# Round 1—Neg vs Wayne LM

## 1NC

### 1nc 1

**“Statutory restrictions” require congressional action**

**Kershner 10** (Joshua, Articles Editor, Cardozo Law Review. J.D. Candidate (June 2011), Benjamin N. Cardozo School of Law, “Political Party Restrictions and the Appointments Clause: The Federal Election Commission's Appointments Process Is Constitutional” Cardozo Law Review de novo 2010 Cardozo L. Rev. De Novo 615)

**The process by which the President fills an Executive Branch position is governed by the Appointments Clause:**

[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. n81

**This process is divided into three phases: (1) Congress creates an Executive Branch position by statute**; n82 (2) the President nominates an individual to fill the position; n83 and (3) the Senate confirms the nominee. n84 The Clause covers a specified list of positions and the generic "other Officers of the United States." n85 **The Clause controls who nominates, appoints, and confirms an individual for such a position**. n86 Finally, the Clause defines a separate process for inferior officers. n87 It should be noted, however, that the Appointments Clause limits but does not empower Congress to create positions. n88 That power comes from the Necessary and Proper Clause. n89

**The House of Representatives has no role in the process of nomination and appointment and is specifically not mentioned in the [\*626] Appointments Clause**. All of **the powers contained in the Appointments Clause are reserved to the President, the Senate, or both**. n90 The Appointments Clause makes a distinction between the power to nominate and the separate power to appoint. **The power of nomination is textually reserved to the President of the United States, n91 whereas the power of appointment is shared by the President and the Senate**. n92 **Statutory restrictions violate the plain text of the Appointments Clause because the very act of passing a statute requires the involvement of the House of Representatives.** n93

**Statutory restrictions on the appointments process are further problematic because the Appointments Clause's power to nominate is vested solely in the President**. n94 Those statutory restrictions that limit the President's power to nominate violate the plain text of the Clause. n95 **Where the Constitution provides a clear procedural process, the Supreme Court has consistently applied strict principles of formalism,** construing the text so as to limit, rather than expand, the powers of the various branches of government. n96

The Senate's role in the appointments process is the final confirmation of a nominee. n97 The "advice and consent" of the Senate applies only to the appointment power. n98 The President and the Senate have interpreted advice as non-binding guidance, and have interpreted [\*627] consent as the act of confirmation. n99 Thus, the Appointments Clause gives the Senate only the narrow function of confirming nominees. n100

**Judicial restrictions” are imposed by the court**

**Singer 7** (Jana, Professor of Law, University of Maryland School of Law, SYMPOSIUM A HAMDAN QUARTET: FOUR ESSAYS ON ASPECTS OF HAMDAN V. RUMSFELD: HAMDAN AS AN ASSERTION OF JUDICIAL POWER, Maryland Law Review 2007 66 Md. L. Rev. 759)

n25. See, e.g., Dep't of the Navy v. Egan, 484 U.S. 518, 530 (1988) (**noting the reluctance of courts "to intrude upon the authority of the Executive in military and national security affairs**"); see also Katyal, supra note 1, at 84 (noting that "in war powers cases, the passive virtues operate at their height to defer adjudication, sometimes even indefinitely"); Harold Hongju Koh, Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair, 97 Yale L.J. 1255, 1313-17 (1988) (**discussing the Court's use of justiciability doctrines to refuse to hear challenges to the President's authority in cases involving foreign affairs**); Gregory E. Maggs, The Rehnquist Court's Noninterference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122, 1124-38 (2006) (discussing the Rehnquist Court's general policy of nonintervention in cases concerning actions of governmental agencies and political entities in national security matters); Peter E. Quint, **Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era**, 57 Geo. Wash. L. Rev. 427, 433-34 (1989) (**discussing the use of the political question doctrine as a means to avoid judicial restrictions on presidential power in cases involving military force**).

#### Restriction on authority must reduce permission to act

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>)

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### The aff’s not topical—the object of the resolution is “war powers authority”—that's grammatically intuitive and predictable. The aff must target this for discussion—topicality is a voter:

#### 1. It’s the basis for neg prep which is key to engage affs without unreasonable demands on 2Ns—educational debates with realistic workloads are key to any vision for the activity—also directly key to participation.

#### 2. War powers debates are good—without topicality, there’s a competitive incentive to avoid them and the neg ground associated—

#### First, they give undergrads an opportunity to uncover a debate that would otherwise be stifled in public—that challenges conventional wisdom on a timely controversy

**Kurr 2013** – Ph.D. student in the Communication Arts & Sciences program at Pennsylvania State University and a coach for the Penn State Debate Society (9/5, UVA Miller Center & CEDA Public Debate Series, “Bridging Competitive Debate and Public Deliberation on Presidential War Powers”, http://public.cedadebate.org/node/14)

Taken together, the connection between tournament competition and a public collaboration reorients the pedagogical function of debate. Gordon Mitchell and his colleagues comment on this possibility, “The debate tournament site’s potential to work as a translational pipeline for scholarly research presents unique opportunities for colleges and universities seeking to bolster their institutional infrastructure for undergraduate research” (Mitchell et al, 2010, p. 15). Indeed, the debate series affords competitors the opportunity to become part of the discussion and inform policymakers about potential positions, as opposed to the traditional reactionary format of hosting public debates at the season’s end. Empirically, these events had the effect of “giv[ing] voice to previously buried arguments” that “subject matter experts felt reticent to elucidate because of their institutional affiliations” (Mitchell, 2010, p. 107). Given the timeliness of the topic, these debates provide a new voice into the ongoing deliberation over war powers and help make the fruits of competitive research have a public purpose.

