# AC

#### Theory paradigm issue on the bottom, ask for any order concerns

## Framing

#### Agency is inescapable.

Ferrero 9 - Luca Ferrero (University of Wisconsin at Milwaukee) “Constitutivism and the Inescapability of Agency” Oxford Studies in Metaethics, vol. IV January 12th 2009 pp. 6-8

3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise isipso facto to engage in the enterprise of agency**.** In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on [ordinary enterprises] their justification while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whethershe is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a manifestation of agency.14 Agency is not necessarily self-reflective but all instances of reflective assessment, including those directed at agency itself, fall under its jurisdiction; they are conducted in deference to the constitutive standards of agency. This kind of closure is unique to agency. What is at work in reflection is the distinctive operation of intentional agency in its discursive mode. What is at work is not simply the subjectʼs capacity to shape her conduct in response to reasons for action but also her capacity both to ask for these reasons and to give them. Hence, agencyʼs closure under reflective rational assessment is closure under agencyʼs own distinctive operation: Agency is closed under itself.15

#### Implications:

#### 1] Agents can’t arbitrarily ignore rationality since asking a reason for a reason concedes the authority of reason—means reason in it of itself is inherently valuable -proving the neg framework collapses to infinite regress.

#### 2] NC framing devolves to the aff— freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### Agency posits universal willing because it is a prerequisite to self-determination of action. Anything else means desire controls our actions, thus the actor is no longer an agent.

**Korsgaard** “Self-Constitution in the Ethics of Plato and Kant” by Christine M. Korsgaard, available in “The Constitution of Agency: Essays on Practical Reason and Moral Psychology,” 2008

The second step is to see that particularistic willing makes it impossible for you to distinguish yourself, your principle of choice, from the various incentives on which you act. According to Kant **you must always act on some incentive** or other**, for every action**, even action from duty, **involves a decision on a proposal**: something must suggest the action to you. And **in order to will** particularistically, **you must** in each case wholly **identify with the incentive of your action. That incentive would be**, for the moment, your law, **the law that defined your agency or your will.** It’s important to see that if you had a particularistic will **you would not identify with the incentive as representative of any sort** of type, **since if you took it as a representative** of a type **you would be taking it as universal.** For instance, you couldn’t say that you decided to act on the inclination of the moment, because you were so inclined. **Someone who takes “I shall do the things I am inclined to do**, whatever they might be” as his maxim has adopted a universal principle, not a particular one: he **has the principle of treating his inclinations** as such **as reasons. A truly particularistic will must embrace the incentive in its full particularity**: it, in no way that is further describable, is the law of such a will. So someone who engages in particularistic willing does not even have a democratic soul. **There is only the** tyranny of the moment: the **complete domination of the agent by something inside him.**

#### Thus, the standard is consistency with the categorical imperative. Prefer:

#### 1] Externalism fails: no reason why we ought to care about higher order because they can just say screw it and not follow that order which takes out consequences because we don’t care about them.

#### 2] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

#### 3] culpability – absent a conception of free will, people can just claim they were acting of desires they can’t control.

#### 4] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Aggregation Fails --- suffering is not additive can’t compare between one migraine and 10 head aches [D] inability to know each other’s experience makes it an unreliable basis for ethics. People could just say they don’t experience the same.

#### 5] Ethics must be a priori: [A] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory. [B] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible. [C] Empirical uncertainty – evil demon could deceive us, dreaming, simulation, and inability to know others’ experience make empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### 6] Actor specificity—societies are just conglomerates of reasoners.

**Laurence 11** Ben Laurence 2011 (Professor of Philosophy at the University of Chicago) “An Anscombean Approach to Collective Action” in Ford and Hornsby, Eds. Essays on Anscombe's Intention (Cambridge: Harvard University Press, 2011) 293-294

#### But even if it is laying it on a bit thick to speak in this way, it doesn’t really matter. It is enough that the same order displayed in collective action explanation can also be represented as a set of rational transitions justifying the actions undertaken by members of a group in light of a shared objective. In this way, whether or not there is strictly speaking a unitary knowing subject of the whole action, we can still see the actions in question as recommended by reasoning. This reasoning will not, of course, occur through the exercise of a separate practical reason possessed by the group, but rather through the reasoning of the individual members as the execute their shared objective. We might sum this up by saying that just as a collective agent can only act through the actions of its individual members, it can only know through their knowing, and reason through their reasoning. In this way, even without a mind of its own, it can be the subject of a practical syllogism.

