bin for oppressors to dispose the oppressed. The connections are clear: “For a civilization built on the exploitation and slaughter of animals, the `lower’ and more degraded the human victims are, the easier it is to kill them.”7 Thus, colonialism, as Patterson describes, was a “natural extension of human supremacy over the animal kingdom.”8 For just as humans had subdued animals with their superior intelligence and technologies, so many Europeans believed that the white race had proven its superiority by bringing the “lower races” under its command.

There are important parallels between speciesism and sexism and racism in the elevation of white male rationality to the touchstone of moral worth. The arguments European colonialists used to legitimate exploiting Africans – that they were less than human and inferior to white Europeans in ability to reason – are the very same justifications humans use to trap, hunt, confine, and kill animals. Once western norms of rationality were defined as the essence of humanity and social normality, by first using non-human animals as the measure of alterity, it was a short step to begin viewing odd, different, exotic, and eccentric peoples and types as non- or sub-human. Thus, the same criterion created to exclude animals from humans was also used to ostracize blacks, women, and numerous other groups from “humanity.” The oppression of blacks, women, and animals alike was grounded in an argument that biological inferiority predestined them for servitude. In the major strain of western thought, alleged rational beings (i.e., elite, white, western males) pronounce that the Other (i.e., women, people of color, animals) is deficient in rationality in ways crucial to their nature and status, and therefore are deemed and treated as inferior, subhuman, or nonhuman. Whereas the racist mindset creates a hierarchy of superior/inferior on the basis of skin color, and the sexist mentality splits men and women into greater and lower classes of beings, the speciesist outlook demeans and objectifies animals by dichotomizing the biological continuum into the antipodes of humans and animals. As racism stems from a hateful white supremacism, and sexism is the product of a bigoted male supremacism, so speciesism stems from and informs a violent human supremacism -- namely, the arrogant belief that humans have a natural or God-given right to use animals for any purpose they devise or, more generously, within the moral boundaries of welfarism and stewardship, which however was Judaic moral baggage official Chistianithy left behind.

#### The first step is a reorientation towards the meaning and language of war. The move to exclude speciesist exploitation from the category of war is the same move of other historical acts of genocide. Our aff demands the recognition of the unending violence against the nonhuman as war.

**Kochi 9** - Sussex Law School, University of Sussex, Brighton, UK (Tarik “Species War: Law, Violence and Animals”

The meanings attached to the words we use are significant here. Many of our linguistic categories have been formulated along the distinction between human and non-human and offer different meanings based upon what object within this distinction a word denotes. Words like “killing” and “slaughter” evoke different meanings and different responseswhen applied to humans as opposed to chickens or cattle or insects. While most people would react in horror to the brutal killing of a child, they accept the daily slaughter of thousands of calves. Although there exists a bureaucratic language of regulation governing issues of efficiency, property rights, hygiene and cruelty, the breeding of animals for killing is widely accepted as a legitimate act. Such that, the killing of one animal is not considered murder and the killing of a geographical group of animals is not considered an act of genocide or species war. Yet, this ordering of the legitimacy of violence is not in anyway natural and eternal. Rather, it is contingent and both historically and cosmically temperamental. Consider a hypothetical situation where a group of “aliens” emerged from deep space with forms of technology that far surpassed our own and possessed levels of intelligence that humans could not imagine. These aliens considered humans to be without souls, they considered humans to be so devoid of reason that they made no effort to communicate with us. Our behaviour and language appeared to them just as the movements of ants, the song of birds, and the efforts of chimpanzees appear to us. Further, these aliens cared little for human suffering. If these aliens decided to enslave and breed humans for food, would this be an act of species war? Even if humans rallied together, Hollywood style, (or, like a swarm of bees protecting their hive) and called this an act of “war,” might not the aliens simply laugh, or grumble about how their new animals struggle and go on to devise new methods of capture and killing so that we humans might not bruise our flesh.13

While such an example appears at first bizarre, it is not out of the range of future possibility. Further, the example draws upon an already present heritage of anthropological, racial and colonial forms of thinking belonging to many Western traditions in which acts of violence were legitimised historically by those in positions of power and often never officially called “war.” Aspects of this historical comparison are made by Elizabeth Costello – the Nazi portrayal of Jews as “animals” playing a role in both 13. Similar hypothetical situations have been imagined within numerous science fiction stories in popular culture, most notably: Wells, H.G. The War of the Worlds (London: Heinemann, 1973). Wells makes the link between war, colonialism and the destruction of non-human animal life. At p. 4 he states:

And before we judge them too harshly, we must remember what ruthless and utter destruction our own species has wrought, not only upon animals, such as the vanished bison and the dodo, but upon its own inferior races. The Tasmanians, in spite of their human likeness, were entirely swept out of existence in a war of extermination waged by European immigrants in the space of fifty years. Are we such apostles of mercy as to complain if the Martians warred in the same spirit.

 “ ‘They went like sheep to the slaughter.’ ‘They died like animals.’ ‘The Nazi butchers killed them.’ Denunciation of the camps reverberates so fully with the language of the stockyard and slaughterhouse that it is barely necessary for me to prepare the ground for the comparison I am about to make. The crime of the Third Reich, says the voice of accusation, was to treat people like animals.” 14

#### Thus, in response to the resolutional question of what constitutes legitimate Presidential violence, Rishee and I affirm the value of the nonhuman.

#### Voting aff acknowledges the existence of species war and the hidden war powers that legislate its existence. We must reject the hierarchy of species and the notion that violence against the nonhuman is legitimate.

**Kochi 9** - Sussex Law School, University of Sussex, Brighton, UK (Tarik, “Species War: Law, Violence and Animals,” SAGE Journals)

Although species war remains largely hidden because it is not seen as war or even violence at all it continues to affect the ways in which juridical mechanisms order the legitimacy of violence. While species war may not be a Western monopoly, in this account I will only examine a Western variant. This variant, however, is one that may well have been imposed upon the rest of the world through colonization and globalization. In what will follow I offer a sketch of species war and show how the juridical mechanisms for determining what constitutes legitimate violence fall back upon the hidden foundation of species war. I try to do this by showing that the various modern juridical mechanisms for determining what counts as legitimate violence are dependent upon a practice of judging the value of forms of life. I argue that contemporary claims about the legitimacy of war are based upon judgements about differential life-value and that these judgements are an extension of an original practice in which the legitimacy of killing is grounded upon the valuation of the human above the non-human. Further, by giving an overview of the ways in which our understanding of the legitimacy of war has changed, I attempt to show how the notion of species war has been continually excluded from the Law of war and of how contemporary historical movements might open a space for its possible re-inclusion. In this sense, the argument I develop here about species war offers a particular way of reflecting upon the nature of law more generally. In a Western juridical tradition, two functions of law are often thought to be: the establishment of order (in the context of the preservation of life, or survival); and, the realization of justice (a thick conception of the “good”). Reflecting upon these in light of the notion of species war helps us to consider that at the heart of both of these functions of law resides a practice of making judgements about the life-value of particular “objects.” These objects are, amongst other things: human individuals, groups of humans, non-human animals, plants, transcendent entities and ideas (the “state,” “community,” etc.). For the law, the practice of making judgements about the relative life- value of objects is intimately bound-up with the making of decisions about what objects can be killed. Within our Western conception of the law it is difficult to separate the moment of judgement over life-value from the decision over what constitutes “legitimate violence.” Species war sits within this blurred middle-ground between judgement and decision – it points to a moment at the heart of the law where distinctions of value and acts of violence operate as fundamental to the founding or positing of law. The primary violence of species war then takes place not as something after the establishment of a regime of law (i.e., after the establishment of the city, the state, or international law). Rather, the violence of species war occurs at the beginning of law, at its moment of foundation, as a generator, as a motor. 7

#### The 1AC is an act of assuming a traitorous identity. The dynamics of different forms of privilege posits us all as in positions of both the oppressor and oppressed. In the species war, we are all human oppressors complicit with a cycle of tortuous violence. The only feasible solution is to work against the structures of our own culture. This does not mean we deny our identities or claim unity with the oppressed, but it does mean we adopt an ethic that attempts to minimize our own domination.

