# Legal AC

### Overview

#### [1] The role of the ballot is to endorse the debater who proves the truth or falsity of the resolution –

#### A] Text – five dictionaries define negate as to deny the truth of[[1]](#footnote-1). Text first – Text comes first – a) Key to jurisdiction since the judge can only endorse what is within their burden b) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

#### B] Inclusion: a) other ROBs open the door for personal lives of debaters to factor into decisions and compare who is more oppressed which causes violence in a space where some people go to escape. b) Anything can function under truth testing insofar as it proves the resolution either true or false. Specific role of the ballots exclude all offense besides those that follow from their framework which shuts out people without the technical skill or resources to prep for it

#### C] Only the exact text of the resolution provides a mutually accessible stasis point for debaters coming into round. Anything else is entirely unpredictable and infinitely regressive since there is no brightline for how much we should care about the resolution.

#### [2] Because the resolution refers to states as a general category, not too a specific few, it is a general category that tolerates exceptions. This means that individual instances don’t disprove it, in the same way “Ravens are black” is true even though “all ravens are black” is false.

#### [3] Principle of explosion – The existence of one contradiction justifies every statement being true since contradictions don’t exist in a sliding scale they are either justifiable or they aren’t, thus if both if us have offense you affirm since it generates a contradiction.

#### [4] Conditional logic is true – All statements exist in an if-then format because that the foundational structure of all arguments, since the resolution and everything in the aff is an argument they follow this basic logical principle: denying the conditional does not prove the statement false. For example, if I say “If I am healthy, I will go to school”, denying my health does not break my promise, nor does denying both the conditional and the consequent. Only denying purely the consequent proves the statement false, as I would be healthy but would not go to school. Thus, if aff is winning I get the ballot, even if the aff isn’t winning I get the ballot. The aff is a logical syllogism, which means denying any conditional without denying each one and their consequent proves the aff is still true.

#### [5] All negative arguments presuppose the aff being true since they begin with an descriptive premise about the affirmative (IE the aff does X), and then justify why X is bad. However, if the aff does not have truth value, that entails the descriptive premise would also not have truth value, which makes the argument a contradiction.

### Burden

#### Ought[[2]](#footnote-2) is defined as express[ing] obligation. Moral and legal ‘oughts’ are distinct. Glos 69, George E. Glos, The Normative Theory of Law, 11 Wm. & Mary L. Rev. 151 (1969), <http://scholarship.law.wm.edu/wmlr/vol11/iss1/6>.//Scopa

The mutual relation of law and ethics can profitably be investigated only if ethics is understood as a normative science.31 If we compare legal norms with ethical norms, it appears that the contents of **ethical norms are in agreement with a given concept or principle, whereas legal norms originate from a certain lawgiver regardless of contents.** It follows that legal and ethical norms may be likened to two circles which cover the same area: legal and ethical norms may coincide, and the same **norm may at the same time be both a legal and an ethical norm; but there are legal norms the contents of which have no relevance in ethics** (norms regulating highway traffic), **and there are legal norms which may contradict ethical norms** (norms according to which a soldier is bound to fight and kill).

#### Thus the reasonable aff burden is to prove that the states eliminating their nuclear arsenals is legally permissible, while the negative burden is to deny it. Prefer:

#### [1] Linguistics – The resolution is a question of states which means it’s a legal obligation since – a) Laws are constitutive of government. For example, if all the ethics in the United States changed, it would still be the united states, but changing the laws would make it a different country b) Governments are not moral agents as they don’t have rationality or desires, their decisions are solely based on law, means they can’t generate moral obligations

#### [2] Topic Literature: The debate around nukes is a legal one and legal interpretations are the internal link to political action.