The second major function concerns the specific nature of deliberation over war powers. Given the connectedness between presidential war powers and the preservation of national security, deliberation is often difficult. Mark Neocleous describes that when political issues become securitized; it “helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.” (2008, p. 71). Collegiate debaters, through research and competitive debate, serve as a bulwark against this “short-circuiting” and help preserve democratic deliberation. This is especially true when considering national security issues. Eric English contends, “The success … in challenging the dominant dialogue on homeland security politics points to efficacy of academic debate as a training ground.” Part of this training requires a “robust understanding of the switch-side technique” which “helps prevent misappropriation of the technique to bolster suspect homeland security policies” (English et. al, 2007, p. 224). Hence, competitive debate training provides foundation for interrogating these policies in public.

Alarmism on the issues of war powers is easily demonstrated by Obama’s repeated attempts to transfer detainees from Guantanamo Bay. Republicans were able to launch a campaign featuring the slogan, “not in my backyard” (Schor, 2009). By locating the nexus of insecurity as close as geographically possible, the GOP were able to instill a fear of national insecurity that made deliberation in the public sphere not possible. When collegiate debaters translate their knowledge of the policy wonkery on such issues into public deliberation, it serves to cut against the alarmist rhetoric purported by opponents.

In addition to combating misperceptions concerning detainee transfers, the investigative capacity of collegiate debate provides a constant check on governmental policies. A new trend concerning national security policies has been for the government to provide “status updates” to the public. On March 28, 2011, Obama gave a speech concerning Operation Odyssey Dawn in Libya and the purpose of the bombings. Jeremy Engels and William Saas describe this “post facto discourse” as a “new norm” where “Americans are called to acquiesce to decisions already made” (2013, p. 230). Contra to the alarmist strategy that made policy deliberation impossible, this rhetorical strategy posits that deliberation is not necessary. Collegiate debaters researching war powers are able to interrogate whether deliberation is actually needed. Given the technical knowledge base needed to comprehend the mechanism of how war powers operate, debate programs serve as a constant investigation into whether deliberation is necessary not only for prior action but also future action. By raising public awareness, there is a greater potential that “the public’s inquiry into potential illegal action abroad” could “create real incentives to enforce the WPR” (Druck, 2010, p. 236). While this line of interrogation could be fulfilled by another organization, collegiate debaters who translate their competitive knowledge into public awareness create a “space for talk” where the public has “previously been content to remain silent” (Engels & Saas, 2013, p. 231).

Given the importance of presidential war powers and the strategies used by both sides of the aisle to stifle deliberation, the import of competitive debate research into the public realm should provide an additional check of being subdued by alarmism or acquiescent rhetorics. After creating that space for deliberation, debaters are apt to influence the policies themselves. Mitchell furthers, “Intercollegiate debaters can play key roles in retrieving and amplifying positions that might otherwise remain sedimented in the policy process” (2010, p. 107). With the timeliness of the war powers controversy and the need for competitive debate to reorient publicly, the CEDA/Miller Center series represents a symbiotic relationship that ought to continue into the future. Not only will collegiate debaters become better public advocates by shifting from competition to collaboration, the public becomes more informed on a technical issue where deliberation was being stifled. As a result, debaters reinvigorate debate.

#### Second, key to education on the particulars of the US presidency—that's a prior question to any informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File%3A1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

### 1nc 2

#### Next off is the speciesism counter-method—

#### The aff claims to “engage in rhetorical analysis” to produce counter-hegemonic knowledge of how—yet fails to interrogate in what form this knowledge is embodied and how it is expressed. This failure belies an uncritical reproduction of speciesism within the 1AC. Two questions frame the link debate—

#### 1. What grammar does the cow in the slaughterhouse have to engage in rhetorical analysis?

**Bell and Russell 2000** [Anne C. and Constance L., “Beyond Human, beyond Words: Anthropocentrism, Critical Pedagogy, and the Poststructuralist Turn”, Canadian Journal of Education, Vol. 25, No. 3 pp. 188-203, JSTOR]

