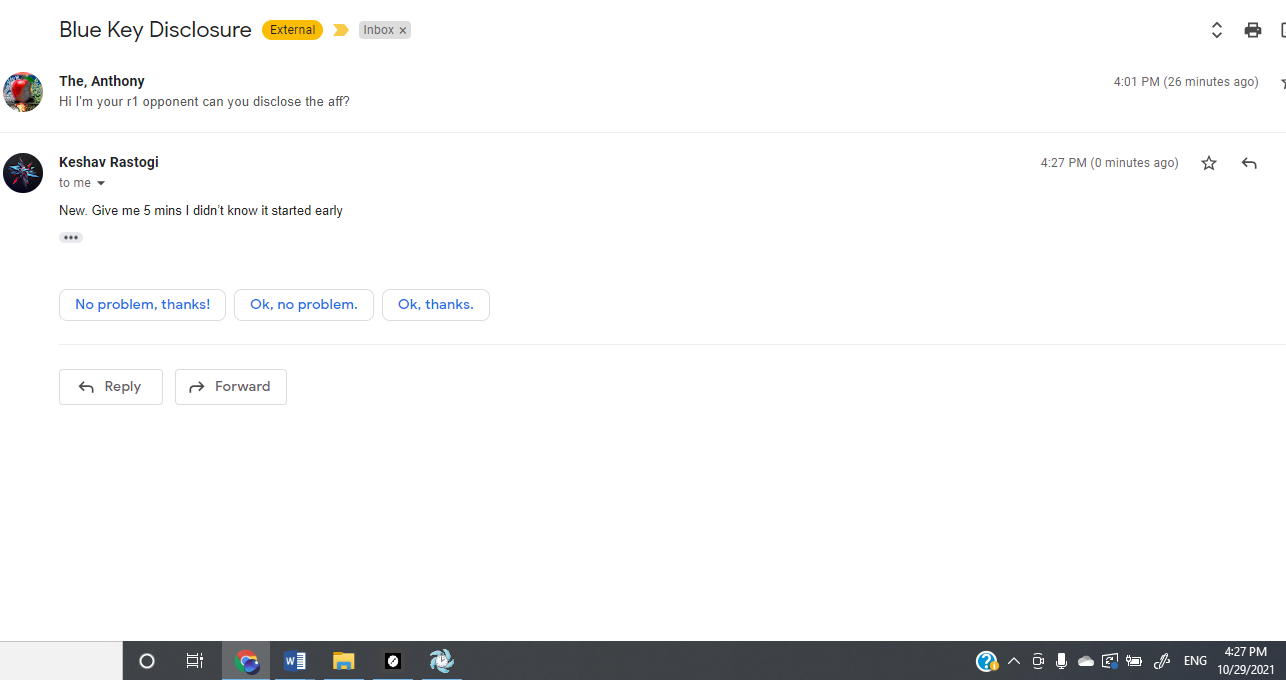
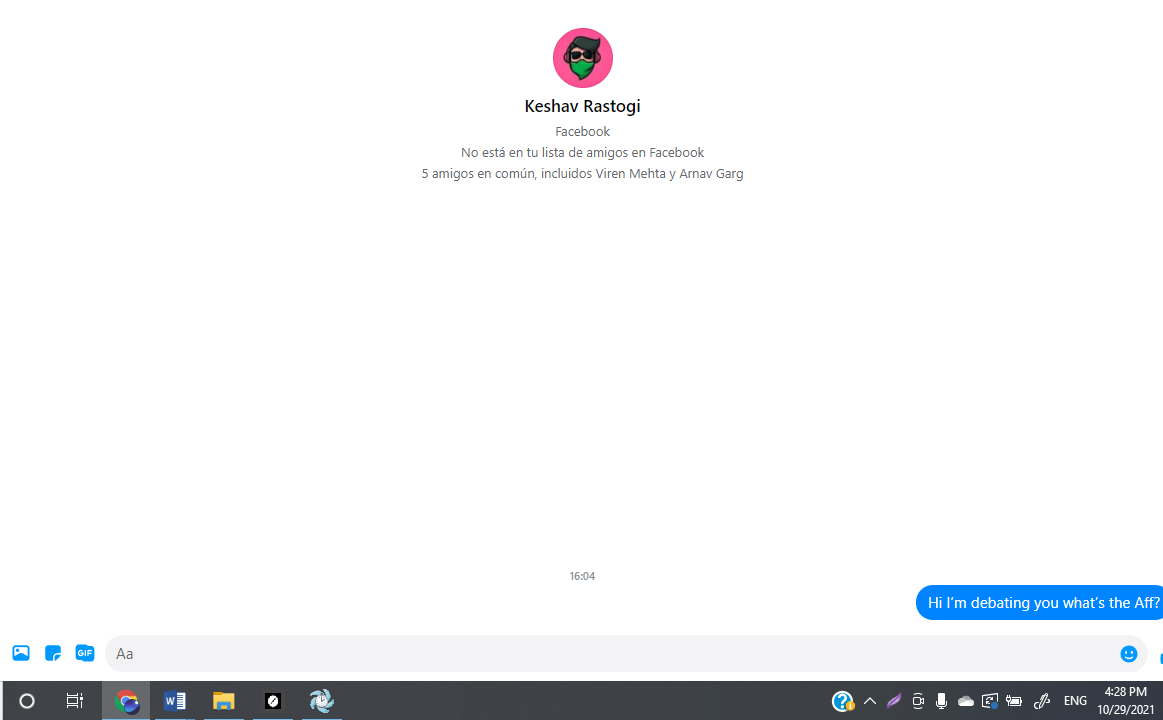
## 1

#### Intepretation: Debaters must disclose the framework and advocacy text of their affirmative 30 minutes before the round.