## Advocacy

#### Thus, the advocacy – Resolved: A just government ought to recognize the unconditional right of workers to strike.

## Offense

#### Recognizing the right to strike would transform dominating power structures.

Lazar 20 [Orlando; 10/6/20; St. Edmund Hall & Balliol College, University of Oxford; “Work, Domination, and the False Hope of Universal Basic Income,” <https://link.springer.com/article/10.1007/s11158-020-09487-9>] Justin

If workers can simply leave and subsist on an adequate level of basic income, then they can very credibly threaten to do so rather than suffer under the dominating power structures of their workplaces. More than this, employers will know that their workers have this option. In response to some gross overstep of managerial power this might take the form of an actual threat, but in normal circumstances it would function as an implicit threat on the part of the worker. The threat to strike works in the same way: where the right to strike is protected, that threat functions quietly and implicitly, and needs only rarely become explicit. The genuine ability to exit would become more than a tool to contest, after the fact, managerial decisions; it would be an ever-present possibility, raising the bargaining power of individual workers and reshaping their relationship to their employers. Rather than just the ability to exit, an adequate UBI gives workers various abilities—by the reckoning of one supporter, the powers to ‘enter, undominatedly stay, exit, and restart all kinds of social relations, starting with work relations’ (Casassas 2016, p. 9). In this sense the power structures of individual workplaces would be transformed, with managers no longer able to monopolise the residual authority described in the previous section.

#### Striking is a fundamental protection of dignity and the right of the worker to resist a dominant relationship.

Mason 18 [Elinor. Elinor Mason is a senior lecturer in philosophy at Edinburgh University. On striking, and the recognition that ethics are a collective affair. “On striking, and the recognition that ethics are a collective affair”. 4-1-2018. openDemocracy. https://www.opendemocracy.net/en/opendemocracyuk/on-striking-and-recognition-that-ethics-are-collective-affair/.] SJ//VM