Critical pedagogy with a background in environmental thought and education: the influence of the relationships among humans and the “more-than-human world” (Abram, 1996) and the way these relationships are described in a modern industrial world and the implications and consequences (such as the current environmental crisis – species extinction, ozone depletion, acid rain, deforestation, toxic contamination, topsoil depletion, climate change). This reflects predominant Western concepts of nature as mindless matter, a resource to be exploited for human gain. Therefore there is a need to critique prevailing discourses about nature and to consider alternative representations. ¶ This is fundamental not just to the environmentalists as there is a need to disrupt the social scripts that structure and legitimise the human domination of nonhuman nature. The exploitation of nature is not separate from the exploitation of human groups. So we must call into question the instrumental exploitive gaze through which humans distance ourselves from the rest of nature (Carlson, 1995).¶ So movements against oppression need to support each other. So far race, gender, sexuality, class has proceeded with little acknowledgement of the systematic links between human oppressions and the domination of nature. The more-than-human world and the human relationships to it have been ignored as if irrelevant. The voice of the nonhuman has been absent from histories and rethinking culturally positioned essentialisms is required.¶ There is a need to scrutinise the language used, the meanings deployed, and the episomological frameworks of past eras. To keep social categories the as unchanging and stable is to reproduce the prevailing relations of power (Britzman et al., 1991).¶ For example: Freire (1990) states that the difference between man and animal as defined by sharp hierarchical dichotomy that established human superiority. Humans (alone) are aware, self-conscious beings who are able to infuse the world with creative presence, to overcome situations that limit them and thus demonstrate a “decisive attitude towards the world”. Animals lack such traits – and therefore being doomed to passively accept the given that their lives are totally determined. Thus humans inhabit a world which they create and transform and from which they separate themselves – animals, however, only inhabit a mere physical space to which they are organically bound. This becomes the normal way of seeing the world (which like other discourses of normalcy) limiting the possibilities of taking up and confronting inequities. The primacy of human enterprise is simply not questioned.¶ Anthropocentrism passes unchallenged.¶ Roots of a critique¶ Root metaphors in critical pedagogy that reinforce the problem of anthropocentric thinking:¶  The notion of change as inherently progressive¶  Faith in the power of rational thought¶  An understanding of individuals as “potentially free, voluntaristic entities who will take responsibility for creating themselves when freed from societal forms of oppression”¶ These assumptions are part of the Enlightenment legacy on which critical pedagogy and liberal education is generally based.¶ Proponents of critical pedagogy have yet to confront the ecological consequences of an educational process that reinforces beliefs and practices formed when unlimited economic expansion and social progress seemed promised (Bowers, 1993b). Bringing into focus the underlying tension between “freedom” as it is constituted within critical pedagogy and the limits that emerge through consideration of humans’ interdependence with the more-than-human world.¶ Tension is symptomatic of anthropocentrism and is leads to the assumption that humans are different and in fact superior (in Western thought), thus justifying the exploitation of nature and “othered” human groups.¶ Language, when though of an exclusively human property, undermines our embodied sense of interdependence with the more-than-human world, rather than being an entry point of communication webs around us. It becomes the medium through which we set ourselves apart and above.¶ Language allows us to give meaning to the world around us. Subjectivity is constructed by and in language. So… “if subjectivity, willing, valuation, and meaning are securely lodged in the domain of humanity, the possibility of encountering anything more than material objects in nature is nil.” (Evernden, 1992).

#### 2. Why did they choose to focus on the legal nuances of war without analyzing its basis in speciesism?

**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.

#### This is a question of starting points. No perms—the aff has decided to forego a traditional advocacy in favor of rhetorical analysis—their decision to shift the discussion away from a normative statement about what should happen must be met with a willingness to assign links to their speech act and what they didn’t bring up. They said we should start with rhetorical analysis—we say you should interrogate how that occurs.

#### Vote negative to write in the place of animals that die—the role of the ballot is to move towards a true political space which necessarily entails consideration of speciesism as prior

**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.

#### This is exceedingly relevant to the 1AC’s political project—our demand for the recognition of the non-human shatters the concepts of humanity that they criticize—their failure to interrogate speciesism makes their supposedly radical discourse suspect

Best No Date [Steven, Chair of Philosophy at UT-EP, “Animal Rights and the New Enlightenment”, <http://www.drstevebest.org/AnimalRightsandtheNewEnlightenment.htm>]

Western society has made rapid moral progress since the 1960s. The student, black, brown, feminist, and gay and lesbian movements advanced the universalization of rights process, overcame major barriers of prejudice, and deepened human freedom. During this turbulent period of social strife, riots, mass demonstrations against the U.S. war in Vietnam, and worsening problems with poverty, homelessness, and class inequality, Martin Luther King formulated a vision of a “world house.” In this cosmopolitan utopia, all peoples around the globe would live in peace and harmony, with both their spiritual and material needs met by the fecundity of the modern world. But to whatever degree this dream might be realized, King’s world house is still a damn slaughterhouse, because humanism doesn’t challenge the needless confinement, torture, and killing of billions of animals. The humanist non-violent utopia will always remain a hypocritical lie until so-called “enlightened” and “progressive” human beings extend nonviolence, equality, and rights to the animals with whom we share this planet. The next logical step in human moral evolution is to embrace animal rights and accept its profound implications. Animal rights builds on the most progressive ethical and political advances human beings have made in the last two hundred years. Simply put, the argument for animal rights states that if humans have rights, animals have rights for the same reasons. Moral significance lies not in our differences as species but rather our commonalities as subjects of a life. This is the challenge of animal rights: can human beings become truly enlightened and overcome one of the last remaining prejudices enshrined in democratic legal systems? Can they reorganize their economic systems, retool their technologies, and transform their cultural traditions? Above all, can they construct new sensibilities, values, worldviews, and identities? The animal rights movement poses a fundamental evolutionary challenge to human beings in the midst of severe crises in the social and natural worlds. Can we recognize that the animal question is central to the human question? Can we grasp how the exploitation of animals is implicated in every aspect of the crisis in our relation to one another and the natural world? Animal rights is an assault on human species identity. It smashes the compass of speciesism and calls into question the cosmological maps whereby humans define their place in the world. Animal rights demands that human beings give up their sense of superiority over other animals. It challenges people to realize that power demands responsibility, that might is not right, and that an enlarged neocortex is no excuse to rape and plunder the natural world. These profound changes in worldview demand revolutionizing one’s daily life and recognizing just how personal the political is. I teach many radical philosophies, but only animal rights has the power to upset and transform daily rituals and social relations. “Radical” philosophies such as anarchism or Marxism uncritically reproduce speciesism. After the Marxist seminar, students can talk at the dinner table about revolution while dining on the bodies of murdered farmed animals. After the animal rights seminar, they often find themselves staring at their plates, questioning their most basic behaviors, and feeling alienated from their carping friends and family. The message rings true and stirs the soul. Let’s be clear: we are fighting for a revolution, not for reforms, for the end of slavery, not for humane slavemasters. Animal rights advances the most radical idea to ever land on human ears: animals are not food, clothing, resources, or objects of entertainment. Our goal is nothing less than to change entrenched attitudes, sedimented practices, and powerful institutions that profit from animal exploitation. Indeed, the state has demonized us as “eco-terrorists” and is criminalizing our fight for what is right. Our task is especially difficult because we must transcend the comfortable boundaries of humanism and urge a qualitative leap in moral consideration. We are insisting that people not only change their views of one another within the species they share, but rather realize that species boundaries are as arbitrary as those of race and sex. Our task is to provoke humanity to move the moral bar from reason and language to sentience and subjectivity. We must not only educate, we must become a social movement. The challenge of animal rights also is our challenge, for animal rights must not only be an idea but a social movement for the liberation of the world’s most oppressed beings, both in terms of numbers and in the severity of their pain. As with all revolutions, animals will not gain rights because oppressors suddenly see the light, but rather because enough people become enlightened and learn how rock the structures of power, to shake them until new social arrangements emerge. Are we asking for too much? Justice requires only what is right, and is never excessive. Is the revolution remotely possible? In a thousand ways, the revolution is gaining ground. From the near nation-wide ban on cockfighting to making animal abuse a felony crime in 37 states, from eliminating the use of animals to train doctors in two thirds of U.S. medical schools to teaching animal rights and the law seminars at over two dozen universities, from increasing media coverage of animal welfare/rights issues to a 2003 Gallup Poll finding that 96% of Americans say that animals deserve some protection from abuse and 25% say that animals deserve “the exact same rights as people to be free from harm and exploitation” it is clear that human beings are beginning to change their views about other species. Human beings simply will have to reinvent their identities and find ways to define humanity and culture apart from cruelty. Whether people realize it or not, this is not a burden but a liberation. One no longer has to live the lie of separation and the opening of the heart can bring a profound healing. Animal rights is the next stage in the development of the highest values modern humanity has devised – those of equality, democracy, and rights. Our distorted conceptions of ourselves as demigods who command the planet must be replaced with the far more humble and holistic notion that we belong to and are dependent upon vast networks of living relationships. Dominionist and speciesist identities are steering us down the path of disaster. If humanity and the living world as a whole is to have a future, human beings must embrace a universal ethics that respects all life. Growth is difficult and painful,and the human species is morally immature and psychologically crippled. Human beings need to learn that they are citizens in the biocommunity, and not conquerors; as citizens, they have distinct responsibilities to the entire biocommunity. The meaning of Enlightenment is changing. In the eighteenth century it meant overcoming religious dogma and tyranny; in the late twentieth century, it demanded overcoming racism, sexism, homophobia, and other prejudices; now, in the twenty-first century, it requires overcoming speciesism and embracing a universal ethics that honors all life. We can change; we must. The message of nature is evolve or die.

