## 2AC

### T-Increase

#### War powers for detention are covered under the AUMF

Elsea 13 (Detention of U.S. Persons as Enemy Belligerents Jennifer K. Elsea Legislative Attorney July 25, 2013 www.fas.org/sgp/crs/natsec/R42337.pdf)

The detainee provisions passed as part of the National Defense Authorization Act for FY2012 (2012 NDAA; P.L. 112-81), affirm that the Authorization for Use of Military Force (AUMF)1 in response to the terrorist attacks of September 11, 2001, authorize the detention of persons captured in connection with hostilities. The act provides for the first time a statutory definition of covered persons whose detention is authorized pursuant to the AUMF.2 During consideration of the detention provision, much of the debate focused on the applicability of this detention authority to U.S. citizens and other persons within the United States.3 Congress ultimately adopted a Senate amendment to clarify that the provision is not intended to affect any existing law or authorities relating to the detention of U.S. citizens or lawful resident aliens, or any other persons captured or arrested in the United States.4 This report analyzes the existing law and authority to detain, as “enemy combatants,”5 U.S. persons, which, for the purpose of this report means persons who are generally understood to be subject to U.S. territorial jurisdiction or otherwise entitled to constitutional protections; that is, American citizens, resident aliens, and other persons within the United States.

### Circumvention

#### Circumvention happens because of a lack of a clear statement – Plan solves

Meltzer 8 – Law prof @ Harvard (Daniel J, “Habeas Corpus, Suspension, and Guantánamo: The Boumediene Decision,” The Supreme Court Review, Vol 2008, No. 1, University of Chicago Press) 9/19/13 \*MCA = Military Commissions Act of 2006

That was the state of play on the meaning of the Suspension Clause prior to Boumediene. Justice Kennedy’s opinion for the Court essentially took the constitutional reasoning that had informed the statutory construction in St. Cyr and transformed it into a constitutional holding—that the Suspension Clause affirmatively confers a right to habeas corpus review and that, accordingly, the preclusion of habeas jurisdiction in § 7 of the MCA is unconstitutional. Many issues in the Boumediene case were the subject of dispute between majority and dissent, but unlike in St. Cyr, none of the dissenters in Boumediene objected that the Suspension Clause simply was not implicated if Congress permanently withdrew habeas jurisdiction over a particular set of cases. To be sure, because the dissenters thought that, for other reasons, there was no violation of the Suspension Clause in any event, that was not a point on which they were obliged to take issue. But the way that they phrased their conclusions is nonetheless suggestive: Justice Scalia said “[t]he writ as preserved in the Constitution would not possibly extend farther than the common law provided when that Clause was written,”67 while Chief Justice Roberts acknowledged the holding in St. Cyr that as an absolute minimum, the Suspension Clause protects the writ as it existed in 1789.68¶ Much of the attention to the Boumediene decision has focused on the points on which the dissenters did take issue—the scope of the writ along various dimensions, as well as broader questions about the relationship of the courts to the political branches in matters relating to national security. As a result, the Court’s holding that the Suspension Clause confers an affirmative right to habeas relief has not received the attention that it deserves. That holding is not, of course, a surprise in light of St. Cyr. But the puzzle of how to construe the unusual guarantee found in the Suspension Clause had been the subject of considerable debate and had not received an authoritative answer for more than two centuries into our nation’s history.¶ But even on that understanding, a subtler question remained: If the Founders presupposed that the writ would be available, in what courts would it be available? Some have argued that if federal courts have only that jurisdiction (including habeas jurisdiction) given them by Congress, then the Constitution cannot guarantee the right of access to a federal court, for habeas corpus or any other purpose. In a general version of this argument, Henry Hart famously contended both that it is a premise of the Constitution that some court must be open to hear a claim that the Constitution entitles a litigant to judicial redress and that, given the Madisonian Compromise, the state courts, which are courts of general jurisdiction, are the ultimate guardians of constitutional rights.69 In the more specific context of habeas corpus, this view suggests that the Suspension Clause, rather than guaranteeing federal court habeas corpus jurisdiction, instead restricts the power of Congress to interfere with state court habeas jurisdiction.70 William Duker, who has advocated this position, notes among other things that the Clause appears in Article I, Section 9, other provisions of which also limit Congress’s power vis‐à‐vis the states.71¶ In Boumediene, the Court appears to have passed entirely over this set of questions, simply assuming that if the congressional regime denied the detainees a constitutionally guaranteed right of access to habeas review, that constitutionally required review should be undertaken in federal court.72 But even accepting Hart’s general position—a position that, at least among commentators, is anything but uncontroversial,73 and that poses special challenges in the unusual context of extraterritorial detention74—the Court’s assumption seems to be well grounded. First, the decisions in Ableman v Booth75 and particularly in Tarble’s Case,76 much criticized77 but never overruled, at the very least cast doubt upon the constitutional power of the state courts to issue habeas relief against federal custodians. Second, even if those decisions are read more narrowly as resting on an implied congressional preclusion of jurisdiction rather than on the state courts’ lack of constitutional power,78 the Boumediene Court’s assumption that any constitutionally required relief should be provided in federal court still rests on solid ground. Assume that access to either federal court or state court would suffice to provide the constitutionally required review. Section 7 of the Military Commissions Act, in precluding all courts (other than the D.C. Circuit operating under the DTA) from exercising habeas or any other jurisdiction, could be viewed as having two subrules: (1) no federal court shall exercise such jurisdiction, and (2) no state court shall exercise such jurisdiction.79 On the assumption that constitutionally adequate redress could be provided by either a federal or a state court, either subrule would be valid without the other. The issue then becomes a matter of statutory severability: if Congress could not constitutionally satisfy its first‐order preference of precluding all review outside of the DTA, what second‐order preference should the Court ascribe to Congress: eliminating the barrier to federal court jurisdiction or the barrier to state court jurisdiction?¶ The Court’s unstated assumption that it was the barrier to federal court jurisdiction that should fall is entirely sound. To be sure, the Founders might not have shared that assumption; some have argued that they expected habeas jurisdiction to be exercised by the state courts,80 and indeed that the Suspension Clause presupposed rather than guaranteed the writ because of the unquestioned power of the state courts to issue it.81 But here the decisions in Ableman v Booth and Tarble’s Case become relevant insofar as they recognize a concern, born of experience rather than constitutional originalism, about the appropriateness of state court control of federal official action. That concern is also recognized by the broad provision of removal jurisdiction in 28 USC § 1442, permitting federal officers to remove state court actions—including state court actions that could not have been filed in the first instance in federal court. And most broadly of all, the aftermath of the Civil War and Reconstruction left us with a conception of federalism different from that embodied in the original Constitution,82 one in which the role of the federal courts in protecting individual rights assumes far greater prominence. Relatedly, insofar as there has been judicial review of habeas petitions brought by enemy combatants detained by the United States, both before and after 9/11, that review has generally been in federal court.83 And in sensitive matters of foreign relations, there is no reason to believe that Congress would have wished to have state rather than federal courts involved.¶ Thus, if one of the two subrules contained in § 7 must yield, it should be the one barring federal court review. And if that portion of § 7 of the MCA is held to be void, the federal courts, though courts of limited jurisdiction, could fall back upon the preexisting general grant of habeas jurisdiction under § 2241 as it previously stood, thereby avoiding any need to consider the more difficult situation in which the Suspension Clause applies but there is no background congressional grant of federal court jurisdiction on which to rely.¶ For all of these reasons, the Court’s basic premise about where constitutionally required relief must be provided seems correct. Also correct, and of more fundamental importance, is the holding that the Suspension Clause affirmatively guarantees the right to habeas corpus review.¶ B. Did the MCA Suspend the Writ?¶ The Government did not argue that the MCA constituted a congressional suspension of the privilege of the writ. On one view, that failure seems surprising. While one might doubt that the 9/11 attacks were an invasion or rebellion, it was at least arguable that those words should be given a broad construction, extending generally to warlike actions, both internal and external. If the government had taken that somewhat aggressive view, it could have added that Congress surely knew that it was curtailing habeas corpus for a specified set of potential petitioners and that questions about the constitutionality of that curtailment had been raised as the measure was being debated. Although it is true that the MCA did not expressly state that it was suspending the writ, other congressional legislation has been effective without referring to the constitutional power being exercised; notably, resolutions authorizing the commencement of hostilities (including the Authorization for the Use of Military Force enacted after 9/11,84 which launched the war in Afghanistan) have been treated as adequate without using the linguistic formula “declaration of war.”85¶ But given the legitimate uncertainty about whether the DTA/MCA regime infringed any constitutional right to habeas possessed by the Guantánamo detainees (and four Justices thought it did not), Congress might have sought to limit what it viewed as a constitutionally gratuitous conferral of statutory jurisdiction (recognized by the Rasul decision) without seeking to trench on constitutional rights should its understanding of the Constitution be rejected by the Supreme Court. And there would have been a political price to pay had Congress and the President expressly advocated suspension of the writ. It is one thing to contend that the Guantánamo detainees, hardly a popular group with the voters, have no rights that are being infringed; it is another to contend that a most fundamental protection of liberty is being withdrawn. (That the writ has been suspended on only four previous occasions 86 and that the struggle against terrorism is not a conventional war would only highlight the extraordinary character of treating the MCA as an effort to suspend.) The political price highlights an underlying normative point: because suspension of so fundamental a liberty is a rare and solemn act, the Court should impose a clear statement requirement,87 requiring that Congress plainly seek to suspend the writ (as it has done with respect to all past measures that have been treated as suspensions).88 Against that background, the Court’s assumption that no suspension was intended seems well founded.