**Plumwood 2 –** (Val, “Environmental Ethics”, p.205-6)

There are, I have suggested, multiple bases for critical solidarity with nature. One important critical basis can be understanding that certain human societies position humans as oppressors of non-human nature, treating humans as a privileged group which defines the non-human nature, in terms of roles that closely parallel our own roles as recipients of oppression within human dominance orders. Our grasp of these parallels may be based upon imaginative or narrative transpositions into locations paralleling that of the oppressed non-human other: artistic representation has an important place in helping us make such transpositions. Literature has often played such a transposing role historically, especially in the nineteenth and early twentieth century, in relation to the class system, slavery, women’s oppression, and animal oppression. In recent decades science fiction narrative that imaginatively position humans as colonized or exploited reductively as food by alien invaders have provided very powerful vehicles for such imaginative transpositions into a place that parallels that of the non-human food animal. So have those cartoonists whose ‘absurd’ humour depends upon exploiting parallels in the condition of the human and non-human oppressed. A chicken coming from a human house carrying a baby passes a women coming from a chicken coop carrying a basket of eggs, for example. A Larson elephant is outraged when he notices the ivory notes on a piano keyboard at an interspecies party and makes the connection to the fate of his own kind. The leap of recognition that is often described and explained in terms of an unanalysed and capricious emotion of ‘empathy’ or ‘sympathy’ is often better understood in terms of a concept of solidarity that is based on an intellectual and emotional grasp of the parallels in the logic of the One and the Other. Since most people suffer from some form of oppression within some dominance order or other, there is a widespread basis for the recognition that we are positioned multiply as oppressors or colonizers just as we are positioned multiply as oppressed and colonized. This recognition that one is an oppressor as well as an oppressed can be developed in certain cirvumstances to become the basis for the critical ‘traitorous identity’ which analyses, opposes and actively works against those structures of one’s own culture or group that keep the Other in an oppressed position. Traitorous kinds of human identity involve a revised conception of the self and its relation to the non-human other, opposition to oppressive practices, and the abandonment and critique of cultural allegiances to the dominance of the human species and its bonding against non-humans, in the same way that male feminism requires abandonment and critique of male bonding as the kind of male solidarity that defines itself in opposition to the feminine or to women, and of the ideology of male supremacy. These ‘traitorous identities’ that enable some men to be male feminists in active opposition to androcentric culture, some whites to be actively in opposition to white supremacism and ethnocentric culture, also enable some humans to be critical of ‘human supremacism’ and in active opposition to anthropocentric culture. “Traitorous’ identities do not appear by chance, but are usually considerable political and personal achievements in integrating reason and emotion; they speak of the traitor’s own painful self-reflection as well as efforts of understanding that have not flinched away from contact with the pain of oppressed others. What makes such traitorous identities possible is precisely the fact that the relationship between the oppressed and the ‘traitor’ is not one of identity, that the traitor is critical of his or her own ‘oppressor’ group as someone from within that group who has some knowledge of its workings and its effects on the life of the oppressed group. It depends on the traitor being someone with a view from both sides, able to adopt multiple perspectives and locations that enable an understanding how he or she is situated in the relationship with the other from the perspective of both kinds of lives, the life of the One and the live of the Other. Being a human who takes responsibility for their interspecies location in this way requires avoiding both the arrogance of reading in your own location and perspective as that of the other, and the arrogance of assuming that you can ‘read as the Other’ know their lives as they do, and in that sense speak or see as the other. Such a concept of solidarity as involving multiple positioning and perspectives can exploit the logic of the gap between contradictory positions and narratives standpoint theory applies to. The traitorous identity implies a certain kind of ethics of support relations which is quite **distinct from the ethics involved in claiming unity**. It stresses a number of counter-hegemonic virtues, ethical stances with can help to minimize the influence of the oppressive ideologies of domination and self-imposition that have formed our conceptions of both the other and ourselves. As we have seen, important among these virtues are listening and attentiveness to the other, a stance which can help counter the backgrounding which obscures and denies what the non-human other contributes to our lives and collaborative ventures. They also include philosophical strategies and methodologies that maximize our sensitivity to other members of our ecological communities and openness to them as ethically considered beings in their own right, rather than ones that minimize ethical recognition or that adopt a dualistic stance of ethical closure that insists on sharp moral boundaries and denies the continuity of planetary life. Openness and attentiveness are among the communicative virtues we have already discussed; more specifically, they mean giving the other’s needs and agency attention, being open to unanticipated possibilities and aspects of the other, reconceiving and re-encountering the other as a potentially communicative and agentic being, as well as ‘an independent creature of value and originator of projects that demand my respect’. A closely allied stance, as Anthony Weston points out, is that of invitation, which risks an offering of relationship to the other in a more or less open-ended way.

#### The ballot should decide between competing advocacies. Debates about war powers should not merely concern legal rules, but also the way our normative prescriptions of value infuse the law with meaning.

**Kochi 09** - Sussex Law School, University of Sussex, Brighton, UK (Tarik, “Species War: Law, Violence and Animals,” SAGE Journals)

In everyday speech, in the words of the media, politicians, protestors, soldiers and dissidents, the language of war is linked to and intimately bound up with the language of law. That a war might be said to be legal or illegal, just or unjust, or that an act might be called “war” rather than terror or crime, displays aspects of reference, connection, and constitution in which the social meaning of the concepts we use to talk about and understand war and law are organised in particular ways. The manner in which specific terms (i.e. war, terror, murder, slaughter, and genocide) are defined and their meanings ordered has powerful and bloody consequences for those who feel the force and brunt of these words in the realm of human action. In this paper I argue that the juridical language of war contains a hidden foundation – species war. That is, at the foundation of the Law of war resides a species war carried out by humans against non-human animals. At first glance such a claim may sound like it has little to do with law and war. In contemporary public debates the “laws of war” are typically understood as referring to the rules set out by the conventions and customs that define the legality of a state’s right to go to war under international law. However, such a perspective is only a narrow and limited view of what constitutes the Law of war and of the relationship between law and war more generally. Here the “Law” of the “Law of war” needs to be understood as involving something more than the limited sense of positive law. The Law of war denotes a broader category that includes differing historical senses of positive law as well as various ethical conceptions of justice, right and rights. This distinction is clearer in German than it is in English whereby the term Recht denotes a broader ethical and juristic category than that of Gesetz which refers more closely to positive or black letter laws.

1 To focus upon the broader category of the Law of war is to put specific (positive law) formulations of the laws of war into a historical, conceptual context. The Law of war contains at its heart arguments about and mechanisms for determining what constitutes legitimate violence. The question of what constitutes legitimate violence lies at the centre of the relationrship between war and law, and, the specific historical laws of war are merely different juridical ways of setting-out (positing) a particular answer to this question. In this respect the Law of war (and thus its particular laws of war) involves a practice of normative thinking and rule making concerned with determining answers to such questions as: what types of coercion, violence and killing may be included within the definition of “war,” who may legitimately use coercion, violence and killing, and for what reasons, under what circumstances and to what extent may particular actors use coercion, violence and killing understood as war? When we consider the relationship between war and law in this broader sense then it is not unreasonable to entertain the suggestion that at the foundation of the Law of war resides species war. At present, the Law of war is dominated by two cultural-conceptual formulations or discourses. The Westphalian system of interstate relations and the system of international human rights law are held to be modern foundations of the Law of war. In the West, most people’s conceptions of what constitutes “war” and of what constitutes a “legitimate” act of war are shaped by these two historical traditions. That is to say, these traditions have ordered how we understand the legitimate use of violence. 2

## 2AC

### At: critique

#### The distinction between good and bare life lies at the heart of Western politics. We must challenge the hierarchy between the human and nonhuman or risk unending violence.

