NCPA Debate Central
Novice Lincoln Douglas Debate Workshop
September 7, 2013

Dr. Brian Lain

I.	Introduction to each other	10:00 – 10:15
II.	Introduction to Debate	10:15 – 12:00

    a. Debate and Discussion
        i. What is Debate?
        ii. Introduction to Argument
        iii. Case Building
        iv. Cross-Examination
    b. Lincoln-Douglas Debate
        i. Propositions and Value Propositions
        ii. Value Activity- Princess
        iii. Value/Criterion Activity

III.	Lunch	12:00-1:00
IV.	Introduction to Speaking	1:00 – 2:00

    a. Lecture notes
    b. Practice Speeches

V.	Flowing	2:00 – 2:30
VI.	Introduction to LD	2:30 – 3:00

    a. Definitions/Observations
    b. Value/Criterion
    c. Debating the Standard
    d. Case Writing

Brief Introduction to Debate

How is Debate Different from Discussion?

What is debate?

-way to solve problems

-argument over a topic

-organized conflict

-verbal confrontation

-supported by research <u>Basic</u>

<u>Terms:</u>

Argument -claim +warrant

Resolution -statement about which we debate

Resolved: In a democracy, voting ought to be compulsory. (NFL)

Resolved: Unilateral military force by the United States is justified to prevent nuclear proliferation (UIL)

Affirmative (Aff) -resolution good
Negative (Neg) -affirmative bad

Cross-examination

Constructive -

Rebuttal -

Structuring an argument

There are eight elements to an argument. Utilizing these eight elements will allow each argument to flow naturaHy.

1. Label: Short explanation which identifies the argument in a concise way.

2. Statement of explanation: 2 sentences or so; briefly explains focus of argument.

3. Logic and Theory: Explains the theory behind the argument. Explained in a logical manner, will assist you in the 'why" of the argument ...why :did you place this argument here, what does it mean, what are the philosophical implications of this argument?

4. Evidence: Reconfirms the logic; gives substance/credibility to argument

5. Explain the evidence: Critical stage, explain why this evidence has weight in the round, why it should be accepted.

6. Illustration: Optional step: Not proof of anything. Illustration not an explanation. For further clarification only. Step #6 depends on judge, adapt accordingly. Careful consideration must be given to the fact that the debate should not become about step #6/illustration.

7. Summarize the argument: Summarize your argument for the judge, again adapt as to how in depth this explanation should be for the judge.

8. Tie the argument into the criterion: This will crystallize the round for the judge ...also answers the question of what the standard in the round is, why it is there, what are the implications of accepting/rejecting the criterion.

Name _____

Values

A value is defined as "a principle or belief considered worthwhile or desirable.".

1. Name three values

2. Explain why each of the above is a "principle or belief".

3. Having value is not the same thing as being a value. Name three things that are tangible (you can hold or touch them) and have value but are not a "principle or belief".

4. Methods for obtaining something are not values, for example, democracy is not a value but it achieves values. Name three values that democracy might help achieve.

5. Goals are not values. Free elections (voters being able to choose their leader) might be a good goal but they are not a value. Name one value that free elections might achieve.

Once upon a time a beautiful princess married a handsome prince and went off to live with him in his majestic castle. Throughout the next few years, the prince was seldom home and almost never took the princess to balls and banquets she had been accustomed to attending when she married the prince. For the prince often went on long hunting expeditions and frequently had to leave town to meet with the King and discuss "business".

The princess grew bored and tired until one day a traveling vagabond happened to wander into a garden in which the princess was reading. In a matter of hours the vagabond had swept the princess off her feet with his stories of travel and adventure. She immediately agreed to run off with him.

After a night of passion, the princess woke up alone and with no way to get home except to travel through the forbidden forest. Now everyone knows that a princess cannot travel through the forbidden forest without an escort, for if she does this, she will be killed by the fire-breathing dragon.

Luckily, the princess thought to bring her cell phone and immediately calls a Knight-for-Hire. After hearing her story, the Knight agrees to escort the princess through the forest for $5,000. The princess explains that all her money is back at the castle but will gladly pay the Knight once he gets her there. The Knight quips that he only accepts payment in advance and tells her to call back once she has the money.

Desperate and scared, the princess calls her Godfather. She explains her plight and asks for help. Her Godfather rebukes her for being so careless and explains that he will not give $5,000 to a woman who would act as she has.

Feeling that she has no other choice, the princess begins to venture through the forest and towards home. She is, of course, killed by the dragon.

