# 1NC

## 1

### T—Workers

#### The topic is a general principle; worker specification violates. The aff must defend that just governments ought provide an unconditional right to strike for all workers- not a subset of them

#### “Workers” is a generic bare plural- that prohibits specification

Nebel 20 [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. “Indefinite Singular Generics in Debate” Victory Briefs, 8-19-20]

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner. (A determiner is a word that tells us which or how many: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and that is the most common clue to their genericity.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a definite singular since it is preceded by the definite article “the.” Generics can also be expressed with bare singulars (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.” I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively not, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “a democracy” in the resolution is not existential.

#### It applies to this topic:

#### 1. Workers is an existential bare plural because it has no determiner

#### 2. The sentence “A just government ought to recognize the right of workers to strike” does not imply “a just government ought to recognize the right of people to strike” so is not upward entailing

#### “Unconditional” means not limited in any way

Cambridge Dictionary No Date, (Cambridge Dictionary, “Unconditional”), https://dictionary.cambridge.org/us/dictionary/english/unconditional // MNHS NL

complete and not limited in any way: the unconditional love that parents feel for their children

unconditional surrender

We demand the immediate and unconditional release of all political prisoners.

#### Violation: They specify a subset of workers AND makes the right to strike conditional on worker type

#### Vote negative-

#### 1. Limits- they can spec infinite different workers like agricultural, nurses, teachers, factory workers- that’s supercharged by the ability to spec combinations of types of strikes- that eviscerates negative preparation and skirts core generics

#### 2. No PICs offense- core topic debate is about strong worker protections- they can win precedent deficits and need win unconditional key warrants

#### Precision functions as a meta-standard that comes lexically prior to fairness and education standards. Even if those impacts outweigh in the abstract, treating precision as a side constraint better maximizes them

Nebel 18

Jake Nebel (Phil prof, USC; once a debater in the days of yore; enjoys “walks on the beach”, “piña coladas”, and other noun phrases containing generic bare plurals). “The Meaning of the Resolution.” Victory Briefs. August 2018. JDN.

The various arguments I have given may not all fit into a single one- or two-word standard. But many of them might fit into the sometimes used “resolutional context.” The idea is that the meaning of the words in the resolution depends on other features of the sentence as a whole. Resolutional context is how we know, for example, that “ought” in the resolution does not express a moral obligation or degree of probability, that “identity” does not denote the relation that holds between a thing and itself, or that “reporters” denotes a kind of journalist rather than a kind of molecule or firework. Whether the resolution expresses a generic or existential generalization with respect to “reporters” or any other expression depends on other features of the sentence, in principled ways that we can detect via both linguistic tests and speakers’ intuitions. It does not depend on facts about the division of ground, limits, field context, or topic literature; the meaning of the resolution—the whole sentence—is the only nonarbitrary basis for determining the optimal division of ground, the desirability of certain limits, or which fields or bodies of literature count as “core” to the resolution (if there is any such thing). More generally, I believe that the fairest and most educational way to interpret the resolution is by figuring out what it actually means. (Now I am arguing not just for the importance of resolutional context but more broadly for “accuracy-seeking” or “semantic” standards for evaluating topicality.) This procedure facilitates a common basis for preparation and clash, which is the purpose of a resolution. As Brandon Merrell and Todd Graham put it, Imagine an alternative world in which the two sides speculated about possible interpretations of the topic without first defining the included terms. Their **competitive biases**, **personal histories**, and varying familiarity with commonly used **debate arguments** would lead them to distinct—perhaps even **entirely exclusive**—interpretations of the resolution. As such, they would have different opinions about the ground to which either side had access and the literature that surrounded the topic. Only by following a consistent method of analysis that begins with a genuine effort to define the terms included within the topic in the absence of personal expectations and competitive biases can we expect teams to arrive at interpretations of the resolution that are consistent with one another.²⁹ This point answers the common objection that, if the importance of **t**opicality derives from fairness and education, then we should just interpret the resolution by directly appealing to fairness and education rather than considerations of accuracy or semantic constraints. Perhaps that would be true if, were each debater to follow the instruction, “Interpret the resolution to express whatever proposition would have the best consequences for debate, regardless of what the resolution means,” everyone would come up with the same proposition. For we could then expect that procedure to generate a shared predictable basis for preparation and clash. But that possibility is extremely remote; **people would not even come close to a common interp**retation. Its remoteness is why we have a resolution: we need some way of coordinating debate on a single proposition in the absence of consensus about which proposition would be best to debate. Unlike direct appeals to desirable consequences, the actual meaning of the resolution provides a more salient—and therefore more predictable—focal point upon which debaters could more reliably expect each other to converge given a good-faith effort. Even if it would be better, in some sense, if everyone took the resolution to mean something other than what it actually means, the probability of everyone identifying anything like the same proposition as the one that would be best to debate is **so small** as to be easily outweighed by the value of coordinating on a shared proposition at all; this coordination can only happen if debaters at least try to debate the resolution under its most accurate interpretation. Even if some disagreements would remain, there would at least be an impartial basis for resolving them. That is why debate would be better if debaters tried to debate the proposition actually expressed by the resolution, rather than whichever nearby proposition they think would be better to debate.

