# Round 7—Aff vs Fresno HT

## 1AC

### 1ac

#### Violence against the nonhuman is always-already rendered invisible by a normative understanding of violence that excuses this violence as legitimate. This 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.

#### And this move to ignore species violence is based on a devaluation of the nonhuman that renders them killable

**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

#### To understand violence only in human terms reifies violent anthropocentric values, the human is an ethically bankrupt subject that problematizes all human forms of being and knowledge production

**Collard 13**—Geography Department at the University of British Columbia [modified for ableist language, modifications denoted by brackets]

(Rosemary-Claire, “Apocalypse Meow”, Capitalism Nature Socialism, 24:1, 35-41, dml)

It is an easy point to make, that apocalypse is defined in almost totally human terms. Although environmental apocalypticism is tied to statistics about species loss and habitat destruction, it is only really an apocalypse once human beings (and capitalist production for that matter) are under threat. Occasionally nonhuman species deemed extraordinary in some manner (usually in the degree to which either they are most ‘‘like us’’ or useful to us) may enter into the apocalyptic calculus\* dolphins that can recognize themselves in the mirror, chimpanzees that use tools. This is further evidence of apocalypticism’s anthropocentrism. Leftist critiques of apocalyptic narratives, while not necessarily incompatible with the previous point, have focused instead on these narratives’ depoliticizing tendencies. Swyngedouw (and obscures how the human hubris creates the conditions for these scenarios 2010a; 2011) locates apocalypse within a general trend toward environmental populism and ‘‘post-politics,’’ a political formation that forecloses the political, preventing the politicization of particulars (Swyngedouw 2010b). He argues that populism never assigns proper names to things, signifying (following Rancie`re) an erosion of politics and ‘‘genuine democracy . . .[which] is a space where the unnamed, the uncounted, and, consequently, un-symbolized become named and counted’’ (Swyngedouw 2011, 80). Whereas class struggle was about naming the proletariat, and feminist struggles were named through ‘‘woman’’ as a political category, a defining feature of post-politics is an ambiguous and unnamed enemy or target of concern. As Swyngedouw (2010b; 2011) contends, the postpolitical condition invokes a common predicament and the need for common humanity-wide action, with ‘‘human’’ and ‘‘humanity’’ vacant signifiers and homogenizing subjects in this politics. I return to this idea soon. Over a decade earlier, Katz (1995) also argues that ‘‘apocalypticism is politically ~~disabling’’~~ [debilitating] (277). She writes: ‘‘contemporary problems are so serious that rendering them apocalyptic obscures their political ecology\*their sources, their political, economic and social dimensions’’ (278). Loathe to implicate ‘‘human nature’’ as one of these sources, Katz instead targets global capitalism, which is ‘‘premised on a series of socially-constructed differences that, in apocalyptic visions, take a universal character: man/woman; culture/nature; first world/third world; bourgeoisie/working class’’ (279). Towards the end of her short chapter, she remarks that ‘‘human beings are simultaneously different from and of a piece with bees’’ (280), calling subsequently for ‘‘a usable environmental politics [that] takes seriously the political responsibility implied by the difference between people and bees’’ (280). There is so much to agree with here. But Katz misses a big binary in her list: human/animal. On the other hand, she clearly if implicitly recognizes not only the productiveness of this binary and its role in environmental politics (the humans and the bees), but also the attention it deserves. The question then remains: Although according to Katz, apocalyptic politics underplays if not entirely ignores the production process, is this inherent to apocalypticism, or is there potential to train apocalypticism onto production, particularly of the human and the human/animal binary? Neither a natural order, nor a pre-given subject position, nor a category that exists beyond politics, the human is rather an intensely political category whose ongoing production is rife with violence, contestation, and hierarchy. The central mode of this production is the human/animal binary that Haraway (2008, 18) says ‘‘flourishes, lethally, in the entrails of humanism.’’ This binary is continually re-made and re-authorized politically, legally, scientifically, religiously, and so on. It is the product of particular epistemologies, ontologies, and power relations, and it also produces these same structures. The spatial, material and discursive inclusion and exclusion of animals construct the human/animal binary. Materially, animals are included in the ‘‘human’’ project as laborers, food, clothing, and so on, but are excluded from life itself should their dead bodies be of economic value. Animals work for us, for free, and are largely ‘‘disposable workers’’ in a manner similar to and different from the ‘‘disposable women’’ Wright (2006) observes are fundamental to the workings of capital and labor in Mexican maquiladoras. The similarity lies in how both animal laborers and these women factory workers are devalued as laborers, and this devaluing of their labor actually contributes to the formation of value in the commodities and capital of the production network. They are different in that of course the women are still paid\*albeit marginally\*and their labor is recognized as labor. Animals do not just labor for free. They also die for profit and power. The most obvious example of industrial meat production aside, capitalism and the liberal state derive significant profits from the ability to kill\*often in mass numbers\*wild animals. Killing wolves, bears, cougars, and other animals has been a predominant colonial project, with bounty often the first laws passed in the colonies. Not only domesticated but also wild animals have played and continue to play a central role, materially and symbolically, in capitalism and the formation of the nation state, as symbols, commodities, and spectacle. Discursively animals found the human subject by virtue of their exclusion: the human is what is not animal. This is a juridicopolitical, ethical exclusion that is always at the same time an inclusion. The human thus appears to be a neurological or biophysiological product rather than a result of specific histories, geographies, and social relations, between humans and also humans and animals. Certainly particular socio-natural properties do become essential to a thing’s power and geopolitical centrality (think opposable thumbs, cerebral cortexes, bipedalism, and so on). But as Huber (2011, 34, emphasis added) argues in the context of oil, ‘‘biophysical capacities are only realizable through particular uneven social relations of culture, history, and power.’’ Specific conditions and relations produce the human, which is entirely different than saying that humans are the same as each other or as other animals. Their differences should not be disregarded for a host of reasons, not the least of which is the political struggle various groups have made to claim both difference and not being animals. It is not my aim to ignore, then, the particularities of the human species, although I would emphasize that these particularities are not universal and are increasingly being shown to be far less particular than we imagined.