**Nystuen and Egeland 16,** Nystuen, Gro, and Kjolv Egeland. “Arms Control Today.” A 'Legal Gap'? Nuclear Weapons Under International Law | Arms Control Association, Mar. 2016, <https://www.armscontrol.org/ACT/2016_03/Features/A-Legal-Gap-Nuclear-Weapons-Under-International-Law>.//Scopa **A polarized debate over nuclear weapons** and their **legality has taken place over the past decades. Some states have asserted that international law permits the use of nuclear weapons, whereas others hold that their use constitutes a violation of international law**. This debate gathered momentum with the UN General Assembly’s request for an advisory opinion by the ICJ in 1994 and the subsequent court hearings and 1996 publication of the opinion. Because the ICJ did not resolve the issue, the frontlines remained where they were, but now with the added element of each side taking the advisory opinion as evidence that it was right. **This stalemate over the legal issues might have contributed to neutralizing the public debate rather than provoking public action to pressure governments for greater efforts to diminish the risk posed by nuclear weapons**. In a 1996 advisory opinion, the court took up the question of the legality of the threat or use of nuclear weapons, but did not provide a definitive answer. (Evert-Jan Daniels/AFP/Getty Images) International law clearly places very heavy restrictions on nuclear weapons use. Nevertheless, there is no unequivocal and explicit rule under international law against either use or possession of such weapons. Although the two other categories of nonconventional weapons are explicitly prohibited because their use would conflict with the requirements of international humanitarian law, the use, production, transfer, and possession of nuclear weapons are not explicitly prohibited. This may reasonably be labeled a legal gap. The reference to this legal gap in the Humanitarian Pledge does not make it clear whether a prohibition should be separated from the process of physical elimination and, if so, which to pursue first. The question of sequencing is significant. **Should prohibition precede elimination? Should elimination come first when conditions allow, with prohibition then following? Could they be pursued simultaneously, in the form of a treaty that would resemble the Chemical Weapons Convention?** Should the prohibition form part of a negotiated structure of legal instruments—a formal framework that could set out an agreed sequence or foreshadow the need to agree on a sequence at the outset of the initial negotiations? Four main approaches to nuclear disarmament feature frequently in debates in the UN General Assembly First Committee and the NPT review cycle: (1) a comprehensive nuclear weapons convention in which a single legal instrument would provide for prohibition and elimination and in which elimination would precede a prohibition, (2) a framework agreement in which different prohibitions and other obligations would be pursued independently of each other but within the same broad frame, (3) a step-by-step or building-block approach in which elimination would precede prohibition, and (4) a stand-alone ban treaty in which prohibition would precede elimination.29 Unsurprisingly, **governments have different views on these approaches, depending on the country’s status under the NPT, its membership in other treaty regimes, and its military alliances**. At this point, it is not clear which view will prevail. It seems safe to say, however, that **the legal gap will continue to be a hotly debated topic in the months and years to come**, including in the open-ended working group on “[t]aking forward multilateral nuclear disarmament negotiations” that is meeting in Geneva during 2016.

#### [3] Resolvability: Debates about moral or normative obligations are illogical since:

#### A] Ethical theories themselves determine what counts as evidence, not an external framework.

**Joyce 02[[3]](#footnote-3):**

This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain“linguistic frameworks” (as Carnap calls them) bringwith themnewterms andways of talking: accepting the language of “things” licenses making assertions like “The shirt is in the cupboard”;accepting mathematics allows one to say “There is a prime number greater than one hundred”; accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionallyphilosophers have interested themselves inthe external question –the issue of the adequacy of the framework itself**:** “Do objects exist?”, “Does the world exist?”, “Are there numbers?”, “Are the propositions?”, etc. Carnap’s argument is that theexternalquestion**,** as it has been typically construed,does not make sense. From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is justtrivially“Yes.”From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional)philosopher’s questions – “But is mathematics true?”, “Are there really numbers?” – are pseudo-questions**.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space.Tostep out of the thing language andask “But does the world exist?” is a mistake, Carnap thinks, because the very notion of “existence” is a term which belongs to the thing language, and can be understood only within that framework, “hence this concept cannot be meaningfully applied to the system itself.” 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: persons who disputewhether propositions exist, whether properties exist**,** etc., do not know what they are arguing over, thus theyare not arguing over the truth of a proposition, but over the practical value of their respective positions**.** Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### B] Realist truths are unknowable and disproven by disagreement