**Kochi 9** - Sussex Law School, University of Sussex, Brighton, UK (Tarik “Species War: Law, Violence and Animals”)

The distinction between bare life and the good life is a legal-political distinction. It has, at least since Aristotle, resided at the foundation of Western legal and political theory. The law which holds together and  governs the political community is posited with the view of not merely sustaining the bare needs of life, but of establishing and realizing some form of the good life. However, the distinction between bare life and the good life already contains within it a prior distinction, one which arises when the survival of humans is distinguished from and affirmed against the survival of  non-human animals. At the basis of the distinction between bare life and the good life, and hence, at the basis of law, resides the human-animal distinction – a determination of value that the human form of life is good and that it is worth more or better than the lives of  non-human animals. There is a certain Nietzschean sense of the term “good” which can be drawn upon informatively here. My argument is that what occurs prior to the racial and aristocratic senses of the term “good” suggested by Nietzsche as residing genealogically with the concept of the “good life,” is more deeply, an elevated sense of life-worth that humans in the West have historically ascribed to themselves over and above the life-worth of non-human animals. Following this, when the meaning of the term “war” is explained by legal and political theorists with reference to either the concepts of survival or the good life, the linguistic and conceptual use of the term war already contains within it a value-laden human-animal distinction and the primary violence of species war. Survival   and  the  biological   imperative   (survive!)  maybe   seen  as components of a concept of “war” broadly defined. For non-human animals the killing and violence that takes place between them (and with respect to their eating of plant life) may be viewed not as species war but merely as action driven by the biological imperative. However, for humans the acts of killing and violence directed at non-human animals can be understood as species war. While such violence and killing may be thought to be driven, in part, by the biological imperative, these acts also take place within the context of normative judgments made with respect to a particular notion of the good often drawing upon a cosmic hierarchy of life-value established by religious theories of creation or scientific theories of evolution. This reflection need not be seen as carried out by every individual on a daily basis but rather as that which is drawn upon from time to time within public life as humans inter-subjectively coordinate their actions in accordance with particular enunciated ends and plan for the future. In this respect, the violence and killing of species war is not simply a question of survival or bare life, instead, it is bound up with a consideration of the good. For most modern humans in the West the “good life” involves the daily killing of animals for dietary need and for pleasure. At the heart of the question of species war, and all war for that matter, resides a question about the legitimacy of violence linked to a philosophy of value. The question of war-law sits within a wider history of decision making about the relative values of different forms of life. “Legitimate” violence is under-laid by cultural, religious, moral, political and philosophical conceptions about the relative values of forms of life. Playing out through history are distinctions and hierarchies of life-value that are extensions of the original human-animal distinction. Distinctions that can be thought to follow from the human-animal distinction are those, for  example, drawn between: Hellenes and barbarians; Europeans and Orientals; whites and blacks; the “civilized” and the “uncivilized”; Nazis and Jews; Israeli’s and Arabs; colonizers and the colonized. Historically these practices and regimes of violence have been culturally, politically and legally normalized in a manner that replicates the normalization of the violence carried out against non-human animals. Unpacking, criticizing and challenging the forms of violence, which in different historical moments appear as “normal,” is one of the ongoing tasks of any critic who is concerned with the question of what war does to law and of what law does to war? The critic of war is thus a critic of war’s normalization. Unpacking, criticizing and challenging the forms of violence, which in different historical moments appear as "normal," is one of the ongoing tasks of any critic who is concerned with the question of what war does to law and of what law does to war? The critic of war is thus a critic of war's norm-alization.

#### Our use of images of animal suffering is vital to save the movement toward veganism—we unfortunately control uniqueness on this question

DeCoux 09—Associate Professor of Law, Florida Coastal School of Law (Elizabeth, 16 Animal L. 9, “SPEAKING FOR THE MODERN PROMETHEUS: THE SIGNIFICANCE OF ANIMAL SUFFERING TO THE ABOLITION MOVEMENT,” Lexis Nexis, RBatra)

 [\*44] Reducing the suffering of exploited animals does not justify their exploitation, but animal suffering does matter. It matters to the animal, and it matters to those who have empathy for her. Most importantly, it matters to those who would end the exploitation of animals because the suffering of exploited animals is one compelling argument for ending that exploitation. If animals did not suffer at all, exploiting them would still be wrong. The suffering that inevitably arises from exploitation is powerful evidence that the exploitation must end.

Welfarists use the proper tools - narratives and images of animal suffering - but they are satisfied to classify animals as property. Abolitionists work toward the valid outcome, but they decline to use the most powerful tool available. Abolitionists have the opportunity to break through this impasse by demonstrating to the public not only that animals are exploited but also that they suffer. Professor Francione has described some of the reasons he believes Abolitionists should be hesitant to describe animal suffering. Specifically, he has questioned the validity of what he refers to as "'blood and guts' advocacy." n237 He uses that label for "gory materials [such as] videos of slaughterhouses or other brutal situations," n238 but it is not yet clear which depictions of animal suffering, other than slaughterhouse videos, fall within the category "blood and guts advocacy." Among the questions that arise in this regard are whether his comments are directed only to slaughterhouse videos or also to still photographs, written descriptions, and places other than the slaughterhouse. As to those materials he would include in the category "blood and guts," Francione questions the usefulness of such materials in animal advocacy. While he doubts that there is a single right or wrong answer on the issue, Francione offers several arguments in opposition to employing depictions of animal suffering as a tool for ending the oppression of animals. n239

First, he suggests that some people will simply refuse to look at such materials and will walk away from a table or lecture where they are presented, depriving the advocate of the opportunity to educate those individuals. n240 One concern with this line of argument is that Francione does not refer to evidence supporting this assertion that a certain percentage of people walk away from depictions of animal suffering. Without such evidence, it is impossible to make a valid judgment about whether depictions of animal suffering will drive people away. Moreover, even if evidence established that people walk away [\*45] from such depictions, the argument would still fail to account for a different opportunity the advocate may lose. If the advocate avoids the accurate narratives and images of animal suffering in an effort to spare his audience, he loses the opportunity to educate the audience about animal suffering - and he loses that opportunity even as to that percentage of his audience (which no empirical evidence has established to be less than 100%) that would have stayed. In addition, the history of social justice movements demonstrates the importance of accurate portrayals of the suffering of the oppressed. n241

Clarification is also necessary as to any degree of inconsistency between this first argument, that these materials are so disturbing as to drive away some members of the intended audience, and the second argument: that "we are a society that has become numb to terrible violence [and] we should not overestimate the impact of videos and materials that we think are shocking." n242 If our society is numb to violence (and Francione offers no evidence that it is), then people will not walk away from these depictions. Conversely, if the images are so disturbing as to drive some people away, then not everyone is numb to them. Moreover, it is possible that every audience member would stay for the presentation and that every audience member would be troubled by the depictions of animal cruelty. There is no evidence to the contrary because there is no evidence on this point at all.

Francione's most fundamental reason for opposing depictions of animal suffering is found in the final objections he raises. These core objections grow out of a presupposition for which support is not offered in the comments on "blood and guts advocacy": that accurate portrayals of animal suffering cause the viewer or reader to embrace Welfarism and reject Abolitionism. Specifically, Francione makes these assertions: "Gory materials almost always tend to make the viewer focus on the treatment [of animals] and not on their use." n243 "Show someone something that portrays terrible treatment and the almost automatic reaction is that treatment should be improved, and not that the use should be stopped altogether." n244

These assertions are not followed by reference to any evidence that the "almost automatic reaction" to animal suffering is support for Welfare. To whatever extent (if any) depictions of animal suffering do evoke support for Welfare rather than Abolition, the reason is not some mysterious, inherent alchemy by which the information invariably produces that reaction. Instead, any support for Welfare in such a circumstance results from a simple fact, which Francione acknowledges: n245 Those who are told about animal suffering are not informed of the opportunity to support Abolition. They are not even told that [\*46] Abolitionism exists. They are told only about Welfarism. As Professor Francione writes:

[Welfarists] will show the horrors of a chicken slaughter facility to get support for gassing the chickens; they will show a conventional battery cage operation to get support for cage-free eggs. The message is clear and explicit: let us show you how horrible it is, but, with your support, we can eliminate the "worst abuses" and make it better. n246

When Welfarists depict the suffering of animals and plead for their audience to support Welfarist measures, it is no surprise if some in the audience do exactly as they are asked. Nor is it surprising if those who see depictions of suffering fail to pursue Abolitionism, since these presentations, as described by Francione, do not mention Abolitionism.

Francione also argues that Abolitionists must avoid the portrayal of animal suffering because the explicit message linked with depictions of animal suffering is a Welfarist message. n247 The reason, however, that the explicit Welfarist message is linked with depictions of animal suffering is that only Welfarists depict animal suffering. If Abolitionists linked their message - including the inefficacy of Welfare - with depictions of animal suffering, then the Abolitionist message would be "clear and explicit" in those depictions of animal suffering.

This would all be of little consequence if the ranks of Abolitionists were swelling, but they are not. Veganism, validly identified by Francione as the "moral baseline" n248 of the Abolitionist movement, appears to be on the decline, and certainly shows no signs of growing. n249 History holds the promise that veganism will become prevalent when Abolitionists take up the mantle of their historical forebears in social justice efforts and tell the whole story of animals' lives and deaths.

Francione is also correct, of course, that if animals did not suffer, it would still be wrong to use them. The history of animal exploitation - and especially the inefficacy of the Welfare movement - establish, however, that flesh-and-blood humans living in the real world do not and will not face the dilemma whether to exploit animals who are property but do not suffer. The inability of the Welfare movement to relieve animal suffering demonstrates that as long as animals are property, animals will suffer.