#### Understanding how the value of the nonhuman shapes violence is critical to a disavowal of the human subject and a new form of being

**Collard 13**—Geography Department at the University of British Columbia (Rosemary-Claire, “Apocalypse Meow”, Capitalism Nature Socialism, 24:1, 35-41, dml)

While what counts as human shifts dramatically in time and space, what remains for the most part constant is the animal outside that founds this category. These are not meaningless exclusions, and in the context of environmental politics, of course, they have especially pronounced momentum and significance. The naturalization of a superior, distinct species category enables systematically and casually inflicted death and suffering on an inconceivable scale. What is outside the ‘‘human’’ is far more ‘‘killable,’’ like Haraway says, more easily ‘‘noncriminally put to death,’’ says Derrida, more ‘‘precarious’’ for Butler. Although Butler’s extensive work on the politics of the human has been criticized for anthropocentrism, in a recent interview (Antonello and Farneti 2009), she questions what it might mean to share conditions of vulnerability and precariousness with animals and the environment, and suggests it undoes ‘‘the very conceit of anthropocentrism.’’ Such an undoing is precisely what I advocate. While an entrenched and powerful category, the human is also changeable and fluid. As Derrida (2008, 5) says, ‘‘the list of what is ‘proper’ to man always forms a configuration, from the first moment. For that very reason, it can never be limited to a single trait and is never closed.’’ The human’s contingencies, dependencies and destructive, homogenizing effects should be front and center in environmental politics. To show its strangeness is to show that it could be otherwise. Ultimately, we might have to reconfigure subjectivity’s contours and topographies, allow for an apocalypse of the human subject. We might have to get naked in front of our pets.