J.L Mackie, Australian Philosopher, The subjectivity of values, 1977, ///AHS PB

[First] The Argument from Relativity The argument from relativity has as its premiss the wellknown variation in moral codes from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community. Such variation is in itself merely a truth of descriptive morality, a fact of anthropology which entails neither first order nor second order ethical views. Yet it may indirectly support second order subjectivism: radical differences between first order moral judgements make it difficult to treat those judgements as apprehensions of objective truths. But it is not the mere occurrence of disagreements that tells against the objectivity of values. Disagreement on questions in history or biology or cosmology does not show that there are no objective issues in these fields for investigators to disagree about. But such scientific disagreement results from speculative inferences or explanatory hypotheses based on inadequate evidence, and it is hardly plausible to interpret moral disagreement in the same way. Disagreement about moral codes seems to reflect people ’ s adherence to and participation in different ways of life. The causal connection seems to be mainly that way round: it is that people approve of monogamy because they participate in a monogamous way of life rather than that they participate in a monogamous way of life because they approve of monogamy. Of course, the standards may be an idealization of the way of life from which they arise: the monogamy in which people participate may be less complete, less rigid, than that of which it leads them to approve. This is not to say that moral judgements are purely conventional. Of course there have been and are moral heretics and moral reformers, people who have turned against the established rules and practices of their own communities for moral reasons, and often for moral reasons that we would endorse. But this can usually be understood as the extension, in ways which, though new and unconventional, seemed to them to be required for consistency, of rules to which they already adhered as arising out of an existing way of life. In short, the argument from relativity has some force simply because the actual variations in the moral codes are more readily explained by the hypothesis that they reflect ways of life than by the hypothesis that they express perceptions, most of them seriously inadequate and badly distorted, of objective values. But there is a well-known counter to this argument from relativity, namely to say that the items for which objective validity is in the first place to be claimed are not specific moral rules or codes but very general basic principles which are recognized at least implicitly to some extent in all society – such principles as provide the foundations of what Sidgwick has called different methods of ethics: the principle of universalizability, perhaps, or the rule that one ought to conform to the specific rules of any way of life in which one takes part, from which one profits, and on which one relies, or some utilitarian principle of doing what tends, or seems likely, to promote the general happiness. It is easy to show that such general principles, married with differing concrete circumstances, different existing social patterns or different preferences, will beget different specific moral rules; and there is some plausibility in the claim that the specific rules thus generated will vary from community to community or from group to group in close agreement with the actual variations in accepted codes. The argument from relativity can be only partly countered in this way. To take this line the moral objectivist has to stay that it is only in these principles that the objective moral character attaches immediately to its descriptively specified ground or subject: other moral judgements are objectively valid or true, but only derivatively and contingently – if things had been otherwise, quite different sorts of actions would have been right. And despite the prominence in recent philosophical ethics of universalization, utilitarian principles, and the like, these are very far from constituting the whole of what is actually affirmed as basic in ordinary moral thought. Much of this is concerned rather with what Hare calls “ideals” or, less kindly, ‘fanaticism’. That is, people judge that some things are good or right, and others are bad or wrong, not because – or at any rate not only because – they exemplify some general principle for which widespread implicit acceptance could be claimed, but because something about those things arouses certain responses immediately in them, though they would arouse radically and irresolvably different responses in others. ‘Moral sense’ or ‘intuition’ is an initially more plausible description of what supplies many of our basic moral judgements than ‘reason’. With regard to all these starting points of moral thinking the argument from relativity remains in full force. [Second] The Argument from Queerness Even more important, however, and certainly more generally applicable, is the argument from queerness. This has two parts, one metaphysical, the other epistemological. If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe. Correspondingly, if we were aware of them, it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else. These points were recognized by Moore when he spoke of nonnatural qualities, and by the intuitionists in their talk about a ‘faculty of moral intuition’. Intuitionism has long been out