After rejecting depictions of animal suffering as a tool for advocates, Francione describes the argument he uses instead. Ironically, animal suffering is foundational to that argument. Francione writes:

I start almost every presentation that I give on animal ethics with a discussion of our shared acceptance of the moral principle that it is morally wrong to inflict "unnecessary" suffering and death on animals ... and that [\*47] any coherent understanding of the concept of necessity must exclude ... [99.99% of our animal use, which imposes] suffering and death ... for reasons of pleasure, amusement, or convenience. n250

The question is unavoidable: What suffering? Is it not Francione's position that the suffering of animals should not be depicted because it will lead inexorably to support for Welfarism?

Francione ends the argument against depictions of animal suffering with these words:

I understand that it is important to educate the public about the realities of contemporary animal exploitation. But it is also important to make clear that even if we got rid of every factory farm and had only the family farms that some welfarists characterize as ideal, or even if every laboratory adhered scrupulously to every law and regulation concerning vivisection, animals would still be ... made to suffer all sorts of deprivations. n251

Here, Francione comes full circle and suggests the approach that would pair the valid goal of abolition with the powerful tool of portraying animal suffering. He also calls on Abolitionists to do the hard work of making it clear that when welfare measures succeed, animals continue to suffer.

Only Abolitionism holds any real promise of ending the torment and killing of animals. But Abolitionism is not succeeding. It would be a bitter irony if Abolition ultimately falls short of its goal because its most powerful voices declined to tell its most compelling story.

A. The Legal Significance of Suffering

Contrary to the assertion that sentience matters only as a vehicle to continue living is the axiom that suffering matters. It matters in courts of law, and it matters in the court of public opinion, which so often has a role in shaping the law. In fact, the United States legal system reflects a keen awareness of, and concern about, physical and mental pain. This awareness and concern find their earliest, and perhaps their most fundamental, expression in the Eighth Amendment to the United States Constitution, which embodies principles extending at least as far back in history as the Magna Carta. n252 The shortest in the Bill of Rights at only sixteen words, the Eighth Amendment provides, [\*48] "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." n253 The concept most clearly related to suffering is embodied in the phrase "cruel and unusual punishment," which has a long history of judicial interpretation demonstrating "evolving standards of decency," n254 and marking the point beyond which the government may not go in punishing a lawbreaker. Courts have not shown an eagerness to find violations of the cruel-and-unusual clause. The United States Supreme Court was sharply divided by the 1958 case of an Army deserter who raised an Eighth Amendment challenge to the statute under which the government punished him by revoking his United States citizenship. n255 Referring to a United Nations report indicating that only two of eighty-four member nations had enacted such a punishment, the plurality concluded that expatriation of a deserter constituted cruel and unusual punishment. n256 The Court reasoned that "the American concept of man's dignity does not comport with making even those we would punish completely 'stateless'-fair game for the despoiler at home and the oppressor abroad, if indeed there is any place which will tolerate them at all." n257

More recently, courts have concluded that officials violate the cruel-and-unusual provision when they handcuff a subdued inmate to a hitching post, in the sun, in an uncomfortable posture, without water or any type of break, subject to the taunting of other inmates, for seven hours; n258 or when they injure an inmate by use of a cattle prod, leaving visible damage. n259

While Eighth Amendment jurisprudence addresses the suffering of convicted inmates, the law is also concerned with suffering on the other side of the criminal encounter, where the focus is not on the perpetrator of a crime but on the victim. Capital murder statutes, for example, require that the jury consider the existence of the aggravating and mitigating circumstances of the crime. n260 The conduct of the defendant in a capital murder case is scrutinized when the sentencing [\*49] statute includes, as an aggravating factor, n261 that the murder was especially heinous, atrocious, or cruel. Among the evidence held sufficient to support such a finding are the following: The victim knew of his impending death for at least forty-five minutes, he was afraid and hyperventilating, and his call to his father to say goodbye showed acute awareness of impending death; n262 evidence that the defendant, in a single incident, beat and stabbed his victims and set the house on fire while one victim, a child, was still alive. n263 The sentence was also upheld where the defendant, in killing his girlfriend's nineteen-month-old child, brutally kicked or punched the victim, and after incapacitating her, methodically poured hot cooking oil onto various portions of her body, including her genital region. n264

The law's dual concerns with the suffering of the convict and the suffering of the victim are so significant that they change the outcome of a case. Our legal system's concern with the suffering of an inmate is so important that we will outlaw a particular punishment, reverse a court's ruling, or overrule a jury finding. Concurrently, our legal system's concern with the suffering of a murder victim is so great that evidence of that suffering is literally a matter of life and death: It can justify execution.

Further, suffering matters not only in criminal law, but also in tort law. The law of tort is concerned not just with the death of victims n265 but also with their physical suffering. This concern distinguishes tort law from the Welfarist dichotomy in which suffering matters, but death does not. It also distinguishes tort law from the Abolitionist dichotomy in which death matters per se, but suffering apparently does not.

Some feminist legal theorists have recognized the significance of animal suffering. n266 Rather than focusing on rights, Welfare, or Abolition, [\*50] they promote an ethic of care. n267 One of the complexities of this theory is the question of how it applies to some of the worst human conduct, such as whether and how an ethic of care would be enforced against scientists conducting the electric-shock experiment or workers shocking downed cows with cattle prods.

Not only does our legal system take note of suffering, but there is also significant evidence from history that revealing the suffering of the oppressed is an effective tool in bringing about social change.

B. Narrative and Image Empower the Nineteenth Century Movement to Abolish Slavery in the United States.

Suffering matters not only in existing law but as a reason for changing an unjust law. The events leading to the Emancipation Proclamation and the Thirteenth Amendment demonstrate the importance of telling the stories of the oppressed. The effort to abolish human slavery in the United States in the nineteenth century used narrative and image to great effect

. Those who spoke and wrote of the suffering of slaves brought that suffering to the attention of the populace. In addition, there are vivid examples of the effect that image and narrative had on those who possessed the power to end slavery, most notably Abraham Lincoln.

1. Nineteenth Century Abolitionists Depict the Suffering of Slaves.

In the United States during the nineteenth century, opposition to slavery became a prominent topic both in private conversations and public dialogue. Those opposed to slavery were known as "Abolitionists." n268 These Abolitionists, black and white, men and women, publicized the evils of slavery by describing, with clarity and detail, the suffering that slaves experienced as a consequence of their status as property. n269 Tracts and pamphlets explaining their plight were essential to the work of Abolitionists. One such pamphlet gave a detailed account of the experience of Sojourner Truth. n270 Born into slavery under the name Isabella, she was ultimately emancipated, after which she became an Abolitionist and Suffragist. n271 The biographical tract [\*51] describes Isabella's suffering, including one beating in particular, at the hands of her brutal master:

She found her master with a bundle of rods, prepared in the embers, and bound together with cords. When he had tied her hands together before her, he gave her the most cruel whipping she was ever tortured with. He whipped her till the flesh was deeply lacerated, and the blood streamed from her wounds ... . n272

Fredrick Douglass, like Sojourner Truth a freed slave, gave an address in Ireland in which he exposed certain specifics about the day-to-day lives of slaves. When he offered his audience narratives of the experience of slaves, Douglass was arguing not for reform but for abolition:

If more than seven slaves are found together in any road, without a white person - twenty lashes a piece. For visiting a plantation without a written pass - ten lashes. For letting loose a boat from where it is made fast - thirty nine lashes; and for the second offence, shall have his ear cut off. For having an article for sale without a ticket from his master - ten lashes. For being on horseback without the written permission of his master - twenty five lashes ... . I saw one poor woman who had her ear nailed to a post, for attempting to run away, but the agony she endured was so great, that she tore away, and left her ear behind. n273

In an autobiographical tract, Douglass wrote of seeing his own master tie a young, lame woman at breakfast, whip her until she bled, leave her tied, return at dinner, and whip her again, "cutting her in the places already made raw with his cruel lash." n274

While Truth and Douglass offered specific accounts from their personal experiences, the fiery Abolitionist William Lloyd Garrison referred to the suffering of slaves from the perspective of an outsider but nevertheless referenced their experiences. Alluding to the American Revolution with biting irony, Garrison described the founders of the nation going "through their seven years' struggle, mingling the clanking of fetters, and the crack of the slave whip, and the groans of their imbruted victims with their cries for liberty and their shouts of victory!" n275