‘‘A true political space,’’ writes Swyngedouw (2010b, 194), ‘‘is always a space of contestation for those who are not-all, who are uncounted and unnamed.’’ This true political space necessarily includes\*if only by virtue of their exclusion\*animals, the ‘‘constitutive outside’’ of humanity itself. How we respond to this dynamic ought to be a central question of critical scholarship and philosophizing. To be a philosopher, says Deleuze in the ‘‘A for Animal’’ entry to the ‘‘abecedary’’ (L’abe´ce´daire de Gilles Deleuze 1989), ‘‘is to write in the place of animals that die.’’ This is still an imperfect way of describing my objective (for one thing, I am also interested in animals that are still alive), but it is an improvement over being a ‘‘spokesperson’’ for animals, which are often characterized as speechless and may be rendered more so having spokespeople appointed to speak on their behalf. To write in the place of animals that die seems a preferable, though still fraught, characterization. This paper is therefore written in the place of those uncounted and unnamed non-subjects of political space, the animals that die, the nonhumans, the hundreds of millions of animals that are ‘‘living out our nightmares’’ (Raffles 2010, 120): injected, tested, prodded, then discarded. We have denied, disavowed, and misunderstood animals. They are refused speech, reason, morality, emotion, clothing, shelter, mourning, culture, lying, lying about lying, gifting, laughing, crying\*the list has no limit. But ‘‘who was born first, before the names?’’ Derrida (2008, 18) asks. ‘‘Which one saw the other come to this place, so long ago? Who will have been the first occupant? Who the subject? Who has remained the despot, for so long now?’’ Some see identifying this denial as a side-event, inconsequential, even sort of silly. The belief in human superiority is firmly lodged and dear to people’s hearts and senses of themselves. It also seems a daunting task, not a simple matter of inserting the excluded into the dominant political order, which as Zˇ izˇek (1999) writes, neglects how these very subversions and exclusions are the order’s condition of being.

But if the political is precisely, as Swyngedouw (2010b) suggests, the expansion of a specific issue into a larger universal demand against ‘‘those in power’’ (an elevation he argues is precluded by the post-political, which reduces an issue to a particular, contained, and very specific demand), then perhaps the universal demand we need to mobilize in the Left is humanity itself. We need to write in the place of animals that die, in the sense that our politics must undertake not only a re-writing of our histories of oppression, our constitutions, our global agreements (and who and what are included in them), but also, necessarily, a radical reconfiguring of how subjects are positioned in relation to each other. The human can in fact serve as the named subject of this political effort, perhaps most aptly in environmental struggles. Like Braidotti (2008, 183) argues, ‘‘sustainability is about decentering anthropocentrism.’’ It is about an ‘‘egalitarianism . . .that displaces both the old-fashioned humanistic assumption that ‘man’ is the measure of all things and the anthropocentric idea that the only bodies that matter are human’’ (183). In tackling the human category, I believe the Left would not only be more relevant, but also could bring a transformative sensibility to an environmental politics that often seems to want to blame ‘‘humankind’’ but fails to consider precisely how this material and symbolic category remains untroubled in such misanthropy**.**

#### Thus, Marc and I advocate for ontological investigation of the human subject.

#### The 1AC assumes 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, we must question the human subject. 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 1AC is an attempt to ‘write in the place of animals that die,’ this is the only way to allow contestation of speciesism

**Collard 13**—Geography Department at the University of British Columbia

(Rosemary-Claire, “Apocalypse Meow”, Capitalism Nature Socialism, 24:1, 35-41, dml)

‘‘A true political space,’’ writes Swyngedouw (2010b, 194), ‘‘is always a space of contestation for those who are not-all, who are uncounted and unnamed.’’ This true political space necessarily includes\*if only by virtue of their exclusion\*animals, the ‘‘constitutive outside’’ of humanity itself. How we respond to this dynamic ought to be a central question of critical scholarship and philosophizing. To be a philosopher, says Deleuze in the ‘‘A for Animal’’ entry to the ‘‘abecedary’’ (L’abe´ce´daire de Gilles Deleuze 1989), ‘‘is to write in the place of animals that die.’’ This is still an imperfect way of describing my objective (for one thing, I am also interested in animals that are still alive), but it is an improvement over being a ‘‘spokesperson’’ for animals, which are often characterized as speechless and may be rendered more so having spokespeople appointed to speak on their behalf. To write in the place of animals that die seems a preferable, though still fraught, characterization.