### case

#### TK prevents transnational terrorism

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Extinction

**Creamer 11** (Robert, Strategic Consulting Group, “Post-Bin Laden, It's Time to End the Threat of Nuclear Terrorism for Good”)

Worse, al Qaeda and other terrorist organizations have vowed to **obtain** and actually **use** nuclear weapons. The status quo -- the balance of terror -- that for six decades prevented a nuclear war between the U.S. and Russia is every day being made more unstable by the increasing numbers of nuclear players -- and by the potential entry of non-state actors. Far from being deterred by the chaos and human suffering that would ensue from nuclear war -- actors like al Qaeda actively seek precisely that kind of **cataclysm**. The more nuclear weapons that exist in the world -- and more importantly the more weapons-grade fissile material that can be obtained to build a nuclear weapon -- the more likely it is that one, or many more, will actually be used. In the 1980's the specter of a "Nuclear Winter" helped spur the movement for nuclear arms reduction between the U.S. and Soviet Union. Studies showed that smoke caused by fires set off by nuclear explosions in cities and industrial sites would rise to the stratosphere and **envelope the world**. The ash would absorb energy from the sun so that the earth's surface would get **cold**, dry and dark. Plants would die. Much of our food supply would disappear. Much of the world's surface would reach winter temperatures in the summer.

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Michael Cohen 13, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels".

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so.

This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.

Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.

There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.

When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."

While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage.

Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen.

These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.

Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".

Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Drones don’t cause endless war

Samuel Issacharoff and Richard H. Pildes, 6/1/2013. NYU School of Law. “Drones and the Dilemma of Modern Warfare,” New York University Public Law and Legal Theory Working Papers, Paper 404, http://lsr.nellco.org/nyu\_plltwp/404/.