Who is most to blame for the princess's death? Rank the following characters in order 1=most at fault; S=least at fault

Godfather   Prince   Vagabond
Knight   Princess

Introducing Values

by Alli Martin, Alta High School

1. Begin by reading the princess story to the class.

2. After finishing the story, ask each student to rank the characters based on who they believe is most to blame for the princess' death.

3. After the individual rankings have been made, break the class into groups of 3-5 and have them come up with a group ranking. Explain that everyone in the group must agree to the ranking.

4 While groups are wor mg, create a chart on the board like the one below:

Character	Group 1	Group 2	Group 3	Class total
Godfather				
Knight				
Prince				
Princess				
Vagabond				

5. Have a member of each group fill their rankings in on the chart.

6. Add the rankings to come up with a class total.

7. Ask members of each group why they ranked the characters they way they did. As they explain, write the key words they use in a separate list on the board. Most students wil use words like "personal responsibility," "family," "love," or "life" to explain why certain characters hold blame.

8. Explain that these key words are values much like those we use in LD and that while all values are inherently valuable, we may choose to support certain ones over others depending on what we are trying to prove in our LD case. For example, if the resolution is "Resolved: The godfather ought to have lent the princess money." then we would choose family to be our affirmative value and, perhaps, personal responsibility as our negative one.

9. Continue the discussion into values listing more common LD values on the board Gustice, freedom, liberty, security, societal welfare, etc.).

10. Have students complete the LD Values Worksheet.

Delivery/Presentation Skills

Structure

I.   Introduction
        a. Attention-getter - the first 30 seconds are the most important of the speech
        b. Thesis Statement - a one sentence summary of the speech
        c. Preview of Main Points - a summary of primary arguments
II. -IV. Main Body Points
        a. Introductory/Topic Sentence
        b. Secondary Support
        c. Concluding Sentence/Transition Statement
V.   Conclusion
        a. Restate Thesis
        b. Summarize speech

Delivery

I.   Confidence
        a. Being nervous is natural.
        b. First impressions are lasting.
        c. Do not do anything without deliberate purpose.
        d. Must maintain proper posture and movement.

II.   Posture
        a. Maintain openness with your audience (avoid closure)
                i.   No "fig leaf" posture.
                ii. Notes should be an extension of your hand (no clasping).
                iii. Keep your hands out of sleeves/pockets.
        b. Feet shoulder width apart; knees slightly bent.
        c. Back straight, shoulders relaxed, chin up. Why?
        d. Do not cross legs or arms.
        e. Do not lean on anything.

III.   Movement
        a. Do not sway or pace.
        b. Move in transition.
        c. Gesture appropriately.
                i. Deliberate, not lazy.
                ii. Avoid touching body/face/clothes.

                nL Try to keep gestures above the waist.

IV. Expression
    a. Vary pitch, tone, and rate.
    b. Limit verbalized pauses (e.g., "and uh, and, um, you know," etc.)
    c. Maintain eye contact and scan the audience.
    d. Use vivid facial expressions.

V. Decorum
    a. No gum!
    b. Do not walk in on speakers.
    c. Do not create a distraction.

1AC	1NC	1AR	1NR	2AR

Introduction to Lincoln Douglas Debate

Time Limits (4 minutes prep time):

6 – AC
3 – CX
7 – NC
3 – CX
4 – 1AR
6 – NR
3 – 2AR

The LD topic changes every 2 months. The Tournament of Champions resolution is the same as the Jan-Feb topic. NFL Nationals has a resolution of its own.

Both the AFF and NEG in LD present a case.

LD centers around two concepts: **the value** and **the criteria**.

Value – the impact; what the criteria seek to achieve
- Many of the values in LD are abstract concepts
- Examples of values include: justice, national security, quality of life

Criteria – the standard; the method for achieving the value
- May include some way to measure to extent the value is achieved
- Typically unique to the side or approach to the resolution
- Can be likened to framework or paradigm

The case:
- Typically begins with an introductory quote/remark
- Define terms over which you anticipate conflict
- Includes some summary or explanation of the value & criteria
- Observations or contentions that indicate your criteria (or approach to the resolution) are best for achieving the value and at the same time that prove the opponents' inability to do so
- The NEG case is usually only ½ of the NC time (3:30) as the other ½ is used to answer the AC.
- The case should designed to preempt your opponents' best arguments