of favour, and it is indeed easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up. Of course the suggestion that moral judgements are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premisses or forms of argument or both. When we ask the awkward question, how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premisses or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; ‘a special sort of intuition’ is a lame answer, but it is the one to which the clearheaded objectivist is compelled to resort. Indeed, the best move for the moral objectivist is not to evade this issue, but to look for companions in guilt. For example, Richard Price argues that it is not moral knowledge alone that such an empiricism as those of Locke and Hume is unable to account for, but also our knowledge and even our ideas of essence, number, identity, diversity, solidity, inertia, substance, the necessary existence and infinite extension of time and space, necessity and possibility in general, power, and causation. If the understanding, which Price defines as the faculty within us that discerns truth, is also a source of new simple ideas of so many other sorts, may it not also be a power of immediately perceiving right and wrong, which yet are real characters of actions? This is an important counter to the argument from queerness. The only adequate reply to it would be to show how, on empiricist foundations, we can construct an account of the ideas and beliefs and knowledge that we have of all these matters. I cannot even begin to do that here, though I have undertaken some parts of the task elsewhere. I can only state my belief that satisfactory accounts of most of these can be given in empirical terms. If some supposed metaphysical necessities or essences resist such treatment, then they too should be included, along with objective values, among the targets of the argument from queerness. This queerness does not consist simply in the fact that ethical statements are ‘unverifiable’. Although logical positivism with its verifiability theory of descriptive meaning gave an impetus to non-cognitive accounts of ethics, it is not only logical positivists but also empiricists of a much more liberal sort who should find objective values hard to accommodate. Indeed, I would not only reject the verifiability principle but also deny the conclusion commonly drawn from it, that moral judgements lack descriptive meaning. The assertion that there are objective values or intrinsically prescriptive entities or features of some kind, which ordinary moral judgements presuppose, is, I hold, not meaningless but false. Plato ’ s Forms give a dramatic picture of what objective values would have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something ’ s being good both tells the person who knows this to pursue it and makes him pursue it. An objective good would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-pursuedness somehow built into it. Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it. Or we should have something like Clarke ’ s necessary relations of fitness between situations and actions, so that a situation would have a demand for such- andsuch an action somehow built into it. The need for an argument of this sort can be brought out by reflection on Hume ’ s argument that ‘reason’ – in which at this stage he includes all sorts of knowing as well as reasoning – can never be an ‘influencing motive of the will’. Someone might object that Hume has argued unfairly from the lack of influencing power (not contingent upon desires) in ordinary objects of knowledge and ordinary reasoning, and might maintain that values differ from natural objects precisely in their power, when known, automatically to influence the will. To this Hume could, and would need to, reply that this objection involves the postulating of value-entities or value-features of quite a different order from anything else with which we are acquainted, and of a corresponding faculty with which to detect them. That is, he would have to supplement his explicit argument with what I have called the argument from queerness. Another way of bringing out this queerness is to ask, about anything that is supposed to have some objective moral quality, how this is linked with its natural features. What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity. Yet it is not merely that the two features occur together. The wrongness must somehow be ‘consequential’ or ‘supervenient’; it is wrong because it is a piece of deliberate cruelty. But just what in the world is signified by this ‘because’? And how do we know the relation that it signifies, if this is something more than such actions being socially condemned, and condemned by us too, perhaps through our having absorbed attitudes from our social environment? It is not even sufficient to postulate a faculty which ‘sees’ the wrongness: something must be postulated which can see at once the natural features that constitute the cruelty, and the wrongness, and the mysterious consequential link between the two. Alternatively, the intuition required might be the perception that wrongness is a higher order property belonging to certain natural properties; but what is this belonging of properties to other properties, and how can we discern it? How much simpler and more comprehensible the situation would be if we could replace the moral quality with some sort of subjective response which could be causally related to the detection of the natural features on which the supposed quality is said to be consequential.

