# Speech 1NC UT Rd 5 vs Westwood 12-4 10AM

## 1

#### Interp: If the affirmative defends anything other than “a just government ought to recognize an unconditional right of workers to strike” then they must provide a counter-solvency advocate for their specific advocacy in the 1AC.

#### Violation

#### Prefer

#### 1. Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments.

#### 2. Shiftiness-Having a counter-solvency advocate helps us conceptualize what their advocacy is and how it’s implemented. Intentionally ambiguous affirmatives we don’t know much about can’t spike out of DA’s and CP’s if they have an advocate that delineates these things.

## 2

#### Interp: The affirmative debater may not say use no calc indicts and extinction first, and specify the resolution.

#### Violation: that’s their FW and they spec

#### Abuse Story: the neg can never win the FW debate since even if I win the NC I lose to extinction first, can’t say that if I win my FW then they say all attacks are calc indicts, and I can’t win substantively since they can just cherrypick one really good extinction scenario that I can’t contest

#### Strat Skew: Kills negative engagement on the framework level by creating a 3 to 1 structural skew which o/ws A] Structural abuse outweighs since better debating can always combat substantive abuse but unequal burdens makes procedural evaluation skewed. B] They’ll say that we can just line-by-line their arguments but that doesn’t solve since it makes it a no-risk issue since they can still win under util + extinction first

#### Clash: it kills clash since negs are disincentivized from contesting the aff FW which A] kills phil ed which o/ws since it’s the only unique ed to LD B] topic ed is nonunique since topic lit includes more than just util literature. C] meeting any of the planks solves your interp because it allows for you to read your aff while still giving the neg the ability to engage.

## 3

#### Interp – the aff must not defend an unjust government

#### A just government protects minorities rights

W. West Allen, 6-2-2021, (West Allen is an intellectual property litigator and counselor who represents a wide variety of international clients in U.S. Federal Courts.) "President’s Message: The Constitution Guarantees Us," Federal Bar Association, <https://www.fedbar.org/blog/presidents-message-the-constitution-guarantees-us/> CHO