### Credibility

#### But public backlash solves status quo strikes and the link

Benjamin and Mir ’13 (Medea Benjamin and Noor Mir, Medea Benjamin is author of Drone Warfare: Killing by Remote Control. Noor Mir is the Drone Campaign Coordinator at CODEPINK, “Finally, the Backlash Against Drones Takes Flight”, http://original.antiwar.com/mbenjamin/2013/03/25/finally-the-backlash-against-drones-takes-flight/, March 26, 2013)

Rand Paul’s marathon 13-hour filibuster was not the end of the conversation on drones. Suddenly, drones are everywhere, and so is the backlash. Efforts to counter drones at home and abroad are growing in the courts, at places of worship, outside air force bases, inside the UN, at state legislatures, inside Congress–and having an effect on policy. April marks the national month of uprising against drone warfare. Activists in upstate New York are converging on the Hancock Air National Guard Base where Predator drones are operated. In San Diego, they will take on Predator-maker General Atomics at both its headquarters and the home of the CEO. In D.C., a coalition of national and local organizations are coming together to say no to drones at the White House. And all across the nation—including New York City, New Paltz, Chicago, Tucson and Dayton—activists are planning picket lines, workshops and sit-ins to protest the covert wars. The word has even spread to Islamabad, Pakistan, where activists are planning a vigil to honor victims. There has been an unprecedented surge of activity in cities, counties and state legislatures across the country aimed at regulating domestic surveillance drones.ffffff After a raucous city council hearing in Seattle in February, the Mayor agreed to terminate its drones program and return the city’s two drones to the manufacturer. Also in February, the city of Charlottesville, VA passed a 2-year moratorium and other restrictions on drone use, and other local bills are pending in cities from Buffalo to Ft. Wayne. Simultaneously, bills have been proliferating on the state level. In Florida, a pending bill will require the police to get a warrant to use drones in an investigation; a Virginia statewide moratorium on drones passed both houses and awaits the governor’s signature, and similar legislation in pending in at least 13 other state legislatures. Responding to the international outcry against drone warfare, the United Nations’ special rapporteur on counterterrorism and human rights, Ben Emmerson, is conducting an in-depth investigation of 25 drone attacks and will release his report in the Spring. Meanwhile, on March 15, having returned from a visit to Pakistan to meet drone victims and government officials, Emmerson condemned the U.S. drone program in Pakistan, as “it involves the use of force on the territory of another State without its consent and is therefore a violation of Pakistan’s sovereignty.” Leaders in the faith-based community broke their silence and began mobilizing against the nomination of John Brennan, with over 100 leaders urging the Senate to reject Brennan. And in an astounding development, The National Black Church Initiative (NBCI), a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans, issued a scathing statement about Obama’s drone policy, calling it “evil”, “monstrous” and “immoral.” The group’s president, Rev. Anthony Evans, exhorted other black leaders to speak out, saying “If the church does not speak against this immoral policy we will lose our moral voice, our soul, and our right to represent and preach the gospel of Jesus Christ.” In the past four years the Congressional committees that are supposed to exercise oversight over the drones have been mum. Finally, in February and March, the House Judiciary Committee and the Senate Judiciary Committee held their first public hearings, and the Constitution Subcommittee will hold a hearing on April 16 on the “constitutional and statutory authority for targeted killings, the scope of the battlefield and who can be targeted as a combatant.” Too little, too late, but at least Congress is feeling some pressure to exercise its authority. The specter of tens of thousands of drones here at home when the FAA opens up US airspace to drones by 2015 has spurred new left/rightalliances. Liberal Democratic Senator Ron Wyden joined Tea Party’s Rand Paul during his filibuster. The first bipartisan national legislation was introduced by Rep. Ted Poe, R-Texas, and Rep. Zoe Lofgren, D-Calif., saying drones used by law enforcement must be focused exclusively on criminal wrongdoing and subject to judicial approval, and prohibiting the arming of drones. Similar left-right coalitions have formed at the local level. And speaking of strange bedfellows, NRA president David Keene joined The Nation’s legal affairs correspondent David Cole in an op-ed lambasting the administration for the cloak of secrecy that undermines the system of checks and balances. While trying to get redress in the courts for the killing of American citizens by drones in Yemen, the ACLU has been stymied by the Orwellian US government refusal to even acknowledge that the drone program exists. But on March 15, in an important victory for transparency, theD.C. Court of Appeals rejected the CIA’s absurd claims that it “cannot confirm or deny” possessing information about the government’s use of drones for targeted killing, and sent the case back to a federal judge. Most Democrats have been all too willing to let President Obama carry on with his lethal drones, but on March 11, Congresswoman Barbara Lee and seven colleagues issued a letter to President Obama calling on him to publicly disclose the legal basis for drone killings, echoing a call that emerged in the Senate during the John Brennan hearing. The letter also requested a report to Congress with details about limiting civilian casualties by signature drone strikes, compensating innocent victims, and restructuring the drone program “within the framework of international law.” There have even been signs of discontent within the military. Former Defense Secretary Leon Panetta had approved a ludicrous high-level military medal that honored military personnel far from the battlefield, like drone pilots, due to their “extraordinary direct impacts on combat operations.” Moreover, it ranked above the Bronze Star, a medal awarded to troops for heroic acts performed in combat. Following intense backlash from the military and veteran community, as well as a push from a group of bipartisan senators, new Defense Secretary Senator Chuck Hagel decided to review the criteria for this new “Distinguished Warfare” medal. Remote-control warfare is bad enough, but what is being developed is warfare by “killer robots” that don’t even have a human in the loop. Acampaign against fully autonomous warfare will be launched this April at the UK’s House of Commons by human rights organizations, Nobel laureates and academics, many of whom were involved in the successful campaign to ban landmines. The goal of the campaign is to ban killer robots before they are used in battle. Throughout the US–and the world–people are beginning to wake up to the danger of spy and killer drones. Their actions are already having an impact in forcing the Administration to share memos with Congress, reduce the number of strikes and begin a process of taking drones out of the hands of the CIA.