#### C] Goodness is not a property of an object, so moral obligations are tautological.

**Pidgen 07,** Pigden, Charles. “Russell’s Moral Philosophy.” SEP. 2007.//Scopa For any naturalistic or metaphysical ‘X’, **if ‘good’ meant ‘X’, then** (i) ‘**X things are good’ would be a** barren **tautology, equivalent to** (ii) ‘**X things are X’ or (iii) ‘Good things are good’.** (1.2) For any naturalistic or metaphysical ‘X’, if (i) ‘X things are good’ were **a** barren **tautology**, it **would not provide a reason** for action (i.e. a reason **to promote X-ness**). (1.3) So for any naturalistic or metaphysical ‘X’, **either** (i) ‘X **things are good’ does not provide a reason for action** (i.e. a reason to promote X-ness), **or ‘good’ does not mean ‘X’.**

#### D] We cannot derive moral oughts.

#### Grey 11, Grey, JW. "The Is/Ought Gap: How Do We Get "Ought" from "Is?"" *Ethical Realism*. N.p., 19 July 2011. Web. 28 Oct. 2015.

#### The is/ought gap is a problem in moral philosophy where what is the case and what ought to be the case seem quite different, and it presents itself as the following question to David Hume: How do we *know* what morally ought to be the case from what is the case? Hume posed the question in A Treatise of Human Nature Book III Part I Section I: In every system of morality, which I have hitherto met with, I have always remark’d that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs, when of a sudden I am surpriz’d to find, that instead of the usual copulations of propositions, is and is not, I meet with no proposition that is not connected with an ought, or an ought not. This change is imperceptible; but is, however, of the last consequence. For as this ought, or ought not, expresses some new relation or affirmation, ‘tis necessary that it shou’d be observ’d and explain’d; and at the same time that a reason shou’d be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. It is here that Hume points out that philosophers argue about various nonmoral facts, then somehow conclude what ought to be the case (or what people ought to do) based on those facts (about what is the case). For example, we might find out that arsenic is poisonous and conclude that we ought not consume it. But we need to know how nonmoral facts can lead to moral conclusions. These two things seem unrelated. The is/ought gap [isn’t] doesn’t seem like a problem for nonmoral oughts—what we ought to do to accomplish our goals, fulfill our desires, or maintain our commitments. For example, we could say, “If you want to be healthy, you ought not consume arsenic.” However, it might be morally wrong to consume arsenic. If it is, we have some more explaining to do.

#### [4] Pragmatics: Learning about the law is the most educational form of debate: A] It forces us to research the parts of the topic lit that policymakers actually use to pass bills instead of just speculating about impacts B] It solves philosophical since we learn how to do what is right in the real world instead of just abstracting C] There are more lawyers than philosophers or congressman so it’s the best portable skill D] Even if the state is bad, learning about the mechanisms of power teaches us what to destroy E] If the law is problematic, researching what is legal allows us to bring it up in debate rounds, and learn why that is the case, instead of just causing its results bad F] Proving legal obligations are bad is insufficient to negate since it doesn’t deny that there is a tautological legal obligation.

#### [5] If the aff justifies their burden, and its text is that the aff burden is states eliminating their nuclear arsenals is legally permissible, while the negative burden is to deny it, then the neg must concede it as contextualized in the 1ac. Prefer – 1) Strat Skew: shifting the burden structure in nullifies 6 minutes of the AC and forces me to restart the debate in the 1AR at a massive time disadvantage. And, nullifying the AC kills both phil and topical education because we cant explore the benefits the substance of the aff. Also kills clash since a) they can read a position that does not engage with the AC and b) restarting the debate leads to terrible debates since there’s less time to develop arguments 2) Time Skew: 7-6, 4-3 rebuttal time difference is a problem. Helping me choose burden structure allows me to combat time skew since I can craft a framework that compensates for impossibly short 1Ars by preventing uplayering 3) Debateability: there are multiple contradictory interpretations of the resolution: the aff needs to be able to pick one in order to start the debate and form an advocacy, which means you should accept mine. Switch side debate solves back all negative arguments since you could read a different burden when you affirm.

### Offense

#### I affirm that states ought to eliminate their nuclear arsenals, binding international laws require states to denuclearize.