The U.S. Constitution is built upon the chief foundational cornerstone of popular sovereignty—the fundamental principle that the source of all government power is the people. Sovereign power does not arise from the divine right of kings, political parties of a state, or might of the military. The authority of any commonwealth, rather, is originally vested in and derived from its citizens. This verity exists among every nation of the world—precisely as America’s Founders declared it from the Pennsylvania State House in 1776—because all human beings are by nature equal, free, and endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness. A just government exists only as charted by the people in order to protect the fundamental rights of the people. These rights can never be surrendered to government under any circumstances. To ensure a correct understanding of this proper relationship between people and their charted government, America fixed within its U.S. Constitution, as ordained and established by the people, an unambiguous enumeration of certain inherent rights that are to be held inviolate by government. These rights are guaranteed and rendered sacrosanct by their explicit incorporation directly into America’s written governmental charter. The people’s first 10 amendments to their Constitution comprise the fourth fundamental principle of the U.S. Constitution—the Bill of Rights. 1 The ideas of liberty and equality expressed by Thomas Jefferson in the Declaration of Independence and thereafter by James Madison and others in the U.S. Constitution were not new. The American colonies had been granted charters that included represented assemblies and even basic rights recognized since the Magna Carta that no “freeman could be imprisoned or destroyed except by lawful judgment of his peers or by the law of the land.”2 George Mason’s Virginia Declaration of Rights of 1776 had declared that all are by nature equally free and independent and have certain inherent rights. The bill or declaration of rights of Pennsylvania, from the committee led by Benjamin Franklin, did likewise. But never before had such a promissory note of freedom been written so expressly and directly into a nation’s founding documents, and never had the natural rights of individual citizens been enumerated and guaranteed so unequivocally in a written constitution. The American experiment of government was unique: a free people chartered a government and conditioned their government’s power on its ability to guarantee and safeguard the natural rights of every citizen. Government would no longer dictate the rights of the people. The people, rather, would dictate to their chartered government its limited authority and declare certain inherent, or natural, rights inviolate. This was the new American standard. And to improve and repair it, the wise would include a statement of particular individual liberties and limits on government—a bill of rights. Madison, the principal author of the U.S. Constitution and its Bill of Rights, originally opposed making inclusion of a bill of rights a precondition for ratification of the Constitution. He, along with Alexander Hamilton and others, did not think a separate bill of rights was necessary. They believed that since the Constitution “is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS,” no further amendments were required.3 “For why declare that things shall not be done which there is no power to do?”4 In other words, since the Constitution expressly separated the powers of government and only gave government express limited powers, what need was there to restrict what was never given? Some believed, further, that attempting to enumerate certain rights was not just unnecessary, but dangerous. If the Constitution contained various exceptions to powers not granted by the people, such language could afford a colorable pretext to the unscrupulous, who might seek more power than the people granted in the first place. Following four months of debate in the summer of 1787, the Philadelphia delegates produced a constitution that did not contain an explicit bill of rights.5 It may have been Jefferson, far from the cacophony of heated constitutional debates in Philadelphia in 1787, who ultimately helped his brethren hear reason and see the light. While serving as U.S. minister to France at the time, Jefferson received a copy of the proposed U.S. Constitution. He approved, generally, but wrote to Madison voicing concern that the Constitution did not contain an express bill of rights. Jefferson understood the principle of a bill of rights and why an unequivocal guarantee of unalienable individual liberties and limits on government was imperative to the success of the new nation. Without such a guarantee, a new government, and certainly those eager to wield its national power, could readily abuse that power, usurp the people’s authority and, in time, destroy individual liberties. Jefferson admonished Madison of this critical omission when he famously wrote his friend in December 1787: “A bill of rights is what the people are entitled to against every government on earth … and what no just government should refuse, or rest on inference.”6 Thanks to Jefferson and a popular groundswell of the people in many state ratifying conventions who understood the significance of a bill of rights, Madison and his congressional colleagues listened. Madison eventually proposed a series of 19 constitutional amendments to the First Congress on June 8, 1789, just over one month after George Washington was inaugurated as the first president of the United States. Madison’s proposals, many incorporated directly from