#### Violation:





They’ll say they didn’t know but 1] I messaged them 30 minutes before 2] it’s your burden to know the schedule so rounds don’t get held back and the tournament goes smoothly 3] norming ow – it’s the end goal of theory and creates good debates in the long term.

#### Vote neg for predictability and clash

#### 1] Breaking new affs forces us to rely on generics kills nuanced clash and turns their education arguments since we don’t get to discuss the aff in depth so we are forced into recycled T and kant debates. They have infinite preptime to frontline their one aff while I go into the round guessing

#### 2] Forces students to value new over good which is a bad education model since it creates superficial learning. Counterinterp offense isn’t competitive you can still read new affs they just have to be disclosed before the round. Critical thinking is nonunique since people will still have to come up with answers to the aff since they only know a small amount of info. Err heavily negative on theory I came into the round massively disadvantaged because they could have prepped out my strategy before the round but I couldn’t prep out theirs.

**Fairness is a voter—debate is a competitive activity that requires objective evaluation.**

**Drop the debater—to deter future abuse and set better norms.**

**Use competing interps— A) leads to a race to the top since we figure out the best possible norm B) avoids judge intervention since there’s a clear brightline C) debate over brightlines collapses since it relies on an offense defense paradigm.**

**No RVIs—**

**a. Baiting—they’ll just bait theory and prep it out—justifies infinite abuse and results in a chilling effect and**

#### b. illogical – you don’t win because you’re fair. It means that we both should win which makes the round irresolvable.

#### c. Means they can collapse to theory for 4 mintues which skews the theory debate since I only read it for 1.

NC theory first A) abuse is self inflicted if I was abusive its because you forced me to B) It’s introduced earlier in the debate which means we have more time for norming C) scope disclosure impacts very speech starting from the 1AC

## 2

#### CP Text: The US ought to recognize the unconditional right of agricultural laborers to strike using a campaign of judicial advocacy.

Brudney 21 [James; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW; January 2021; <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin

3. Federal Courts’ Position on CIL as National Law

What about the position of the federal courts toward CIL and its acceptance as national law in the US? The leading Supreme Court decision, Sosa v. AlvarezMachain, 219 involved a claim by Alvarez-Machain for violation of CIL under the Alien Tort Statute (ATS).220 A cause of action under the ATS may be distinguished from the right to strike setting in two respects. As a jurisdictional matter, the ATS typically involves lawsuits alleging violations of CIL committed in foreign countries and brought by citizens of foreign countries. By contrast, as developed in parts III and IV, the right to strike as CIL would be asserted by U.S. workers against U.S. employers within the U.S. Further, as explained in Part III, the CIL right to strike is to be asserted directly as a form of federal common law, rather than being applied through a particular statute that may impose its own historically grounded limits.221

At the same time, the substantive standard set forth in Sosa is relevant in allowing for suitably delineated CIL to be directly applied in domestic federal and state court contexts.222 While urging lower courts to exercise a “restrained conception” when considering new causes of action based on CIL, the Court in Sosa added that such claims can be recognized if “rest[ing] on a norm of international character accepted by the civilized world and defined with a specificity comparable to the features of the 18th-century paradigms we have recognized.”223 The Court’s formulation in the ATS setting is slightly different from the two elements—general practice and opinio juris—that have been discussed at length in defining and applying modern CIL.224 But Sosa’s emphasis on international law norms that are precisely defined and reflect the importance of general practice is compatible with contemporary conceptions of CIL.225

Lower courts have understood that Sosa sets a “‘high bar to new private causes of action’ alleging violations of CIL”226 based on whether the sources of such law are “sufficiently specific, universal, and obligatory.”227 But they have proceeded to recognize such causes of action when “multiple international agreements (including one that is binding on more than 160 signatory states), as well as the domestic laws of over 80 states, adopt a particular definition of that norm.”228 As has been amply demonstrated in sections B and C of this Part, the universality of the claims based on the right to strike as part of FOA can qualify under this approach. The right is recognized under multiple international agreements (including ILO conventions ratified by over 150 states and other international agreements ratified by over 170 states); regional human rights agreements around the world; domestic constitutions and laws in over 90 countries; and major court decisions at both a regional and national level. Further, this CIL norm includes a sufficient level of specificity regarding the two key areas that are the focus of analysis for purposes of U.S. law: the right of public employees to engage in strike activities with limited exceptions and the right of all strikers to be protected against permanent replacement.229

All of the above suggests that U.S. failure to ratify Convention 87 is likely to be compatible with its recognizing FOA and the right to strike as CIL.230 At the same time, there is no independent or tripartite analysis comparing Convention 87 to U.S. labor law, identifying what changes in national and state law would be needed to comply with the Convention in general and the right to strike in particular. 231 U.S. employer representatives have expressed concern that ratification would alter national and state labor law in a number of important respects including the right to strike.232 Given the U.S. historical position of nonobjection alongside non-ratification, the Article next addresses whether—even if the right to strike under FOA is accepted as CIL in traditional international law terms and is recognized under the Sosa standard—the right can be asserted in U.S. courts as CIL. This question implicates several distinct problems, which are discussed in Parts III and IV.