In our view, there are four myths about the modern use of drones to target specific, identifiable individuals for lethal force. The first myth is that targeting specific individuals for death is a modern innovation in military practice. But targeted killings have long been a part of military practice; the invention of the long rifle, for example, gave snipers the ability to pick off opposing field officers. The modern practice, however, begins with the discrete act of seeking out military enemies outside normal wartime engagements based on an individualized assessment of the threat they present. The use of lethal force is not incidental to a battlefield objective of capturing a particular piece of territory but becomes a distinct response to the generalized threat posed by a particular individual. Killing is now not secondary to a distinct military objective but becomes the objective itself because of a specific determination about the threat posed by the continued operation of an individual. At a more fundamental level, as Eyal Benvenisti argues, the laws of war had two major premises that fail in modern asymmetric conflict. First, it was possible to distinguish military and civilian objectives, and, second, battle could be directed to military objectives, as with the capturing of territory or overtaking a military installation. Neither premise necessarily characterizes military engagements in asymmetric war—or put another way, the military objective becomes killing itself. 28 The object of the targeted attack changes as well, in a way that seems morally defensible. Drones enable military planners to focus on high-level targets, and there is a further morality in that—we should appreciate a technology that can discriminate between low-level and high-level combatants, and minimize the loss of life to foot soldiers of the other side by concentrating fire on the leaders. Precision targeted killings should be seen as a substantial humanitarian advance in warfare, assuming that use of force is justified in the first place. Whereas the tradition LOAC placed the foot soldier at greatest risk of being killed in combat, the new targeted killing regime initially redirected lethal force to the command structure of the enemy. In our view, it is a mistake to focus exclusively on the level of force being used without also understanding that the targets (if accurately identified) bear a moral culpability for unlawful warfare completely distinct from anything that could be attributed to conventional soldiers in a stateauthorized war, especially in the case of conscript armies. As the technology improved, most notably with drones, the targets could expand from the command structure to operational centers, as with attacks on remote sites at which enemy combatants trained or assembled. A second myth concerning targeted killings as a new form of warfare is that this ability to project force from a distance itself raises new legal issues. But this view is simply an exercise at drawing a technological line that, in our view, has little moral or legal force in and of itself. Drones present the same legal issues as any other weapons system involving the delivery of lethal force. Advances in military technology have always been about the ability to project force from a distance. Drones are a technology, the latest technological development in the history of warfare, but they do not change the legal issues, under either domestic or international law, relevant to deciding whether particular uses of force are justified. In technologically advanced countries, militaries have long been in the business of delivering lethal force at great distances from their targets. The U.S. Navy has engaged enemy personnel by firing cruise missiles from ships in the Mediterranean into Libya, Iraq, and Sudan. Air Force pilots frequently take off from bases far removed from the actual theater of conflict and drop their bombs based on computer-generated targeting information from thousands of feet above the ground; the bombing campaign over Serbia during the Kosovo war, for example, involved pilots taking off from the Midwest in the United States and returning there. Ancient advances, such as catapults and longbows, involved the delivery of force from a distance, instead of hand-to-hand personalized combat. U.S. drone operations reportedly follow the same rules of engagement and use the same procedures as manned aircraft that use weapons to support ground troops. 29 At least the military’s use of drones operates within the same military chain of command, subject to civilian oversight, as all other uses of military force. 30 One can view the technological advances that make drone warfare possible with horror or with fascination, but the idea of projected force beyond hand-to-hand warfare does not of itself present radically new legal issues. As the philosopher David Luban rightly concludes, targeted killings “are no different in principle from other wartime killings, and they have to be judged by the same standards of necessity and proportionality applied to warfare in general: sometimes they are justified, sometimes not.” 31 A third prevalent misconception, in our view, is that drones and targeted killing pose a major threat to the humanitarian purposes and aims of the laws of war. The key principles of the laws of war are the principles of necessity, distinction and proportionality—the principles that force should intentionally be used only against military targets and that the damage to individual citizens should be minimized and proportionate. Drones, as against other uses of military force, better realize these principles than any other technology currently available. Indeed, they allow for the most discriminating uses of force in the history of military technology and warfare, in contexts in which the use of force is otherwise justified. If the alternative is sending US ground forces into Yemen or the frontier regions of Pakistan, the result will be far greater loss of civilian life, and far greater loss of combatant lives, than with drone technology. A more subtle concern that perhaps underlies the humanitarian critique of targeted killings is that drone warfare might make the use of force “too easy.” Since powerful states do not have to put their own pilots or soldiers directly at risk, will they resort to force and violence more easily? This is a serious issue, but some historical perspective might help put this concern in a broader frame. Throughout the modern history of warfare, there has been concern that humanitarian developments in the way war is conducted will, perversely, make it more likely that states will go to war. The argument is essentially that there is a Faustian tradeoff between the laws of war and the initial decision to go to war. This is an enduring, moral complex issue that has attended virtually every effort in the paradoxical-sounding project of making warfare more humane; pacifists in the 19th century objected to the formation of the International Committee of the Red Cross and its efforts to mitigate the horrors of war. 32 Moreover, the same paradox surrounds even purely humanitarian aid during wartime; in some contexts, access to such aid has become a strong economic incentive to continue the war, for the very purpose of extracting more of this financial assistance. 33 A more complicated picture emerges if we shift from the perspective of the civilian leaders who authorize the use of force to those who actually deliver that force. One of the consequences created by individuating the responsibility of specific enemies, combined with drone technology, is the possibility of a much greater sense of personal responsibility and accountability on the part of drone operators for lethal uses of force than that exhibited by prior generations of fighters. At least some drone operators report exactly this kind of experience of personal responsibility for their actions, including their mistakes, that was much less likely in earlier generations when “the enemy” was faceless and undifferentiated in most circumstances. 34 Of course, if such a perverse tradeoff does end up driving state practice, the same concern could be applied to the use of force for humanitarian purposes, as in Libya. Did the use of drones in the Libya operation make humanitarian interventions “too easy?” The right question, it seems to us, should focus on whether the use of force is justified in the first place. Moreover, one should be careful not to romanticize traditional combat and the pressures toward excessive violence it nearly always unleashes. To the extent the humanitarian critique of the use of drones is that sending in ground troops acts as a restraint on the use of force, compared to the use of force from remote locations, such as with drones technology, this idea might have matters backwards, at least once the decision to use force at all has been made (and made, hopefully, for appropriate and lawful reasons). Dramatic overuse of force is most likely when scared kids come under attack on an active battlefield and respond with massive uses of force directed at only vaguely identified targets. Remoteness from the immediate battlefield—with operators able to see much more of what is going on—almost surely enables much more deliberative responses. One Air Force combat officer who became a drone operator supports this conclusion; he comments that compared to conventional combat, both in the air and on the ground, the distance involved with drones enable operations to be “deliberate instead of reactionary;” 35 compared to manned combat flights, he experienced drones as affording “the ability to think clearly at zero knots and one G”; 36 and he observed that other “methods of warfare could be, and often were, much more destructive” 37 —indeed, he goes so far as to comment that when marines were sent into operations, they “broke things and killed people” while drones enabled U.S. military force to be “less brutal.” 38 Whether one accepts or not this particular self-reported drone operator experience, a realistic appraisal of all the costs and benefits of the use of drones must confront the “compared to what” question. Perhaps in some contexts, if drones were not available, no force would be used; but in many cases, it seems likely that much greater force would be used instead. Put another way, powerful nation-states are unlikely to remain passive in the face of significant risks to the physical security of their citizens and property that emanate from other nations that are unwilling or unable to control these threats. Nor is it clear why states should be understood to have a moral obligation to permit their citizens and territory to be attacked. If states have the capacity to do so, they will neutralize these threats through killing or capture; and at times, the humanitarian costs of capture, in terms of harm to and loss of innocent life will be great, and at other times, capture might not be practicable for any number of reasons (a complex issue to which we return below). As a result, it seems to us that any general humanitarian critique of the targeted killing has a moral obligation to offer a credible, practical alternative that a state can realistically employ to protect the lives of its citizens and that better serves the humanitarian aims of the laws of war.