#### Drop the debater

#### 1. Key to deterrence. Drop the arg means aff will run abusive cases for the time skew.

#### 2. The NC was skewed. I can’t redo it after the 1AR shifts. This also means T outweighs theory and meta-theory because any NC abuse was a forced reaction to the initial AC skew.

#### 3. Jurisdiction. Can’t vote for a nontopical plan.

#### Use competing interps because reasonability is arbitrary and invites judge intervention

## 2

### Advantage CP

#### A just government ought to prohibit prison labor, eliminate mandatory minimums, decriminalize all non-violent drug offenses, eliminate the death penalty, defund the police and reallocate significant revenue streams towards social services, and ban policing practices with a disparate impact.

#### That solves the majority of the aff

## 3

### Locke NC

“I object to violence because when it appears to do good, the good is only temporary; the evil it does is permanent.”

Gandhi 62—Mohandas “Mahatma” Gandhi (Indian Lawyer and anti-colonial activist). “The Essential Gandhi: An Anthology of His Writings on His Life, Work, and Ideas.” Ed. Louis Fischer. Allen & Unwin 1962. JDN.

#### Because I agree with Mahatma Gandhi, I negate today’s resolution.

#### The value for the round is Justice because the topic questions the duties of a just government.

#### The duties of government are outlined by the social contract, the tacit agreement between a state and its citizens. It is this contract that separates just government from mere dictatorial power.

According to Olsthoorn and Apeldoorn in 2020,

Johan Olsthoorn (University of Amsterdam, The Netherlands) and Laurens van Apeldoorn (Leiden University, The Netherlands). “‘This man is my property’: Slavery and political absolutism in Locke and the classical social contract tradition.” European Journal of Political Theory 0(0) 1–23, 2020. JDN. https://journals.sagepub.com/doi/full/10.1177/1474885120911309

Filmer’s theory of sovereignty, Locke objects, involves a category mistake. **Despotic rule is not a form of** political **rule at all.** Operative here is Aristotle’s (1984) distinction in Politics (1255b16-20) between the political government of a statesman (politikos) over free citizens and the domestic rule of the master (despotes) over slaves (Maloy, 2009; Schochet, 1975: 1–15, 115–158). Following Aristotle, Locke characterizes political rule as the power of ‘Governours’ who **govern by public consent** and ‘for the Benefit of their Subjects, to secure them in the Possession and Use of their Properties’ (ST §173). Power is properly called ‘political’ only because and insofar as it is exercised in order to ‘preserve the Members of that Society in their Lives, Liberties, and Possessions’ (ST §171). Despotic power, conversely, is the power of ‘Lords’ who rule ‘for their own Benefit, over those who are stripp’d of all property’ (ST §173). Filmer, Locke contends, failed to see that despotic and political power are fundamentally distinct in character and origin. Indeed, ‘Absolute Monarchy ... can be no Form of Civil Government at all’ (ST §90).

#### In exchange for the government having both the power and obligation to protect the rights of its citizens, the social contract requires citizens to cede some rights in exchange. First and foremost among these is the right to violence. A system of law can only begin to function when each individual agrees not to take the law into their own hands and to settle disputes not through conflict but through the court. Therefore, the criterion is maintaining the monopoly on violence.