Geneva Academy 14[https://www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear%20Weapons%20Under%20International%20Law.pdf] “Nuclear Weapons under International Law: an Overview” October 2014\\GHAS [bracketed for expanding acronyms] recut AHS PB

The centrepiece of the disarmament regime relating to nuclear weapons is the 1968 Nuclear Non-Proliferation Treaty (NPT), which entered into force in 1970, and which has since gained near universal adherence. 29 The Treaty has been termed a ‘grand bargain’ in which the non-nuclear weapon states (NNWS) forsake the nuclear option in exchange for a legal obligation on the part of the nuclear weapon states (NWS) 30 to refrain from transferring the weapons to any other states, and to disarm and eventually eliminate their arsenals. In addition to the non-proliferation elements in Article I 31 and Article II, 32 the Treaty guarantees all parties the ‘inalienable right’ to peaceful uses of nuclear technology in Article IV, and, in Article VI, also requires the [Nuclear Weapon States] NWS to ‘pursue negotiations in good faith’ towards the reduction and eventual elimination of nuclear arsenals.…The NPT has, though, come under increasing pressure mainly due to a lack of implementation of the disarmament elements of the treaty. Indeed, Article VI remains a constant source of debate (and tension) between NWS and NNWS that are states parties to the Treaty. In all its jurisprudence the ICJ has commented on the interpretation of Article VI only once, in the Nuclear Weapons Advisory Opinion, in which it adopted an expansive interpretation of the legal obligation:The legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result – nuclear disarmament in all its aspects – by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith. 34Furthermore, in dispositive F in the Advisory Opinion, the judges of the ICJ stated, unanimously, that ‘there exists an obligation to pursue in good faith and bring to a conclusion negotiation leading to nuclear disarmament in all its aspects under strict and effective international control.’ Thus, while disagreement persists regarding the precise nature and scope of the obligation in this provision, Article VI is a binding legal obligation, not merely a goal.

### Underview

#### [1] AFF theory is no RVI, Drop the debater, competing interps, under an interp that aff theory is legit regardless of voters a) infinite abuse since otherwise it would be impossible to check NC abuse b) it would justify the aff never getting to read theory which is a reciprocity issue c) Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell. All contradiction flow aff since I spoke first which makes any contradictions their fault. No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n.

#### [2] Presumption affirms: A) the definition of negate means minus offense denying the truth of the resolution we must affirm B) All statements of truth rest upon other assumptions, so if we presume everything false, then we can never prove anything true.