#### Courts have historically gotten involved in military cases – even recently

Fisher, 6 (Louis, is Scholar in Residence at the Constitution Project. Previously he worked for four decades at the Library of Congress as Senior Specialist in Separation of Powers (Congressional Research Service, from 1970 to 2006) and Specialist in Constitutional Law (the Law Library, from 2006 to 2010) , he taught full-time at Queens College for three years, later he taught part-time at Georgetown University, American University, Catholic University law school, Indiana University, Catholic University, the College of William and Mary law school, and Johns Hopkins University. Currently he is a Visiting Professor at the William and Mary law school, “Lost Constitutional Moorings: Recovering the War Power,” Indiana Law Review, 5/2006, p.p. 1221-1223)

From the Vietnam War to the present, there has been a growing consensus that federal courts lack both the jurisdiction and the competence to decide war power disputes. I have heard this sentiment directly from political science professors, law professors, and federal judges. Such a cramped view finds no support in the first 150 years of U.S. history, when courts regularly accepted and decided such cases, sometimes for the President, sometimes against. It was only with Vietnam that courts began to avoid the merits of war power cases by invoking a variety of threshold tests, including standing, mootness, ripeness, the political question doctrine, and prudential considerations.138 I am familiar with only one war power (actually commander in chief) case that the Supreme Court deliberately ducked over this period of 150 years.139 The State of Mississippi sought to enjoin President Andrew Johnson from using the military to implement two Reconstruction Acts. The Court worried what would happen if Johnson refused to comply with its order. Did the Court have the power (legal or political) to enforce its process? Federal courts had faced that prospect before without flinching. The Johnson case was doubly difficult because if Johnson complied with the Court order and became subject to impeachment by acting in contempt of congressional statutes, would the Court then step in to support Johnson in opposition to the House? Of course if the House impeached Johnson and the matter moved to a Senate trial, the Chief Justice would preside. All in all, the dispute was one to avoid. But other than the Johnson case, federal courts regularly received war power disputes and disposed of them on the merits. There was nothing about war power cases that disqualified the judiciary. They presented statutory and constitutional questions as did other cases. The notion that courts are poorly suited to decide war power and foreign affairs issues does not emerge until after World War I. The legal literature began to treat matters of foreign policy, war, and peace as beyond the scope of judicial cognizance. That position appeared in a series of law review articles in the 1920s.140 Still, federal courts continued to take war power cases and decide them, as in the Steel Seizure case of 1952.141 The war in Vietnam and Southeast Asia sparked dozens of lawsuits challenging the President’s authority to wage war without a formal declaration or explicit authorization from Congress. Initially, federal courts dismissed these cases on the grounds that they posed a political question, they represented an unconsented suit against the United States, or the plaintiffs lacked standing. The Supreme Court regularly denied petitions seeking its review of the questions involved. For the first time in its history, federal courts were using the political question doctrine on a regular basis to avoid fundamental constitutional questions about the war power. By the early 1970s, however, federal courts seemed ready to reach the merits of the constitutionality of America’s involvement in Indochina and to assert the judiciary’s competence to decide such questions.142 Following the end of the Vietnam War, lawsuits continued to challenge presidential authority to conduct military operations without authorization from Congress. Federal judges fell back on various threshold tests to avoid deciding the dispute: ripeness, mootness, political questions, equitable discretion, and standing. Many of the cases failed in court because they were brought by members of Congress. Federal judges regularly informed the lawmakers that if they wanted to resort to litigation they had to first exhaust the institutional remedies available to them, including voting to deny authorization or funding.143 The doctrinal incoherence among federal judges on war power issues is illustrated by a lawsuit challenging the constitutionality of President Clinton’s decision in 1999 to order the bombing of Yugoslavia without congressional authorization. A district court held that lawmakers lacked standing because their complaint––the alleged “nullification” of congressional votes––was not sufficiently concrete. To gain standing, legislative plaintiffs had to allege that their votes had been “completely nullified” or “virtually held for naught.”144 The case would have been ripe for judicial determination if Congress had directed Clinton to remove U.S. forces and he had refused, or if Congress had withheld funds for the air strikes in Yugoslavia and he had decided “to spend that money (or money earmarked for other purposes) anyway.”145 The D.C. Circuit affirmed on the same ground of lack of standing. It concluded that the lawmakers lacked standing because they possessed legislative power to force the President to withdraw U.S. troops, to cut off funds, or to impeach the President if he disregarded congressional authority.146 The appellate decision is interesting because the three judges wrote separate opinions based on very different legal doctrines. To Judge Silberman, no one had a legal right to challenge the President’s use of military force. Such claims were nonjusticiable because courts lacked discoverable and manageable standards to decide questions related to the War Powers Clause.147 Judge Tatel rejected the view that the case posed a nonjusticiable political question or that there was a lack of manageable standards. He believed that the case presented purely legal issues, calling on the courts to determine the proper constitutional allocation of power between Congress and the President.148 The sweeping assertions of presidential power after 9/11 led to challenges in federal courts and eventually prompted the Supreme Court’s decisions on June 28, 2004. Writing for the plurality in Hamdi v. Rumsfeld, Justice O’Connor rejected the government’s position that separation of powers principles “mandate a heavily circumscribed role for the courts.”149 A state of war, she said, “is not a blank check for the President when it comes to the rights of the Nation’s citizens.”150 This decision, with Justices scattering in different directions, provided few clear standards for the lower courts, but at least eight members of the Court rejected the notion that the judiciary lacks institutional competence to participate in constitutional questions of war.151