This paper is therefore written in the place of those uncounted and unnamed non-subjects of political space, the animals that die, the nonhumans, the hundreds of millions of animals that are ‘‘living out our nightmares’’ (Raffles 2010, 120): injected, tested, prodded, then discarded. We have denied, disavowed, and misunderstood animals. They are refused speech, reason, morality, emotion, clothing, shelter, mourning, culture, lying, lying about lying, gifting, laughing, crying\*the list has no limit. But ‘‘who was born first, before the names?’’ Derrida (2008, 18) asks. ‘‘Which one saw the other come to this place, so long ago? Who will have been the first occupant? Who the subject? Who has remained the despot, for so long now?’’ Some see identifying this denial as a side-event, inconsequential, even sort of silly. The belief in human superiority is firmly lodged and dear to people’s hearts and senses of themselves. It also seems a daunting task, not a simple matter of inserting the excluded into the dominant political order, which as Z ˇ izˇek (1999) writes, neglects how these very subversions and exclusions are the order’s condition of being.

#### The ballot should decide between intellectual 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

### case

**Rose 13** – Environmental Humanities Program, University of New South Wales, is a Fellow of the Academy of Social Sciences in Australia, and a founding co-editor of Environmental Humanities. Recent books include Wild Dog Dreaming: Love and Extinction (2011, University of Virginia Press), the re-released second edition of Country of the Heart: An Indigenous Australian Homeland (2011), and the third edition of the prize-winning ethnography Dingo Makes Us Human (2009) (Deborah Bird. “Val Plumwood’s Philosophical Animism: attentive interactions in the sentient world” Environmental Humanities)

Val was a significant thinker in philosophical debates about ethical relationships between humans and nonhumans not only for what she offered, but for how she side-stepped many approaches that may be defensible through logic but that do not lead us into ways of opening ourselves to an ethical involvement with our earth others. Her aim was to open ethics for action, not to offer further iterations of abstract analysis of the logic of ethics.

Most of her argument was laid out extensively in *Environmental Culture*. Here she put forward an interspecies ethic of recognition which depended on a particular stance toward the nonhuman world. That is, she was not making a set of truth claims about the world, but rather was asking what kind of stance a human can take that will open her to a responsive engagement in relation to nonhuman others. Her answer was that to recognise “earth others as fellow agents and narrative subjects is crucial for all ethical, collaborative, communicative and mutualistic projects, as well as for place sensitivity.”17 One effect of opening one’s self, as human, would be to dispel the myth of mindlessness, not through a logical account of mind, but through the experience of being one amongst many in a world already replete with mindfulness. In opening one’s self to others as communicative beings, one places one’s self in a position of being able to experience communication. She saw this as a step toward a post- Cartesian reconstruction of mind.18 It would recognise intentionality, and it would include communication, exchange, and agency.19

One of the things that is so remarkable about Val’s approach to ethics is that it avoids all those abstract questions of who or what is morally considerable, and what may be meant by that. Rather than querying others, it asks the human to query herself, and it seeks to open the human to the experience of others in the contexts of their own communicative and expressive lives. Here, as elsewhere, she was concerned with paths (toward others) rather than answers (about others). An approach that starts with recognition of expression is a ‘gateway’ through which we can find ourselves encountering the force of the fact “that the larger-than-human world counts for something in its own terms as well as in terms of our relationship to it.”20

This gateway (or ‘door’ as she described it in her definition of what philosophical animism does), entails interspecies communication. 21 Here again, she is not defining communication in strictly human terms; there is no suggestion that other creatures sit around debating philosophy, but she is asserting that as other creatures live their lives, so they communicate aspects of themselves. Amidst all this communication, one finds one’s self encountering expressiveness and mindfulness within the world of life.22 And amidst all this mindfulness, there arises a dialogical concept of self for both the human and for others.23

