# Apple valley r1 1nc

## 1

#### Interp: The affirmative debater may not claim that proving an oblgiation is sufficient to affirm. To clarify, indexicals is bad.

#### Violation – their framework says that exactly

#### Negate:

#### [1] infinite abuse – there are infinite potential indexes that could affirm including descriptive standards that are impossible to turn and allowing them to win if they affirm under any index makes it impossible to negate – they can introduce a new descriptive index in the 1ar and auto-win which means it’s impossible to beat them. strongest internal link to fairness since one side wins every round.

#### [2] accessibility – indexicals justifies horrible things, i.e. if the resolution was "slavery ought to be reinstated," under a certain index, that would affirm such as "consistency with reinstating slavery," which means they can justify literally any reprehensible action and can’t condemn things like racism or genocide since there are indexes that would affirm that. That’s an voter since they make debate unsafe and accessibility is a prior question to being able to debate – they allow for the proliferation of bad ideas and norms. It’s also false – a] generation an obligation requires an absolute obligation that justifies following it b] we can have indexes that negate which nonuniques their offense since you need to prove it 100 true.

#### Fairness – a] its intrinsic to any competititve activity like debate b] all arguments presuppose that the judge won’t just hack against them which means it’s a prior question c] in order to acurrately evaluate there can’t be a skew in the possibility to justify those arguments

#### DTD –

#### a) Deters future abuse

#### b) Rectifies time loss

#### c) DTA encourages baiting – Debaters could fill their cases w/ abusive args, baiting theory and then just drop the argument in the next speech and go for undercovered substance

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm – we don’t know your bs meter, [b] it creates a race to the top where we create the best possible norms for debate – ow since norming is the purpose of theory [c] collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c] baiting – incentivizes good debaters to be abusive, bait theory, then collapse to the 1AR RVI, d] topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory. 1NC theory first since a) the 1NC is reactive so if it’s abusive it’s because the AC is abusive and b) scope – the round was skewed from your abuse earlier on so your abuse needs to be checked first

## 2

#### Permissibility and presumption negate:

#### [1] Resolution indicates the affirmative has to prove a proactive obligation, and permissibility would deny the existence of an obligation

#### [2] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions regarding subjects one knows nothing about, i.e if one knew nothing about P one would have to presume that both the “P” and “~P” are true.

#### [3] Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.

#### Moral internalism is true:

#### [1] Disagreement – Externalist theories fail to explain why some agents have the differing motivation for actions – internalism solves by showing how agents’ motivations are dictated by internal desires. Markovitz

[Markovits 14, Markovits, Julia. Moral reason. https://philpapers.org/rec/ROCJMM Oxford University Press, 2014.//Scopa] SHS ZS

Relatedly, internalism about reasons seems less presumptive than externalism. **We should not assume** that **some of us have** special **epistemic access to what matters**, **especially in the absence of any criterion for making such a judgment**. **It’s better to start from the assumption**, as internalism does, **that everyone’s ends are equally worthy of pursuit** – **and correct this assumption** only **by appealing to standards that are** as **uncontroversial** as possible. **According to externalism** about reasons, **what matters normatively** – that is, what we have reason to do or pursue or protect or respect or promote – **does not depend in** any fundamental way on **what** in fact **matters to us** – that is, what we do do and pursue and protect and respect and promote. **Some of us happen to be motivated by what actually matters**, **and some** of us **are “wrongly” motivated**. **But externalists** can **offer no explanation for this supposed difference** in how well we respond to reasons – **no explanation of why some of us have the right motivations and some of us the wrong ones** – **that doesn’t** itself **appeal to the views about what matters** that they’re trying to justify. (They can explain why some people have the right motivations by saying, e.g., that they’re good people, but that assumes the truth of the normative views that are at issue.22) **A comparison to the epistemic case** helps **bring out what is unsatisfactory** in the externalist position. **We sometimes attribute greater epistemic powers to some people than** to **others** **despite not being able to explain why they’re more likely to be right** in their beliefs about a certain topic. **Chicken-sexing is a popular example** of this among philosophers. **We think some people are more likely to form true beliefs about the sex of chickens than others even though we can’t explain why they are better at judging the sex of chickens.** But in the case of chicken-sexing, **we have independent means of determining the truth, and so we have independent verification that chicken-sexers usually get things right**. **Externalism seems to tell[s] us that some of us are better reasons- sensors than others**, but **without providing the independent means of determining** which of us are in fact more reliably motivated by genuine normative reasons (or even that some of us are).

#### [2] Motivation – Externalist ethics collapse to internalism because agents will only follow external demands if they are consistent with their internal account of the good. For instance, citizens only follow the law insofar as its consistent with their internal beliefs, even when external value structures are being placed upon them.