It is worth situating any remarks about the ethics of strike action in the legal context. In Britain, strike action is not civil disobedience, it is legal, and permitted within the framework of employment law. This situation was hard won, by generations of workers who faced terrible working conditions. At the start of the industrial revolution, workers faced day to day working conditions that were often unsanitary and dangerous, no job security, exploitative wages, no paid time off, arbitrary inequalities, and of course, no pensions. In the years following the Industrial Revolution, workers fought for the right to organize, and formed trade unions in order to use collective power to resist unfair treatment by their employers. The overall justification for a framework that allows workers to unionize, and to pursue strike action under some circumstances, is that the possibility of striking provides a safeguard against exploitation, a protection for workers in a situation of power imbalance. **Ethical Issues** 1. Preconditions Obviously, there are various [preconditions that must be met](https://www.opendemocracy.net/uk/kieran-oberman/just-and-unjust-strikes) for a strike to be ethically justified. First, the question of whether what the employers are doing is unfair or not arises. The pensions issue is incredibly complicated, and I do not pretend to understand all the [actuarial details](https://twitter.com/mikeotsuka?lang=en). It seems though, that we have a just cause here, that the offers that have been made are unfair. It is worth pointing out that it is not just a question of how much money there is or will be in the pension fund, there are also ethical questions: a question about how risk should be distributed, and a question about what else the universities are doing with their money. Pensions are a kind of wage, and our wages are not paid out of any particular fund, but out of the universities’ general resources. So we should be wary of accepting frameworks for discussion that attempt to reduce all the issues to financial ones. Relatedly, if a strike is to be justified, the cause must be realistic. There is no point in striking for something that cannot be obtained. But again, we should be careful here. What counts as unrealistic depends on the values people hold. There was a time when votes for women seemed unrealistic. Twenty years ago, marriage equality might have seemed an unrealistic goal. But some people pursued those goals anyway. If we take for granted that vice chancellors will be paid a fortune and that wages will be linked to student enrolment, perhaps fair wages for lecturers is not realistic. But why would we take those things for granted? Finally, of course, less disruptive methods of persuasion should be used first. Striking is a last resort, it is only permissible when negotiation has stalled. We start by trying to persuade the employer on the basis of the reasons: that a policy or proposal is unfair, unnecessary, that there are alternatives. It is only if that fails that we should move to strike action. **2. Harm** The primary aim of a strike is to harm the interests of the employer. Public Sector workers, will, inevitably end up harming the public too. In the public sector, the work we do is a public good, and if we withdraw our labour, we hurt the public. How much harm there is depends on what area, and what sort of public good we are talking about – the potential harm from doctors striking is greater than the potential harm we do here. The harm we do to our students in striking is nonetheless significant, and it needs to be defended. I think that the harm here is justified, and I will try to defend that in what follows, but even if you do not agree with me about this case, I aim to provide a way to think clearly about what might justify this sort of harm. First though, it is worth thinking a bit more about the nature of the harm, and what role it has. We might think of students as innocent bystanders in all this, and we might think that our duty as teachers is to minimize the harm to them. I don’t think that is quite right: students are innocent bystanders in one sense, they are innocent anyway, they are not the ones deciding to cut our pensions. However, harm to students is an essential part of strike action, and we should face that head on. Here is why. Strike action occurs when negotiation has not worked. If the suggested changes are truly unjust, what should we do? Should we simply accept the injustice? The recent history of Conservative government policy in the UK, starting with Thatcher and continued by Cameron, is to weaken the power of the Unions and weaken the right to strike. Their idea is that the way to deal with unjust working condition is through individual employment tribunals. If I am being badly treated by my employer, I should initiate a tribunal. But this deprives us of the power of collective action. The whole point of the union is that we are stronger together. We bargain collectively, and so the employers cannot pit us against each other as individuals. Furthermore, we threaten collectively. Harm to the employer’s interests is a necessary part of what makes collective action effective. It is because a harm is threatened that the employer has reason to change their mind. When the employer is a public body and the work a public good, then harm to the public – the students, in this case – is inevitable. To put it another way, striking is a form of coercion. We want to make it impossible for them to say ‘no’ to us. The preconditions for a justified strike are that the workers offered the reasons that were directly relevant – the reasons relating to justice, and that failed. So now the workers offer a different sort of reason: coercive practical reasons. As I said, the right to strike is a protection against exploitation. We have the right to move on to threat of harm when our reasonable requests are ignored. Compare this situation: imagine that a student plagiarises an essay. We have both a reasons based system to discourage plagiarism (we make clear that it is wrong and unfair) and a practical reason as back up (if you plagiarize, we will take punitive action). The punitive action is essentially harmful, that’s why it is effective, and of course, that is why it is only justified when all else has failed. **3. Justifying harm** First, as I said above, I think that the pensions deal we have been offered is unfair in its own terms. But our goal here is not simply to get our pensions back. Long term, we are trying to protect the University, just as the [junior doctors’ strike](http://www.bbc.co.uk/news/health-34775980) in 2016 was partly about the future of the NHS. If the university mistreats its employees, it will not have as good a pool of staff to draw on, and the quality of the institution will suffer. We impose harms on this generation of students, but we hope that future generations of students will be able to take advantage of a strong university system. More broadly, a strike is usually about more than just the issue at hand. Women factory workers in the early twentieth century went on [strike for equal pay](http://www.unionhistory.info/equalpay/). They were not just striking for equal pay as individuals, they were protesting about gender inequity. The strike has an expressive message. Most of your lecturers striking here are doing more than asking for their pensions back: they are sending an expressive message to University management. For many of us, the message is that we want the University to be a public good, a shared asset, a place of learning and teaching, not a business. Our students are not consumers, and market models are not the best way to run universities. In striking, we are referencing a long history of effective strike action, and we are showing that we are willing to fight for the things we value. This is not to deny that the right to strike could be abused, or could be ineffective. In the end, it is an empirical matter whether the right to strike has done more good than harm, or done more harm than good. It is not an empirical matter that is easy to settle either: labour history is one of the most ideologically polluted areas of human enquiry. On the one hand, there are the supporters of the right to strike, who point out that organization has brought us workers’ rights and tolerable working conditions. On the other hand there are those who argue, with Thatcher, that striking hurts growth; hurts industry; hurts the economy, and should be stopped. It may seem like a far fetched comparison, but think of the right to bear arms, as enshrined in the American constitution. That right has the same basic justification as the right to strike, it is there to protect the ordinary person from tyranny and exploitation by more powerful groups. However, the right to bear arms does not actually function like that. It is not a safeguard against tyranny, but rather causes immense harm. We can imagine that this is how Thatcher saw the right to strike: as a right that does not achieve its aims and causes unnecessary harm. But the opposing view is that the legal right to strike is an effective right, it does protect us, and can be, and is usually, used in a judicious way. But as I say, this is an empirical matter, and we should all know more about labour history. **4. Collective Action** Finally, I will close with a couple of thoughts about collective action. As I said, we stand for more than just this issue. That worries some people: they will not march under a banner that they do not fully endorse. Here is an interesting philosophical/sociological thought about that. As I said, the anti-union movement encourages us away from collective action and towards individual action. One of Margaret Thatcher’s major victories was to [take away the right to strike in solidarity](http://www.unionhistory.info/timeline/1960_2000_Narr_Display.php?Where=NarTitle+contains+%27Anti-Union+Legislation%3A+1980-2000%27) with other workers who have a different employer. Perhaps it is not coincidental that there is also a cultural movement towards thinking of one’s values as a very individual thing, a personal thing. Philosophically, there is one clear mistake there, and a less clear one. The clear mistake is thinking that values are not universalisable. As [Kant](https://plato.stanford.edu/entries/kant-moral/) points out, it is part of the definition of values that they are universalisable. Values are not personal in the sense that they apply only to the person who holds them. The less clear point though, and more relevant here, is that integrity does not require that we never sign up for anything we are not fully on board with every detail of. We shouldn’t be too precious about our own values. The mistake here might be characterized as fetishization, or a quest for purity. Think of the voter who says, ‘I can’t vote for X because of something she has done that I don’t agree with, so I will not vote at all’. This is a mistake. We should think of the bigger picture, sometimes be willing to throw our lot in with those we disagree with in pursuit of bigger goals. [Solidarity](https://www.opendemocracy.net/uk/mihaela-mihai/plea-to-my-students) is important, and solidarity requires that we think of our own values as robust enough to bear some minor disagreements. We should value solidarity; we should engage in it. We hugely appreciate the solidarity of our students: thank you.