#### Competes NLRA is thorugh congress, NLRB

[NLRB, xx-xx-xxxx, "National Labor Relations Act", No Publication, https://www.nlrb.gov/guidance/key-reference-materials/ley-de-relaciones-obrero-patronales, date accessed 10-29-2021] //Lex AT

Congress enacted the National Labor Relations Act ("NLRA") in 1935 to protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy.

#### The Courts are key --- reaffirming judicial supremacy is necessary to check back on majoritarian power and preserve a system of checks and balances --- that prevents the collapse of democracy

Redish and Heins 16 [Martin Redish, Louis and Harriet Ancel Professor of Law and Public Policy, Northwestern University School of Law. Matthew Heins, B.A. 2009, University of Southern California; J.D. 2015, Northwestern University School of Law. “Premodern Constitutionalism.” April 15, 2016. https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3651&context=wmlr]

The argument Kramer and others advance is not only normatively unpersuasive, it is also logically untenable in light of the structural Constitution and the basic premises of American constitutionalism. As we explained in Part I, the traditionalist view understands the value of countermajoritarian checking as a political mechanism for enshrining skeptical optimism, which can be readily deduced from the Constitutions structural design. Our constitutionalism is thus principally concerned with facilitating democracy while promoting rule of law values and protecting minorities.296 The reality is that any argument that temporary majorities or the governmental bodies that are directly accountable to those majorities are either more capable or more suitable arbiters of constitutional meaning ignores the careful framework for promoting these values that was etched into our supreme law at the constitutional convention. Our proclaimed unflagging commitment to due process of law, the existence of a supreme document ratified by supermajoritarian movement and subject to formal alteration only through a supermajoritarian process, and our provision of a politically insulated judiciary are all brightly flashing signals that our system understands the importance of speed bumps to slow majorities down. Popular constitutionalism seems to forget or intentionally ignore all of this. 297 Mark Tushnets case against judicial supremacy directly takes on Larry Alexanders and Frederick Schauers defense of judicial review.298 Alexander and Schauer assert that without judicial supremacy we would have a system of interpretive anarchy on our hands.299 The role of the Supreme Court, say Alexander and Schauer, is to provide a single authoritative interpreter to which others must defer, to serve the settlement function of the law. 300 Tushnet responds that when it declares that Congress has overstepped its bounds, the Court justifies its behavior using the selfinterestedness of the Congress: Congress is self-interested when it defines the scope of its own power. Members of Congress have an interest in maximizing their own power by expanding their sphere of power and responsibilities. Any decision [Congress] make[s], no matter how fully deliberated, will be shaped, and perhaps distorted, by this self-interest. 301 But this is an objection equally available to those who would question the Courts version of judicial supremacy, because the judiciary is just as apt to act self-interestedly and expand its own power.302 This position runs directly contrary to the basic principles underlying the structural Constitution. Tushnets argument essentially ignores the fact that the judiciary was built to be (1) limited in active power, and (2) countermajoritarian, staffed by insulated judges with salary and tenure protections. With the exception of issues surrounding its own powers, the judiciary is uniquely positioned to serve as the neutral adjudicator that can settle disputes as to the boundaries between executive and legislative, as well as federal and state branches. More importantly, if the judiciary were not tasked with settling the boundaries of majoritarian power, there would be no countermajoritarian check at all, and the Constitution would essentially be meaningless. And even as to its own power, the Courts authorityunlike that of Congress or the Presidentis confined to a passive role, awaiting cases to adjudicate.303 It therefore makes sense to give the Court final say as to its own constitutional power in order to protect its countermajoritarian role.304 Under a regime of judicial supremacy, the judiciary is no more capable of aggrandizement than is Congress. Professor Tushnet looks to City of Boerne v. Flores to show how the Court gives deference to Congress and assumes laws are constitutional because Congress has a duty to support the Constitution, but the Court does not give deference to congressional redefinitions of its own power because Congress is self-interested.305 But, he argues, the Court is no less self-interested because every institution with both power and the ability to aggrandize it will seek to expand or enhance that power.306 Both of Professor Tushnets proof points are flawed. The Court is no more empowered to engage in self-aggrandizement than is Congress, considering that Congress is arguably capable of simply stripping the federal courts of jurisdiction (within constitutional limits) whenever it chooses.307 Why would it be, under Tushnets theory, that the Framers would devise a constitutional system in which the Congress could be trusted to determine the scope of its own power, disregarding judicial pronouncements of the limits of that power, and then could strip the courts of jurisdiction to hear any challenges to such self-aggrandizement? Tushnet has effectively written Article III out of the Constitution. And although he focuses his attention on the fact that the Court is no more a single authoritative interpreterthan is Congressor maybe even less singular, because each individual voice is so much more meaningful on the Court308Tushnet forgets that Congress represents hundreds of millions of people and is, at some level, subject to their momentary preferences. What makes the Court uniquely capable of serving as the final voice of constitutional interpretationthe single authoritative interpreter that Alexander and Schauer describe and that the Framers envisioned is that it is insulated from such political pressure.309 Arguing that judicial supremacy distorts legislation, Professor Tushnet suggests that without it, Congress would act more responsibly in interpreting and abiding by the Constitution.310 For example, in the context of flag burning, he contends that judicial supremacy problematically prevented Congress from doing what its members and the people wantednamely, passing an effective law against the burning of the American flag.311 But that is exactly the point. Presumably by the exact same reasoning, it could have been argued that during the McCarthy era, the judiciary should not have been allowed to prevent the majority from doing what it wanted to do namely, suppress left-wing dissenters. The entire purpose of our structural Constitution is to embed Founding-era American skeptical optimism and force the majority, if it wishes to circumvent those fundamental truths, to garner enough supermajoritarian support to change them. If the American people are so concerned with flag burning, it is a good thing to require them to amend the Constitution formally, by means of the prescribed supermajoritarian process312to render constitutional those state or federal laws that ban it. If burning the flag is a method of expression, and laws forbidding it are contrary to the First Amendment because of their communicative impact, the people may amend the Constitution to declare thatflag-burning laws are an exception to the Amendments general coverage.313 Tushnet believes that lawmakers may apply their own conception of the Constitution if they are conscientious and if their interpretation is reasonable, 314 but this begs the question: Who is to decide whether a lawmaker has conscientiously considered and reasonably interpreted the Constitution? The lawmaker himself? Our constitutional democracy cannot survive such constant, momentary, self-interested reinterpretation. Tushnet says it is wrong to assume that members of Congress are inherently incapable of interpreting the Constitution.315 But the traditionalist view of American constitutionalism in no way stands for the position that Congress is incapable of properly exercising interpretive authority. To the contrary, we both hope and assume that Congress is doing just that in deciding whether to enact legislation. The Constitution does not in any way prohibit the majoritarian branches from ever exercising interpretive authority; in fact, as Professor Paulsen discusses with great alacrity, each and every politically accountable member of the federal government takes an oath to support the Constitution.316 Congress might be undereducated about the Constitution, and it might be that Congress would improve without the judiciary as a backstop, especially if given the same kind of institutional support that the executive receives in its endeavors of constitutional interpretation, such as the Solicitor Generals Office and the Department of Justices Office of Legal Counsel. 317 But this misses the point entirely. The problem is not that Congress is bad at constitutional interpretationit is that because of its inherently majoritarian nature, Congress is structurally incapable of effectively policing majoritarian threats to the values and dictates embodied in the countermajoritarian Constitution. This is especially true when Congress itself creates those threats. Thus, our structural Constitution does not envision Congress as the final interpreter, and for good reason. The peoples elected representatives exist to advance the current and future interests of their constituents; the courts exist to ensure that those current and future legislative and policy choices adhere to foundational principles embodied in the nations countermajoritarian supreme law.