#### When individuals turn to violence to achieve their ends, they subvert the legal order and violate the social contract

Professor Joshua Woods writes in 2010,

Joshua Woods (Division of Sociology and Anthropology, West Virginia University). “Medieval Security in the Modern State.” Space and Polity, Volume 14, Issue 3. 2010. JDN. https://www.tandfonline.com/doi/abs/10.1080/13562576.2010.532953

From Hobbes’s perspective, **the state receives its monopoly on violence out of necessity**, given the mutual need of citizens to maintain conditions of peace. Without a sole proprietor of coercive means, embodied by the state and the rule of law, life would be, as Hobbes famously noted, “nasty, brutish and short” ... “a war of every man against every man”. Locke also recognised the necessity of the state’s monopoly on violence, but placed limits on its power and described its relationship **with** citizens as **a social contract involving mutual obligations.** The spirit of Locke’s writing stresses the need for normative judgements of state actions and the use of ‘reason’ to distinguish between legitimate and illegitimate functions of institutions. From Locke’s perspective, the state exists not simply for the physical safety of citizens, but because people need security and order to build civil society. As Bislev wrote in his treatment of Locke Society is an association of citizens, and the maintenance of security is a necessary function for that association, something without which it cannot exist and thrive (Bislev, 2004, p. 283). In this way, **the** state’s **monopoly on violence** supports the common good and **represents a building-block of democratic society.** The legitimacy of the state’s use of violence is ultimately based on its accountability to the public at large, as opposed to non-state organisations that answer to private interests.

#### Therefore, the sole contention of the negative is Violent Strikes

#### At their most extreme, strikes can devolve to violence and even murder, subverting the public order

Senior Lecturer Mlungisi Tenza reported last year that:

Mlungisi Tenza (Senior Lecturer, University of KwaZulu-Natal). “The effects of violent strikes on the economy of a developing country: a case of South Africa.” Obiter vol.41 n.3 Port Elizabeth 2020. JDN. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004>

Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike 17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally.18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful.19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by **causing disharmony and chaos in public.** A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were **181 strike-related deaths**, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers' demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows:

"[T]here is no sweet strike, there is no Christian strike ... A strike is a strike. [Y]ou want to get back what belongs to you ... you won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that."21

The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects **innocent members of the public,** non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers' homes, often at night, threaten them and in some cases, assault or even **murder** workers who are acting as replacement labour.22 This points to the fact that for many workers and their families' living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about **20 people were thrown out of moving trains** in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer's business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26

#### The right to strike therefore cannot be unconditional. The government may recognize a general right to strike, but if those strikes turn violent, it has a duty to intervene and preserve the social contract

Tenza continues,

Mlungisi Tenza (Senior Lecturer, University of KwaZulu-Natal). “The effects of violent strikes on the economy of a developing country: a case of South Africa.” Obiter vol.41 n.3 Port Elizabeth 2020. JDN. <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004>

4 1 Strikes should only be allowed to continue if they are lawful

The definition of "strike" lends itself any obstruction of work that is lawful.51So, if workers refuse to undertake "work" that is illegal and unlawful, this will not constitute a strike.52 Where employees refuse to work in support of an unlawful demand (for example the removal of a supervisor without following due process), this will also not constitute a strike.53 Therefore, where the action involved does not constitute a strike, participants do not enjoy the protection offered by section 67(1) of the LRA.54 If the means used by strikers to obstruct work constitute unlawful conduct such as violence,55then the conduct will not qualify as a strike, and will thus not be protected.55 **If a strike becomes violent** and no longer pursues legitimate or lawful demands, **the court should intervene** as violent and unruly conduct is the antithesis of the aim of a strike, which is to persuade the employer through peaceful withholding of work to agree to the union's demands.56 For a court to intervene, Rycroft argues that the following question needs to be asked: "has the misconduct taken place to an extent that the strike no longer promotes functional to collective bargaining, and is therefore no longer deserving of its protected status."57 The Labour Court in National Union of Food Beverage Wine Spirits & Allied Workers v Universal Product Network (Pty) Ltd58adopted Rycroft's functionality test which entails that the Labour Court could assume the power to alter the59protected status of a strike to unprotected action on the basis of violence.59 This entails the weighing up of the level of violence against the efforts of the trade union to curb it in order for a court to determine whether a strike's protected status is still functional to collective bargaining.60