Rebuttals:
- Select your most offensive arguments and narrowing the focus of debate
- Choose "round winners" in your summary of voting issues
- "Crystallize" the debate

TOPIC:

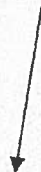Contention/Claim/Main Point

Contention/Claim/Main Point

Contention/Claim/Main Point

Reasons/Warrants

Reasons/Warrants

Reasons/Warrants

Impact/Proof

Impact/Proof

Impact/Proof

Lincoln Douglas Debate Case Outline
Affirmative / Negative
(Circle One)

(Introductory Quote)

It is because I agree with (author and qualifications)

_____

in the position that (main idea) _____

_____, that I feel compelled to affirm

/ negate today's resolution, Resolved: _____

_____

_____

For clarification of today's round, I offer the following (if negative put in the word *counter*) definitions:

Source: _____

Word: _____ Definition: _____

_____

Source: _____

Word: _____ Definition: _____

_____

Source: _____

Word: _____ Definition: _____

_____

Source: _____

Word: _____ Definition: _____

_____

The highest value within today's round is _____. (The

value) _____ is defined as _____
_____.

(The value) _____ is most important in today's round because

_____
_____
_____

The best criterion for evaluating this resolution is _____.
(This criterion) _____ is defined as _____
_____
_____

It best achieves my value of _____ because _____
_____
_____

In (affirming / negating) the resolution, I offer the following contentions:

Contention 1: (First claim here – a complete sentence) _____
_____

Contention II: (Second claim here – a complete sentence) _____
_____

Contention III (Third claim here – a complete sentence) _____
_____

(Optional)
Before analyzing my contentions, please observe the following: (An observation is
a point for clarification, to define the parameters of the debate – it should not be a
debatable point.) _____
_____
_____
_____

Contention 1: (Claim) _____

_____

(Warrant: what reasons do you have for making this claim? what evidence do you have to support this claim? what further explanation of this idea can you give to clarify your position?) _____

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(Impact: how does this claim affect your value or criterion, or the resolution itself?) _____

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Contention II1: (Claim) _____

_____

(Warrant: what reasons do you have for making this claim? what evidence do you
have to support this claim? what further explanation of this idea can you give to
clarify your position?) _____

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(Impact: how does this claim affect your value or criterion, or the resolution
itself?) _____

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Debating the Standard

Part One: A

Affirmative   **Negative**

Value: Democracy   Value: Democracy

Criterion: Preserving cultural pluralism   Criterion: Maintaining a free procedure

Negative makes the arguments below. Explain how each one works in setting the standard for the debate. What purpose does each argument serve? Which arguments set up the negative standard?

1. Not all democracies are pluralistic and some societies that are pluralistic aren't democracies.
2. There is no way to measure when a society has obtained enough pluralism.
3. There are some cultural practices that shouldn't be protected, like a cult that wants to hold a human sacrifice.
4. Voting is the only thing unique to democracy. If everyone voted for the same religion then we should honor that.
5. Government's can't preserve cultures but can ensure the integrity of the voting process

Part One: B

What arguments can the affirmative debater above make to set the standard in her favor? Number the arguments. After each, briefly explain the purpose the argument serves. You can do this on the back.

Part Two

1. What would be the problem with the affirmative running a criterion of maintaining government neutrality? Explain.

2. What could arguably be the problem with either side running the criterion of preserving a fair voting procedure? (This standard is usable and could be good, but there is a decent argument to be made as to why it shouldn't be accepted as a weighing mechanism.)

4. Part Three

Both sides have agreed the standard is protecting equal voices in society.

The affirmative makes the following argument:

If the government is given divine right by the church then people won't be able to question laws because religion takes absolute stances on things that can't be questioned because of God's authority. This means that strict separation is needed to keep the government from becoming an oppressive dictatorial theocracy in which minorities with different religious views are ignored at best and persecuted at worst.

The negative reads the following block:

1. Religion is debated and questioned all the time. For example, there are many religious people who disagree over how the bible should be interpreted. Also, religion evolves, look to the protestant reformation.

2. This argument relies on slippery slope logic. To accept it, you would have to assume that people are incapable of recognizing degree so that once any step was taken in a particular direction, the extreme would automatically result. This denies human rationality, which is required for people to govern themselves. So, the affirmative is actually undemocratic. The negative recognizes human rationality, and therefore, validates people's voices.

3. Religion has been used to gain minorities rights in our society. The Rev. Martin Luther King Jr. used the pulpit and religious ideas to spur the civil rights movement. Many religions preach tolerance and the equal worth of all God's creation.