#### Next, every agent takes their ability to act on their ethical system as instrumentally valuable. Only self interest bridges relativism to provide a universal principle.

**Moore** Margaret Moore, Queens University professor in the Political Studies department, cross-appointed (as a courtesy) in Philosophy, Reviewed Work(s): Morals by Agreement. by David Gauthier, Noûs, Vol. 25, No. 5 (Dec., 1991), pp. 707-714 ///AHS PB /BHHS AK recut

On Gauthier's view, morality is a sub-set of self-interest (he calls it preference-fulfillment), which is instrumentally necessary, not absolutely, but given features of the human situation which are almost certain to ob- tain. By taking as his starting-point the agent's subjective motivational set, whatever its content, Gauthier can claim that the requirements of morality escape none who fall under its ambit, for each person necessarily acts on his or her desires and aims. If Gauthier's project is successful, he will have refuted the moral skeptic: by demonstrating that morality is self-interestedly rational, he can claim that the principles are justified and that they apply to everyone. He does not need to presuppose a feeling such as sympathy to explain moral action, or appeal to a process of moral education and socialization within communities which shape the individual's desires and beliefs in accordance with a specific moral conception. Gauthier's agents simply maximize their utility and in the process find that they need to co-operate with others and that the dynamics of co- operation make it rational in self-interested terms to constrain their utility- maximization. By considering in this way the principles and constraints which it would be rational for co-operating self-interested agents to adopt, Gautheir claims to be able to deduce a system of moral constraints and Principles.

#### This entails a system of mutual self restraint: Contracts are the only standard capable of generating normativity since each agent rationally chooses to protect their self-interest by entering the contract.

**Gauthier** [David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998], ///AHS PB /BHHS AK recut

I shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better**. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations,** each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one**,** of course**,** can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may representsuch a practiceas capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreementis the basis of morality**.** Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable**.** Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others**.** We may then represent such a practice as rationally acceptable to everyone.This rationale for agreed constraint makes no reference to the content of anyone ’ s preferences**.** The argument depends simply on the structure of interaction, on the way in which each person ’ s endeavor to fulfill her own preferences affects the fulfillment of everyone else**.** Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns**. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one.** Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents

#### Thus, the standard is consistency with contractarianism. Prefer additionally:

#### [1] Both debaters debate to win the round but we are still restricted by agreed on constraints like 4 mins of prep, speech times, etc. Their very performance justifies the NC framework and proves the AC collapses to the NC

#### Negate:

#### [1] Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

#### [2] Employees and companies have agreed-upon contracts that are broken in a strike since workers are not upholding their end of it – this is intrinsically bad under the framework and violates the principle of mutual self-restraint

**[3] No aff offense –**

**a] even if some strikes are legal they are still by definition contradicting their side of the contract which is exactly what the fw condemns**

**b] the res is about an UNCONDITIONAL right which means the aff permits always breaking contracts so arguments about strikes sometimes being justified under the fw fail**

## 3

#### Interpretation: The affirmative must specify the type of strike that a just government ought to recognize as a right.

#### Violation: You don’t.

#### Types and purpose of strikes are the core question of the topic and there’s no consensus on normal means.

**NLRB** [National Labor Relations Board. “The Right to Strike”. The National Labor Relations Board (NLRB) is comprised of a team of professionals who work to assure fair labor practices and workplace democracy nationwide. US Gov. https://www.nlrb.gov/strikes.] SJ//VM