#### Independently is offense under alienation—

#### Democratic backsliding causes extinction.

Kendall-Taylor 16 [Andrea; Deputy national intelligence officer for Russia and Eurasia at the National Intelligence Council, Senior associate in the Human Rights Initiative at the Center for Strategic and International Studies in Washington; “How Democracy’s Decline Would Undermine the International Order,” CSIS; 7/15/16; <https://www.csis.org/analysis/how-democracy%E2%80%99s-decline-would-undermine-international-order>/] Justin

It is rare that policymakers, analysts, and academics agree. But there is an emerging consensus in the world of foreign policy: threats to the stability of the current international order are rising. The norms, values, laws, and institutions that have undergirded the international system and governed relationships between nations are being gradually dismantled. The most discussed sources of this pressure are [the ascent of China](http://nationalinterest.org/feature/how-china-sees-world-order-15846) and other non-Western countries, Russia’s assertive foreign policy, and the diffusion of power from traditional nation-states to nonstate actors, such as nongovernmental organizations, multinational corporations, and technology-empowered individuals. Largely missing from these discussions, however, is the [specter of widespread democratic decline](http://www.journalofdemocracy.org/article/facing-democratic-recession). Rising challenges to democratic governance across the globe are a major strain on the international system, but they receive [far less attention](http://www.iiss.org/en/publications/survival/sections/2016-5e13/survival--global-politics-and-strategy-april-may-2016-eb2d/58-2-03-boyle-6dbd) in discussions of the shifting world order.

In the 70 years since the end of World War II, the United States has fostered a global order dominated by states that are liberal, capitalist, and democratic. The United States has promoted the spread of democracy to strengthen global norms and rules that constitute the foundation of our current international system. However, despite the steady rise of democracy since the end of the Cold War, over the last 10 years we have seen dramatic reversals in respect for democratic principles across the globe. [A 2015 Freedom House report](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf) stated that the “acceptance of democracy as the world’s dominant form of government—and of an international system built on democratic ideals—is under greater threat than at any point in the last 25 years.”

Although the number of democracies in the world is at an all-time high, there are a number of [key trends](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://www.journalofdemocracy.org/article/democracy-decline) that are working to undermine democracy. The rollback of democracy in a few influential states or even in a number of less consequential ones would almost certainly accelerate meaningful changes in today’s global order.