#### Ending deference key to rule of law

Murphy 12 (Richard W., Visiting Professor (2005-2006), Seton Hall University School of Law; Professor, William Mitchell College of Law., Judicial Deference, Agency Commitment, and Force of Law, March 28, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/03/66.5.murphy.pdf>, p. 1013) ap

The law governing judicial deference to agency statutory constructions is a ghastly brew of improbable fictions and proceduralism. One reason this state of affairs persists is that courts have failed to resolve a contradiction between two competing, sensible impulses in deference doctrine. Oceans of precedent over the last 150 years have stressed that courts should defer to longstanding, reasonable constructions by agencies of statutes they administer. Then along came Chevron, which extolled agency flexibility and instructed courts to extend strong deference even to interpretive flip-flops. Competition between the virtues of interpretive consistency and flexibility has bubbled through and confused judicial deference analysis ever since. The Supreme Court’s recent efforts to limit the scope of Chevron’s strong deference to those agency constructions carrying the “force of law” has worsened such confusion, in part because the Court’s discussion and application of this concept were incoherent.¶ This Article proposes a new “commitment” approach to this “force of law” limitation that has deep roots in the concept of the “rule of law” and considerable power to clarify deference doctrine by resolving the clash between the competing values of interpretive consistency and flexibility. For the rule of law to be genuine, the default position must be that “laws” have general applicability—in other words, the law for X should be the law for Y as well. This truism suggests that an agency’s statutory construction properly can enjoy the force of law only where the agency has committed to applying its construction consistently across time and parties. Where an agency’s construction is longstanding, the agency’s commitment to consistent application is self-evident. The puzzle, of course, is to reconcile this commitment approach with Chevron’s praise of interpretive flexibility. One solution is to recognize that an agency can genuinely commit to a new interpretation by adopting it in a manner that makes it costly to change course later. Where agencies commit to consistency in this way, there is less need for courts to engage in independent statutory construction to protect rule-of-law values, which should leave courts freer to accept the premise of strong deference that the best way to determine the “meaning” of an agency’s statute is to trust the agency’s own (rational) construction.

### Giroux K

#### The alt does nothing - individual rejection fails

**Milbrath 96** (Lester, Professor of PoliSci and Sociology at SUNY-Buffalo, “In Building Sustainable Societies,” p.289)

In some respects personal change cannot be separated from societal change. Societal transformation will not be successful without change at the personal level; such change is a necessary but not sufficient step on the route to sustainability. People hoping to live sustainably must adopt new beliefs, new values, new lifestyles, and new worldview. But lasting personal change is unlikely without simultaneous transformation of the socioeconomic/political system in which people function. Persons may solemnly resolve to change, but that resolve is likely to weaken as they perform day-to-day within a system reinforcing different beliefs and values. Change agents typically are met with denial and great resistance. Reluctance to challenge mainstream society is the major reason most efforts emphasizing education to bring about change are ineffective. If societal transformation must be speedy, and most of us believe it must, pleading with individuals to change is not likely to be effective.

**Prefer aff falsifiability – it disproves their methodology, destroys academic debate, and causes extinction.**

**Coyne ‘6** (Jerry A., Author and Writer for the Times, “A plea for empiricism”, FOLLIES OF THE WISE, Dissenting essays, 405pp. Emeryville, CA: Shoemaker and Hoard, 1 59376 101 5)