#### Non-domination requires restriction of the employer’s power to arbitrarily impose their will on employees.

Bogg 17 [Alan. Alan L Bogg is Professor in Law at the [University of Bristol Law School](https://research-information.bris.ac.uk/en/organisations/university-of-bristol-law-school). 'Republican Non-Domination and Labour Law: New Normativity or Trojan Horse?', (2017), 33, International Journal of Comparative Labour Law and Industrial Relations, Issue 3, pp. 391-417, <https://kluwerlawonline.com/journalarticle/International+Journal+of+Comparative+Labour+Law+and+Industrial+Relations/33.3/IJCL2017017>] SJ//VM

According to Pettit, this equal civic status requires the effective public resourcing and protection of ‘basic liberties’ in the relations between private citizens.46 These ‘basic liberties’ consist of those freedoms that are capable of being exercised and enjoyed equally by all citizens. This would require the republican state to entrench such freedoms as ‘the freedom to think what you like’ and ‘the freedom to travel within the society’ as ‘basic liberties’.47 The specification and content of these ‘basic liberties’ is determined through Pettit’s ‘free-person heuristic,’ or ‘eyeball test’: ‘people should securely enjoy resources and protections to the point where they … can look others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status, objective and subjective, of being equal in this regard with the best.’48 It is a great strength of Pettit’s account of ‘basic liberties’ that it is rooted in a concern to ameliorate private domination between citizens. By contrast, standard liberal accounts of freedom focus on state infringement of freedom, and are sometimes sceptical of the ‘horizontal’ extension of public rights into the private sphere.49 This also marks an important difference with the structure of Lovett’s republican argument, where his discussion of basic liberties is framed as a concern to impose constitutional limits on public democratic processes.50 On Pettit’s republican account, the ‘basic liberties’ demarcate a protected zone of freedoms that must be insulated from arbitrary interference by other private parties.51 In particular, Pettit’s eyeball test leads to the need for ‘special insulation’ of the ‘basic liberties’ within ‘relationships like those of wife and husband, employee and employer, debtor and creditor, where there are often asymmetries of power’.52 Pettit is therefore concerned to elaborate a republican account of labour standards, and the employment relation lies at the centre of Pettit’s democratic theory. This ‘special insulation’ regime of republican labour law requires the state to impose legal duties on the stronger party to restrain the arbitrary exercise of private power. This would include ‘for cause’ dismissal protection, encompassing ‘constraints within workplace relations that deny an employer the right to fire without cause, imposing something like a requirement to defend an appeal against dismissal in an agreed forum.’53 It also includes ‘legalizing the unionization of employees and recourse to strike action’.54 This is because ‘the resort to collective action…may represent the only hope of winning freedom as non-domination for those who are employed.’55 Pettit defends the public provision of unemployment insurance to resource effective ‘exit’ rights for workers, as part of a public republican programme of insurance for citizens. 56 Pettit’s approach to ‘special insulation’ is also attuned to the specific vulnerabilities of precarious workers. For example, in their republican audit of Spanish governmental reforms implemented under Prime Minister Zapatero, Luis Marti and Pettit offer a favourable assessment of specific legal measures to protect illegal migrant-workers and those employed on fixed term contracts.57