In sum, Plumwood’s philosophical animism “opens the door to a world in which we can begin to negotiate life membership of an ecological community of kindred beings.”24 Her use of the term ‘kindred’ means beings with whom we are kin; she was claiming an earth kindred, or kinship amongst those she called earth others. We tend to think of kinfolk as organic beings, but Val was open even to thinking about kinship with stones and other inorganic ‘beings.’25

#### Root cause

**Pugliese 13**—Research Director, MMCCS @ Macquarie U

(Joseph, *State Violence and the Execution of Law: Biopolitical Caesurae of Torture, Black Sites, Drones* pg 38-40, dml)

As a fundamentally colonial formation of power, premised on the pivotal role of racism in governing subject peoples and assigning them positions on racialized hierarchies of life that spanned the right to genocidal extermination (of Indigenous peoples) and of enslavement (of black Africans), biopolitics is informed by a parallel history of speciesism that extends back to the very establishment of human civil and political society – as premised on animal enslavement (‘domestication’). Derrida traces the contours of this founding relation:

The socialization of human culture goes hand in hand with . . . the domestication of the tamed beast: it is nothing other than the becoming- livestock [ devenirbétail ] of the beast. The appropriation, breaking- in, and domestication of tamed livestock ( das zahme Vieh ) are human socialization . . . There is therefore neither socialization, political constitution, nor politics itself without the principle of domestication of the wild animal . . . Politics supposes livestock. 22

The violence that this terse supposition enables – politics supposes livestock – is what I will discuss in some detail in my discussion of those detainees inscribed within the biopolitical trajectories of extraordinary rendition (Chapter 4). Politics supposes livestock precisely as it also supposes the enslavement of animals and the constitution of a biopolitical hierarchy: ‘for the ox,’ writes Aristotle, ‘is the poor man’s slave’; and in Aristotle’s zoo- politics, the enslaved animal comes last in an ascending sequence that includes wife, house and, at the apex, man. 23 The political ramifi cations of this historical enslavement of animals can be further elaborated: ‘Not only did the domestication of animals provide the model and inspiration for human slavery and tyrannical government,’ Charles Patterson writes, ‘but it laid the groundwork for western hierarchical thinking and European and American racial theories that called for conquest and exploitation of “lower races,” while at the same time vilifying them as animals so as to encourage and justify their subjugation.’ 24 Jim Mason amplifi es Patterson’s thesis, arguing, in his interlinking of the enslavement of animals with larger colonial formations of power, that the establishment of ‘agri- culture’ operated as ‘a license for conquest.’ 25

The Latin etymology of the terms ‘colony’ and ‘colonial’ – colonia – evidences the modalities of power over life that intertwine the concept of ‘a farm’ and ‘a public settlement of Roman citizens in a hostile or newly conquered country.’ 26 In the prehistory of biopolitical power, the expropriated space of a conquered country is inscribed with the genocidal extermination of the ‘useless’ ‘wild’ animals and the enslavement of those that can be put to human use; in other words, there is precisely what Foucault terms the biopolitical ‘power to foster life or disallow it to the point of death.’ 27 This colonial move, then, is informed by a biopolitics of speciesism that determines who will live and who will die according to an anthropocentric hierarchy of life and its attendant values of, amongst other things, economic productivity. The non- human animal is, in this prehistorical moment, marked by an ineluctable fungibility that pre- dates the transference of this same attribute to the human slave.

In fi guring forth her compelling thesis that it is fungibility that characterizes the life and death of the black slave, Saidya Hartman delineates its complex dimensions:

The relation between pleasure and the possession of slave property, in both fi gurative and literal senses, can be explained in part by the fungibility of the slave – that is, the joy made possible by virtue of the replaceability in interchangeability endemic to the commodity – and by the extensive capacities of property – that is, the augmentation of the master subject through his embodiment in external objects and persons. 28