My discomfort with Freud’s lack of rigour only grew as I continued to read his books and case histories. The latter were especially problematic: surely there were better explanations of Little Hans’s fear of horses than their symbolic representation of his father, haunting Hans with the threat of retaliation for his Oedipal fantasies. (It has since more plausibly been suggested that Hans was simply traumatized after seeing a horse collapse in the street.) Was Freud making it all up as he went along? Or did I have a personality flaw that blinded me to the power of his contributions? After all, he is touted (along with Darwin and Marx) as one of the three greatest modern thinkers, and only a hermit could be unaware of how deeply his ideas permeate Western society. Fortunately, Frederick Crews has made a much more thorough study of Freud, distilling and interpreting not only his whole corpus but also the past three decades of Freud scholarship. His conclusion is that Freud was indeed making it up as he went along. In Follies of the Wise, Crews takes on not only Freud and psychoanalysis, but also other fields of intellectual inquiry which have caused rational people to succumb to irrational ideas: recovered-memory therapy, alien abduction, theosophy, Rorschach inkblot analysis, intelligent design creationism, and even poststructuralist literary theory. All of these, asserts Crews, violate “the ethic of respecting that which is known, acknowledging what is still unknown, and acting as if one cared about the difference”. This, then, is a collection about epistemology, and one that should be read by anyone still harbouring the delusion that Freud was an important thinker, that psychoanalysis is an important cure, that intelligent design is a credible alternative to Darwinism, or that religion and science can coexist happily. It is perhaps strange that a retired professor of literature should become our preeminent critic of Freudianism and other intellectual follies on empirical grounds. But Crews has a keen mind, whetted by decades of arguing about the meaning of American literature, a scientific temperament, and is a fine prose stylist. And his credentials, at least for criticizing Freud, are authenticated by the fact that he was once an ardent Freudian, having written a psychoanalytic analysis of Nathaniel Hawthorne (The Sins of the Fathers, 1966), and then later disowned much of that book after developing misgivings about Freud’s system. Laid out in the first four essays, Crews’s brief against Freud is hard to refute. Through Freud’s letters and documents, Crews reveals him to be not the compassionate healer of legend, but a cold and calculating megalomaniac, determined to go down in history as the Darwin of the psyche. Not only did he not care about patients (he sometimes napped or wrote letters while they were free-associating): there is no historical evidence that he effectively cured any of them. And the propositions of psychoanalysis have proven to be either untestable or falsified. How can we disprove the idea, for example, that we have a death drive? Or that dreams always represent wish fulfilments? When faced with counter-examples, Freudianism always proves malleable enough to incorporate them as evidence for the theory. Other key elements of Freudian theory have never been corroborated. There are no scientifically convincing experiments, for example, demonstrating the repression of traumatic memories. As Crews points out, work with survivors of the Holocaust and other traumatic episodes has shown not a single case in which such memories are quashed and then recovered. In four further essays, Crews documents the continuing pernicious influence of Freud in the “recovered memory” movement. The idea that childhood sexual abuse can be repressed and then recalled originated with Freud, and has been used by therapists to evoke false memories which have traumatized patients and shattered families. Realizing the scientific weaknesses of Freud, many diehards have taken the fall-back position that he was nevertheless a thinker of the first rank. Didn’t Freud give us the idea of the unconscious, they argue? Well, not really, for there was a whole history of pre-Freudian thought about people’s buried motives, including the writings of Shakespeare and Nietzsche. The “unconscious” was a commonplace of Romantic psychology and philosophy. And those who champion Freud as a philosopher must realize that his package also includes less savoury items like penis envy, the amorality of women, and our Lamarckian inheritance of “racial memory”. The quality of Crews’s prose is particularly evident in his two chapters on evolution versus creationism. In the first, he takes on creationists in their new guise as intelligent-design advocates, chastising them for pushing not only bad science, but contorted faith: “Intelligent design awkwardly embraces two clashing deities – one a glutton for praise and a dispenser of wrath, absolution, and grace, the other a curiously inept cobbler of species that need to be periodically revised and that keep getting snuffed out by the very conditions he provided for them. Why, we must wonder, would the shaper of the universe have frittered away some fourteen billion years, turning out quadrillions of useless stars, before getting around to the one thing he really cared about, seeing to it that a minuscule minority of earthling vertebrates are washed clean of sin and guaranteed an eternal place in his company?” But after demolishing creationists, Crews gives peacemaking scientists their own hiding, reproving them for trying to show that there is no contradiction between science and theology. Regardless of what they say to placate the faithful, most scientists probably know in their hearts that science and religion are incompatible ways of viewing the world. Supernatural forces and events, essential aspects of most religions, play no role in science, not because we exclude them deliberately, but because they have never been a useful way to understand nature. Scientific “truths” are empirically supported observations agreed on by different observers. Religious “truths,” on the other hand, are personal, unverifiable and contested by those of different faiths. Science is nonsectarian: those who disagree on scientific issues do not blow each other up. Science encourages doubt; most religions quash it. But religion is not completely separable from science. Virtually all religions make improbable claims that are in principle empirically testable, and thus within the domain of science: Mary, in Catholic teaching, was bodily taken to heaven, while Muhammad rode up on a white horse; and Jesus (born of a virgin) came back from the dead. None of these claims has been corroborated, and while science would never accept them as true without evidence, religion does. A mind that accepts both science and religion is thus a mind in conflict. Yet scientists, especially beleaguered American evolutionists, need the support of the many faithful who respect science. It is not politically or tactically useful to point out the fundamental and unbreachable gaps between science and theology. Indeed, scientists and philosophers have written many books (equivalents of Leibnizian theodicy) desperately trying to show how these areas can happily cohabit. In his essay, “Darwin goes to Sunday School”, Crews reviews several of these works, pointing out with brio the intellectual contortions and dishonesties involved in harmonizing religion and science. Assessing work by the evolutionist Stephen Jay Gould, the philosopher Michael Ruse, the theologian John Haught and others, Crews concludes, “When coldly examined . . . these productions invariably prove to have adulterated scientific doctrine or to have emptied religious dogma of its commonly accepted meaning”. Rather than suggesting any solution (indeed, there is none save adopting a form of “religion” that makes no untenable empirical claims), Crews points out the **dangers to the survival of our planet arising** from a rejection of Darwinism. Such rejection promotes apathy towards overpopulation, pollution, deforestation and other environmental crimes: “So long as we regard ourselves as creatures apart who need only repent of our personal sins to retain heaven’s blessing, we won’t take the full measure of our species-wise responsibility for these calamities”. Crews includes three final essays on deconstruction and other misguided movements in literary theory. These also show “follies of the wise” in that they involve interpretations of texts that are unanchored by evidence. Fortunately, the harm inflicted by Lacan and his epigones is limited to the good judgement of professors of literature. Follies of the Wise is one of the most refreshing and edifying collections of essays in recent years. Much like Christopher Hitchens in the UK, Crews serves a vital function as National Sceptic. He ends on a ringing note: “**The human race has produced only one successfully validated epistemology**, characterizing all scrupulous inquiry into the real world, from quarks to poems. It is, simply, **empiricism**, or the submitting of propositions to the arbitration of evidence that is acknowledged to be such by all of the contending parties. Ideas that claim immunity from such review, whether because of mystical faith or privileged “clinical insight” or the say-so of eminent authorities, are not to be countenanced until they can pass the same skeptical ordeal to which all other contenders are subjected.” As science in America becomes ever more harried and debased by politics and religion, we desperately need to heed Crews’s plea for empiricism.