### Additionally

#### [1] Only univeralizable reason can effectively explain the perspectives of agents – that’s the best method for combatting oppression.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### [3] permissibility and presumption affirm –

**A] Freeze- otherwise we would not be able to justify morally neutral actions since there isn’t a prohibition and we would have to prove an obligation.**

**B] Trivialism- statements are true until proven false, if I told you my name you’d believe me.**

#### C] Negation Theory- Negating requires a complete absence of an existing obligation

Negate [is to]: to deny the existence of

That’s Dictionary.com- “Negate” https://www.dictionary.com/browse/negate.

#### D] The Law of Excluded Middles- if something is not false, it must be true, which means that if something is not prohibited, it must be obligatory, and permissibility is the same as obligatory.

#### E] All statements of truth rest upon other assumptions, so if we presume everything false, then we can never prove anything true, including the statement presumption negates

#### F] There’s a neg side bias. (a) 7-4-6-3 time skew. (b) Lack of offense means it’s ok to do something, but it’s never okay to do something which is prohibited which means that the neg has to win offense

### Shell

#### 1. Interp: At all TOC bid-distributing tournaments, debaters must disclose all broken positions on the 2021-2022 NDCA LD wiki. The disclosure must include citations, all constructive speech docs open source with highlighting, and the full text from each card read.

#### Violation: They don’t have a wiki

#### C. Standards

#### 1] Debate resource inequities—

#### A] you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs.

Antonucci 5 [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //nick]

Open source systems are preferable to the various punishment proposals in circulation. It's better to share the wealth than limit production or participation. Various flavors of argument communism appeal to different people, but banning interesting or useful research(ers) seems like the most destructive solution possible. Indeed, open systems may be the only structural, rule-based answer to resource inequities. Every other proposal I've seen obviously fails at the level of enforcement. Revenue sharing (illegal), salary caps (unenforceable and possibly illegal) and personnel restrictions (circumvented faster than you can say 'information is fungible') don't work. This would - for better or worse. b. With the help of a middling competent archivist, an open source system would reduce entry barriers. This is especially true on the novice or JV level. Young teams could plausibly subsist entirely on a diet of scavenged arguments. A novice team might not wish to do so, but the option can't hurt. c. An open source system would fundamentally change the evidence economy without targetting anyone or putting anyone out of a job. It seems much smarter (and less bilious) to change the

#### B] Research Accessibility – articles can be hidden behind paywalls, making it impossible to cut it unless debaters have money or special connections putting certain debaters at a structural disadvantage.

#### 2] Reciprocity – I disclosed everything, but they didn’t so they had an advantage in prepping me out kills fairness since I didn’t have that same advantage.

#### 3] Evidence ethics – disclosure is the only way to verify before round that cards aren’t miscut – otherwise you could have highlighted unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat, controls internal link to infinite abuse bc they can fake best args from best ppl and I will always lose

#### Paradigm:

#### Fairness is a voter— we presuppose all arguments are evaluated fairly

#### Education is a voter – only portable skill outside of debate and only reason debates funded

#### Drop the debater— a) deter future abuse , b) skewed 1AC strat so we can’t go back on substance

#### Competing interps—a] normsetting—we find the best possible norms b] reasonability’s arbitrary and self-serving c] reasonability collapses—you use offense/defense on paradigm.