proposals by state ratifying conventions and state constitutions, were duly considered and debated by the new legislature. In the end, 12 of Madison’s amendments survived the congressional approval process and went to the states for ratification on Sept. 25, 1789.7 Of those congressionally approved 12 amendments, just 10 were ratified and incorporated into the Constitution, when, more than two years later, on Dec. 15, 1791, Jefferson’s home state of Virginia ratified 10 of the proposed 12 amendments.8 In time, these original amendments to the U.S. Constitution became known as the Bill of Rights. According to its preamble, the Bill of Rights is the result of the “Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added … [to extend] the ground of public confidence in the Government[.]”9 The original Bill of Rights was mostly forged from ideas already expressed within revolutionary-era state constitutions, which included vital guarantees of individual rights and specific limits on government authority. These principles were understood as maxims by which “every wise and enlightened people will regulate their conduct,” and as Patrick Henry explained, “which no free people ought ever to abandon … [and] of which the observance is essential to the security of happiness.”10 Sadly, the protections of these first 10 amendments were largely ignored by the courts and the states for the first 100 years after the Bill of Rights was ratified in 1791, just as Madison had predicted. But in time, the wise and honest within America began to repair the standard raised by our founding generation. By the 20th century, with the leadership of citizens like Abraham Lincoln, Frederick Douglass, and Martin Luther King Jr., our nation began to vigorously enforce the Bill of Rights against the states. Americans began to understand and see what our Founders had hoped they would—that these vital guarantees of individual rights and limits on government could be more than bulwarks of mere parchment, but “a promissory note to which every American was to fall heir” and see fulfilled.11 The Bill of Rights, as declared by the American people in the U.S. Constitution, has providential and inspired purpose. It constitutes the preeminent declaration of freedoms of human dignity based on principles of moral agency and liberty. It transcends politics, party, and government. As with all truth, it prevails. Consequently, as nations and citizens honor the constitutional principles of the Bill of Rights, they prosper; as nations and citizens ignore them, they falter. What are the unalienable rights that are recognized and guaranteed by the world’s most successful nations? They bear repeating and demand careful individual study: the freedom of religion, the freedom to exercise one’s faith and conscience,12 the freedom of speech, the freedom of the press,13 the right to peaceably assemble, and the right to petition government for a redress of grievances. They include the people’s inherent civil liberties that prohibit the housing of soldiers in residential homes, unreasonable government searches and seizures, self-incrimination, and double jeopardy. They encompass and protect the right to due process of law, the right to a fair and speedy jury trial, the right to bear arms to maintain the people’s defense of their liberties, and the right to be free from excessive bails, fines, and unusual punishments. To further protect against the concern that a new federal government might claim rights not listed in the Bill of Rights, Madison drafted what became the Ninth Amendment, which says that that “the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” To ensure that Congress would be viewed as a government of limited rather than unlimited powers, Madison included the Tenth Amendment, which says 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.” We would do well to understand these amendments with the earnestness that Madison and his generation intended. Together, the Constitution’s first 10 amendments defend not only majorities of the people against an overreaching federal government but also minorities against overreaching state government. The Bill of Rights proscribes as law the proper limits of government and prohibits the state from abridging the fundamental freedoms and civil liberties that all individuals possess on the basis of their humanity. It is unique among the political writings of the world in that it unambiguously sets forth the most critical and vital civil liberties that simultaneously engender strong and successful nations. Honoring the Bill of Rights ennobles and advances governments that justly derive their power from the consent of the governed. It increases civil accord, security, and happiness among a nation’s citizens. No action by any government or person acting under color of law should therefore ever subvert these unalienable rights.14 And never are these rights more important, subject to greater danger, and in more need of defense than in times of national crisis. It is now the work of this generation to uphold and repair this standard that was wrought and raised by the architects of the American Republic. The Bill of Rights, along with the Declaration of Independence and the Constitution, remains a promissory note of liberty to its heirs. The enduring principles of these documents should be studied and advocated by all. It is the responsibility of every citizen of our nation—but especially its judges and lawyers as guardians of the Constitution—to honor, uphold, and defend the liberties guaranteed in the Bill of Rights. We are they who will honor and fulfill the promises of liberty made over two centuries ago.