#### Their “kill chain” arg is backwards---drones cause the person ordering the strike to make more ethically sound decisions than any other weapon platform

Jeff McMahan 12, Professor of Philosophy at Rutgers University, 2012, “Foreword,” in Killing by Remote Control, edited by Bradley Jay Strawser

What differentiates the newer models of remotely controlled weapons from traditional long-range precision-guided munitions is that they allow their operators to monitor the target area for lengthy periods before deciding whether, when, and where to strike. These are capacities that better enable the weapons operators to make morally informed decisions about the use of their weapons.

But remotely controlled weapons are associated in the popular imagination with targeted killing, especially of terrorist suspects outside of traditionally delimited combat zones. Yet they can be, and are, used in combat as well and have the same advantages in each of these roles: that is, they function without risk to their operator, can be highly discriminating in the targets they destroy, and can be used in places that are inaccessible to soldiers or prohibitively dangerous for their deployment. The objections to targeted killing are not, therefore, necessarily objections to remotely controlled weapons – though if targeted killing is objectionable then it is one objection to remotely controlled weapons that they make targeted killing safer and politically more palatable than it would otherwise be.

The distinction between using remotely controlled weapons in war and using them for targeted killing is not always easy to draw. There seems to be little difference morally between using a drone to kill members of the Taliban in remote areas of Afghanistan or Pakistan when they are not engaged in violent or coercive activities and using the same weapons in the same areas to kill members of al Qaeda, who are not combatants in a war but criminals preparing to engage in terrorist action.1 It can, indeed, be argued with considerable cogency that the use of remotely controlled weapons to kill Taliban fighters in their “safe havens” can be legally justified as the killing of enemy combatants in war, while their use to kill al Qaeda operatives in their havens can be legally justified as police action against dangerous criminals who cannot be arrested and tried at a reasonable cost, so that the requirement of arrest must be suspended, as it sometimes must be even in domestic law enforcement. Critics of this suggestion will say that the difference between targeted killing and cases in which the requirement of arrest must be suspended in domestic law enforcement lies in the imminence of the threat. In domestic cases, the requirement of arrest is suspended only when a criminal is on a rampage and is resisting arrest, posing a danger to the police and perhaps to innocent bystanders as well. But targeted killing is necessarily preventive: it is done when there is no imminent threat from the terrorist. If a terrorist posed an imminent threat, killing him would not count as targeted killing but simply as third-party defense of others, about which there is no legal controversy. But to have any plausibility, the imminence requirement must be understood as a proxy for considerations of probability or necessity. Usually threats that are not imminent are either below some threshold of probability or can likely be dealt with in some other way. But in the case of committed terrorists who are protected by the political and legal authorities where they live, targeted killing may be necessary for for targeted killing is not always easy to draw. There seems to be little difference morally between using a drone to kill members of the Taliban in remote areas of Afghanistan or Pakistan when they are not engaged in violent or coercive activities and using the same weapons in the same areas to kill members of al Qaeda, who are not combatants in a war but criminals preparing to engage in terrorist action.1 It can, indeed, be argued with considerable cogency that the use of remotely controlled weapons to kill Taliban fighters in their “safe havens” can be legally justified as the killing of enemy combatants in war, while their use to kill al Qaeda operatives in their havens can be legally justified as police action against dangerous criminals who cannot be arrested and tried at a reasonable cost, so that the requirement of arrest must be suspended, as it sometimes must be even in domestic law enforcement. Critics of this suggestion will say that the difference between targeted killing and cases in which the requirement of arrest must be suspended in domestic law enforcement lies in the imminence of the threat. In domestic cases, the requirement of arrest is suspended only when a criminal is on a rampage and is resisting arrest, posing a danger to the police and perhaps to innocent bystanders as well. But targeted killing is necessarily preventive: it is done when there is no imminent threat from the terrorist. If a terrorist posed an imminent threat, killing him would not count as targeted killing but simply as third-party defense of others, about which there is no legal controversy. But to have any plausibility, the imminence requirement must be understood as a proxy for considerations of probability or necessity. Usually threats that are not imminent are either below some threshold of probability or can likely be dealt with in some other way. But in the case of committed terrorists who are protected by the political and legal authorities where they live, targeted killing may be necessary for defense of the innocent in the same way it is in the case of a rampaging murderer.