In the colonial prehistory of biopolitics, non- human animals are branded as either vermin to be exterminated so that, in Foucault’s titular phrase, ‘society can be defended’ or, alternatively, as fungible objects that are infi nitely replaceable and exchangeable. The anthropocentrism of the master subject augments the sense of embodied ownership over the enslaved animal while legitimating their right over its life/death. The archaic development of colonial regimes of governance over the life of animals pivots on a series of biopolitical technologies that include capture, enclosure, harness, enforced labour, controlled breeding, castration, branding and auctioning at markets. All of these animal technologies are invested, in their ancient inception, 29 with the biopolitical ‘power of regularization, and it . . . consists in making live and letting die.’ 30 Moreover, all of these animal technologies will effectively be transposed to regimes of human slavery: ‘the management of livestock,’ Mason notes, operated ‘as a model for the management of slaves.’ 31 Biopolitical technologies of animal enslavement were effectively drawn upon in the development of modern slave plantations, with programs of captive breeding/rape of black women by either the master or his overseers, confi ned spaces for quartering, controlled food rations, auctioning at markets and the use of a range of disciplinary technologies – the whip, the branding iron, shackles and the coffl e, that ‘train of slaves or beasts driven along together’; 32 the use of the conjunction ‘or’ testifi es to a sedimented history that binds animals to slaves. Europe’s prehistorical animal- slave practices are what will be later exported out to the colonies in the establishment of human slave plantations. If, as Cary Wolfe contends, ‘the practices of modern biopolitics forged themselves in the common subjection and management of the “factical existence” of both humans and animals – not in the least, in the practices and disciplines of breeding, eugenics, and high- effi ciency killing’ 33 – then the co- articulation between the animal farm and the slave plantation offers another historical dimension of the biopolitical formation of power.

#### At: fungibility of slave

**Pugliese 13**—Research Director, MMCCS @ Macquarie U

(Joseph, *State Violence and the Execution of Law: Biopolitical Caesurae of Torture, Black Sites, Drones* pg 44-45, dml)

In the course of her painstaking documentation of the scenes of violent subjection that mark the life and death of black slaves, Hartman, at one juncture in her narrative, cites the testimony of the slave Charlie Moses: ‘The way us niggers was treated was awful. Master would beat, knock, kick, kill. He done ever’ thing he could ’cept eat us .’ 51 The human master can, in other words, ‘beat, knock, kick, kill’ the animal and the slave but they cannot eat the enslaved human. Charlie Moses’ testimony evidences how the homology between human slave and enslaved animal holds right up to this interdictory limit point. The critical caesura that is evidenced here opens up the space that will enable the ‘noncriminal putting to death’ of animals by humans in order to enable humans’ ‘carno- phallogocentrism.’ 52 Articulated in Moses’ testimony is the biopolitical freedom to torture and kill enslaved forms of human life with absolute impunity and the attendant prohibition on eating the human- animal-slave. It is only due to this singular prohibition that Moses can inhabit, in the most radically qualifi ed and fraught manner, the modality of the human. This intra- species prohibition functions to calibrate the human slave up one notch on the speciesist hierarchy of life. This interdiction, then, designates the only difference/division between human and animal available to the black slave. The difference between animal and human animal on the slave plantation hangs singularly on an intra- species prohibition that is animated by the most fragile of anthropocentric invocations: the only quarter granted to black slaves is to allow them a circumscribed space in which their fungibility encompasses everything but being served up as dinner on the master’s dinner table. This intra- species, anthropocentric prohibition operates as the term that cuts animals off from human animal- slaves, while articulating the entry of human slaves into a political life constituted by only one non- negotiable claim to the human: they could not be eaten.

### k

#### While their knowledge production may be counter-hegemonic, as an academic politics it still relies on the concept of a knowing subject who is by definition human—this failure to critically interrogate the schema of the human reproduces speciesism and causes academic cooption of their struggle by pre-existing neoliberal forces

**Wolfe 9**—Bruce and Elizabeth Dunlevie Professor of English at Rice University

(Cary, “Human, All Too Human: “Animal Studies” and the Humanities”, PMLA, Volume 124, Number 2, March 2009, pp. 564–575 (12), dml)