The ranks of the Abolitionists also included a number of ministers who told the stories of the suffering of slaves. On September 15, 1791, Congregationalist preacher Jonathon Edwards, who would later serve as President of Union College, condemned slavery in a vivid sermon [\*52] delivered in New Haven, Connecticut. n276 Edwards described the wrongs committed against the slave, including "the lash, the smack of which is all day long in the ears of those who are on the plantation or in the vicinity." n277 Edwards told his congregation that the lash was so skillfully applied that it not only cut the skin but tore "out small portions of the flesh at almost every stroke." n278 Unitarian pastor William Ellery Channing delivered a speech at Lennox, Massachusetts on the ninth anniversary of the abolition of slavery in the British West Indies. He employed a description of the suffering of slaves, not to argue that slavery should be reformed so that slaves would be treated more kindly, but to persuade his audience that an institution that allowed such torture must end. Channing alluded to arguments then being made by proponents of slavery, who claimed that emancipation would cause suffering. n279 Contrasting the reality of slavery with those imagined horrors, Channing told his audience:

My friends, your compassion is often called forth by predictions of massacre, of butchered children, of violated women, in case of emancipation. But do not waste your sympathies on possible evils, which wisdom and kindness may avert. Keep some of your tears and tenderness for what exists, for the poor girl whose innocence has no protection; for the wife and mother who may be widowed and made childless before night by a stroke of the auctioneer's hammer; for the man subjected to the whip of a brutal overseer, and hunted, if he flies, by blood-hounds, and shot down if he outstrips his own pursuers. n280

Another pastor issued an indictment against slavery, charging the institution and its proponents with "branding and lacerating the naked bodies of men and women, because their skins are black, leaving them no hope of redress for the most shocking cruelty ... ." n281

Other speeches and publications described similar tortures, including a girl stripped and beaten until large pieces of flesh had actually been torn out by the whip n282 and a master who punished a recaptured runaway slave by tying him to a log and pulling a toenail out with pliers, threatening to pull out two more if the slaves again [\*53] attempted to escape his bondage. n283 Harriet Beecher Stowe's widely-read portrayal of the suffering of slaves, Uncle Tom's Cabin, n284 sold 10,000 copies during its first week in print. n285 By 1861, with the nation on the verge of civil war, the novel was available in sixteen languages and had sold 4.5 million copies. n286 When President Abraham Lincoln received Stowe at the White House in 1862, he greeted her as "the little lady who started this great war." n287

These Abolitionists did not focus exclusively on the slaves' status as property, as today's animal Abolitionists do. The nineteenth-century pamphlets that included these descriptions of abuse were Abolitionist pamphlets; accordingly, they contained no argument for improvement of the institution of slavery. They did, however, describe the abuse a human can suffer when he is property. They made the argument not in support of the reform of slavery but as a compelling reason for ending slavery.

2. Abraham Lincoln Sees Slaves and Cannot Forget the Sight.

Before and during the American Civil War, Abolitionists urged President Lincoln to free all slaves. Lincoln believed that the power to free slaves, if he, as President, possessed it at all, n288 was a war power. n289 Yet Lincoln recognized the importance of choosing the right moment for such an act. September 16, 1862, the bloodiest single day of battle in American history, culminated in the Union victory at Antietam and gave Lincoln a position of strength from which he could press forward to emancipation. n290 Encouraged by that military success, Lincoln moved swiftly. On September 22, 1862 - a mere five days after Antietam - Lincoln signed the Preliminary Emancipation Proclamation. n291 It declared his intent to sign a proclamation on January 1, 1863, that would free all slaves in states or parts of states in rebellion against the United States. n292 On New Year's Day 1863, Lincoln signed [\*54] the Emancipation Proclamation, freeing the slaves in those states and parts of states enumerated in the Proclamation. n293

The Report of a Senate Select Committee on Slavery and the Treatment of Freedmen, however, revealed that the Proclamation was flouted. It showed that even after emancipation, a white person might deal with a former slave in any way he wished; he could "starve him, or he may whip him to death, murder him in cold blood, or burn him alive." n294 Narratives of slaves included a description of the actions of one white man with freed slaves:

Mr. Long would tie them up by the wrist, so high that their toes would just touch the ground, and then with a cow-hide lay the lash upon the naked back, until he was exhausted, when he would sit down and rest. As soon as he had rested sufficiently, he would ply the cow-hide again, thus he would continue until the whole back of the poor victim was lacerated into one uniform coat of blood. n295

Because of the limitations of the Emancipation Proclamation, Lincoln wished to have a constitutional amendment adopted and ratified that would end legal slavery in the United States forever. The amendment was introduced, and when it seemed to stall in the House of Representatives, Lincoln personally made certain it was prominently featured at the 1864 Republican National Convention. That exposure led to passage by Congress. Although a Constitutional Amendment does not require the signature of the president, Lincoln, in an act apparently singular among U.S. presidents, signed his name after those of the Speaker of the House and the President of the Senate on the Amendment, dating his signature February 1, 1865. n296 The Amendment was ratified by the last necessary state on December 6, 1865, eight months after Lincoln's assassination. n297

The decisions Lincoln made as president were informed by his experiences long before the war. Lincoln's law partner, William Herndon, wrote in his biography of Lincoln about a riverboat trip Lincoln took to New Orleans as a young man. Herndon described an incident alleged to have occurred at a slave auction during this journey:

In New Orleans, for the first time Lincoln beheld the true horrors of human slavery. He saw "negroes in chains - whipped and scourged." Against this inhumanity his sense of right and justice rebelled ... . One morning in their rambles over the city the trio passed a slave auction. A ... mulatto girl was being sold. She underwent a thorough examination at the hands of the bidders; they ... made her trot up and down the room like a horse... . The whole thing was so revolting that Lincoln moved away from the [\*55] scene ... . Bidding his companions follow him he said, "By God, boys ... if I ever get a chance to hit that thing [meaning slavery], I'll hit it hard. n298

Whether this incident ever occurred is in doubt. John Hanks, who reported the story to Herndon as his own first-person account, apparently had separated from Lincoln and the remainder of the group before the boat arrived in New Orleans; n299 therefore, Hanks could not have been present with Lincoln at a slave auction in that city. Hanks, however, was not Herndon's only source regarding Lincoln's experience at the auction in New Orleans. Herndon asserted that Lincoln himself referred to the New Orleans slave auction in conversations with Herndon. n300

However dubious the accounts of the New Orleans incident, Lincoln's encounter with slaves during another boat trip is subject to no such dispute. The source is Lincoln himself, in separate letters to his friend, slave-holder Joshua Speed, n301 and to Joshua's sister, Mary Speed. In 1841, Lincoln and Joshua Speed travelled on a steamboat from Louisville, Kentucky to St. Louis, Missouri. n302 That same year, Lincoln wrote to Mary Speed. Recounting the boat trip, Lincoln described twelve slaves who were on board, "chained six and six together." n303 He wrote, "A small iron clevis was around the left wrist of each, and this fastened to the main chain by a shorter one at a convenient distance from the others; so that the negroes were strung together precisely like so many fish upon a trot-line." n304 He also described the slaves' pain at being taken from everyone and everything they had loved to live under the rule of a ruthless master. n305

In 1855, Lincoln wrote to his friend Joshua Speed. Even after fourteen years, the images of the slaves persisted, and they troubled him. Lincoln began the letter to Joshua Speed with comments on slaves generally: "I hate to see the poor creatures hunted down, and caught, and carried back to their stripes, and unrewarded toils." n306 Lincoln then described his specific memories of the slaves with whom Lincoln and Speed had travelled on the steamship:

You may remember, as I well do, that from Louisville to the mouth of the Ohio, there were, on board, ten or a dozen slaves, shackled together with [\*56] irons. That sight was a continual torment to me, and I see something like it n307 every time I touch the Ohio, or any other slave border. n308

Volumes have been written on the causes of the Civil War and the forces that led to the abolition of slavery. n309 Lincoln's ambivalence on slavery is well known. There is no precise formula for determining the extent to which Lincoln's knowledge of the experiences of slaves hastened their emancipation. At least two things are known: (1) Abolitionists, who sought not the reform of slavery but always its end, knew the power of the slaves' own stories of suffering, as evidenced by their use of those stories to promote their cause; and (2) Lincoln, who signed the Emancipation Proclamation and labored for passage of the Thirteenth Amendment, had seen slaves in irons and described that sight, years later, as a "continual torment" to him. n310 It can be assumed that he was not writing to garner favor, since his correspondent was a slaveholder.

The number of animals who suffer, and the magnitude of their suffering, are both immense. The experiences of those animals have the power to influence the public as well as elected officials. Abolitionists' lack of success in their efforts to promote veganism may well result from their nearly exclusive focus on the property status of animals as the evil that needs to be overcome. Abolitionists' recognition that animal sentience is more than just a means to the end of continued existence may be the key to increasing the ranks of vegans and thereby achieving the abolition of the property status of animals.