## 2NC

### anthro

#### 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

#### Here’s answer to their “link of omission” args—it’s not just omission it’s permission—failure to forefront the question of anthropocentrism is the link

**Worsham 13**—Idaho State University [ableist language modified]

(Lynn, “Toward an Understanding of Human Violence: Cultural Studies, Animal Studies, and the Promise of Posthumanism”, Review of Education, Pedagogy, and Cultural Studies, 35:1, 51-76, dml)

Just three years earlier, in 2009, the Modern Language Association, through a special cluster of articles in its flagship publication, PMLA, announced to an academic audience the emergence of the new interdisciplinary field of animal studies. Writing for ‘‘The Changing Profession’’ section of this issue, Cary Wolfe (2009) made a potentially decisive intervention in the field of animal studies with his observation that animal studies has two possible routes of development. It may develop according to the logic of ‘‘the cultural studies template,’’ in which case animal studies is ‘‘only the latest permutation of a socially and ethically responsive cultural studies working to stay abreast of new social movements’’ and is ‘‘itself an academic expression of a larger democratic impulse toward greater inclusiveness.’’ Or it may develop as part of the larger ‘‘problematic of posthumanism,’’ in which case animal studies will destabilize and question the ‘‘schema of the human’’ and as a consequence pose a fundamental challenge to ‘‘the disciplinarity of the humanities and cultural studies’’ (568). For Wolfe, the problem with cultural studies, at least as it is practiced in North America, is that in spite of itself—in spite of its effort to be oppositional, multicultural, and materialist—cultural studies ‘‘ends up reproducing an ideologically familiar mode of subjectivity based, philosophically and politically, on the canons of liberal humanism’’ (569). He wrote, ‘‘Just because a historian or literary critic devotes attention to the topic or theme of nonhuman animals doesn’t mean that a familiar form of humanism isn’t being maintained through the internal disciplinary practices that rely on a specific schema of the knowing subject and of the kind of knowledge he or she can have’’ (572). He argued that if ‘‘the animal’’ is taken ‘‘seriously,’’ ‘‘not just as another topic or object of study among many,’’ then animal studies ‘‘would not so much extend or refine a certain mode of cultural studies as bring it to an end’’ (568).

One problem, then, with a certain dominant mode of cultural studies is that it remains ~~blind~~ [ignorant] to its own commitment to humanism and to the anthropocentrism and human exceptionalism characteristic of humanism. A related concern is that the dominant mode of cultural studies reproduces a knowing subject that is deemed capable of critical consciousness through introspection and selfreflection— that is, the autonomous knowing subject of liberal humanism. Still another problem is that cultural studies has been appropriated to do the ideological work of the neoliberal order, ‘‘in which capitalist globalization gets repackaged as pluralism and attention to difference’’ (568).1 For Wolfe (2009), the promise of posthumanism—as a mode of being, knowing, and engaging with the world—comes in its resolute nonanthropocentrism and nonspeciesism. Posthumanism makes explicit the fact that historically what has counted as knowledge and as a knowing subject has been decisively limited by our speciesbeing. Posthumanism, as a questioning of humanism and the schema of the human that humanism installs, does not seek to transcend or eclipse the human; nor does it deny the uniqueness and difference of human beings from other species, which are themselves unique and different from one another. It starts from the fact that humanism has denied: human finitude—specifically, the fact of human embodiment and human evolution as a ‘‘specific form of animality’’ (Wolfe 2009, 572).2 Its focus on human embodiment trains attention on the fact of physical vulnerability and mortality, which are conditions of existence we share with all living beings.3

#### it denies the lives of billions of animals each day

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>)

Too manypeople with pretences to ethics, compassion, decency, justice, love, and other stellar values of humanity at its finestresist the profound analogies between animal and human slavery and animal and human holocausts, in order to devalue or trivialize animal suffering and avoid the responsibility of the weighty moral issues confronting them. The moral myopia of humanism is blatantly evident when people who have been victimized by violence and oppression decry the fact that they “were treated like animals” – as if it is acceptable to brutalize animal, but not humans. If there is a salient disanalogy or discontinuity between the tyrannical pogroms launched against animals and humans, it lies not in the fallacious assumption that animals do not suffer physical and mental pain similar to humans, but rather that animals suffer more than humans, both quantitatively (the intensity of their torture, such as they endure in fur farms, factory farms, and experimental laboratories) and qualitatively (the number of those who suffer and die). And while few oppressed human groups lack moral backing, sometimes on an international scale, one finds not mass solidarity with animals but rather mass consumption of them. As another Nobel Prize writer in Literature, South African novelist writer J. M. Coetzee, forcefully stated: “Let me say it openly: we are surrounded by an enterprise of degradation, cruelty, and killing which rivals anything 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.”37 Every year, throughout the world, over 45 billion farmed animals currently are killed for food consumption.38 This staggering number is nearly eight times the present human population. In the US alone, over 10 billion animals are killed each year for food consumption – 27 million each day, nearly 19,000 per minute. Of the 10 billion land animals killed each year in the US, over 9 billion are chickens; every day in the US, 23 million chickens are killed for human consumption, 269 per second. In addition to the billions of land animals consumed, humans also kill and consume 85 billion marine animals (17 billion in the US).39 Billions more animals die in the name of science, entertainment, sport, or fashion (i.e., the leather, fur, and wool industries), or on highways as victims of cars and trucks. Moreover, ever more animal species vanish from the earth as we enter the sixth great extinction crisis in the planet’s history, this one caused by human not natural events, the last one occurring 65 million years ago with the demise of the dinosaurs and 90% of all species on the planet. It is thus appropriate to recall the saying by English clergyman and writer, William Ralph Inge, to the effect that: "We have enslaved the rest of the animal creation, and have treated our distant cousins in fur and feathers so badly that beyond doubt, if they were able to formulate a religion, they would depict the Devil in human form."