#### O/Ws – Intent to exclude by defining unjust governments as disrespecting minorities

#### Violation – Egypt discriminatisons conssitenly.

**MinorityRights 19** [“Egpytian Government Fails to Uphold Its Constitution, Discrimination Persists for Religious and Ethnic minorities – new report” <https://minorityrights.org/2019/01/24/egyptian-government-fails-to-uphold-its-constitution-discrimination-persists-for-religious-and-ethnic-minorities-new-report/> Samrawit Gougsa, Communications Officer (London, UK)]

With little improvement to the situation of Egypt’s religious and ethnic minorities since the drafting of the 2014 Constitution, hopes that the country would see a more inclusive and secure future for all its citizens – regardless of faith or ethnicity – remain unfulfilled, says Minority Rights Group International (MRG) in a new report. “Egypt’s 2014 Constitution speaks very clearly about issues such as freedom of belief, equality among citizens and the right of Nubians to return to their lands,” says Silvia Quattrini, Middle East and North Africa Programmes Coordinator at MRG. “However, none of this has been respected or implemented in reality so far.” According to [*Justice Denied, Promises Broken: The Situation of Egypt’s Minorities Since 2014*](https://minorityrights.org/publications/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/)*,* Egypt’s government has demonstrated patterns of discrimination and exclusion towards religious and ethnic minorities. The report describes how Christians still struggle for permission to build churches, face communal violence and unfair informal dispute resolution mechanisms that often result in the displacement of community members from their homes. Meanwhile, other minorities such as Bahá’i and non-Sunni Muslim groups including Shi’a, Ahmadis and Quranists continue to be unrecognised, making it difficult for them to practice their religion freely. The report also highlights how progress on Nubian rights has been reversed, with the government halting the development of legislation that would facilitate the resettlement of the community in their ancestral territory and instead opening their land to external development. Meanwhile, Bedouin communities in North Sinai face mass displacement, widespread violence and a growing humanitarian crisis, with little in the way of government protection, compensation or emergency support. “Activists for Nubian rights have also faced several restrictions on their freedom to express concern over these issues, such as the 24 individuals who were arrested and detained while peacefully protesting in Aswan in 2017,” says Silvia Quattrini. “As for Bedouins in North Sinai, the fight against terrorism has often been used as a justification to expel entire communities from their lands. This trend is part of an increasing general crackdown on civil society organisations which has particularly affected the country’s minorities over the past four years.”

#### Vote for Limits—defending governments that aren’t just offers huge explosion in the topic since they can defend any number of just governments. Neg positions Neg positions like the Economy DA, Advantage CPs, etc. are jettisoned when the country that we don’t have specific ev and decks clash.

#### **List of just governments in the doc**

[Ian Burrows (producer, reporter and presenter for digital, radio and TV in the ABC's Asia Pacific Newsroom in Melbourne). “Chart of the day: Europe dominates top of democracy index, North Korea lags in last.” ABC. 9 Jan 2019. Accessed 12/2/21. <https://www.abc.net.au/news/2019-01-10/democracy-index-economist-intelligence-unit-2018/10703184?nw=0&r=HtmlFragment> //Cho]

Chart

Description automatically generated with low confidence

#### Fairness – it’s a prereq to judge evaluation

#### Education – it’s the only portable impact

#### Accessibility – psychic violence is a prereq to being in debate

#### CI – a) brightlines are arbitrary and self-serving which doesn’t set good norms b) it collapses since weighing between brightlines rely on offense defense

#### DTD – its key to deter future abuse b] normign

#### No RVI’s- a) chilling effect – people will be too scared to read theory because RVI’s encourage baiting theory b) clash – people go all in on theory which decks substance engagement

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier.

## 4

#### The role of the ballot is to *evaluate the desirability of resolutional action under the best normative framework*. Prefer: (a) AC / NC is structurally reciprocal since both sides have access to two routes to the ballot – reciprocity is a litmus test for fairness, (b) it’s key to framework clash and phil ed is the only reason LD debate exists. C] reject new 1ar rob – a] time skew b] shiftiness

#### Presumption and permissibility negates – a) more often false than true since I can prove something false in infinite ways b) real world policies require positive justification before being adopted – there’s alwahys an institutional DA to going through Congress c) ought[[1]](#footnote-1) means “moral obligation” so the lack of that obligation means the aff hasn’t fulfilled their burden

#### The litmus test for ethics is certainty and non-arbitrariness – blurry guidelines for ethics allows agents to inconsistently understand morality or arbitrarily opt out which renders ethics useless since it can’t serve as a guide to action.

#### The meta-ethic is egoism –

#### 1] Opacity – individuals can’t access another’s perspective – we can never fully understand who someone else is or what they think so actions are based off individual desire and self-interest.

#### 2] Hedonism – even if we know what is ethical, there’s nothing that binds us to ethical behavior or the best metric for maximizing those outcomes. Bindingness O/W – if morality is arbitrary, there’s no reason to follow it and can’t guide action.

#### 3] Psychology – fMRI studies prove there’s not unified temporal identity – we can only care about our current self-interests.