4. Bigotry against minorities will only be resolved through education. As long as people learn to hate each other, minorities will be ignored and persecuted. A strict separation of church and state does nothing to fix this problem.

Answer the following questions about each argument:

- Is it offensive or defensive?
- Is it an attack at the warrant level or impact level?
- If it is an impact argument, how is it intended to influence the weighing of the debate?

7 Steps to Approaching a LD resolution

Step #1: Breaking down the resolution

- Object of evaluation
- Evaluative term
- Context of the resolution
- Defining the terms of the resolution
- Determining the conflict scenarios/pragmatic applications of the resolution

Step #2: Brainstorming the topic

- Brainstorm the arguments on the affirmative side
- Brainstorm arguments on the negative side
- Group similar arguments together…Leads to research areas

Step #3: Researching the topic

- Divide topic areas to different members of squad
- Research both sides
- Keep a flow chart of various arguments on both sides
- Print articles which have possible evidence
- Block out arguments and write taglines

Step #4: Writing Briefs:

- Give format for brief writing
- Separate affirmative and negative arguments
- Start placing similar arguments on same page
- Prioritize evidence
- Cite evidence
- Write taglines

Step #5: Brainstorm contentions (main points) for case

- Oral presentations to group on evidence and arguments
- Planning/formatting case structure
- Planning for case strategies

Step #6: Case writing

- Review/retrieve definitions
- Avoid squad cases
- Read carefully all evidence
- Research possible philosophical approaches in case
- Oral presentations on different philosophers and applications
- Reword/rewrite criterion
- Write case around the criterion/value

Step #7: Drills and practice rounds

- Cross examination rounds
- Attack drills
- Rebuttal re-do drills
- Practice rounds
- Write blocks against your own case
- Debate against your own case
- Short impromptu debates without pen/paper
- Practice 1AR
- Bring in lay/flow judges for rounds

Kant's Categorical Imperative

The Key to Telling Right from Wrong

The question of choosing one's moral path in life is never an easy one. Within the philosophy of Immanuel Kant, however, is one method of doing just that.

What is right, and what is wrong? Furthermore, is it always possible to tell the difference between the two?

In reality, the answer to this question depends on who is being asked.

For instance, if one was to ask the 18th century German philosopher Immanuel Kant, one of the most influential philosophical minds of the last several hundred years, he likely would have responded that the answer to this last question is *yes, absolutely*.

The Key to Morality

Kant focused a great deal of his philosophical thought in determining this very thing. What he developed became perhaps the most important system for determining morality ever created by man – *The Categorical Imperative*.

Kant developed what would become the Categorical Imperative over the course of three works: *Groundworks of the Metaphysic of Morals, Critique of Practical Reason* and *Metaphysics of Morals* (published in 1785, 1788 and 1797, respectively). Within these works, Kant developed a system of three questions (*formulations*, he called them), which should be asked of any action before it is taken in order to decide upon the morality of the action.

According to Kant, in order to determine the morality of any situation we must:

1. Act only according to that maxim by which you can at the same time will that it would become a universal law.

2. Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.

3. So act as though you were, through your maxims, a law making member of a kingdom of ends.

Putting the Categorical Imperative into Practice

According to the first formulation, one must ask themselves if the action they are about to engage in corresponds to a rule (or *maxim*, as he calls it), which should be applied universally. So, if one was to consider kicking a small child (just an example), one would have to first formulate a maxim based on this planned action: "It is good to kick small children." Then one would have to decide if it would be a good thing for this rule to apply to everyone. The question must be asked, *would it be a good thing for everyone to think that it was okay to kick small children?* If the answer is no (which it most likely is), then this action can be stated to be immoral, and therefore the urge to kick this particular child should not be indulged, whether or not it is deserved.

Kant argues that this first formulation applies also when the universalization of a maxim creates a logical contradiction. For instance, if one were to create the universalized Maxim: "It is always morally right to steal," then Kant argues that in order for this maxim to exist at all, personal property must exist (for you can't steal something that is not owned by someone else), and if personal property *does* exist, but it is a universal law that stealing is permissible, then personal property *cannot* exist. Thus, there is a contradiction.

This line of reasoning tends to get pretty complicated, and is thus generally avoided whenever possible.

The second formulation is fairly easy to understand. It simply states that we should never use people for our own benefit, thinking nothing of them as people (as in slavery). Instead, we should see the benefit of others as our end goal, rather than the means.