Such a genealogy, appealing as it is, ought to give us pause, however, for at least a couple of reasons that have to do with the overly rapid adoption of the cultural studies template for animal studies. The rubrics animal studies and human-animal studies are both problematic, I think, in the light of the fundamental challenge that animal studies poses to the disciplinarity of the humanities and cultural studies. In my view, the questions that occupy animal studies can be addressed adequately only if we confront them on two levels: not just the level of content, thematics, and the object of knowledge (the animal studied by animal studies) but also the level of theoretical and methodological approach (how animal studies studies the animal). To put it bluntly, just because we study nonhuman animals does not mean that we are not continuing to be humanist—and therefore, by definition, anthropocentric. Indeed, one of the hallmarks of humanism—and more specifically of the kind of humanism called liberalism—is precisely its penchant for the sort of “pluralism” that extends the sphere of consideration (intellectual or ethical) to previously marginalized groups without in the least destabilizing or throwing into question the schema of the human who undertakes such pluralization. And in that event pluralism becomes incorporation, and the projects of humanism (intellectually) and liberalism (politically) are extended—indeed, extended in a rather classic sort of way.

In piggybacking on the cultural studies template (if you’ll allow the phrase in this context), animal studies too readily takes on itself some of the problems that have made cultural studies a matter of diminishing returns for many scholars. Ellen Rooney, for example, has observed that cultural studies is “perhaps even more intractably caught than literary criticism in the dilemma of defining its own proper form”; it is “a welter of competing (and even incompatible) methods, and a (quasi-)disciplinary form increasingly difficult to defend, intellectually or politically” (21). Even more pointedly, Tilottama Rajan has argued that this “dereferentialization” and “inclusive vagueness” has allowed much of cultural studies to be appropriated for the ideological work of the neoliberal order, in which capitalist globalization gets repackaged as pluralism and attention to difference (69). As “a soft-sell for, and a personalization of, the social sciences” (74), she writes, the effect if not the aim of cultural studies in the humanities “is to simulate the preservation of civil society after the permutation of the classical public sphere” into an essentially market and consumerist logic of “representation” (69–70). For my purposes here, the problem, in other words, is not just the disciplinary incoherence or vagueness of current modes of cultural studies; the problem is that that incoherence or vagueness serves to maintain a certain historically, ideologically, and intellectually specific form of subjectivity while masking it as pluralism—including (in this case) pluralism extended to nonhuman animals. In this light, animal studies, if taken seriously, would not so much extend or refine a certain mode of cultural studies as bring it to an end.5

This is so because animal studies, if it is to be something other than a mere thematics, fundamentally challenges the schema of the knowing subject and its anthropocentric underpinnings sustained and reproduced in the current disciplinary protocols of cultural studies (not to mention literary studies). (Indeed, as Susan McHugh notes in her overview of literary scholarship on animals, “a systematic approach to reading animals in literature necessarily involves coming to terms with a discipline that in many ways appears organized by the studied avoidance of just such questioning.”) For Rooney and Rajan—many others could be added to the list—the problem with cultural studies, at least in its hegemonic modes of practice in North America, is that despite its apparent oppositional, materialist, and multicultural commitments, it ends up reproducing an ideologically familiar mode of subjectivity based, philosophically and politically, on the canons of liberal humanism (whose most familiar expression would be the extension of the juridical subject of “rights” from the human to the animal sphere).6 The full force of animal studies, then, resides in its power to remind us that it is not enough to reread and reinterpret—from a safe ontological distance, as it were—the relation of metaphor and species difference, the cross-pollination of speciesist, sexist, and racist discursive structures in literature, and so on. That undertaking is no doubt praiseworthy and long overdue, but as long as it leaves unquestioned the humanist schema of the knowing subject who undertakes such a reading, then it sustains the very humanism and anthropocentrism that animal studies sets out to question. And this is why, if taken seriously, animal studies ought not to be viewed as simply the latest flavor of the month of what James Chandler calls the “subdisciplinary field,” one of “a whole array of academic fields and practices” that since the 1970s “have come to be called studies: gender studies, race studies, and cultural studies, of course, but also film studies, media studies, jazz studies . . .”—the list is virtually endless (358).7

#### And only the permutation can solve – recognizing the connections between all forms of domination is a prerequisite for meaningful resistance. Any exclusive focus leaves hierarchal structures in place