#### Their white supremacy approach is essentialist- reproduces the most dangerous forms of racism and is doomed to fail

Hartigan 5- prof of anthropology @ UT, PhD from University of California, Santa Cruz (John, South Atlantic Quarterly 104.3, Summer, “Culture against Race: Reworking the Basis for Racial Analysis” //MGD)

One might be tempted to assume that **Gilroy’s** stance is largely polemical, but his **critique is thoroughgoing, as is his call to reject ‘‘this desire to cling on to ‘race’ and** **go on stubbornly and unimaginatively seeing the world on the distinctive scales** **that it has specified**.’’ **In spite of** powerful, **novel efforts to** fundamentally **transform racial analysis—such as the emergence of ‘‘whiteness studies’’** **or analyses of the ‘‘new racism’’—Gilroy is emphatic in ‘‘demand[ing] liberation not from white supremacy alone,** however urgently that is required, **but from all racializing and raciological thought**, fromracialized seeing, racialized thinking, **and racialized thinking about thinking’’** (40). In contrast to Visweswaran—and, interestingly, voicing concerns over ‘‘cultural politics’’ that resonate with Dominguez’s critique—**Gilroy sees a host of problems in ‘‘black political cultures’’ that rely on ‘‘essentialist approaches to building solidarity’’** (38).14 Nor does he share Harrison’s confidence in making racism the centerpiece of critical cultural analysis. Gilroy plainly asserts that ‘‘the starting point of this book is that the era of New Racism is emphatically over’’ (34**). A singular focus on racism precludes an attention to ‘‘the appearance of sharp intraracial conflicts’’ and does not effectively address** the ‘‘several **new forms of determinism abroad’’** (38, 34). **We** **still must be prepared ‘‘to give effective answers to th**e pathological **problems represented by** genomic **racism, the glamour of sameness**, and the eugenic projects currently nurtured by their confluence’’ (41). **But the diffuse threats** **posed by** invocations of **racially essentialized identities** (shimmering in ‘‘the glamour of sameness’’) **as the basis for articulating ‘‘black political cultures’’** **entails an** analytical **approach that countervails against positing racism as** **the singular focus of inquiry and critique**.15 From Gilroy’s stance, to articulate a ‘‘postracial humanism’’ **we must disable any form of racial vision** **and ensure that it can never again be reinvested with explanatory powerffff**. But what will take its place as a basis for talking about the dynamics of belonging and differentiation that profoundly shape social collectives today? Gilroy tries to make clear that it will not be ‘‘culture,’’ yet this concept infuses his efforts to articulate an alternative conceptual approach. Gilroy conveys many of the same reservations about culture articulated by the anthropologists listed above. Specifically, Gilroy cautions that ‘‘the culturalist approach still runs the risk of naturalizing and normalizing hatred and brutality by presenting them as inevitable consequences of illegitimate attempts to mix and amalgamate primordially incompatible groups’’ (27). In contrast, Gilroy expressly prefers the concept of diaspora as a means to ground a new form of attention to collective identities. ‘‘**As an alternative to the metaphysics of ‘race**,’ **nation, and bounded culture coded into the body,’’ Gilroy finds that ‘‘diaspora** **is a concept that problematizes the cultural and historical mechanics of belonging’’** (123). Furthermore, **‘‘by focusing attention equally on the sameness within differentiation and the differentiation within sameness, diaspora disturbs the suggestion that political and cultural identity might be understood via the analogy of indistinguishable peas lodged in** the protective **pods of closed kinship** and subspecies’’ (125). **And yet,** in a manner similar to Harrison’s prioritizing of racism as a central concern for social inquiry, when it comes to specifying what diaspora entails and how it works**, vestiges of culture reemerge as a basis for the coherence of this new conceptual focus**. When Gilroy delineates the elements and dimensions of diaspora, culture provides the basic conceptual background and terminology. **In characterizing ‘‘the Atlantic diaspora** and its successor-cultures,’’ **Gilroy** sequentially **invokes ‘‘black cultural styles’’** and ‘‘postslave cultures’’ **that have ‘‘supplied a platform for youth cultures**, popular cultures, and styles of dissent far from their place of origin’’ (178). Gilroy explains how **the ‘‘cultural expressions’’** **of hip-hop and rap,** **along with other** expressive **forms of ‘‘black popular culture**,’’ **are marketed by the ‘‘cultural industries’’ to white consumers who ‘‘currently support this black culture’’** (181). Granted, **in these uses of ‘‘culture’’ Gilroy remains critical of ‘‘absolutist definitions of culture’’ and the process of commodification that culture in turn supports.** But **his move away from race importantly hinges upon some notion of culture.** We may be able to do away with race, but seemingly not with culture.

#### PERM is key – only an institutional focus can uncover power relations necessary to mediate the experiences of the oppressed

Welcome 2004 – completing his PhD at the sociology department of the City University of New York's Graduate Center (H. Alexander, "White Is Right": The Utilization of an Improper Ontological Perspective in Analyses of Black Experiences, Journal of African American Studies, Summer-Fall 2004, Vol. 8, No. 1 & 2, pp. 59-73)

In Reproduction in Education, Society and Culture (1970), Pierre Bourdieu and Jean-Claude Passeron provide a definition of symbolic violence, stating that it represents "every power which manages to impose meanings and to impose them as legitimate by concealing the power relations which are the basis of its force, [adding] its own specifically symbolic force to those power relations" (p. 5). This conceptualization provides both an explicit reason for the rejection of whiteness as an ontological frame of analysis for the experiences of blacks and a suggestion as to the circumstances under which the analysis of black experiences should take place. Using the concept of symbolic violence to evaluate Merton's notions of cultural goals and institutional means, one finds that the two latter concepts reflect the workings and concentration of power rather than those "purposes and interests, held out as legitimate objectives for all or for diversely located members of society" (1949, p. 186) and "[the] regulations, rooted inthe mores or institutions, of allowable proceduresfor moving toward these objectives" (1949, p. 167). This indicates that an explication of the dynamics and residence of power should precede any investigation of the experiences and meaning making specific to a group. The failure to do so will produce a situation where arbitrary values and prescriptions for action are utilized and depicted as legitimate. CONCLUSION The works of Johnson (1934), Lewis (1963), and Fordham and Ogbu (1986) have all had a huge influence on the study of black experiences. However, their use of whiteness as an ontological frame of analysis severely hinders the study of black experiences, just as whiteness as an ontology can have detrimental effects in the study of the experiences of Latinos, Asians, and other ethnic groups. The movements to establish Black Studies, Latino Studies, and Asian Studies programs reflect an attempt to deal with this bias; however, when one looks at the majority of the sociological scholarship, one finds that this ontology is still employed. This problem, if left unchecked, will continue to plague the black community.