C. Narratives of Violence against Suffragists Change Public Opinion.

Tennessee ratified the Nineteenth Amendment in 1920, the last state necessary to make women's right to vote a part of the Constitution. n311 That ratification came seventy-two years after women's demand for the vote in the Declaration of Sentiments was signed in [\*57] Seneca Falls, New York during the first Women's Rights Convention. n312

In that long struggle, it was likely the narratives of violence against Suffragists that eventually turned the tide. In the months and years leading up to the Nineteenth Amendment, approximately 100 Suffragists were arrested and jailed after violence broke out at demonstrations. n313 Most of them went on hunger strikes in response to which their jailers force-fed them. n314 Narratives of the force-feeding enraged the public, and by 1918 President Woodrow Wilson stated his support for women's suffrage. n315

D. The Photography of Lewis Hine Exposes the Abuse Inherent in Child Labor Practices.

In the early years of the twentieth century, approximately 2 million children aged sixteen and younger worked in the fields, mines, mills, and factories of the United States. n316 Three-year-old children picked cotton in fields. n317 Thousands of boys descended into coal mines and, at the end of a long day, returned to the surface with soot-covered faces. n318 Working for a committee seeking to reform child labor, Lewis Hine toured the country from 1908 to 1912 and photographed the lives of these children. n319 One of Hines' subjects was a five-year-old boy named Manuel, who awoke at 3:00 a.m. each day to work all day peeling shrimp. n320 Hine also portrayed a four-year-old girl required to pick eight pounds of cotton each day. n321

Hines's photographs had a gradual effect as part of a larger effort, rather than as a sudden, dramatic presentation of a single scene. The Fair Labor Standards Act, banning the most abusive practices depicted by Hines, was enacted in 1938, more than twenty-five years after Hine's work depicting child labor had ended. n322

[\*58]

E. Images and Narrative from Birmingham Influence Passage

of the Civil Rights Act of 1964.

On May 3, 1963, Dr. Martin Luther King, Jr. addressed a crowd of more than 1,000 African-Americans at Birmingham, Alabama's 16th Street Baptist Church. n323 King galvanized the crowd before they set out into the streets of Birmingham to protest racial segregation. Hundreds of marchers from the church joined another 3,000 already in the streets for a march through a city infamous for its racism. n324 The response from law enforcement was brutal. Police and firefighters turned fire hoses on the demonstrators, knocking some off their feet. n325 The fire hoses used against these marchers were so powerful they could separate bricks from mortar and split the bark from trees, both at a distance of 100 feet. n326 These blasts from powerful water hoses were not the only tool of Birmingham officials that day. On the order of the City's Police Commissioner, Eugene "Bull" Conner, police officers waded into the crowd, swinging billy clubs and setting police dogs on the marchers. n327

The day after the demonstration in Birmingham, the front pages of newspapers across the nation featured not only the story of the protest but also Associated Press photographs. In one, a police officer holds a young black man by his cardigan sweater while a police dog lunges to bite his abdomen. n328 In another photograph, Birmingham firefighters blast demonstrators with fire hoses. n329 President John F. Kennedy saw the picture of the police dog lunging at the young man as well as television news footage of the attack. n330 One White House visitor that day pressed Kennedy about the federal government's response to the violence against the demonstrators. Kennedy said that the photograph of the police dog attack "made [him] sick," but that as president he had no authority to intervene in such state and local matters. n331 He added that he planned to send administration officials to Birmingham as mediators. n332

At a press conference five days after the Birmingham demonstrations, Kennedy announced his intention to bring both sides together in [\*59] order to settle peacefully the abuses that had been inflicted on the black citizens of Birmingham. n333 King and other leaders of the civil rights movement criticized Kennedy for his failure to take decisive action. n334 Kennedy continued to argue that considerations of federalism prohibited him from taking any action to interfere in the decisions of state and local governments. Meanwhile, seismic waves from Birmingham had spread across the country, drastically altering public opinion. Prior to the march in Birmingham, 4% of the U.S. population believed that civil rights was the most important issue the nation faced. n335 After the news coverage of fire hoses and police dogs, that figure leapt by a factor of more than a dozen, from 4% to 52%. n336

The images also had their effect on Congress. Five days after the police violence in Birmingham, and the same day as Kennedy's press conference, the Committee on the Judiciary of the House of Representatives conducted a session of its hearings on civil-rights legislation. Committee Chair Emanuel Celler opened the hearings that day with phrases emphasizing the importance of legislative action: "Police clubs and bludgeons, fire hoses and dogs have been used on defenseless school children who were marching and singing hymns." n337

On June 11, 1963, barely a month after the march in Birmingham and the sea change in public opinion that followed its coverage, Kennedy acted. In a television address from the White House that night he said, "Now the time has come for this nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them." n338 In that address, Kennedy announced that he would introduce civil-rights legislation and urge Congress to pass it quickly. n339 Although Kennedy was assassinated November 22, 1963, his successor, President Lyndon B. Johnson, signed the Civil Rights Bill of 1964 into law on July 2, 1964. n340 Among other provisions, it prohibits discrimination in places of public accommodation and in employment. n341

During the civil rights era, public opinion polling was available. It provided a more vivid and precise portrayal than had previously been [\*60] available of the role the depiction of suffering played in bringing about social change. The stories and images from Birmingham put the image and narrative of violence against the demonstrators on every newsstand and in the mouths of every television news anchor. Public opinion shifted, elected officials acted, and the law changed. In a pattern repeated throughout U.S. history, depicting the experiences of the oppressed played an important part in ending that oppression.

The focus on these narratives was not limited to news outlets. Law journals also told these true stories. The experiences recounted in civil-rights-era law journal articles include the attack on Sarah Louise McCoy, an African-American woman attending a previously all-white college, who was beaten by fifteen or twenty white adults. n342 Another law journal article described an 1873 incident in which whites surrounded a building that had been taken over by blacks, set it on fire, and shot the blacks to death as they escaped the burning building. n343 Other narratives employed in scholarly journals were the bombing of a black lawyer's home, the shooting of three blacks on the eve of the integration of a Birmingham, Alabama high school, and the bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama, in which four black schoolgirls were killed. n344 Legal theorists also depicted the death of a thirteen-year-old black boy shot in the back by a policeman and the riots that ensued n345 as well as the death of murder of Mack Charles Parker. n346

F. Images and Narratives of Bloody Sunday Hasten Passage

of the Voting Rights Act of 1965.

The Civil Rights Act of 1964 did not address the devices - including violence, poll taxes, and literacy tests - by which white Southerners kept black citizens from exercising their constitutional right to vote. So, in 1965, civil rights leaders focused their efforts on voting rights. On Sunday, March 7, 1965, approximately 600 marchers set off to cross the Edmund Pettus Bridge, which led to Selma, Alabama. n347 About fifty state troopers met them as they crossed the bridge. n348 The troopers ordered the marchers to disperse and gave them two minutes to do so. n349 The marchers did not disperse. Instead, [\*61] they prayed, many kneeling on the bridge. n350 When two minutes had passed, about half the troopers waded into the crowd, clubbing the praying marchers and shoving them to the ground. n351 The troopers used their clubs to break the arms and legs of marchers and to fracture the skull of future U.S. Congressman John Lewis. n352 After the crowd retreated about 50 yards, the troopers launched round after round of tear gas at them n353 until they ran, choking on the gas, in all directions. n354 Mounted police officers then pursued them with bullwhips. n355

Eight days later, President Johnson addressed Congress, urging legislators to pass what would become the Voting Rights Act of 1965. Johnson's remarks left no doubt about the significance of Bloody Sunday:

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama. n356

On August 4, 1965, five months after Bloody Sunday, Johnson signed into law the Voting Rights Act of 1965, outlawing poll taxes, literacy tests, violence, and other barriers to African Americans' right to vote. n357

V. CONCLUSION

I felt that there was some justice in his argument. [il12.6] - Mary Wollstonecraft Shelley,

Frankenstein: Or the Modern Prometheus n358

The history of advocacy for animal welfare in the United States is long and largely fruitless. In 1866, Aristocrat Henry Bergh founded the American Society for the Prevention of Cruelty to Animals. In the 143 years that have passed, hundreds of organizations representing millions of members have been formed and hundreds of laws enacted, all purporting to protect animals. In spite of this long history of legislation and advocacy, a nineteen-year-old Florida man accused of mutilating a dozen cats was released on bail because he was not viewed as a [\*62] danger to the community. n359 A Pennsylvania man avoided a prison sentence even though he put his own dog in the veterinary hospital for a week by beating the dog with a board that had sharp nails protruding from it. n360