Democratic decline would weaken U.S. partnerships and erode an important foundation for U.S. cooperation abroad. [Research demonstrates](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://cmp.sagepub.com/content/18/1/49.abstract) that domestic politics are a key determinant of the international behavior of states. In particular, democracies are more likely to form alliances and cooperate more fully with other democracies than with autocracies. Similarly, authoritarian countries have established mechanisms for cooperation and sharing of “worst practices.” An increase in authoritarian countries, then, would provide a broader platform for coordination that could enable these countries to overcome their divergent histories, values, and interests—factors that are frequently cited as obstacles to the formation of a cohesive challenge to the U.S.-led international system.

Recent examples support the empirical data. Democratic backsliding in Hungary and the hardening of Egypt’s autocracy under Abdel Fattah el-Sisi have led to enhanced relations between these countries and Russia. Likewise, democratic decline in Bangladesh has led Sheikh Hasina Wazed and her ruling Awami League to seek closer relations with China and Russia, in part to mitigate Western pressure and bolster the regime’s domestic standing.

Although none of these burgeoning relationships has developed into a highly unified partnership, democratic backsliding in these countries has provided a basis for cooperation where it did not previously exist. And while the United States certainly finds common cause with authoritarian partners on specific issues, the depth and reliability of such cooperation is limited. Consequently, further democratic decline could seriously compromise the United States’ ability to form the kinds of deep partnerships that will be required to confront today’s increasingly complex challenges. Global issues such as climate change, migration, and violent extremism demand the coordination and cooperation that democratic backsliding would put in peril. Put simply, the United States is a less effective and influential actor if it loses its ability to rely on its partnerships with other democratic nations.

A slide toward authoritarianism could also challenge the current global order by diluting U.S. influence in critical international institutions, including the [United Nations](https://www.washingtonpost.com/opinions/christopher-walker-authoritarian-regimes-are-changing-how-the-world-defines-democracy/2014/06/12/d1328e3a-f0ee-11e3-bf76-447a5df6411f_story.html) , the World Bank, and the International Monetary Fund (IMF). Democratic decline would weaken Western efforts within these institutions to advance issues such as Internet freedom and the responsibility to protect. In the case of Internet governance, for example, Western democracies support an open, largely private, global Internet. Autocracies, in contrast, promote state control over the Internet, including laws and other mechanisms that facilitate their ability to censor and persecute dissidents. Already many autocracies, including Belarus, China, Iran, and Zimbabwe, have coalesced in the “Likeminded Group of Developing Countries” within the United Nations to advocate their interests.

Within the IMF and World Bank, autocracies—along with other developing nations—seek to water down conditionality or the reforms that lenders require in exchange for financial support. If successful, diminished conditionality would enfeeble an important incentive for governance reforms. In a more extreme scenario, the rising influence of autocracies could enable these countries to bypass the IMF and World Bank all together. For example, the Chinese-created Asian Infrastructure and Investment Bank and the BRICS Bank—which includes Russia, China, and an increasingly authoritarian South Africa—provide countries with the potential to bypass existing global financial institutions when it suits their interests. Authoritarian-led alternatives pose the risk that global economic governance will become [fragmented and less effective](http://www.tandfonline.com/doi/abs/10.1080/00396338.2016.1161899?journalCode=tsur20#.V2H3MRbXgdI).

Violence and instability would also likely increase if more democracies give way to autocracy. [International relations literature](https://www.foreignaffairs.com/articles/china/1995-05-01/democratization-and-war) tells us that democracies are less likely to fight wars against other democracies, suggesting that interstate wars would rise as the number of democracies declines. Moreover, within countries that are already autocratic, additional movement away from democracy, or an “authoritarian hardening,” would increase global instability. Highly repressive autocracies are the most likely to experience state failure, as was the case in the Central African Republic, Libya, Somalia, Syria, and Yemen. In this way, democratic decline would significantly strain the international order because rising levels of instability would exceed the West’s ability to respond to the tremendous costs of peacekeeping, humanitarian assistance, and refugee flows.

Finally, widespread democratic decline would contribute to rising anti-U.S. sentiment that could fuel a global order that is increasingly antagonistic to the United States and its values. Most autocracies are highly suspicious of U.S. intentions and view the creation of an external enemy as an effective means for boosting their own public support. Russian president Vladimir Putin, Venezuelan president Nicolas Maduro, and Bolivian president Evo Morales regularly accuse the United States of fomenting instability and supporting regime change. This vilification of the United States is a convenient way of distracting their publics from regime shortcomings and fostering public support for strongman tactics.

Since 9/11, and particularly in the wake of the Arab Spring, Western enthusiasm for democracy support has waned. Rising levels of instability, including in Ukraine and the Middle East, fragile governance in Afghanistan and Iraq, and sustained threats from terrorist groups such as ISIL have increased Western focus on security and stability. U.S. preoccupation with intelligence sharing, basing and overflight rights, along with the perception that autocracy equates with stability, are trumping democracy and human rights considerations.