#### No RVIs—a] illogical—you shouldn’t win for proving you are fair it’s an expectation b] baiting—they’ll bait theory and prep it out—justifies infinite abuse c] they could collapse for 7 minutes in the 1NC while I only spent 30 sceonds in the 1AC

## UV

**1. Affirmative gets ROB choice else neg excludes all ac offense A)creates 13-7 time skew B)Forces a 1ar restart, already skewed since its my extemp to your perfect nc and 2n frontlines C)Debating under same FW allows to foster nuanced clash rather than just debating a priori framework disagreements. D)If your FW is so important you can read it on the aff, if you can’t affirm under your FW Its unpreferable since theres no equal ground**

#### 2. The aff takes a stance on every issue and are willing to clarify anything in cx this has two implications [a] all neg interps are counter interps [b] all neg T/theory requires an RVI to become offensive

#### 3. Reject counter-interps [a] they deck fairness because the judge is forced to intervine and pick which definition they prefer. [b] They also lead to messy irresolvable debates. [c] Allows the neg to redefine the aff forcing a 1ar restart.

#### 4. No RVIs you shouldn’t win for being fair this round just like you wouldn’t win for being fair in any other round.

#### 5. Every negation is just a reconfiguration of a set of relationships of differences. It doesn’t in truth deny those relations, it just affirms them in a different way. There is a multiplicity of “yes’” from which we shape a no, which means even if there is no logical conclusion from this, then only affirmation is true.

#### 6. Our knowledge of truth and false is apriori truth. Each person experiences different affect such that any singularity of expression must be taken as an individual’s truth.

#### 7. Oxford defines resolved as “firmly determined to do something” Auto affirm because I’m firmly determined to affirm

#### 8. Oxford defines affirmative as “agreeing with or consenting to a statement or request” Auto affirm because I agree with the res

#### 9. Whatever argument the negative is running doesn’t prove the resolution false on its own terms, but rather challenges an assumption of the resolution. Secondly, statements like the resolution which make such assumptions should read as tacit conditionals or “If p, then q”. Thirdly, for all conditionals, if the antecedent, or the if part, is false, then the conditional as a whole is true. These three claims in combination, then, mean that by refuting an “assumption” of the resolution, the negative has actually proven it true.

#### 10. Evaluate the debate after the 1AC [a] the 1nc, 1ar, prep, and cx can cause anxiety attacks [b] 11% neg side bias [c] 13-7 time skew for the rest of the debate [d] 1nc can uplayer making the debate irresolvable [e] even if they win that it is unfair (its not) aff autowins help spread the message that debate is unfair so people will change LD rules to be more structurally fair. [f] If you evaluate after the 1AC then they didn’t respond to this arg so it just goes conceded so you can extend it across the flow.

**11. 1AC/1AR theory is legitimate and the hghest layer of the round because otherwise the 1N has infinite abuse, it’s drop the debater because the 2N could concede the shell and win another layer, Competing interp cause better norm and it’s no RVI since a 6-minute 2N dump on theory makes the 2AR impossible. Introduced first, if nc is abusive don’t evaluate any of it.**

**12. Refer to me in T/Theory violations as Junkai, my name isn’t affirmative and I’m not plural debaters else I get an auto I meet**

**13. If I win one layer vote aff a) The NC is reactive and has the ability to uplayer to exclude or preclude the layer I spend half the round justifying mooting that layer b) I don’t have time to win multiple layers since I have to preclude your 2n responses, answer NC arguments, and extend my own in 4 min**

**16. AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched. Treat each of the spikes as separate offensive theory arguments, which if the neg contests is drop the debater – key to normsetting since it provides strong incentive to set paradigm norms.**

**17.No neg responses – they’re circular since they assume they get neg arguments, but that’s what they must prove.**

**18. Fiat is illusionary- the ballot has no power, I present no plan, and after we finish this round no policy is gonna pass this means the NC has no access to post fiat impacts since I don’t trigger any links**

**19.** Theory/K on spikes is drop the arg, In the same way that winning competing interps isn’t a voting issue, my theory paradigms are simply presented models for debate.