After those 143 years of advocacy and legislation purporting to help animals, not only does cruelty to companion animals persist, but acts of cruelty against farm animals are literally standard practice. Pigs and cows feel their tails being cut off with hot pinchers. n361 Beef cows have the uterus removed without anesthesia. n362 Thousands and thousands of animals who are alive and awake feel their skin being wrenched from their bodies in slaughterhouses. n363 Dogs in toxicity tests are poisoned with overdoses of drugs even though toxicity in humans has already been established. n364 Other dogs are hung from the laboratory ceiling in slings and shocked until they convulse. n365 Researchers apply corrosive substances to the eyes of rabbits to determine what damage will result. n366 Newborn chicks, unwanted because they are male, are suffocated in plastic bags. n367 Scientists inject acid into a dog's abdomen and count the number of times she writhes. n368 Workers shock injured cows with cattle prods on their eyeballs in an effort to force them to walk to the slaughter line in spite of their injuries. n369 Commercial and hobby fishers watch as flailing fish suffocate on the decks of their boats. A rat is placed in a container full of water, so deep that he cannot touch bottom, with walls so high and rounded he cannot climb out or even grasp a corner. He frantically paddles and eventually gives up, a procedure that produces depression in the [\*63] rat. n370 Nine billion animals are killed to be food in the United States each year. n371

These actions continue, year after year, in spite of all the animal-welfare organizations and all the animal-welfare laws. Welfarists use some of these images and narratives, and sometimes the result is that legislators enact new welfare laws, but little actually changes in the places where animals live and die. This is so because animals remain our property, for our use, our stomachs, and our latest shade of nail polish. As the West Virginia prosecutor phrased it, "These are chickens in a slaughterhouse," n372 one vivid expression of a fundamental human presupposition: A person's property is his, to do with as he will. As long as animals are our property, to exploit as we see fit, welfare laws are nothing more than a balm for our conscience and a means for denying our complicity in their torture and death.

Welfarists understand the power of these images and narratives, but like Esau selling his birthright for a bowl of pottage, n373 Welfarists trade that power for empty promises and illusory laws. Unlike Welfarists, Abolitionists seek to end the property status of animals. If they succeed, the legal exploitation of animals, and the consequent suffering and death, will end. But Abolitionists are not succeeding. Efforts to abolish some forms of animal exploitation have existed since 1981 at the latest. n374 Yet, for those twenty-eight years, Abolition, like Welfare, has made little if any progress. To the contrary, there are indications that the vegan segment of the population may be decreasing - a sign that Abolitionists are not moving towards their goal and may in fact be losing ground.

Among major social-justice movements in the United States, Abolitionism is unique in its reluctance to call attention to the suffering of the oppressed. This reluctance may arise from fear of being confused with Welfarists and the related fear of being sidetracked with exploiters' proposals to "address" the suffering highlighted by Abolitionists with welfare measures. Abolitionists may also wish to avoid being labeled "sentimental" or "emotional." In a time when there appear to be fewer vegans with each survey, n375 those concerns, even if they were valid, would not justify a failure to raise the alarm about the anguish [\*64] animals are experiencing as a result of their property status. Welfare and Abolition have been losing ground, or standing still, for decades. Billions and billions of animals suffer and die as the solution is debated. Raising the alarm about the pain of animals is essential. Accurate portrayals of suffering have brought about change in other decades, and animals desperately need change.

The ranks of vegans will increase, and thus the abolition of animal exploitation will draw nearer, when Abolitionists use the tools of Welfarists. Individuals and organizations working for abolition gain ground each time their call for abolition of the property status of animals is supported by the stark, spare, unadorned portrayals of animals living and dying to satisfy the tastes, purposes, depravities, and whims of humans.

### At: performance

**Wuthrmann 11** – Wesleyan University (“Animal-Attentive Queer Theories”, BA honors thesis at Wesleyan, <http://wesscholar.wesleyan.edu/cgi/viewcontent.cgi?article=1644&context=etd_hon_theses>)

For the purpose of my thesis I want to rethink and question the centralit y of an intact, linguistic, and relational subject that must be recognized and interacted with as such. The theory of performatively produced identities relies on the humanistic and relational model where others are present to witness the release of the subject into the cultural symbolic. The Foucauldian explanation of power and the social body is wrapped up within discussions of the necessarily human body. Ideas of abjection, repression and discipline are discussed in terms of human will, historical (human ) society, and discursive construction. I argue that Foucault’s claim that at the turn of the century the homosexual became a “species” is on e of the key bases that formulated this binary between human/animal (Foucault 1990, 44). By shining a theoretical a nd critical light upon the discursive construction of homosexuality contra heterosexuality, the non human others, the other species, were left in abjection as each perverse sexuality was reintegrated into queer theory’s critical realm.

**Wuthrmann 11** – Wesleyan University (“Animal-Attentive Queer Theories”, BA honors thesis at Wesleyan, <http://wesscholar.wesleyan.edu/cgi/viewcontent.cgi?article=1644&context=etd_hon_theses>)

This uneasy historical dynamic, as well as an inherited humanism within queer theories , have made any sort of engagement with animal others impossible, 12 slight or anthropocentric. By tracing a genealogy of what I argue are queer theory’s main predecessors and influences, I hope to show the multiple disciplines, histories and wri tings that contribute to formation of different queer theories as they historically have been and currently are understood. Through this genealogy I focus on the many ways that different queer theories have inherited a discursive humanism that places at its core a human/animal divide predicated on certain necessary (linguistic and mental) capacities of the queer subject. I switch sometimes between queer theory and queer theories as a way of illustrating the multiplicity within the field of and writing on ‘queer theory’. While it is true that some writing on (post) humanism and affirmative readings of science could be considered in the realm of queer theory (notably Donna H araway’s writing stand s out as the epitome of queer science studies scholarship), it is the reality that the majority of writing fails to critique or at least problematize the implicit humanism within queer theories. This sort of humanism has lead to the popular formation of subjectivity within queer theories to maintain the necessary capacity of language and human - based communication as its parameters. This theory of subjectivity has prevented a deep engagement with the lives, experiences, and suffering of animal others due to their fundamental lack of human speech and discursive (cultural) practices. It is this humanism that fuels the self - defeating logic within queer theories that purport to be againstsocial norms, binaries, and hierarchal power structures while at the same time basing their theories on an implicit sado - humanism that disavows animal others

13 I do not want to parallel this genealogy of the debate with the nature/culture binary by stating that one is all nature and the other is all culture . Although this is one possible interpretation of some work in the critiques that queer theory offers of gay and lesbian studies, it would be far too reductive. For example, Judith Butler’s work on the theory of performativity has sparked interpretations o f ‘all culture no nature’ subjectivity — a discursive subjectivity. This interpretation would hold that there is nothing that is pre - cultural in its mattering or formation. In response to activism in the 1990s , queer theories attempted “to produce a program, and when the theory addresses the broad issue of queerness, the program is expected to explain queer life” (Berlant, Warner 1993, 348). The theory of performatively produced sexualities and subjects that allowed for a radical critique of naturalized insti tutions of sexuality such as allopathic medicine and government institutions and programs (Duggan 1994). Freedom from earlier discourses that revolved around naturalized sexualities furthered queer political agendas. For queer theories to come together wit h animal studies in meaningful and productive ways, many queer theories must undergo a full - scale theoretical shift and rejection of its implicit humanism in order to produce what I call animal - attentive queer theories. If queer theories are to truly actua lize the potential within a queer critique, they must reject a sado - humanist logic as self - defeating and work towards animal - attentive queer theories that do not rely on a human/animal binary.

## 1AR

### AT: Western Ignorance

#### The idea of cultural relativism should not exclude critique of practices or else no practice could ever be criticized because it is part of some culture. At worst, this does not destroy cultural identity.