#### [3] Permissibility flow aff – a) Negation by contradiction – Both P and not P cannot be true simultaneously, which means proving not P is false proves P true, meaning lack of sufficient reason for not P justifies P b) Permissibility is sufficient to prove an “ought” statement under the framework of sufficient reason. Hanser[[4]](#footnote-4), An agent who has insufficient reason for doing what he does need not on that account be acting morally impermissibly. So let us say that an agent acts morally permissibly if and only if his action embodies a practical inference whose premises’ justifying force, if any, is not successfully undermined or defeated by any moral considerations. Let us call such practical inferences “permissible.” An agent acts permissibly, then, if and only if his action embodies a permissible practical inference.6 (For the sake of simplicity I shall sometimes, in what follows, revert to the preliminary formulation of the view, omitting the qualification about moral considerations.) Returning to the observation with which this section began, we can see that the inferential account easily explains why permissibility judgments cannot have mere occurrences as their objects. The power to act is a rational power: it is the power to do things for reasons. According to the inferential account, acting permissibly is a matter of not going astray (in a certain way) in one’s exercise of this power. It is a matter, roughly speaking, of basing one’s practical conclusions on adequate reasons. Adverbial permissibility judgments thus evaluate actions qua exercises of agency and not merely qua physical occurrences. What of actions performed for no reason, assuming for the moment that such actions are possible? We can think of an agent who acts for no reason as drawing [draws] a practical conclusion on the basis of no premises at all. If there is a moral reason for him not to act as he does, then the (nonexistent) justifying force of his premises is defeated by a moral consideration, and so he acts impermissibly. If there are no moral reasons for him not to act as he does, then the (nonexistent) justifying force of his premises is not defeated by any moral considerations, and so he acts permissibly. Even if there are actions performed for no reason, then, this needn’t be seen as a fatal blow to the inferential account. A few further clarifications are in order before we move on. An agent may pursue multiple, independent ends in performing a single action, and even when he has but one final end, some of his means to that end will themselves function as subordinate ends. The practical inference embodied by an action, then, should be taken to encompass a complex inferential chain, not just a single inferential step. Furthermore, even when an agent does explicitly rehearse a chain of inferential steps prior to acting, he does not typically rehearse the inference embodied by his action all the way down to its ultimate conclusion. Suppose an agent explicitly reasons, “I can w by xing; so let me x; I can x by fing; so let me f.” If fing is something he already knows how to do, this is where his reasoning will stop. But when it comes to acting, he won’t “just” f. He’ll f in some particular way—with his right hand, say, and with a certain amount of force. Most likely, the agent will be unable fully to conceptualize his manner of fing. He will be able to specify it only demonstratively—his ultimate conclusion, were he explicitly to think it, would be something like, “so I’ll f like this” (as he moves his right hand in a certain way). The conclusion of the practical inference must be taken to include more than the mere “so let me f” if the inferential account of permissibility is to be plausible. Suppose an agent consciously reasons, “I can protect the baby from the cold draft by closing this door; so let me close this door.” He then closes the door quite forcefully—forcefully enough to awaken the baby. Assuming that he could easily have closed the door quietly, it is arguable that he acted impermissibly. The inferential account would be unable to capture this if the inference embodied by his action were to encompass no more than what the agent explicitly thought, for there was no reason why he shouldn’t close the door. What he had a decisive reason not to do was close the door so forcefully. The inferential account of permissibility must not be confused with the superficially similar view that an agent acts permissibly if and only if he acts from a morally admirable motive, such as universal benevolence or respect for the moral law. The inferential account does not even imply that an agent acts impermissibly if he acts from a morally discreditable motive, such as malice or greed. What matters is not the moral status of the agent’s reason for acting, considered on its own, but the justificatory relation between that reason and that for which it is a reason. What matters is whether the agent’s reason for acting is sufficient to justify him in doing what he does. Suppose an agent rescues a drowning swimmer because he expects a reward. He may not act virtuously, and his action may lack moral worth, but he acts permissibly. A more admirable reason for saving the swimmer’s life was available, and a more admirable agent would have availed himself of it, but the agent’s actual reason nonetheless provided him with sufficient justification for doing what he did. Finally, note that the inferential account makes a purely formal claim, in the following sense: while it links the notion of acting permissibly to that of an agent’s acting for a reason sufficient to justify him in doing what he does, it says nothing substantive about what constitutes a successful justification. On this issue it is, I think, quite properly silen

#### [4] Affirming is harder and I get aff flex: A) the neg has a 6 minute collapse to invalidate the 4 minute 1ar B) Neg reactivity allows you to tailor a perfect strat every round C) I go into the round not knowing what the NC is but you know what the aff is. You also should give me an RVI on any counter interp or take out to neg theory to A) It deter them from reading infinite frivolous shells they can kick in the 2nr and B) anything also scews over the 4 minute 1ar since I cant gain offense. And, all neg interps are counter interps since the aff takes an implicit stance on every issue which means any neg theory interp requires and RVI to become offensive.

#### [5] The neg may not read theory against theory arguments in the AC since a) this moots AC offense because they can read theory on my theory arguments in the aff which ensures that I won’t be able to leverage any theory offense in the 1AR from the AC, giving them a huge time advantage, b) it leads to contradictions since the neg can just read theory against this arg, but this indicts those shells, so there’s no way to determine which comes first. But, prefer this shell because the neg has the ability to adapt in the NC and it comes lexically prior. And, The neg may not make analytic arguments – T skew- I don’t have time to cover 100 blippy arguments in the NC since you can read 7 min of analytics and extend any of them to win- this o/w since its infinite abuse since the 1ar becomes impossible.