#### No Link Indef. Det is a good starting point

Toensing 12- staff writer for Indian Country news network won five awards at the Native American Journalists Association Conference (“Protests Against Indefinite-Detention Law Roll in From Across Nation”, March 26 2012, Gale Courey Toensing, http://indiancountrytodaymedianetwork.com/article/protests-against-indefinite-detention-law-roll-in-from-across-nation-104676)

The $662 billion NDAA was signed into law by President Obama on New Year’s Eve. The bill gives the president unprecedented power to have the military seize suspected terrorists anywhere in the world, including American citizens on U.S. soil, and keep them locked up in detention indefinitely without charge or trial. When the House version of the bill passed last spring Indigenous Peoples worried that it could be used against them for asserting their rights to self-determination and sovereignty, or for protecting their lands and resources against exploitation by governments or corporations. Other opponents argue that the bill violates the U.S. Constitution, and protests against it have spread across the country as states, civil liberty and justice organizations join a rapidly growing nationwide movement. Voices of protest have come from all parts of the political spectrum, including both the Occupy movement and Tea Partiers. In early February, people from the two groups demonstrated together in Massachusetts. “The Occupiers and Tea Partiers rightly fear the NDAA marks yet another erosion of our civil liberties,” the National Catholic Reporter said. Several states have drafted legislation to revoke the indefinite detention provisions of the NDAA, including Washington, Arizona, Oklahoma, Tennessee and Maryland. On February 14 the Virginia House of Delegates passed H.B. 1160 by a vote of 96 to 4. The bill presents a 10th Amendment argument: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” That prohibits agents of the state government from “assisting an agency of the armed forces of the United States in the conduct of the investigation, prosecution or detention of a citizen in violation of the United States Constitution, the Constitution of Virginia, or any Virginia law or regulation.” The Connecticut meeting included a diverse group of Natives, Muslims, Jews, Christians, Caucasians, African Americans, Hispanics and Asian-Americans and representatives of various political, civil rights and peace groups. Stephen Downs, an attorney and co-founder of Project SALAM (Support and Legal Advocacy for Muslims), the executive director of the National Coalition to Protect Civil Freedoms, and author of Victims of America’s Dirty Wars, provided a historic background for this detention law, from World War II through the Cold War leading up to the current war on terror. He also talked about the use of what has come to be known as lawfare—the use of the law as a weapon of war. “Law and war are in a sense opposites. Law tries to set down rules in which everybody is treated equally and fairly and war picks out a certain group of people to target as an enemy,” Downs said. “When we go to war, one of the resources is the law itself. This should not happen. We should be able to say we’re going to continue to treat everyone equally.” Under former president George W. Bush, the federal government acted illegally in wiretapping people without authority, Downs said, adding that Obama, being a constitutional lawyer, decided to continue the same actions but make them legal with this legislation. “He doesn’t feel comfortable holding people against the law so he’s making it legal and in doing that he’s building an institution that is very, very detrimental to our own society. It suggests that anyone under a mere suspicion of having an ideology that would support Al Qaeda or ‘associated forces’—whoever they are—can be held indefinitely without charge. This is so contrary to who we are as Americans that it’s almost unthinkable.” Muslims in particular have been targeted by the government since the 9/11 tragedy. Several speakers talked about the recent Associated Press news report that the New York City Police Department has monitored the activities of Muslim students and professors in at least 16 colleges in the Northeast. Linda Sarsour, the executive director of the Arab American Association of New York, talked about the impact on the communities of the 15,000 federal and state law-enforcement informants who are “swarming our mosques­—and they are there because it says so in the documents; they’re called ‘mosque crawlers’.… This is killing all security.… it creates mistrust between the community and law enforcement, but it also creates mistrust among our own community.… You’re sitting in a mosque and you don’t know if the people sitting next to you are informers. You can’t trust anyone.” Speakers also reminded the audience that “injustice to one is injustice to all,” and if Muslims are being targeted today, other groups can be targeted tomorrow. “Even though a lot of the information we receive is specific to the Muslim community, this is not a Muslim issue; this is an American issue and it’s a human issue,” said Cyrus McGoldrick, a spokesman for the New York Chapter of the Council on American-Islamic Relations. He said there is a “well-funded cottage industry” that manufactures and spreads bigotry against Muslims. “War depends on Islamophobia. Zionism depends on Islamophobia. We need to see [that] these issues…all connect.” They are not new issues, he said. “This goes back to the original colonization of this country and moving Native Americans into concentration camps that we call reservations. So it’s really important that we continue the solidarity and turn this into political leverage.”

### Anthro

The alternative should be evaluated based on their ability to engage 1AC institutions- society shapes individual beliefs and create behavioral patterns for macro-level trends- their pedagogy is irrelevant absent a method of engagement

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

One important aspect of this relational ontology is that these relations constitute our identity as social actors. According to this relational model of societies, one is what one is, by virtue of the relations within which one is embedded. A worker is only a worker by virtue of his/her relationship to his/her employer and vice versa. ‘Our social being is constituted by relations and our social acts presuppose them.’ At any particular moment in time an individual may be implicated in all manner of relations, each exerting its own peculiar causal effects. This ‘lattice-work’ of relations constitutes the structure of particular societies and endures despite changes in the individuals occupying them. Thus, the relations, the structures, are ontologically distinct from the individuals who enter into them. At a minimum, the social sciences are concerned with two distinct, although mutually interdependent, strata. There is an ontological difference between people and structures: ‘people are not relations, societies are not conscious agents’. Any attempt to explain one in terms of the other should be rejected. If there is an ontological difference between society and people, however, we need to elaborate on the relationship between them. Bhaskar argues that we need a system of mediating concepts, encompassing both aspects of the duality of praxis into which active subjects must fit in order to reproduce it: that is, a system of concepts designating the ‘point of contact’ between human agency and social structures. This is known as a ‘positioned practice’ system. In many respects, the idea of ‘positioned practice’ is very similar to Pierre Bourdieu’s notion of *habitus*. Bourdieu is primarily concerned with what individuals do in their daily lives. He is keen to refute the idea that social activity can be understood solely in terms of individual decision-making, or as determined by surpa-individual objective structures. Bourdieu’s notion of the *habitus* can be viewed as a bridge-building exercise across the explanatory gap between two extremes. Importantly, the notion of a habitus can only be understood in relation to the concept of a ‘social field’. According to Bourdieu, a social field is ‘a network, or a configuration, of objective relations between positions objectively defined’. A social field, then, refers to a structured system of social positions occupied by individuals and/or institutions – the nature of which defines the situation for their occupants. This is a social field whose form is constituted in terms of the relations which define it as a field of a certain type. A *habitus* (positioned practices) is a mediating link between individuals’ subjective worlds and the socio-cultural world into which they are born and which they share with others. The power of the habitus derives from the thoughtlessness of habit and habituation, rather than consciously learned rules. The habitus is imprinted and encoded in a socializing process that commences during early childhood. It is inculcated more by experience than by explicit teaching. Socially competent performances are produced as a matter of routine, without explicit reference to a body of codified knowledge, and without the actors necessarily knowing what they are doing (in the sense of being able adequately to explain what they are doing). As such, the *habitus* can be seen as the site of ‘internalization of reality and the externalization of internality.’ Thus social practices are produced in, and by, the encounter between: (1) the *habitus* and its dispositions; (2) the constraints and demands of the socio-cultural field to which the habitus is appropriate or within; and (3) the dispositions of the individual agents located within both the socio-cultural field and the *habitus*. When placed within Bhaskar’s stratified complex social ontology the model we have is as depicted in Figure 1. The explanation of practices will require all three levels. Society, as field of relations, exists prior to, and is independent of, individual and collective understandings at any particular moment in time; that is, social action requires the conditions for action. Likewise, given that behavior is seemingly recurrent, patterned, ordered, institutionalised, and displays a degree of stability over time, there must be sets of relations and rules that govern it. Contrary to individualist theory, these relations, rules and roles are not dependent upon either knowledge of them by particular individuals, or the existence of actions by particular individuals; that is, their explanation cannot be reduced to consciousness or to the attributes of individuals. These emergent social forms must possess emergent powers. This leads on to arguments for the reality of society based on a causal criterion. Society, as opposed to the individuals that constitute it, is, as Foucault has put it, ‘a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibility of disturbance. This new reality is society…It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables’.