While rising levels of global instability explain part of Washington’s shift from an historical commitment to democracy, the nature of the policy process itself is a less appreciated factor. Policy discussions tend to occur on a country-by-country basis—leading to choices that weigh the costs and benefits of democracy support within the confines of a single country. From this perspective, the benefits of counterterrorism cooperation or access to natural resources are regularly judged to outweigh the perceived costs of supporting human rights. A serious problem arises, however, when this process is replicated across countries. The bilateral focus rarely incorporates the risks to the U.S.-led global order that arise from widespread democratic decline across multiple countries.

Many of the threats to the current global order, such as China’s rise or the diffusion of power, are driven by factors that the United States and West more generally have little leverage to influence or control. Democracy, however, is an area where Western actions can affect outcomes. Factoring in the risks that arise from a global democratic decline into policy discussions is a vital step to building a comprehensive approach to democracy support. Bringing this perspective to the table may not lead to dramatic shifts in foreign policy, but it would ensure that we are having the right conversation.

## 3

### Metaethic

#### Permissibility and presumption Negate,

#### 1] Text – Ought is defined as expressing obligation[[1]](#footnote-1) which means absent a proactive obligation you vote neg since the aff can’t prove an obligation. O/W since text is the only thing we have access to prior to the round.

#### 2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### 3] Real world – Policymakers don’t pass policies they aren’t sure about, they shelve them for later.

#### Dire situations prove people act on the particular circumstances they are given not to universal norms, Hooft 1

Stan Van Hooft, *understanding* Virtue Ethics, 2006

In contrast, because virtue ethics envisages individuals responding to morally salient situations from out of their well-formed characters, the focus is upon the particularity of those situations. The individual is not described as applying a general principle, but as responding to the particular case. This position has been called “**particularism**”. It **is well illustrated by** the **people of the French village of Le Chambon, who courageously and generously sheltered fleeing Jewish refugees during the Second World War**. **They did so as a simple and direct response to a perceived need in a concrete situation. There are no reports of the villagers consulting general principles or deducing their duties from universal norms.** Even the village pastor took the simple and direct approach, expressive of his Christian commitment, of helping the refugees because they just happened to show up looking for help. **The villagers felt pangs of sympathy for the persecuted, saw that there was something they could do to help, and were motivated to do it.** There is no doubt that these actions could be justified rationally on the basis of moral principles, but the **reports of the events do not record anyone referring to such principles in order to generate a sense of obligation**.

Thus the meta ethic is consistency with particularism

Prefer:

1. Bindingness – Only particularism is binding because we still use it when presented with extreme moral dillemas. Without bindingness ethics has no value since people won’t have any reason to follow the ethic.
2. Normativity – Broad general principles aren’t normative because they don’t guide action in instances where two duties conflict i.e. returning a book VS saving a baby. Resolving this conflict concedes to the validity of particularism because it proves duties aren’t universally binding. Normativity is necessary for ethics because not being able to act would freeze action and prevent future action.

### Framing

#### Because we live in particular frames of reference, the other is constituitively unknowable. The other interrupts our ability to think about the world and waits for a response which makes us obligated to respect them, Morgan 2

Michael L. Morgan, March 21, 2011, "The Cambridge Introduction to Emmanuel Levinas" No Publication, https://www.amazon.com/Cambridge-Introduction-Emmanuel-Levinas/dp/0521193028

**I skip to Levinas’s main idea**:9 this solitude of the I inhabiting the world is shattered or interrupted. **The I is not alone; there is an other person whose face I confront and experience**. In Time and the Other, Levinas puts it this way: “… **the Other is what I myself am not. The Other is this, not because of the Other’s character, or physiognomy, or psychology, but because of the Other’s very alterity**. **The Other is, for example, the weak, the poor, ‘the orphan and the widow,’ whereas I am the rich or the powerful**.”10 In social life, I am always confronted by another particular person, who is near or far, friend or foe, present or absent, but always in the world with me and more importantly over against me **or before me**. **This person is different from me fundamentally – prior to considering her features or character, her height, complexion, her features, or the color of her hair, her humor and mood, whatever. She is a person like me, but because her perspective, her experiences, are inaccessible to me, she is radically separated from me and different from me.** And her difference is all about what she imposes upon me simply in virtue of being there, before me. **What she imposes is dependence and need, integrity and demand**. **Her presence, before it says anything else to me, says “let me live,” “let me be here too,” “feed me,” “allow me to share the world and be nourished by it too.” I am imposed upon, called into question, beseeched and commanded, and thereby I am responsible, Levinas says.** In Totality and Infinity, Levinas says: “I must have been in relation with something I do not live from.” This relation occurs as an “encounter [with] the indiscrete face of the Other that calls me into question. The Other … paralyzes possession, which he contests by his epiphany in the face.… I welcome the Other who presents himself in my home by opening my home to him.”11 **My thinking about the world and understanding it is also, in this way, like my inhabiting and enjoying what nature provides me, interrupted. Something outside or prior to my thinking confronts me: it is the demand and need of another person, of each and every other person. In this way, I am responsible before I am an observer or explainer or interpreter; I am, in a sense, a moral agent before I am a cognitive one**. Levinas even associates this “epiphany of the face of the other” or encounter with the other person’s need and demand with “language.” What **he means is that words, communication, and speech all arise out of and are embedded in a prelinguistic relationship of encounter between myself and a particular other person**. This relationship, moreover, has an ethical character; it is a relationship with the other **person’s “face,” not with her appearance or features or whatever; it is with the fragility and dependence on me of her very being**.