Opar 14 [Alisa Opar (features editor at Audubon magazine). “Why We Procrastinate”. Nautilus. August 14, 2014. Accessed 7/31/21. <https://nautil.us/issue/16/nothingness/why-we-procrastinate> //Recut Xu]

The British philosopher Derek Parfit espoused a severely reductionist view of personal identity in his seminal book, Reasons and Persons: It does not exist, at least not in the way we usually consider it. We humans, Parfit argued, are not a consistent identity moving through time, but a chain of successive selves, each tangentially linked to, and yet distinct from, the previous and subsequent ones. The boy who begins to smoke despite knowing that he may suffer from the habit decades later should not be judged harshly: “This boy does not identify with his future self,” Parfit wrote. “His attitude towards this future self is in some ways like his attitude to other people.” Parfit’s view was controversial even among philosophers. But psychologists are beginning to understand that it may accurately describe our attitudes towards our own decision-making: It turns out that we see our future selves as strangers. Though we will inevitably share their fates, the people we will become in a decade, quarter century, or more, are unknown to us. This impedes our ability to make good choices on their—which of course is our own—behalf. That bright, shiny New Year’s resolution? If you feel perfectly justified in breaking it, it may be because it feels like it was a promise someone else made. “It’s kind of a weird notion,” says Hal Hershfield, an assistant professor at New York University’s Stern School of Business. “On a psychological and emotional level we really consider that future self as if it’s another person.” Using fMRI, Hershfield and colleagues studied brain activity changes when people imagine their future and consider their present. They homed in on two areas of the brain called the medial prefrontal cortex and the rostral anterior cingulate cortex, which are more active when a subject thinks about himself than when he thinks of someone else. They found these same areas were more strongly activated when subjects thought of themselves today, than of themselves in the future. Their future self “felt” like somebody else. In fact, their neural activity when they described themselves in a decade was similar to that when they described Matt Damon or Natalie Portman. And subjects whose brain activity changed the most when they spoke about their future selves were the least likely to favor large long-term financial gains over small immediate ones. Emily Pronin, a psychologist at Princeton, has come to similar conclusions in her research. In a 2008 study, Pronin and her team told college students that they were taking part in an experiment on disgust that required drinking a conindivudcoction made of ketchup and soy sauce. The more they, their future selves, or other students consumed, they were told, the greater the benefit to science. Students who were told they’d have to down the distasteful quaff that day committed to consuming two tablespoons. But those that were committing their future selves (the following semester) or other students to participate agreed to guzzle an average of half a cup. We think of our future selves, says Pronin, like we think of others: in the third person.

#### Absent unification, competing claims collapses into the State of Nature –

#### 1] Ambiguity – individuals assert differing perspectives and culminates in irresolvable conflict absent a mediating force which renders truth and ethics indeterminate.

#### 2] Violence – individuals must act in self-preservation. Without a force to provide protection, each person acts violently to defend themselves, resulting in infinite uncontrolled violence.

#### The solution is the sovereign to enforce truth and law by acting as the ultimate ruler and eliminate conflict.

#### The standard is *consistency with absolute sovereignty*.

#### 1] Performativity – when you come to round, you concede the authority of the sovereign because you aren’t living in a state a nature and are able to debate. This means denial of my framework is impossible and all objections should be ignored on face because responding to my framework requires my framework to do so.

#### 2] Ideal Theory Good –

#### a] end point – we’d constantly be fixing injustices as a precondition to ethical action so we never get to the bottom of what is actually ethical

#### b] relevance – every society has different injustices that occur – the resolution is a universal values statement which means you cannot universalize any theory under nonideal theory

#### 3] Epistemic Confidence – a] modesty is arbitrary in calculating ethical value b] self-defeating – you wouldn’t take two different pills because a doctor recommended one and a stranger another

#### I negate and defend the squo –

#### 1] sovereign wills

#### 2] uncondo bad

1. https://www.merriam-webster.com/dictionary/ought [↑](#footnote-ref-1)