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

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#### Changing language doesn’t solve—proves our claim that focusing on political mechanisms is more important

Harpur 2012 (Paul “From disability to ability: changing the phrasing of the debate” Disability & Society [Volume 27](http://www.tandfonline.com.proxy.lib.umich.edu/loi/cdso20?open=27#vol_27), [Issue 3](http://www.tandfonline.com.proxy.lib.umich.edu/toc/cdso20/27/3), 2012)

Persons with disabilities have been subjected to discrimination and social apartheid for centuries. To address this discrimination, advocates have employed various strategies including law reforms, public policy, education, language, and so on. This paper has argued for a change in terminology to aid culture change. Over the proceeding decades, disability advocates have gained control over how disability is defined through the promotion of the social model. Advocates have worked to remove offensive terminology from the common vernacular. This paper asserts that the time is right for disability advocates to adopt the label of ‘ableism’ as a powerful label to describe the prejudice, discrimination and discounting of persons with disabilities.¶ The labels of ‘disableism’ and ‘ableism’ have emerged to describe disability discrimination. This paper has argued that disability scholars should embrace and promote the use of the term ableism. While being used by some scholars, disableism serves two masters. Disability nomenclature developed with ableist ideological influences. Despite moves by the disability community to gain control of the term ‘disability’, this paper asserts that this term’s historic antecedence detracts from the impact of disability advocacy. The label of ableism, in contrast, is free from ableist ideological influences and offers greater advocacy potentials. By taking control of the category away from the disability industry and by expanding people who can utilise the term ableism, this paper concludes that ableist nomenclatures have the potential of increasing the power of disability advocacy.¶ While altering the language used to describe disability discrimination can assist in culture change, this is just one strategy. Oliver ([1996](http://www.tandfonline.com.proxy.lib.umich.edu/doi/full/10.1080/09687599.2012.654985#CIT0048)) has observed that it is not sufficient to simply abolishing the use of offensive words to describe persons with disabilities. Rovner has observed that ‘[f]or over forty years, the disability rights movement has sought to reframe the way people with disabilities are understood by American law, social policy, and society’ (2004, 1043). Rovner explains that to achieve this outcome it will be necessary for the image of disability to be remade in the eyes of those who make laws and apply them (2004, 1090). If policy-makers and the judiciary do not embrace the culture change, then reforms will have minimal impact (for a discussion of the impact disability models have upon members of the judiciary consciously or subconsciously, see Cantor [2009](http://www.tandfonline.com.proxy.lib.umich.edu/doi/full/10.1080/09687599.2012.654985#CIT0023), 401). Altering the way in which language and culture constructs disability should be regarded as one useful weapon in the battle to achieve equality. Coupled with other interventions, language can contribute to the struggle for social equality. This paper has argued that using the term ableism to describe disability discrimination is one step that can be used to assist in the wider struggle against oppression.

#### Searching for a proper way to speak of disability reifies it as a pejorative

Mackelprang 2010 (Romel, Disability Controversies: Past, Present, and Future “Journal of Social Work in Disability & Rehabilitation¶ [Volume 9](http://www.tandfonline.com.proxy.lib.umich.edu/loi/wswd20?open=9#vol_9), [Issue 2-3](http://www.tandfonline.com.proxy.lib.umich.edu/toc/wswd20/9/2-3), 2010)

Given the competing models already described, an emerging controversy in social work is the proper use of language as a disability descriptor. Morris ([2001](http://www.tandfonline.com.proxy.lib.umich.edu/doi/full/10.1080/1536710X.2010.493475#CIT0017)) argues that language is key to understanding and that disabled persons have been extensively subjected to the insidious power of negative language. Since the 1980s, common practice has been to refer to people with disabilities using person-first language. People are referred to as persons with disabilities or persons with deafness rather than disabled persons or deaf people. Person-first language arose, in large measure, as a challenge to medical and moral model beliefs that define by their disabilities. This has been an important mechanism to redefine disability and embrace people with disabilities as “people first.” However, language is slowly evolving and, arguably, person-first language also implicitly defines disability as innately pathological. Consider, for example, person-first language to describe other characteristics. One does not call a woman a “person with femaleness,” an African American as a “person with Blackness,” or gay individuals as a “man with gayness,” or a “woman with lesbianism.” Thus, disabled people who embrace the social model of disability are increasingly adopting disability as an identity characteristic that is embraced, therefore, using disability-first language as in “disabled person.” Capitalizing Disability or disAbility in cultural contexts is borrowed from a long-standing practice within Deaf culture, a unique subculture of a larger Disability culture. American Deaf culturalists differentiate Deaf American Culture (DAC) from Mainstream American Culture (MAC). People who belong to Deaf culture in which American Sign Language is the primary language commonly capitalize Deaf when referring to Deaf culture and to Deaf people as part of that culture (Wilcox, [1989](http://www.tandfonline.com.proxy.lib.umich.edu/doi/full/10.1080/1536710X.2010.493475#CIT0027)). Some Disability advocates who embrace the idea of a culture of disability capitalize the D in Disability when referring to Disability culture, and others use the moniker disAbility, thus emphasizing Ability. Language use can present a conundrum for social workers, including some social work scholars who adopt a social model approach to disability, embrace disability as an identity, and adopt disability-first language. For example, some social workers, steeped in person-first language as politically correct language, might interpret disability-first language by colleagues as offensive. For social work authors, peer-review journal panelists might reject disability-first usage in an attempt to avoid pejorative language. Ironically, strict adherence to person-first language might limit progressive dialogue relative to disability.