#### Limiting the other to a set of categories destroys the obligation to the other by closing off our unique connection to them and turning them into another object which we just impose meaning upon.

#### Thus the Standard is preventing the totalization of the other. This is a side constraint to all other frameworks since other theories presuppose a connection with the other to generate obligations.

#### Prefer additionally:

#### [1] Performativity – The use of language in this round presupposes the authority of our moral relations with the other. Morgan 3

Michael L. Morgan, March 21, 2011, "The Cambridge Introduction to Emmanuel Levinas" No Publication, https://www.amazon.com/Cambridge-Introduction-Emmanuel-Levinas/dp/0521193028

Exactly how does Levinas attempt to show that **discourse and communication are transcendentally grounded in the face-to-face** and thereby **in the ethical,** in some sense? In fact, Levinas does provide us with an argument that discourse is possible only on the basis of the face-to-face.41 How does this argument develop, and why – and how – does it result in an ethical foundation or ground for the possibility of language and communication? Levinas’s basic argument is rather direct. **Language presupposes interlocutors, persons engaged in discourse one with another.** **Discourse is a “struggle between thinkers” and hence implies “transcendence, radical separation, the strangeness of the interlocutors, the revelation of the other to me.”**42 **Language and discourse, then, presuppose an encounter between myself and the “nudity of the face,” which is different from the way a thing is disclosed to me in everyday life.**43 The face is naked, destitute, a plea and a command, that “supplicates and demands, that can supplicate only because it demands … which one recognizes in giving – … the epiphany of the face as face.… To recognize the Other is to recognize a hunger. To recognize the Other is to give.”44 It is “calling into question of my joyous possession of the world.”4

### Offense

#### 1] The aff violates particularism,

#### A] The US legal dictionary defines unconditional as,

Us Legal, Inc., xx-xx-xxxx, "Unconditional Law and Legal Definition," No Publication, https://definitions.uslegal.com/u/unconditional/

**Unconditional means** without conditions; **without restrictions; or absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain.

#### That can’t be particular because it doesn’t take into account exceptions.

#### B] I have no idea what countries, sectors, govenrments, etc. the aff applies too which proves its not particular

#### 2] The aff is a form of totalization saying workers all should strike when each worker lives in different circumstances and don’t all want to be grouped in and stereotyped as a striker or rioter.

#### 3] The affs notions of freedom through striking are self defeating and totalizing as they treat everyone the same, Only through labor can the self recognize it’s existence, Achtenberg 16

Achtenberg, Deborah, 2016-12-31, "Essential Vulnerabilities," No Publication, https://library.oapen.org/bitstream/handle/20.500.12657/29703/1000242.pdf?sequence=1&isAllowed=y