The third formulation is Kant's idea of a combination of the first two. It simply begs the question that if we were suddenly cast into the position of having our own maxims become laws for everyone, what laws would we seek to create? Only those that would benefit all of mankind should be made, and those therefore are the only ethical laws. Would any but the most disturbed individual make a law legalizing the kicking of small children? Probably not.

Within this framework, the categorical imperative seems for the most part to be both simple and intuitive.

Questioning the Categorical Imperative

One issue that is often addressed in regard to this topic revolves around a response Kant once gave to a man who came to him with a logical question concerning the Categorical Imperative:

The question was this:

What if one is approached by a murderer, who asks the location of the man he intends to kill? If, as the categorical imperative would state, it is morally unacceptable to lie under any circumstance (all three formulations suggest this), then would one be morally forced to tell the truth to the killer?

Kant's answer to this question: Yes. It is wrong to lie, even to a murderer. For it is the murderer who is responsible for his own crimes, not you, even though you may have aided him indirectly. Also, Kant argued (in his response, entitled "On a Supposed Right to Tell Lies from Benevolent Motives") that if one attempts to lie to the murderer, saying "the man you are looking for is in his house," while believing this to not be true, and yet the man for some reason *did* happen to be in

his house, thus enabling the murderer to kill him – well, in this situation, according to Kant, the person lying to the murderer would be indirectly responsible for the death.

While to many this defense of the categorical imperative may seem rather illogical, it seems difficult to argue with a man such as Kant, who spent the course of an entire, very prolific career in formulating these philosophies and all of their consequences.

Truly accept it or not, in creating the Categorical Imperative Kant's heart seemed to be in the right place.

References:

Kant, Immanuel. "The Critique of Pure Reason."

Kant, Immanuel. "On a Supposed Right to Tell Lies from Benevolent Motives."

"Immanuel Kant." Internet Encyclopedia of Philosophy.

2nd example of written synopsis:

John Locke

- Humans are not evil; they are self interested but rationally so

- Humans are given natural rights by God: Life, Liberty and the pursuit of happiness

- Locke does not believe state of nature is constant war, however it has no specialization, work is harder, and there is no way to adjudicate rights conflicts

Lockeian Contract:

- Man gives up the right to execute power, or in other words, the ability to make punishments and regulate natural rights, in return the government offers protection of natural rights.

- As a benefit, society generally tends to become more productive through social interaction and a productive, inventive environment.

- Locke would also maintain that if you don't like the contract, then leave.

- Tacit Consent: If you continue to stay within the confines of the contract, then you tacitly consent to the benefits and detriments of that contract.

- Works: "Second Treatise of Civil Government" "Epistola De Tolerencia" "An Essay Concerning Human Understanding"

Writing the Affirmative Case:

[my sources: these notes are heavily based on Lincoln-Douglas Debate: Values in Conflict by Jeremy Wiese and Arguing About Values An Introduction to Lincoln-Douglas Debate by Martin Cox and Matthew Whitley and a lecture by Stephen Babbs at the VBI debate camp several years ago. Additionally, it incorporates my successful work with SJ debaters over the last several years.]

1. Determine what kind of resolution you must debate - this determines what your burden and general method of attack will be....
    a. Comparative [value A better than value B]
    b. Definitive [X is (good, just, moral, etc.)]
    c. Superlative [X is more or less important than Y]
    d. Idealistic [In context A, value X should be of the highest concern]
    e. Pro/Con [The advantages of A outweigh the disadvantages of A]

2. Do your research
    a. Scan as many articles and books as you can. With the internet it is very easy to find a wide variety of sources.
        i. * RESEARCH: SCAN AVAILABLE LITERATURE AREAS
        ii. Go to the library and start by doing a search. Scan is the important word here. You don't start reading whatever you find or you will never get anywhere. You need to SCAN what a library has and see what the best materials are and read them first. Use the RESEARCH guide in this book. Make sure to look for ALL KINDS of literature on your subject, including books, professional journals in your area of research, government documents, internet sites, general periodicals and newspapers, and specific prints put out by specialty groups in your field of research.

    b. A note about scanning...
        i. Once you have found a variety of materials sort it out and start looking at the BEST items first. Once again, SCAN is the important word here. Don't just pick up a book and start reading it at the first word until you get to the end. You will never finish that way. Instead, pick up a book and SCAN it -- look at the chapter headings and find the ones likely to have what you want and SCAN them first. When you SCAN a chapter read the first few paragraphs and the last few paragraphs. If they look good, then SCAN the chapter a paragraph at a time. You SCAN a paragraph by reading the first and last sentences. If they look good for your research area, then read the entire paragraph. This way you only read the paragraphs that you really need, not hundreds of pages of irrelevant stuff. Don't forget to look up the keywords about your case in the INDEX of the book. Do much the same thing with articles and other publication. Learn to SCAN vast bodies of literature to find exactly what you need and you will be a winner in the information age.

    c. Use both Google and Yahoo. They do not give the same results after the first page or so.