Deckha 7 – Assistant Professor, Faculty of Law, University of Victoria, Canada (Maneesha, 2007 “Animal Justice, Cultural Justice: A Posthumanist Response to Cultural Rights In Animals” Animal L. & Ethics)

First, to suggest as Wenzel and Lynge do that Inuit seal hunting should be accepted because it is crucial to Inuit subsistence culture removes culture from the realm of the ethical. This is as problematic from a postcolonial animal justice perspective as removing nature from politics or basing ethics on biologism or ideas of the so-called natural. 147 Such a position assumes that because a practice is culturally crucial it is irreproachable. The logical extension of such a position would mean that all practices are beyond criticism, because we have always existed as cultural beings. In saying this I do not mean to dismiss this invocation of cultural relativism as quickly as cultural relativists usually do. 148 Nor do I mean to discount the importance of cultural survival and self-determination for Aboriginal peoples. Yet, recognizing the skewed cultural playing field does not necessarily mean abstaining from criticism. We encounter several conceptual problems if we construct cultural differences, or any other difference, as beyond scrutiny. A primary conceptual problem in immunizing culture involves authenticity. Receiving marginalized voices as truth-claims, as Wenzel and Lynge advocate, creates a new brand of authenticity problems. First, any resort to "cultural traditions" must grapple with the constructedness of traditions and their partly imagined nature. Lisa Stevenson has noted how the organization of "disparate Inuit groups in the Canadian Arctic" into the territory of Nunavut meant that Inuit "literally had to imagine themselves as a people, unified partially through their difference from the rest of Canada," claiming a common, unified future in the Arctic in a way that "would have been unthinkable" in the past. 149 And while the reality that cultural rights are based on imagined identities may not lead to an ethical conundrum, it does raise the question of who is excluded by the identity that is imagined? What are the threshold characteristics one needs to possess before one counts as an authentic cultural voice? For example, if hunting, sealing, and trapping are integral to establishing Inuit identity, is the Inuit person who does not engage in these practices and has never been "on the land" not or less Inuit? 150 Even if an unproblematic concept of authenticity could be reached based not on identity but on similarly circumscribed material life conditions, we would still encounter a second problem: if we equate marginalized experience with truth do we not assign Others a set of narrative authorities that enjoy immunity from the collective process of judgment? Moreover, how will we ever reconcile incommensurate stories within marginalized groups if we cannot question experience?15 1

### AT: White Privilege

#### The only reason that meat is more readily available is due to anthropocentric practices and their understanding of non-Western cultures is flawed. Even if they were to win it is privileged, that does not justify an abandonment of our moral ideals.

Bailey 7 – Professor and Chair of Philosophy at Minnesota State University-Mankato (Cathryn, “We Are What We Eat: Feminist Vegetarianism and the Reproduction of Racial Identity” Hypatia 22.2 39-59

One of the problems with George's argument in Animal, Vegetable, or Woman? and in a 1994 article that received much criticism, is that many, if not all, of the reasons she cites for why vegetarianism may be out of reach for many poor women is precisely a result of the patriarchal system that devalues women and animals in the first place. It is not a randomly produced feature of the world that women and children make up the greatest poverty class or that the health of women and children is especially precarious. Nor is it an accident that "animal protein" in the form of cheap lunchmeat or fast food is often more readily available than vegetables in the United States. From the point of view of feminist ethical vegetarianism, these conditions result from the very racism, sexism, classism, and anthropocentrism that is being challenged. As Greta Gaard and Lori Gruen have pointed out, "What she [George] ignores is the well-known fact that, around the world, it is the men and boys who eat the first and most foods, while the girls and women eat last and least" (1996, 236). Moreover, moral ideals need not themselves be thought of as discriminatory or elitist in the ways George has suggested, despite the fact that, in some sense, exemplifying moral virtue may often be tied to some kind of privilege. Consider, for example, the poor mother who is paid to be complicit with fascist torturers. Certainly, resisting participating in such a moral atrocity is more difficult for her than for many others, but we do not thereby abandon the moral ideal of avoiding aiding and abetting torturers. We might be more understanding of her participation, but we should not use it as a basis for abandoning the moral ideal. George's suggestion that nearly all ethical vegetarians are moral elitists, however, threatens to slide into moral condescension, as if there ought to be a multiple-tier, separate-but-equal system of moral ideals. Not incidentally, George's suggestion that feminist vegetarianism is classist and ethnocentric ignores the fact that "most non-Western diets are largely vegetarian (perhaps by virtue of necessity): consider Chinese, Indian, and African traditional cuisines. If anything, it is meat-eating that is a Western norm that 'development' has imposed upon non-Western nations" (Donovan 1995, 227). Ironically, George's position erases the number of poor women who are vegetarians by ethical choice, revealing the hidden privileged perspective that serves the edifice of her argument. Often vegetarianism has been caricatured as epitomizing petty moral privilege, with the self-appointed morally empowered vegetarian depicted as lording it over others. As one character criticizes the vegetarian in Coetzee's novel, "It's nothing but a power-game. Her great hero Franz Kafka played the same game with his family. He refused to eat this, he refused to eat that, he would rather starve, he said. Soon everyone was feeling guilty about eating in front of him, and he could sit back feeling virtuous" (1999, 68). Similarly, George objects, ethical vegetarianism assumes that "a single definable class of persons is designated as better than—more morally virtuous than—all others simply because of its physiology and power" (2000, 2). What I suspect lurks below the surface of George's critique is the worry that ethical vegetarianism is somehow antihumanism (antiwomanism), that one must choose between animals and humans. As Donovan argues in the introduction to her co-edited book, it is a familiar strategy: "Just as feminists were charged with man-hating when we began to channel our energies and our theorizing to women's needs and experiences, animal activists now stand accused of people hating" (Donovan and Adams 1996, 4). Here, too, there is the suggestion that one cannot be both for poor women and children and for animal welfare. The response of the New Haven Register to the PETA exhibit described above further illustrates the point: "If you care about animals more than people, the comparison [in the PETA exhibit described above] may seem apt. . . . There is little common ground for agreement if PETA sees the slaughter of livestock for food as the same as the lynching of blacks or the extermination of millions of people in Europe" (quoted in Christie 2005). Not only is this analysis a speciesist objection to the comparison but it also implies that one who takes animals seriously is ipso facto demonstrating a failure to take humanity seriously; by George's parallel account, a feminist who takes animals seriously is failing to take women seriously. With respect to ethical vegetarianism, I think it is clear that such a divide-and-conquer strategy only works if one accepts the racist, sexist, classist terms of the discussion. Part of what is required to understand some of the resistance to vegetarianism is to appreciate the logic that undergirds it. We should not, of course, automatically dismiss those who resist vegetarianism as insensitive dupes. To that end, it helps to appreciate that whether one is a meat eater or a vegetarian would not carry such visceral moral and emotional impact if it were not experienced as deeply entwined with the production and reproduction of identity. That our identities are so constituted is not a neutral or inalterable fact, however. The perpetuation of the patriarchy depends, in part, on the fact that we understand our racial, gendered, and sexual selves as contingent upon eating practices in the ways described above. Only then can vegetarianism be used as a wedge to divide people along racial, sexual, or class lines. A context-sensitive feminist vegetarianism with a deep critique of the knotted relationship between racism, sexism, and anthropocentrism offers great promise. Certainly, no viable feminist vegetarianism can proceed without attempting to understand and dismantle such connections. As I have argued, this is so not only because of the complex ways that the philosophical ideas have been twisted and bound together, but also for practical reasons. As it stands now, many people still do not wish to be associated with the animal welfare and vegetarian movements. If white Western feminist vegetarians, even well meaning ones, overlook or trivialize the historical and conceptual ties between racism and anthropocentrism by failing to appreciate the connections between eating practices and racial identity, feminist ethical vegetarianism will be stalled at the class and color lines. However, we should not concede that ethical vegetarianism is an intrinsically racist, classist, or colonialist endeavor because doing so effectively allows the continued masking of the ways in which racism, classism, and imperialism have created foodways privileging the global elite. It also serves to divide and isolate the most oppressed, limiting human animals with respect to their ethical agency and access to quality food and leaving nonhuman animals where, for most of us, they have been all along—on our plates.

### Perm

#### In response to the presidential authority to dictate life, we advocate for the deactivation of this sovereign power. We must refuse to condone the sovereign decision to mark some lives as valuable and others as not. Any other approach fails to challenge sovereign power

Edkins and Pin-Fat 05. 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 grammar of sovereign power cannot be resisted by challenging or fighting over where the lines are drawn**. Whilst, of course, this is a strategy that can be deployed, it is not a challenge to sovereign power per se as it still tacitly or even explicitly accepts that lines must be drawn somewhere (and preferably more inclusively). Although such strategies contest the violence of sovereign power’s drawing of a particular line, they risk replicating such violence in demanding the line be drawn differently**.** This is because such forms of challenge fail to refuse sovereign power’s line-drawing ‘ethos’, an ethos which, as Agamben points out, renders us all now homines sacri or bare life**.**