### Anthro

#### Human-centered ethics necessitate protecting the environment—change is possible without adopting a bio-centric ethic

**Hwang 03**

[Kyung-sig Hwang, 2003. Professor in the Department of Philosophy at Seoul National University. “Apology for Environmental Anthropocentrism,” Asian Bioethics in the 21st Century, http://eubios.info/ABC4/abc4304.htm]

The third view, which will be defended here, is that there is no need for a specifically ecological ethic to explain our obligations toward nature, that our moral rights and duties **can satisfactorily be explained in terms of traditional, human-centered ethical theory**.[4] In terms of this view, ecology bears on ethics and morality in that it brings out the far-reaching, extremely important effects of man's actions, that much that seemed simply to happen-extinction of species, depletion of resources, pollution, over rapid growth of population, undesirable, harmful, dangerous, and damaging uses of technology and science - is due to human actions that are controllable, preventable, by men and hence such that men can be held accountable for what occurs. Ecology brings out that, often acting from the best motives, however, simply from short-sighted self-interest without regard for others living today and for those yet to be born, brings about very damaging and often irreversible changes in the environment, changes such as the extinction of plant and animal species, destruction of wilderness and valuable natural phenomena such as forests, lakes, rivers, seas. Many reproduce at a rate with which their environment cannot cope, so that damage is done, to and at the same time, those who are born are ill-fed, ill-clad, ill-sheltered, ill-educated. Moralists concerned with the environment have pressed the need for a basic rethinking of the nature of our moral obligations in the light of the knowledge provided by ecology on the basis of personal, social, and species prudence, as well as on general moral grounds in terms of hitherto unrecognized and neglected duties in respect of other people, people now living and persons yet to be born, those of the third world, and those of future generation, and also in respect of preservation of natural species, wilderness, and valuable natural phenomena. Hence we find ecological moralists who adopt this third approach, writing to the effect that concern for our duties entail concern for our environment and the ecosystems it contains. Environmental ethics is concerned with the moral relation that holds between humans and the natural world, the ethical principles governing those relations determine our duties, obligations, and responsibilities with regard to the earth's natural environment and all the animals and plants inhabit it. A **human-centered theory of environmental ethics** holds that our moral duties with respect to the natural world are all **ultimately derived from the duties we owe to one another as human beings**. It is because we should respect the human rights, or should protect and promote the well being of humans, that we must place certain constraints on our treatment of the earth's environment and its non-human habitants.[5]

#### Perm do both- “reflexive” anthropocentrism solves your impact and is more viable than pure rejection.

**Barry 99** (John politics lecturer Keele University,RETHINKING GREEN POLITICS, 1999, p. 7-8)

1. Ecological stewardship, unlike ecocentrism, seeks to emphasize that **a self-reflexive, long-term anthropocentrism**, as opposed to an 'arrogant' or 'strong' anthropocentrism **can secure many of the policy objectives of ecocentrism**, in terms of environmental preservation and conservation. As argued in Chapter 3, a reformed, **reflexive anthropocentrism is premised on critically evaluating human uses of the non-human world**, and distinguishing 'permissible' from 'impermissible' uses. That is, an 'ethics of use', though anthropocentric and rooted in human interests, seeks to regulate human interaction with the environment by distinguishing legitimate 'use' from unjustified 'abuse'. **The premise for this defence of anthropocentric moral reasoning is that an immanent critique of 'arrogant humanism' is a much more defensible and effective way to express mere moral concerns than rejecting anthropocentrism and developing a 'new ecocentric ethic'.** As discussed in Chapters 2 and **3,** ecocentric demands are premised on an over-hasty dismissal of anthropocentrism which precludes recognition of the positive resources within anthropocentrism for developing an appropriate and practicable moral idiom to cover social-environmental interaction.

**C) alt impossible- Humans can’t view the world through a non-human lens.**

**Gillespie ’98** (Alexander, “International Environmental Law, Policy, and Ethics”)

An anthropocentric environmental ethic grants moral standing exclusively to human beings and considers nonhuman natural entities and nature as a whole to be only a means for human ends. In one sense, any human outlook is necessarily anthropocentric, since we can apprehend the world only through our own senses and conceptual categories. Accordingly, some advocates of anthropocentric environmental ethics have tried to preempt further debate by arguing that a non-anthropocentric environmental ethic is therefore an oxymoron. But the question at issue is not, “Can we apprehend nature from a nonhuman point of view?” Of course we cannot. The question is, rather, “Should we extend moral consideration to nonhuman natural entities or nature as a whole?” And that question, of course, is entirely open.

Perm – **do the aff and all non-competitive parts of the alt – that solves better**

Trumpeter ‘91

“Non-Anthropocentrism in a Thoroughly Anthropocentrized World” Anthony Weston Trumpeter, ISSN: 0832-6193 http://trumpeter.athabascau.ca/content/v8.3/weston.html

By taking the restructuring of human communities as an illustration I do not mean to exclude other obviously vital activities, such as preserving the wilderness. Certainly the wild places that remain to us should be protected. For some places and some species even the near-total exclusion of humans may be necessary. Nonetheless, the project of developing a non-anthropocentric ethic, now conceived as making a space for the co-evolution of a less anthropocentric ethic within a less anthropocentrized world, does redirect our main focus toward the points of *interaction*, encounter, rather than separation. Certainly the aim is not to push humans out of the picture entirely, but rather to open up the possibility of relation *between* humans and the rest of Nature. We need to pay much more attention to places where humans and other creatures, honoured in their wildness and potential relatedness, can come together, perhaps warily but at least openly.