According to Wikipedia[1],

A vigilante is a person who violates the law in order to exact what they believe to be justice from criminals, because they think that the criminal will not be caught or will not be sufficiently punished by the legal system.

The resolution asks us to justify an act of an individual. Justified is a term that is socially constructed. The way we "justify" actions in our society is through laws and social agreements. Inevitably, the law defines justice. The resolution asks us to justify an act of an individual. Justified is a term that is socially constructed. The way we "justify" actions in our society is through laws and social agreements.

WJ Waluchow explains how laws are first and foremost marked by legitimate authority, meaning that we ought to judge the application of law in relation to its justness to the system set up by lawmakers:
Waluchow, 1998 [WJ, Professor of Philosophy, McMasters University.
"The Many Faces of Legal Positivism" University of Toronto Law Journal Issue 48 – 1998 p. 387]
Since at least the time of Bentham and Austin, positivism was the theory held, in one form or another, by most legal scholars. It was also arguably the working theory of most legal practitioners. It makes a good deal of sense to distinguish, both in theory and in practice, the law and what we think it ought to be, the reality and the ideal. Such a division, usually called the separation thesis, accords with our sense that: the law is morally fallible; that we can sometimes be under obligation (moral or legal) to obey or apply an unjust law but never under obligation to obey or apply an unjust moral principle (whatever that might be); that the **legal reasoning in which lawyers and judges engage is different in crucial respects from moral reasoning; and finally, that unlike our moral principles for which each of us must be prepared to offer justification, legal rules and principles can often be discovered in authoritative sources which we can just look up and apply without considering whether or not they are justified. Legality is marked by a claim to authority, morality by autonomy.**

Thus The value I will uphold is Justice. The standard by which justice is measured in a society is the law and procedure. As the only thing that defines justice are the self-defined rules. If two acts violate the law they are both unjust.

My sole contention is vigilante justice is not justified, because it clearly violated the law although it is morally excusable:

First Mitchell N. Berman, explains the difference between what's justified and what's excusable:
Justification and Excuse, Law and Morality, (2003)
Col. 53, No. 1 Duke Law Journal

"Drawing on the well-known distinction between conduct [*pg 2] rules and decision rules, it argues that the distinction between justification and excuse, for purposes of a criminal law taxonomy, is only this: A justified action is not criminal, whereas an excused defendant has committed a criminal act but is not punishable."

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[1] http://en.wikipedia.org/wiki/Vigilantism

The affirmative must prove that the is not only excusable, but is not at all criminal. Indeed, while the resolution supplies context for the act of the vigilantism, we ought to evaluate the act in itself. The resolution asks us to evaluate the ACT of the use of deadly force. Ends or motivation-based arguments are speculative at best, but do not evaluate the act itself.

For example, the act of quarantining all individuals with HIV/AIDS is unjust even though a likely outcome is that it reduces the risk of the AIDS epidemic. The implication, then, is only arguments that evaluate the act of the use of deadly force ought to be evaluated. The affirmative must justify the ACT IN ITSELF, not its motivation.

Indeed, allowing for the use of deadly force-without trial puts us down the road of allowing the killing of individuals who anyone would believe "forfeited" their right to life. Dressler, previously cited, argues, "Please notice the implications of this moral view. We have decided that a human life is expendable. We can swat him like a fly and toss him in the garbage without guilt feelings. If we follow the logic of this position, imagine -- as has occurred -- a battered woman hires a contract killer to take her husband's life, and then seeks to justify her conduct. No court has allowed such a claim. But, if the death of an abuser is equivalent to throwing out the garbage or swatting a fly -- if he is not recognized as a human being deserving of the law's protection -- what basis do we have for prosecuting the woman or, for that matter, the contract killer or, let's assume, the abused woman's brother, who acts for reasons of love and not greed) who swats the fly or (switching metaphors) kills the vermin?