Rycroft further argues that there is an inseparable link between strikes and functional collective bargaining and justifies this on three grounds. First, the Interim Constitution of South Africa 200 of 1993 provided that "workers have the right to strike for the purposes of collective bargaining."61 Secondly, strikes must be orderly. And lastly, the strike must not involve misconduct. This he infers from the fact that employees engaged in misconduct can be dismissed irrespective of whether the strike is protected or not.62 Informed by the decision of Afrox Ltd v SACWU 2,63Rycroft argues that **a strike can lose its protection** if it is no longer functional to collective bargaining. So if a strike is no longer functional to collective bargaining, it is bound to lose protection, and those who participate in such activities will face dismissal or an action for damages can be instituted against those responsible.

#### Therefore, I negate. Now onto the affirmative case.

# 2NR

## Topicality

### Overview

#### Semantics come first.

#### Topicality involves two questions. (1) What is the topic, and (2) Is the aff required to defend the topic? Neither question asks “What *should* the topic be?” which means pragmatic concerns are irrelevant. Topicality is a rule, which means the aff has to adhere to it regardless of what the topic means because it’s the only basis for mutual debate; that’s Nebel 15. This means they don’t get to weigh fairness or education against my offense because topicality has lexical priority.

#### You should give pragmatic standards zero weight.

Merrell 15

Brandon Merrell (Graduate Student, UC San Diego). “Back to Its Roots: Why Topicality Standards Should Assess Definitional Accuracy Rather than Debate Utility.” 2015. DRAFT accessed summer 2014. JDN. Updated version available at: http://www.brandonmerrell.com/papers/Merrell%20-%20Topicality.pdf

Second, there are logical barriers that impede the evaluation of debate-based standards. Teams often claim that defining the resolution in a particular way will serve to increase the overall quality of debate either by facilitating improved education or providing access to preferable ground. However, it is **impossible to determine** whether debating about a different topic would actually provide better ground or education. Debaters cannot hope to stipulate within the context of a round, nor can the judge seek to evaluate, **all** of the **potential combinations of arguments** that are available to each side, much less to evaluate the distinctions in ground between two different interpretations of a topic. Similarly, it is impossible to determine whether potential increases in education would be more or less desirable than **the topical education that is forgone** if the plan fails to be topical. Judges cannot predict whether the alternative education is unique, whether the competitors have already been exposed to it, or whether the discussion of such an issue would actually occur even if the topic was altered accordingly. Given the substantial uncertainty inherent to speculations about potential topic alterations, debate-based standards are altogether too difficult to assess to yield guaranteed benefits.

#### Third, even if fairness or education comes first in the abstract, I internal link turn them. Trying to directly calculate ground or education round-by-round leads to topicality vigilantism, which leads to things like bi-directional T debates that destroy both fairness and education; that’s Nebel 15.

#### This is specifically true of education; voting on education standards is counter-productive

Branse 15

David Branse (2015 TOC Finalist, 2012 Florida novice state champion). “The Role of the Judge (Part One).” NSD Update. 4 September 2015. JDN. http://nsdupdate.com/2015/09/04/the-role-of-the-judge-by-david-branse-part-one/

Even if debate was designed to be educational, if the rules of debate don’t mandate voting on education, then the judge does not have the jurisdiction to do it. In fact, rules probably shouldn’t exclusively actualize the reason for their instantiation. If chess rules said, “be intellectually stimulating” instead of “move pieces certain ways”, the resulting game would end up being less intellectually stimulating. In the same way, if debate should be educational, a rule of “promoting (or voting on) education” is probably **counter-productive.** The process of saying something is educational so we should be bound to talking about it limits the range of arguments available. Education arises after the fact: the process itself provides education; we receive value from truth testing. I will elaborate on this argument in more detail in later sections. Thus, from an internal perspective – the perspective of an agent involved in the activity – **rules are more important than the purpose of creating the rules** in the first place. Within the debate, the judge is bound by the established rules. If the rules are failing their function, that can be a reason to change the rules outside of the round. However, in round acts are out of the judge’s jurisdiction.