#### [6] The neg may not read consequentialism a) advantages massive prep squads and programs with tons of coaches to cut a ridiculous amount of evidence. This means underprivileged debaters lose to prep outs without any debate skill tested b) phil ed – consequentialism disincentives forms of critical thinking inherent to philosophy unique to LD since they only care about results of policies. c) Resolvability – we cannot predict the outcome of a situation insofar as no situation is ever replicated exactly, and even if it can, there’s no guarantee the outcome will be the same. Further, Allow new 2ar responses to nc arguments but not new 2n responses a) reciprocity- the nc has 7 minutes of rebuttal time while I only have 4 minutes, the 2ar makes it 7-7 b) time skew- I don’t have time to extend and respond to 7 min of arguments in 4 mins.

#### [7] Creating the role of the judge as an educator that needs to enforce certain social norms forces the judge into the coercive role that makes any attempts at meaningful education pointless and actually re-entrenches an authoritarian logic of violence.

Thomas Rickert, “Hands Up, You’re Free”: Composition in a Post-Oedipal World, 2001 // DM

An example of the connection between violence and pedagogy is implicit in the notion of being "schooled" as it has been conceptualized by Giroux and Peter McLaren. They explain, "Fundamental to the principles that inform critical pedagogy is the conviction that schooling for self- and social empowerment is ethically prior to questions of epistemologyor to a mastery of technical or social skillsthat are primarily tied to the logic of the marketplace" (153-54).A presumption here is that it is the teacher who knows (best), and this orientation gives the concept of schooling a particular bite: though [critical pedagogy] it presents itself as oppositional to the state and the dominant forms of pedagogy that serve the state and its capitalist interests, it nevertheless reinscribes an authoritarian model that is congruent with any number of oedipalizing pedagogiesthat "school" the student in proper behavior**.** As Diane Davis notes, radical, feminist, andliberatory pedagogies "often camouflage pedagogical violencein their move from one mode of 'normalization' to another" and "function within a disciplinary matrix of power, a covert carceral system, that aims to create useful subjects for particular political agendas" (212). Such oedipalizing pedagogies are less effective in practice than what the claims for them assert; indeed, the attempt to "school" students in the manner called for by Giroux and McLaren is complicitous with the malaise of postmodern cynicism.Students will dutifully go through their liberatory motions, producing the proper assignments, but it remains an open question whether they carry an oppositional politics with them.The "critical distance" supposedly created with liberatory pedagogy also opens up a cynical distance toward the writing pro duced in class.

#### Outweighs: a) any substantive norm the judge could use would be imbued with hidden oppressive norms, so even if it’s good in the abstract it wouldn’t be good in specific cases, b) responses dont assume the violence because it’s hidden

#### [8] The neg must gain offense from at most one route to the ballot and that route must be unconditional. To clarify, a route to the ballot consists of an independent layer of the debate that articulates a distinct judge obligation that justifies negation. A) this is key to aff strat since otherwise the neg can just layer the debate round and collapse to whatever layer the aff inevitably undercovers in the 1ar, B) clash- this interp forces the neg to engage in the AC rather than just reading several preclusive layers

#### [9] All negative positions must be unconditional a) strat skew- you can read a bunch of 10 second advocacies and I’ll never know what to respond to that you will extend in the 2N which makes every round impossible. b) Reciprocity- I am held to my position, the 1AC, which means you must be held to your positions.

1. [http://dictionary.reference.com/browse/negate, http://www.merriam-webster.com/dictionary/negate, http://www.thefreedictionary.com/negate, http://www.vocabulary.com/dictionary/negate, http://www.oxforddictionaries.com/definition/english/negate] [↑](#footnote-ref-1)
2. Ought, Merriam Webster, first defintion [↑](#footnote-ref-2)
3. Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47. [↑](#footnote-ref-3)
4. Matthew Hanser, “Permissibility and Practical Inference” *Ethics* Vol. 115, No. 3, April 2005, pp. 447-449 http://www.jstor.org/stable/10.1086/428457 [↑](#footnote-ref-4)