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>)

The construction of industrial stockyards, the total objectification of nonhuman animals, and the mechanized murder of innocent beings should have sounded a loud warning to humanity that such a process might one day be applied to them, as it was in Nazi Germany. If humans had not exploited animals, moreover, they might not have exploited humans, or, at the very least, they would not have had handy conceptual models and technologies for enforcing domination over others. “A better understanding of these connections,” Patterson states, “should help make our planet a more humane and livable place for all of us – people and animals alike, A new awareness is essential for the survival of our endangered planet.”40

The most important objective of the book, indeed, is to promote a new ethics and mode of perception. *Eternal Treblinka* affects a radical shift in the way we understand oppression, domination, power, and hierarchy. It is both an effect of these changes, and, hopefully, a catalyst to deepen political resistance to corporate domination and hierarchy in all forms. Given its broad framing that highlights the crucial importance of human domination over animals for slavery, racism, colonialism, and anti-Semitism, *Eternal Treblinka* could and should revolutionize fields such as Holocaust studies, colonial and postcolonial studies, and African American studies. But this can happen only if, to be blunt, humanists, “radicals,” and “progressives” in academia and society in general remove their speciesist blinders in order to grasp the enormity of animal suffering, its monumental moral wrong in needless and unjustifiable exploitation of animals, and the larger structural matrix in which human-over-human domination and human-over-animal domination emerge from the same prejudiced, power-oriented, and pathological violent mindset. Political resistance in western nations, above all, will advance a quantum leap when enough people recognize that the movements for human liberation, animal liberation, and earth liberation are so deeply interconnected that no one objective is possible without the realization of the others.

A truly revolutionary social theory and movement seeks to emancipate members of one species from oppression, but rather all species and the earth itself from the grip of human domination and colonization. A future “revolutionary movement” worthy of the name will grasp the ancient roots of hierarchy, such as took shape with the emergence of agricultural societies, and incorporate a new ethics of nature that overcomes instrumentalism and hierarchies of all forms.41 Humanism is a form of prejudice, bias, bigotry, and destructive supremacism; it is a stale, antiquated, immature, and dysfunction dogma; it is a form of *fundamentalism*, derived from the Church of “Reason” and, in comparison with the vast living web of life still humming and interacting, however tattered and damaged, it is, writ large, a *tribal morality* – in which killing a member of your own “tribe” is wrong but any barbarity unleashed on another tribe is acceptable if not laudable. Ultimately, humanism is pseudo-universalism, a Kantian quackery, a hypocritical pretense to ethics, a dysfunctional human identity and cosmological map helping to drive us ever-deeper into an evolutionary cul-de-sac**.**

## 1AR

### k

Their method is not exclusive – limiting ourselves to womanism results in silencing – perm solves

Sheared, 94

(Vanessa, “Giving Voice: An inclusive model of instruction—a womanist perspective,” *New Directions for Adult and Continuing Education*, no. 61, Spring)

Although the womanist method helps us to understand and grapple with our polyrhythmic realities, **it is in no way meant to be the** only **method that educators use to help their students activate their voices in** the confines of formal and informal **educational settings. To limit ourselves to one methodological paradigm risks silencing those to whom we hope to give voice.** As long as we couch issues in the terms of a black cause or white woman’s cause, we maintain the risk of negating black women as well as others. In other words, the womanist perspective must be placed in a context that allows voices to be heard and specific content information to be learned. Alternative instructional methods need to note this caveat: “Feminist readings can lead to misapprehensions of particular or even of a whole tradition, but certain of its formulations offer us a vocabulary that can be meaningful in terms of our own experience. Feminist theory…offers us not only the possibility of changing one’s reading of the world but of changing the world itself” (Wallace, 1990, p. 68). The womanist perspective is aimed at **aiding** the instructional process**,** not **at becoming the content. Giving voice acknowledges that there are multiple ways of presenting and interpreting information and knowledge**. This then means that one accepts and celebrates the polyrhythmic realities of both the student and the teacher in the learning environment.