The Right to Strike Section 7 of the [National Labor Relations Act](https://www.nlrb.gov/how-we-work/national-labor-relations-act) states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows: Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right. It is clear from a reading of these two provisions that: the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right. See for example, restrictions on strikes in health care institutions (set forth below). Lawful and unlawful strikes. The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay. It must be emphasized that the following is only a brief outline. A detailed analysis of the law concerning strikes, and application of the law to all the factual situations that can arise in connection with strikes, is beyond the scope of this material. Employees and employers who anticipate being involved in strike action should proceed cautiously and on the basis of competent advice. Strikes for a lawful object.Employees who strike for a lawful object fall into two classes “economic strikers” and “unfair labor practice strikers.” Both classes continue as employees, but unfair labor practice strikers have greater rights of reinstatement to their jobs. Economic strikers defined. If the object of a strike is to obtain from the employer some economic concession such as higher wages, shorter hours, or better working conditions, the striking employees are called economic strikers. They retain their status as employees and cannot be discharged, but they can be replaced by their employer. If the employer has hired bona fide permanent replacements who are filling the jobs of the economic strikers when the strikers apply unconditionally to go back to work, the strikers are not entitled to reinstatement at that time. However, if the strikers do not obtain regular and substantially equivalent employment, they are entitled to be recalled to jobs for which they are qualified when openings in such jobs occur if they, or their bargaining representative, have made an unconditional request for their reinstatement. Unfair labor practice strikers defined. Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged. If the Board finds that economic strikers or unfair labor practice strikers who have made an unconditional request for reinstatement have been unlawfully denied reinstatement by their employer, the Board may award such strikers backpay starting at the time they should have been reinstated. Strikes unlawful because of purpose. A strike may be unlawful because an object, or purpose, of the strike is unlawful. A strike in support of a union unfair labor practice, or one that would cause an employer to commit an unfair labor practice, may be a strike for an unlawful object. For example, it is an unfair labor practice for an employer to discharge an employee for failure to make certain lawful payments to the union when there is no union-security agreement in effect (Section 8(a)(3). A strike to compel an employer to do this would be a strike for an unlawful object and, therefore, an unlawful strike. Strikes of this nature will be discussed in connection with the various unfair labor practices in a later section of this guide. Furthermore, Section 8(b)(4) of the Act prohibits strikes for certain objects even though the objects are not necessarily unlawful if achieved by other means. An example of this would be a strike to compel Employer A to cease doing business with Employer B. It is not unlawful for Employer A voluntarily to stop doing business with Employer B, nor is it unlawful for a union merely to request that it do so. It is, however, unlawful for the union to strike with an object of forcing the employer to do so. These points will be covered in more detail in the explanation of Section 8(b)(4). In any event, employees who participate in an unlawful strike may be discharged and are not entitled to reinstatement. Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer. It should be noted that not all refusals to work are considered strikes and thus violations of no-strike provisions. A walkout because of conditions abnormally dangerous to health, such as a defective ventilation system in a spray-painting shop, has been held not to violate a no-strike provision. Same—Strikes at end of contract period.Section 8(d) provides that when either party desires to terminate or change an existing contract, it must comply with certain conditions. If these requirements are not met, a strike to terminate or change a contract is unlawful and participating strikers lose their status as employees of the employer engaged in the labor dispute. If the strike was caused by the unfair labor practice of the employer, however, the strikers are classified as unfair labor practice strikers and their status is not affected by failure to follow the required procedure. Strikes unlawful because of misconduct of strikers.Strikers who engage in serious misconduct in the course of a strike may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sitdown” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are: Strikers physically blocking persons from entering or leaving a struck plant. Strikers threatening violence against nonstriking employees. Strikers attacking management representatives. Section 8(g)—Striking or Picketing a Health Care Institution Without Notice. Section 8(g) prohibits a labor organization from engaging in a strike, picketing, or other concerted refusal to work at any health care institution without first giving at least 10 days’ notice in writing to the institution and the Federal Mediation and Conciliation Service.

#### Standards:

#### 1] Stable advocacy – 1AR clarification delinks neg positions that prove why a certain type of strike is bad since it’s not the same degree to which the Aff forces governments to recognize – wrecks neg ballot access and kills in depth engagement – CX doesn’t check a] asking questions about the advocacy decks neg questions about the case b] Judges don’t flow and debaters are trained to be shifty.

#### 2] Prep skew – I don’t know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad to a lawful strike under the Aff and then get screwed over in CX when they say that’s not permitted under their advocacy. The time in between is when I should be formulating my strat and waiting until cx is the abuse.

Xapply voters

## 4

**Reject 1ar Theory**

**a. 7 - 6 time skew**

**b. No 3nr, so 2ar gets to weigh however they want**

**c. Judge psychology – judges are more likely to by 2a arguments as they are the last speech**

**d. Method testing – too many theory flows make it impossible to test the aff method 1ar theory uniquely adds too much**

**e. Resolvability –**

**1. Reciprocity you get a 2-1 speech advantage**

**2. Norming – we only get 2 speeches of new arguments to deliberate over your shell which isn’t enough time and could create worse norms**

**f. there’s no such thing as infinite abuse as nc only has 7 minutes**

**g. 1ar theory used as a strategic advantage means infinite abuse claims should be viewed through grain of salt**

## Case

Offense:

#### Negate:

#### [2] Strikes use others as a mere means to an end

Fourie 17 Johan Fourie 11-30-2017 "Ethicality of Labor-Strike Demonstrates by Social Workers" <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> (Johan Fourie is professor of Economics and History at Stellenbosch University.) JG

A further formula of the Categorical Imperative is "so, act as to treat humanity, whether in your own person or in that of any other context, never solely as a means to an end but always as an end within itself' (Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. Participating in a labor-strike demonstration/action is **a direct violation of this** categorical perspective as it would not be ethically permissible because the severe dependence and well-being of clients, the effective functioning of the employer organization, and society **is used to duly and unduly influence the bargaining process for better working conditions**