## 1

#### Interpretation: The affirmative must not defend “counterplans and PICs affirm because they do not disprove my general thesis”.

#### Violation: They do – that was on the advocacy.

#### Standards:

#### 1 – Reciprocal burdens – Absent CPs the negative is forced into disproving the aff in all instances. Ow on quantifiability since you get to choose infinite plans.

#### 2 – Ground: It gives them the ability to shift out of all CPs by saying they don’t disprove the general thesis of the AFF which is bad – Good policymaking requires making comparisons between similar courses of action – saying that CPs are bad doesn’t answer this because we should have to opportunity to argue that in round. CPs teach us to find the best policy possible – debate should teach us to be better decisionmakers because it’s the only transferable skill to the rest of our lives, also controls the I/L to ground because they get infinite advocacies but I only get one.

#### Fairness is a voter because the judge needs to evaluate the better debater

#### Drop the debater to deter future abuse since it’s the most severe form of punishment

#### No RVIs

#### 1) its illogical you don’t win by proving that you’re fair

#### 2) encourages theory baiting where good theory debaters bait the RVI to win

#### Use competing interps a] it creates a race to the top where we set the best norms b] arbitrary

#### NC theory first –

#### a] I was only abusive because you were first and prevented me from creating a fair strat

#### b] Norming – more time

## 1

Interpretation: All AC spikes or preemptive theoretical framing issues/RoB/Burdens must be read at the top of the affirmative’s case

Violation: paradigm issues on bottom

Standards:

1. Strat skew: I can’t formulate my NC strategy until after the spikes are read because you could have several framing issues like 1AR theory paradigm, AFC, Theory incoherent, no neg fiat, or PICs bad. That moots 6 minutes of time I could be using to formulate an NC that best meets the spikes and engages with the aff. Stratskew key to recipricol fairness since you get to form your 1AR strat during my NC. Key to education since it leads to more specific clash with the aff.

Scrolling to the bottom of the doc doesn’t solve

1. Some ppl don’t flow off the doc
2. It forces me to miss the top part of the case while reading the underview
3. I don’t know what arguments you’ll have to skip which skews my strategy.

## 2

#### CP Text: A just government ought to recognize the right to strike however not unconditionally, intermittent strikes should be illegal, all other types of strikes the AC recognizes should be.

#### Intermittent strikes violate labor peace, Theodore 19

[Mark Theodore, 7-30-2019, "Employer’s Discipline of Employees Engaging In “Intermittent Strikes” Lawful: NLRB Majority", Labor Relations Update, https://www.laborrelationsupdate.com/nlra/employers-discipline-of-employees-engaging-in-intermittent-strikes-lawful-nlrb-majority/, date accessed 10-24-2021] //Lex AT

The Board also explained why intermittent strikes are unprotected: such conduct undermines the purpose of the Act – i.e., to promote overall labor peace – by allowing employees to leave work at times particularly harmful to the employer while still being able to return to work before losing their jobs to permanent replacements.  The Board determined that, unlike a genuine strike, such a tactic was never contemplated or condoned by Congress in crafting the Act and therefore does not warrant protected status.

#### Unconditional means,

https://www.google.com/search?q=unconditional+definition&oq=unconditional+definition&aqs=chrome..69i57j0i512l3j0i22i30l6.2119j0j9&sourceid=chrome&ie=UTF-8

**not subject to any conditions.**

#### Takes out general principle bc it means general principle still defends all stirkes since exceptions are ocnditions.

#### That negates under the AC framework –

#### 1] Promise breaking – the original NLRA act that explains the right to strike made them illegal bc they violated the purpose of genuine strikes. ow on perfect duties. SPECIFICALLY not arbitrary.

#### 2] Solves aff offense none of it is specific to an unconditional right

#### 3] contradiction in conception – if everyone always striked in small amounts for no reason (which is an intermittent strike) stikres would have no purpose

#### 4] Intermittent strikes are too short to create change and violate employers autonomy, Williams 19

[Ronald Williams, 8-12-2019, "NLRB Confirms that Intermittent Strikes in Furtherance of an Unchanging Goal are Unprotected", JD Supra, https://www.jdsupra.com/legalnews/nlrb-confirms-that-intermittent-strikes-52037/, date accessed 10-31-2021] //Lex AT

In Walmart Stores, Inc., 368 NLRB No. 24 (July 25, 2019), a majority of the National Labor Relations Board (“NLRB” or “Board”) reaffirmed that a union’s intermittent strike scheme is unprotected where the short duration strikes are part of a strategy to achieve the same purpose or goal. The Board emphasized that such conduct is not a genuine strike as “a genuine economic strike involves employees fully withholding their labor in support of demands regarding their terms and conditions of employment until their demands are satisfied or they decide to abandon the strike . . . Striking and then returning to work with the intention of striking again is simply not the same.” Id. at \*4.

#### Yes CPs negate - Good and bad are attributive adjectives which don’t make sense in a vacuum i.e. you can’t say this burger is really good without comparing it to alternative burgers.

## 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

#### [2] Value Pluralism – only my framework explains why people have conflicting values because we experience the world through a subjective lense. That means the framework hijacks all others since proving your fw true doesn’t disprove mine.

### 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 unions 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

### Framework

#### Determinism hijacks Kant. Kant says reason is inescapable and agents must always abide by the categorical imperative. That implies determinism since every human always acts in a rational or predictable manner. That negates since it means its impossible to have obligations under kantianism

### Case

#### No ev is specific to unconditional right to strike, which means they cant weigh strikes vs the NC

#### Legal alternatives check i.e. regular right to strike, overadhering to the rules, union bargaining, messaging local representative, using media, etc.. distinctions arbtirayr and consequntialist.

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