What is this, however, but freedom? According to Levinas, “freedom denotes the mode of remaining the same in the midst of the other” (TI 45/16). “Such is the definition of freedom,” Levinas says, “to maintain oneself against the other, despite every relation with the other to ensure the autarchy of an I [moi]” (TI 46/16). Separation is freedom, then, since separation is accomplished in enjoyment and enjoyment is taking in contents but remaining distinct from them. In enjoying contents, I make them my own. I transmute the other into the same. Such “imperialism of the same is the whole essence of freedom” (TI 87/59). How, concretely, do I maintain myself as a self (a psychism, an ego) while living from what is not myself? That is, how do I, concretely, maintain my freedom? I do so in a home. A home both protects me from what is outside and enables me to connect to and utilize it. In a home, I withdraw from the elements in which I have been immersed—elements that are indefinite (apeiron) and thus threatening—and recollect myself. Interiority, in other words, is accomplished in a home. The home breaks “the plenum of the element” (TI 156/130), and it does so without isolating me. The dwelling remains open to the element from which it separates. It is both removal and connection (TI 156/131). The window concretely makes the ambiguity of removal and connection possible. Enjoyment is sensibility. It is prior to consciousness and comprehension: “‘anterior’ to the crystallization of consciousness, I and non-I, into subject and object” (TI 188/162). Its function is not objectification, not even a “fumbling objectification [objectivation qui se cherche]” (TI 187/161), but a “transcendental function” (TI 188/163). Enjoyment is “by essence satisfied” (TI 187/161). It is an “immediate relation” (TI 158/131). In it, sensibility is “steeped in the element” (TI 158/131) and “‘possesses’ without taking” (TI 158/131). Enjoyment can, however, move into objectification with vision or the gaze: “objectification operates in the gaze in a privileged way” (TI 188/163). Vision and representation move into grasp, specifically, into touch and labor: “The connection between vision and touch, between representation and labor, remains essential. Vision moves into grasp” (TI 191/165). Unlike enjoyment, vision is not transcendental but is horizonal or perspectival: “Vision opens upon a perspective, upon a horizon, and describes a traversable distance, in- freedom 63 vites the hand to movement and to contact, and ensures them” (TI 191/165). Concretely, when I look through the window of a home, I am not immersed in elements but gain some distance on them so that I can grasp the elemental and labor (TI 158/131). The laboring hand that grasps, Levinas says, “takes and comprehends” (prend et comprend) (TI 161/135). The hand that comprehends “is mastery, domination, disposition,” and these “do not belong to the order of sensibility” (TI 161/135). In grasping or comprehending, the hand postpones the future through possessing, storing, protecting, and so on: “Possession masters, suspends, postpones the unforeseeable future of the element—its independence, its being” (TI 158/132). Labor “in its possessive grasp suspends the independence of the elements” (TI 158/132). The suspension is comprehension or ontology: “in this suspension possession comprehends the being of the existent” (TI 158/132). “The thing evinces this hold or comprehension—this ontology” (TI 158/132). The postponement or separation takes place in the body, which is “the very regime in which separation holds sway” (TI 163/137). But there, as with enjoyment, there is an ambiguity in the mastery of freedom: “To be a body is on the one hand to stand [se tenir], to be master of oneself, and, on the other hand, to stand on the earth, to be in the other, and thus to be encumbered by one’s body” (TI 164/138). The ambiguity is simultaneously one “of sovereignty and of submission” (TI 164/138). This simultaneous ambiguity is consciousness: “The ambiguity of the body is consciousness” (TI 165/139). Comprehension and consciousness, then, evince a higher degree of freedom on the atheist stage. Enjoyment is the ambiguity of independence through dependence on another. Comprehension or consciousness is the increased freedom of postponement and comprehension which ambiguously takes place within suffering. The freedom found within consciousness, comprehension, and ontology delineates clearly the second stage of development according to Levinas as well as taking us into the central concepts of Totality and Infinity. The first stage is the stage of the il y a or immersion in the totality, in which there is no clear distinction between I and not-I. The second stage is the stage of atheism or interiority, in which there is objectification and ontology. Ontology, as Levinas says in a crucial passage, is the intelligence of beings, which promotes freedom by reducing the other to the same. Intelligence is “the logos of being—that is, a way of approaching the known being such that its alterity with regard to the knowing being vanishes. The process of cognition is at this stage identified with the freedom of the knowing being encountering nothing which, other with respect to it, could limit it” (TI 42/12). “Ontology, which reduces the other to the same, promotes freedom—the freedom that is the identification of the same, not allowing itself to be alienated by the other” (TI 64 freedom 42/13). Ontology, then, postpones being that affects it, objectifies being and reduces it to the same. Consciousness is not mere reflection or reception but is, from the very first, active and resistant. The resistance takes place through enjoyment, postponement, objectification, and reduction of the other to the same. What I enjoy becomes me (my contents, my contentment). What I comprehend is brought into my horizon (my perspective). This, for Levinas, is freedom on the atheist stage. It takes place first through enjoyment and then through comprehension, intelligence, or knowledge. Knowledge is the height of this type of freedom: “If freedom denotes the mode of remaining the same in the midst of the other, knowledge, where an existent is given by interposition of impersonal Being, contains the ultimate sense of freedom” (TI 45/16). But there is a way of relating besides knowledge and a level of development beyond interiority, namely, the social stage on which I accept that there is something—someone—other than me, separate from me, radically exterior to me. Hence the subtitle of the book, An Essay on Exteriority. By sociality, Levinas means relating to an other without assuming the other to myself, that is, without either enjoying the other, and thus transmuting the other into my contents, or knowing the other by bringing the other into my own horizon. On the social stage, I do not reduce the other to the same but welcome the other, where welcoming is not sensibility or comprehension but a different type of response. With sociality, I cease ontologizing. I do not see the other as an object. Instead, sociality is metaphysics: “Metaphysics, transcendence, the welcoming of the other by the same, of the Other by me” (TI 43/13). Metaphysics is transcendental not atheistic. It welcomes the other rather than being all about the self. It is exteriority not interiority or immersion. With sociality, metaphysics, transcendence, exteriority, we attain a new level of freedom, a grounded or founded freedom not an arbitrary one. It is because Levinas believes there is a metaphysical stage that he can be a philosopher of the other. Metaphysics “is concretely produced as the calling into question of the same by the other” (TI 43/13). What is called into question, more specifically, is my freedom. Ontology, we have seen, reduces the other to the same and promotes freedom. Metaphysics “calls into question the freedom of the exercise of ontology” (TI 43/13). Metaphysics is critique: “critique does not reduce the other to the same as does ontology, but calls into question the exercise of the same” (TI 43/13). The calling into question cannot occur within the free self turned in on itself. Instead, the other brings it about: “A calling into question of the same—which cannot occur within the egoist spontaneity of the same—is brought about by the other” (TI 43/13). freedom 65 Reason is the manifestation of arbitrary freedom since, as Levinas regularly maintains, thought and reason know themselves: “That reason in the last analysis would be the manifestation of a freedom, neutralizing the other and encompassing him, can come as no surprise once it was laid down that sovereign reason knows only itself ” (TI 43/14). The manner in which this arbitrary freedom of the interiority stage takes place is through understanding the other by way of a concept or a theme, through understanding the other as an object. I reduce the other to the same, and in so doing produce my arbitrary freedom “by interposition of a middle and neutral term that ensures the intelligence of being” (TI 43/13).

## Case

### UV

### Framing

### Solvency

#### Plan Flaw:

#### If in order for a government to be just it must recognize the unconditional right of workers to strike, then any aff that is inherent is not currently a just government which means it doesn’t prove the truth of the resolution.

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